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SENATE—*Wednesday, November 14, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, lover of humanity, give us today Your pardon and peace. Pardon the sins of our lips; the untrue, uncleaned, and unkind words we have spoken. Pardon the sins of our minds; the ignoring of truth, the refusal to face facts, the dishonest thinking that destroys integrity. Pardon the sins of our hearts; the pride that makes us esteem ourselves as better than others, the wrong desires, and the false loves that draw us from You. Forgive us, O God.

Place Your peace within us that we may no longer be torn by anxiety and indecision. As the Members of this body receive Your peace, help them to live in unity with each other. May the certainty that You love them take all fear away. Lord, uphold them with Your grace, both now and always. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 14, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURES PLACED ON THE CALENDAR—S. 2334, S. 2340, S. 2346, S. 2348, and H.R. 3996

Mr. REID. Mr. President, I understand there are five bills at the desk due for their second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills, en bloc.

The legislative clerk read as follows:

A bill (S. 2334) to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

A bill (S. 2340) making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

A bill (S. 2346) to temporarily increase the portfolio caps applicable to Freddie Mac and Fannie Mae, to provide the necessary financing to curb foreclosures by facilitating the refinancing of at-risk subprime borrowers into safe, affordable loans, and for other purposes.

A bill (S. 2348) to ensure control over the United States border and to strengthen enforcement of the immigration laws.

A bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with regard to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, this morning, the Senate will be in a period of morning business for 1 hour, with the time divided and controlled between the two parties—the majority controlling the first half and the Republicans controlling the final portion.

Following this, the Senate will resume consideration of the farm bill. At 2 p.m. today, Secretary Rice and Secretary Gates will brief Members about the current situations in the Middle East. Both of them will be here in S-407 at 2 p.m.

THE FARM BILL

Mr. President, the farm bill is an important piece of legislation for this country. That is why we do it every 5 years. It is an immense bill and includes many different things dealing with the agriculture of this country. It is similar in its importance to the highway bill that we do every 5 years. The farm bill is one that affects virtually every State.

We hear a lot on this Senate Floor and around the country, as we should, about the fact that we import about 65 percent of all the oil we use in this country, but it is not that way with agricultural products. We do so much in exporting food. It is one of the businesses in America that has a positive balance in trade.

I was happy yesterday morning when I was told by the minority we were going to be able to get a list of amendments and work through this bill. It is true we got a list of amendments, but it is as unreasonable as anything could be unreasonable—270 amendments, and a large number of them nonrelevant. Democrats, after having received these, came up with some amendments, but most of ours are, as well, nonrelevant amendments, meaning we wanted to match the Republicans. We are able to go forward with a handful of amendments, by that I mean five or six amendments, but that is all we need.

To show how unrealistic their list is, one only needs to look at the list. Every Senator has a right to propose amendments. Historically, however, with the farm bill, the average number of nonrelevant amendments per bill? One, in recent years. My research indicates something a little different than

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● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

I mentioned yesterday. In the last 3 bills, no amendments, nonrelevant; 2 amendments; 1 amendment. So an average of 1 nonrelevant amendment per bill.

Here we have amendments they want to offer on this bill dealing with immigration, again, even though we debated for weeks on immigration. This bill is not an immigration bill. And, of course, the old faithful death tax. People come and say, well, farmers have problems, they are losing their family farms. In California, Senator FEINSTEIN heard about that, and so she asked the farm bureau to give her a list of those who had lost their farms because of the estate tax. None. Zero. This is an urban myth or maybe even a rural myth. But, of course, a number of Senators wanted to try that again—Republican Senators.

The issue of the day is the driver's license. A significant number of Senators want to offer amendments dealing with driver's licenses. And fishing loans, the Rio Grande River—I don't know what that is about—the Gulf of Mexico, the death tax, and the AMT. We are going to do AMT before we leave here. We don't need to do it on the farm bill. Fire sprinkler systems, National Finance Center, the *Exxon Valdez* litigation, land transfer, AMT tax. I can't give you the exact number, but there are at least six or seven amendments on the AMT tax. Is AMT important? Of course, it is. We are going to do AMT before this year ends. Everyone knows that.

In short, the Republicans aren't serious about doing the farm bill. This farm bill is headed down for one reason: the Republicans. They obviously don't want a farm bill. If we went along with this list, it would make it impossible to conduct a fair and reasonable debate—impossible.

So what I am going to do this afternoon is file cloture on the Dorgan-Grassley amendment, a bipartisan amendment, the one that is pending, and then on the bill. That will make a determination. All these organizations that say this farm bill is important—and I have had many of them write letters and contact me and say this is so important, we need to do this, the last farm bill is not as good as this one, it is a great farm bill—we will find out if the Republicans are going to kill this bill. It appears they are going to. They are not serious about passing a farm bill this year. If they come up with a list of amendments we can deal with, I am happy to do that. But I am not going to do this. It is not good for the Senate and it is not good for the country.

I repeat: The average number of nonrelevant amendments on farm bills: One per bill. We have here enough nonrelevant amendments to fill a little notebook. So that is where we are. It is unfortunate. The committee has worked very hard. They passed the bill out of the committee by voice vote. All Senators obviously agreed this was a good bill. SAXBY CHAMBLISS, the ranking member, and TOM HARKIN, the chairman of the committee, think it is a good bill—Democrat and Republican.

We are in the situation where Republicans are saying: Well, I want to offer my amendment on fire systems, the *Exxon Valdez* litigation, the AMT, and, of course, the old faithful, immigration. So that is where we are. It is unfortunate that is where we are, but this bill is headed down.

I indicated what I am going to do. Unless the Republicans come up with something more realistic, this bill is going to have cloture filed on Dorgan-Grassley, cloture on the bill, and that is where we will be on the bill this afternoon sometime.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE FARM BILL

Mr. McCONNELL. Mr. President, the comments I am about to make could well have been made by my friend on the other side of the aisle as recently as last year, when his party was in the minority.

Of course, we all know we will indeed pass the farm bill. The only issue is: When and how. We actually made good progress yesterday on both sides, defining the realm of possible amendments that might be filed to the bill. The amendments list on our side is actually about 120, and the Democratic list is 140—approximately 265 amendments on the list.

Before my good friend on the other side protests too much about this number, let me remind Senators that 246 amendments were filed to the 2002 farm bill, 339 amendments were filed to the 1996 farm bill, averaging about 300 amendments per bill. In fact, when Republicans were attempting to move the 1996 farm bill through the Senate, the current committee chairman, Senator HARKIN himself, filed 35 amendments. So if all 100 Senators emulated the Senator from Iowa, 3,500 amendments would be the normal for farm bill consideration.

Thus, the current list of 265 amendments is not insurmountable, and, actually, not at all unusual at the beginning of the process of passing a farm bill. This is a complex bill that only gets reauthorized every 5 years. This time it is 1,600 pages long and includes the first farm bill tax title since 1933, adding an extra degree of difficulty.

However, Republicans are ready and willing to begin working in earnest to address these amendments. What always happens is that most of the amendments go away and we gradually work down the list. But this is a massive bill. The notion—if I can lift it here—that we are going to basically call up a bill of this magnitude, file cloture, and basically have no amendments strikes me as, shall I say, odd at least. What we always do is try to work out an orderly way to go forward. The issue of getting a fixed amendment list, which we were prepared to enter into last night, is the way it usually begins.

I am a little perplexed as to whether the majority actually wants this bill to pass and is trying to simply blame the minority for trying to bring it down. We all know, and I am sure anybody who has followed the Senate at all knows, we are going to pass a farm bill, no question about that. The farm bill is not going to be killed. The issue is whether we are going to have any kind of reasonable process for going forward, and I think getting an amendment list is the first step. I was hoping we could do that, but, apparently, that is not the case, and I regret that we are where we are.

But let me reassure everyone, I don't think there is anybody in the country who knows we aren't going to pass a farm bill, and nobody is going to kill the farm bill. But we are going to insist on a reasonable procedure for going forward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, there is no ability to pass a farm bill under the present situation. If people think the farm bill is going to be just passed because the distinguished Republican leader says one is going to pass, they are mistaken. We have a lot to do. We have 3 weeks after we come back after Thanksgiving and that is it for this year. Next year is going to be a very difficult year.

We have to figure out some way, next year, to work our way through the Presidential election and all the other elections that are taking place around the country. There is no guarantee—and that is an understatement—we will have a farm bill.

The one question no one answers is, What do we do with nonrelevant amendments? The history is one per bill. Here we have immigration, AMT six different times, we have fire safety, *Exxon Valdez* litigation, and on and on with nonrelevant amendments.

This is not the beginning of the process. The process started 10 days ago, and we have been stalled for 10 days—10 days with nothing being done. We can talk about maybe the Democrats don't want it done. We have been here willing and able to work through these amendments, but Republicans have been unwilling to work with us in any meaningful way.

I would also say, a reasonable process? I am willing to work through a reasonable process, but we cannot put the Senate through having multiple votes on immigration issues or on nonrelated tax issues. We need to work on a farm bill. I repeat, if the Republicans want to come up with some type of a reasonable way to go forward, fine. Otherwise, they can vote to kill this bill, and they will vote to do it.

We will vote on the bipartisan Dorgan-Grassley amendment on cloture, which, in the past, has received overwhelming support in the Senate; it has been done. The amendment has been offered before. And a vote on cloture on the bill. If the bill goes down, there may be an opportunity we will bring it back again, but I do not know when. It certainly is not going to be in January. We have a lot of other people who are interested in doing things in January.

The Republicans have had their chance to be reasonable on the farm bill. I have tried my best to be patient, to be reasonable, to be thoughtful on a way to proceed on this bill. What did we get last night? I have said: Right now, Democrats—we can come up with 5 amendments, all relevant. That leaves them with the nonrelevant amendments. We will give them the average—or if they want 2, we will consider that. But we are not going to deal with 247 amendments. We want five; we don't want nonrelevant amendments as has been done in the past. I don't know how we could be more reasonable than that—five.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. We could have done way more than 5 amendments over the past week if the majority leader had not filled up the tree and prevented amendments from being offered. The last time the tree was filled on a farm bill was 2 decades ago, on October 31, 1985. In 1985, the majority leader filled the tree after a week of floor consideration; not after the very first day, but after a week—a week.

Here, amendments were prevented by a parliamentary device of the majority leader, which he is certainly entitled to use, to prevent an amendment process from going forward. Now we have this 1,600-page bill with no amendments allowed, and the majority leader says we ought to invoke cloture on the bill and pass it.

Look, we know the farm bill is going to pass. With all due respect to my good friend the majority leader, I know he is bluffing. He is going to pass a farm bill. I am reasonably confident the farm bill is going to pass after the minority gets an opportunity to offer some amendments.

I am also totally confident that the fact that the amendment list has a lot of amendments on it at the beginning does not mean they are all going to be offered or all going to be voted on. That is just the way the legislative process starts on a very large, complicated bill that we only pass once every 5 years.

I suppose we are at a stalemate. Obviously, we will continue to talk, and hopefully we can work out some way to go forward. But I am very doubtful that the minority is going to be interested in going forward in a situation where they basically have no opportunities to affect a 1,600-page bill that we only pass every 5 years.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, if this were a jury, they wouldn't be out very long and they would return a verdict on behalf of the majority. To think someone would be gullible enough to believe the Republicans have not had an opportunity to offer amendments is simply without basis in fact. We have said all we have to do is get rid of the Dorgan amendment. There is plenty of opportunity to offer any amendment they want to offer in relation to this bill—anything they want to offer that is relevant and germane.

This is all a game, a game that is being played for reasons to destroy this farm bill, and they are doing a pretty good job. A week ago last Monday we started on this legislation, and we have accomplished nothing because the Republicans have refused to do so on the basis that they have been unable to offer amendments, which is untrue.

This is a situation in which we find ourselves. I think Democrats and Republicans are satisfied that the right thing is being done, where they don't have to march down here again on an unrelated matter and vote on immigration. We spent a month on immigration matters. Everyone knows AMT is going to be resolved. It has passed the House; we are going to do it here. This is a game that is being played.

I repeat, if this were a jury—and it is not, and I understand that; at least the jury is not going to be in until next November—we would find a quick return of a verdict because what we have agreed to do is what has been done in many instances on every farm bill. We do not deal with nonrelevant amendments, and we are not going to on this one unless there is some agreement reached, as I have indicated.

I repeat, this afternoon we are going to go ahead and file cloture on this amendment that has been pending for 10 days and file cloture on the bill. If the Republicans don't want a farm bill, they have an opportunity to vote not to proceed on the legislation.

Mr. McCONNELL. Mr. President, on the issue of nonrelevant amendments in the last several decades, the majority leader has indicated the farm bill has not had nonrelevant amendments. According to my information, the Democrats have filed seemingly nonrelevant amendments during consideration of the last several farm bills on such things as the Social Security trust fund—offered on a farm bill; bankruptcy—offered on a farm bill; and convicted fugitives in Cuba—offered on a farm bill. So I hope no one seriously believed that nonrelevant amendments have not been offered by the other side on farm bills over the last couple of decades.

This is the kind of sparring that frequently goes on at the beginning of a big, complicated bill. We all know how it will end. It will end, in the end, with a reasonable number of amendments on both sides being voted on and the passage of the farm bill. The timing of that, obviously, will be up to the majority leader, who does have a difficult challenge. Floor time is always at a premium in the Senate. We understand that. But at some point, we will pass the farm bill, in the near future, after we have negotiated a process that is fair to both sides.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, the Republican leader still refuses to answer the question before this body. The question is very direct. Why nonrelevant amendments? People can file them; we just have never voted on them in farm bills. It is very clear we have not voted on them.

We had a bill in 2001-2002, one in 1996, and one in 1990. In 1990, there were two nonrelevant amendments that were considered, that is it; in 1996, no nonrelevant amendments; in 2001-2002, two nonrelevant amendments—as I have indicated, an average of one in the last three bills.

We cannot be in a position here where the first amendment offered is one that is going to deal with immigration again, border fences, how long the fence is. How many times do we have to vote on how long the fence should be between the United States and Mexico, without even addressing the fence in northern America? As I indicated, the new immigration legislation of choice to bash people is now the driver's license—that is here. I don't think we need to get into that. What we need to get into is amendments that deal with this farm bill.

Some may say this is sparring. I do not agree with that. I think we are about the business of this country. We have a lot to do. The issue before this body now is this farm bill. I am very disappointed that it appears quite likely there will be no farm bill.

Mr. McCONNELL. Mr. President, this has been an interesting colloquy, but the parliamentary situation we are in is that unless the majority leader gives his consent, no amendments on my side will be allowed. That is an unacceptable way to go forward on a 1,600-page bill that we pass every 5 years. We will continue to talk. We all know there will be a farm bill. The only issue is when and how, and that is something we will have to negotiate here in the Senate, as we always do.

I yield the floor.

Mr. REID. Mr. President, last word, maybe; otherwise, I get the last word later.

Mr. President, the Republicans offer an amendment. I offered the first amendment on behalf of DORGAN and GRASSLEY. It is a bipartisan amendment. If they have an amendment they want to offer, let them offer it. I will be happy to stand out of the way. But they are offering all these excuses why they can't do it, and that is too bad.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 60 minutes, with Senators permitted to speak up to 10 minutes, with the time equally divided or controlled by the two leaders or their designees and with the majority controlling the first half and the Republicans controlling the final half.

Who yields time?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOOD AND ENERGY SECURITY ACT

Mrs. LINCOLN. Mr. President, I rise today and come to the floor to encourage my colleagues to move expeditiously to pass the Food and Energy Security Act of 2007.

Sometimes we get caught in our bubble in Washington and we forget, we forget there is a whole world outside in this great land of ours: Working families, folks who are working hard each and every day to provide for their families, to ensure their safety, to take care of their children, to be a part of their community, and to help their neighbors.

On October 25 our Senate Agriculture Committee passed this legislation unanimously, not one single dissenting vote. And that is because there were a lot of Members who understood the importance of this bill. They came together and worked to come up with a bill in which everyone had a vested interest.

It passed unanimously for good reason. It does a tremendous amount not only for our farm families but for antihunger advocates, for environmentalists, those working to spur economic development in rural areas, and it takes tremendous strides to rid our Nation of its dependence on foreign oil.

All of those are positive, progressive things that happen in this bill, brought together, again, by a group in the Senate Agriculture Committee who wanted to make progress, who wanted to put together a bill everybody could be proud of, that everybody could help move forward.

I know this policy effort is not on the top of everyone's priority list in this body like it is on mine. It is on the top of my mine, and it is a huge priority for me for multiple reasons. One, I am a farmer's daughter. I understand. I understand what farm families are doing out there. I understand, when they get up at the crack of dawn, before the Sun comes up, they get out and work hard, to do something that gives them a tremendous sense of pride. They produce a safe and abundant and affordable supply of food and fiber for this country.

I also know it is a huge priority for me because of my State, and the fact that my State has an economy that is based on agriculture. They have a great sense of pride in not only being able to provide that safe and abundant and affordable food supply in the most efficient way possible for this great land, but they do so worldwide as well.

At a minimum, everyone here should recognize and appreciate what this bill accomplishes, even if you take for granted that the grocery store shelves are full when you go in that grocery store, even if you take for granted that you pay less than anybody in the developed world per capita for your food source, and even if you take for granted the fact that it is produced in the most environmentally respectful way, and also that it is produced in a way that is safe, through all kinds of regulations, all kinds of research that provides us the sound backing that our food source is safe.

It is safe for our children, safe for our elderly, safe for our families. That is huge. At a time when we are seeing foods coming in through our borders, through our ports that are unsafe from countries that do not put on those restrictions and regulations, for countries that do not have the efficiency on their farms that we do, it is absolutely critical that we bring ourselves together and focus on this bill.

In this bill there is a $5.28 billion increase—an increase—to our nutrition programs. These are programs that provide assistance and a nutritious meal at breakfast and lunch for children, nutritious meals for the elderly across this country, nutritious summer feeding programs, nutritious fruits and vegetables and snacks for school children. That is a huge step in the right direction.

Something we can all get behind is over a $4 billion increase to conservation. You know it is unbelievable to see that kind of an increase to reinforce those who love and use the land, that they can do so with the incentives to make sure they are using the optimum of technology and research to conserve that land that means so much to them and to future generations.

That is a third straight record for the farm bill in terms of increases in what we are seeing in this underlying bill. There is $500 million for rural development in our small communities where we are seeing a desperate need for broadband and access to the information highway where we are looking for investment from entrepreneurs and small businesses so that we can keep strong our communities in rural America, and we do not see this flight into the cities, making sure those communities can be strong for the schools and for churches and for children and the working families who live in those rural communities, who have their heritage, their heart is there in that community, so that they can stay there, so that we as a nation make those investments.

The energy incentives in this bill, when it is coupled with the Finance Committee incentives, shows a true commitment to moving renewable fuels into the marketplace. You know, it does not make a bit of difference if we continue to produce all of these renewable fuels if we do not get them into the marketplace, if we do not get them into the hands of consumers. And it also does not make any difference if we do not start to think outside the box, looking for newer and more innovative processes and research to provide renewable fuels that come from feedstock that might be leftovers.

We know we can make cellulosic ethanol from cotton sticks and rice hulls and rice straw, but we have to get that to the consumer. We have to get that process going. There are great opportunities in this bill for that.

In short, this bill is a win for every region of our great Nation. And everyone, even if your plow is a pencil, even if you have not spent time walking rice levees or scouting cotton or chopping down coffee bean plants in a bean field like I have, even if your plow is a pencil and the closest farm is 1,000 miles away from you, it should be so obvious to everyone that the farm bill provides exactly what this title suggests: It provides this Nation's security, it provides us with security of knowing that we will have the domestic production of a food supply for our people and for our Nation, that we will help feed the world with that safe and affordable and abundant supply of food and fiber.

Unfortunately, it is clear by the criticisms of the farm bill by the editorial boards and major newspapers that many of our hard-working farm families are not getting the respect they deserve for what it is they provide. It is my hope the Senate will not also take for granted the security of safe food and fiber at a time when so much of what is entering this country is either not inspected, nor safe, or sent back.

We had a hearing in the Finance Committee. We were told about port shopping, that products coming in commodities, coming into our country come to one of our ports, get inspected, get rejected, and then they start shopping around for a port that does not have an inspector. And, yes, we have ports without inspectors.

So not only are we accepting substandard food, but we are minimizing our ability to produce our own with the control and the oversight that ensures us that what we produce domestically is safe.

This piece of legislation is about national security, just as foreign policy is in many other regions of the world. Why is it we think that when we go to these trade negotiations, usually the last thing that is negotiated is agricultural products? It is because those countries understand. Those countries have been hungry. They have been subjected to foods that are unsafe or grown in a manner they don't appreciate. But they also know they can control making sure that there is enough there, if they can control and keep out our products. Many of the commodities I grow do find themselves on the international scene as commodities left out of trade agreements. That is because they are critical. They are a staple in the global community for sustenance of life.

Whether a country provides subsidies at levels much higher than those included in this bill or protects their farmers by a prohibitive tariff structure, every country in some form or fashion ensures a domestic food supply. If we continue in the direction we are going, where we are seeing for the first time in the history of our country the possibility of a trade deficit in agricultural products, what is that going to mean to us as a nation? It is going to mean we are then going to be more dependent on other countries for food that is critical for children and families all across this land.

In the United States, the farm bill is the policy that ensures safe food and fiber. We have worked hard in the Agriculture Committee to come up with a bill that was both bipartisan and biregional, agreed upon by everybody. Everybody got something positive out of a bill that was respectful to the diversity of this country, to the diversity of how we grow our crops. Lord, it was interesting for me to talk with my colleagues from way up on the Canadian border who had snow in August. We had 12 straight days of over 100-degree weather in Arkansas. We are a diverse nation and we are blessed to be that way. It is all the more reason we have the responsibility in this body to be respectful of that diversity and what it is that each of us has to bring to the table from our States. The Agriculture Committee did that.

It also respected the needs of those who are less fortunate in the nutrition title. It respected the idea that Americans want to ensure conservation and good stewardship of the land. We did that. We looked at the need for renewable energy, and we have made a huge investment, both in the farm bill in authorizing policy and also in the Finance Committee package that accompanies it, making sure that incentives are there for communities and for ag producers and all of those in rural America that not only can we continue the research but get into production of renewable fuels and, most importantly, that we can get them to the consumer. It doesn't matter how much we produce; if we are not using it, it is not benefiting the environment and not lessening our dependence on foreign oil. In the long term, it is not going to benefit growers who are looking for that secondary market.

We should all recognize and appreciate the bounty this bill provides and what it does for the hard-working men and women in farm families across this country who support each and every one of us every day in what it is they do for us for that security. I urge my colleagues to get serious about passing this bill and providing the certainty our farm families deserve, knowing that Government stands with them. Today, this time right now in our State of Arkansas, it is time to plant the winter wheat crop. Without knowing what the policy is going to be for next year or the year after that or the year after that, it is pretty hard to go to that banker and ask for that tremendous loan for that investment one has to make in producing that safe and abundant, affordable food supply, without knowing where one's Government stands.

I appeal to my colleagues and ask them to join us on the floor to talk about how important this bill is and, more importantly, to come together and figure out a way we can make this happen before we go home to celebrate Thanksgiving and the incredible bounty this country provides. Let us make sure those who provide for us have an understanding of where their Government stands on their behalf.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. I yield myself 10 minutes of our allotted 30 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

APPROPRIATIONS

Mr. CORNYN. Mr. President, amid the news we have received this last month on a variety of fronts—some good, some bad—is some very positive news from our economy. October marked the 50th straight month of positive job creation in the United States, a new record since the Government began keeping such records in 1939. Unfortunately, Congress has set a record of its own last week, when it finally sent the first of 12 appropriations bills that should have been finished before October 1, when the new fiscal year began, to the President for his signature. Not since 1987, 20 years ago, has Congress taken this long to send a single appropriations bill to the President this late in the fiscal year. I ask this question: What family, what small business, who in the United States could run their fiscal house this way, other than the Congress? Only the Congress has the power to basically suspend the powers of disbelief and pass something called a continuing resolution so that spending remains on auto pilot at last year's levels, rather than meet the needs of this current year by passing appropriations bills. Instead of working hard together, as I genuinely believe most Members of this body want, we see instead a calculated game being played out.

I want to focus specifically on our Veterans and Military Construction bill which should have been passed as a stone-alone bill and should have been signed by the President before Veterans Day this last Monday but was not. Rather than working to see that the funding for our veterans and for quality-of-life funding for military families, which is absolutely essential for a volunteer military force such as ours, we see this bill has consciously been held behind, even though it passed some 2 months ago, presumably to serve as a vehicle for a large spending bill that will be offered in December.

This veterans funding bill is perhaps the most telling and troubling sign of the games this process has degenerated into. It strikes me—and I believe I am not alone—that there is a serious discrepancy between what Congress says to our veterans and what Congress does for our veterans. Knowing how important veterans funding is to the President and to the country as a whole and to the Members of this body, some of my colleagues have decided instead to use this bill as a vehicle to expand Washington spending and, unfortunately, engage in partisan games. Rather than funding the veterans bill by itself with important funding and benefit enhancements that will serve America's veterans and military families, the majority leader has decided, initially at least, to try to merge this bill with another bill he knew the President was going to veto. As a matter of fact, he did yesterday, the Labor-HHS bill, because it would cost American taxpayers $11 billion more than the President asked for and included a number of, shall we call them, "interesting earmarks" or special projects designated by Members of the Senate.

Fortunately, we were able, through a point of order urged by my senior Senator, Mrs. HUTCHISON, under Senate rules, to separate the Veterans and Military Construction bill from an overloaded Labor, Health and Human Services bill.

I ask my colleagues to consider what the American people are supposed to think when they see examples such as this. The labor bill the President vetoed included a special interest earmark for a San Francisco museum called the Exploratorium. I have never heard of the Exploratorium before, but let me explain a little about this particular earmark that was included in the vetoed bill. This is to fund, at taxpayer expense, a museum that has more than 500,000 visitors each year and an annual budget of almost $30 million. Yet the American taxpayer has been asked unknowingly to spend money on Exploratorium—payments of more than $11 per visitor over the last 6 years. What is perplexing to me is why the majority would knit together funding for this Exploratorium, for example, along with about 2,000 other earmarks or special interest appropriations, with money for veterans health care. Why should veterans be required to shoulder the burden not only for this earmark, which I think we could fairly debate the appropriateness of, but over $1 billion set aside for earmarks in a completely unrelated matter and unrelated bill? This is exactly what the majority leader tried to do last week, along with our colleagues on the other side of the aisle.

At the end of the day, we were able to stop this strategy and prevent our veterans from becoming yet another political football in the appropriations process. Unfortunately, we still haven't seemed to learn the lessons from this unfortunate gamesmanship, because we still have not yet passed the Veterans and Military Construction appropriations bill, even though it has been sitting there, waiting to go to the President for about the last 2 months. Just as we were able to free our veterans from this pork-laden trap, the majority leader indicated that the veterans bill would not actually ever get independent funding. On November 7, he said:

> Some Republicans are seeking to separate the two bills, to force a vote just on the VA bill and vote just on the Labor-Health and Human Services bill. If we do that, here is what happens. This bill will go back to the House with only the Labor-Health and Human Services bill. That is all the President will get. He will not get the veterans bill.

In other words, the majority leader on November 7 said that if we were successful in splitting these two bills apart, the President would get the porkbarrel spending bill that pluses up spending for these 2,000 earmarked special projects and is $11 billion over the President's requested amount, and the majority leader would make sure that the Veterans and Military Construction appropriations bill didn't go to the President. I don't know how this kind of action can be characterized other than a shameful way to treat our veterans and to deal with the quality-of-life issues included in the military construction portion of this appropriations bill.

It is past time to fund the Federal Government at appropriate levels and to give our veterans and troops currently in harm's way the funding they need, as well as those who have proudly worn the uniform of the U.S. military whom we honored just this last Veterans Day, last Monday. It is long past time we put aside the gamesmanship that, unfortunately, seems to characterize so much of what happens here in Washington when it comes to politics.

I think we ought to try to figure some way to work together to reverse the lowest approval rating in recent time which the American public currently has with regard to the U.S. Senate, to help put a stop to these games and liberate our Nation's finances from the grip of partisan politics, I would suggest, and to make sure we do not end up in a game of chicken where the American people are told if we do not pass a bloated Omnibus appropriations bill there will be a shutdown of the Government.

I believe we ought to go ahead and pass, by way of insurance, the Government Shutdown Prevention Act. This legislation will guarantee that the Government continues to work for the American people until Congress passes responsible appropriations bills. We need to do this sooner rather than later. It does not look as if we are going to get it done this week before we break for the Thanksgiving recess, but we sure ought to get it done when we come back on December 3.

Passing the Government Shutdown Prevention Act will make sure the American people need not be frightened into thinking the Federal Government will not continue to operate and fund essential programs while we continue to debate what the appropriate level of appropriations bills should be.

Mr. President, I yield myself 2 more minutes, to be followed by the Senator from New Hampshire.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, my colleagues from the majority want to spend $23 billion above what the President has requested in his budget for discretionary spending. Now, that is $23 billion in discretionary spending over and above entitlement spending, which has been operating again on autopilot at the growth rate of about 8 percent per year. They have claimed $23 billion is not all that much money. But I would suggest that only in Washington is $23 billion to be considered pocket change. The American people are smarter than that. They know somebody has to pay for that money. It does not magically appear. What it means is the Federal Government is going to reach into their pockets and extract it from their hard-earned wages in order to fund these vast expansions of Government programs.

We need to make sure that we are better stewards of the taxpayers' dollars and that we regain the lost confidence the American people had in this institution. We need to take care of problems, for example, such as the growing alternative minimum tax, which threatens to grow from 6 million taxpayers this year to 23 million taxpayers next year—a typical so-called tax-the-rich program, which, just as they always do, tends to grow to creep into the middle class. We need to make sure the middle class does not suffer a huge tax increase by dealing with the alternative minimum tax.

Again, instead of being in lockdown, as we are on the farm bill because the majority leader will not allow any amendments to be offered except for ones he cherry-picks, we ought to be solving these problems, pass a Veterans and Military Construction bill, get it to the President, and not have a game of chicken with $23 billion in excess spending, which we know the President is going to veto. Instead we should engage in a meaningful dialog to try to come up with a negotiated amount. We should eliminate this middle-class tax increase which is going to grow from affecting 6 million people to 23 million people unless we do something about it before the end of the year.

Mr. President, I know the distinguished Senator from New Hampshire is here with us and ready to take the floor, so I yield to him.

I ask that the Senator from South Carolina, who I know is coming down after the Senator from New Hampshire, be reserved 8 minutes of the time we have remaining.

Mr. President, could I ask how much time we have remaining on this side?

The PRESIDING OFFICER. Seventeen minutes is remaining.

Mr. CORNYN. Mr. President, I ask unanimous consent that it be split evenly between the Senator from New Hampshire and the Senator from South Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Texas.

First, Mr. President, I join the Senator from Texas in asking that the majority leader and the Democratic membership free the Veterans bill and the Military Construction bill, which is ready to be sent to the President, stop holding it hostage for the purpose of holding it up with special interest projects which have nothing to do with the military or with veterans, and instead send that bill down to the President so he can sign it so our veterans can know they are getting the support they need after their great service to our Nation.

THE FARM BILL

Mr. GREGG. Mr. President, I rise to talk a little bit about the status of the farm bill because I was stunned, obviously, today to find that the majority leader—after for 2 weeks, almost, refusing to allow any amendments to the farm bill—has now decided to file cloture on the farm bill and claim this is the way things are done in the Senate. That is a statement which is pretty hard to accept with a straight face: the concept that the majority leader would set up a process in the Senate which, essentially, made him the gatekeeper of all amendments to a major authorization and appropriations bill—appropriations in the sense it has mandatory spending in it—so that any Member of the Senate who wanted to offer an amendment would have to go through the majority leader before the amendment would be allowed to come to the floor. Well, that is the way they do things in the House of Representatives, obviously, with what is known as the Rules Committee. But the Senate does not do that. The Senate has never done that.

I have heard innumerable, wonderful speeches from the senior Senator from West Virginia, the keeper, basically, of the flame of the integrity of the Senate, Mr. BYRD, on the importance of the amendment process in the Senate. I happen to subscribe to that, as I thought every Member of the Senate subscribed to that, that the greatness of the Senate is that if we put a piece of legislation on the floor, which is a significant piece of public policy, we debate it, we hear ideas on it, then we vote on those different ideas, and then we vote on passage. We do not lock down a bill and not allow any amendments to occur on that bill except those that are accepted on the majority side and by the majority leader and then say to the minority: Well, because you would not accept our process of locking down the amendment process, we are going to file cloture to shut you out completely.

That truly is an autocratic level which this Senate has never seen. Let me tell you something, it puts us on a slippery slope. It is very possible—in fact, I hope likely—that the other side of the aisle may not be in the majority forever around here and maybe not even through the next election. Certainly, if they continue to produce such a dysfunctional legislative calendar, as they have over the last year, I would think the American people would get a little frustrated and ask for a change. But they have now opened the door to running the Senate as an autocratic system, as a dictatorial system where the rights of 99 Members of the Senate are made completely subservient to 1 Member, which is the majority leader, because he has the right of recognition, he fills up the tree, and then when he does not like the amendments, he files cloture.

Let's talk about some of the amendments he does not want us to hear on this bill relative to the farm bill. He does not want an amendment offered which would say to farm families, especially to mothers in farm families: You will have access to OB/GYNs. That is one of the amendments I intended to offer. It would simply say that OB/GYNs who practice in farm and rural communities would be immune from excessive liability and lawsuits from trial lawyers.

We know for a fact we have lost most of our OB/GYNs in rural America. These baby doctors cannot practice in rural America because there are not enough clients for them to generate enough revenue to pay the cost of their malpractice insurance, which is generated by these lawsuits from trial lawyers. Well, the other side of the aisle is a kept group for the trial lawyers, so they do not want anything that could happen around here that might limit the income of trial lawyers, including allowing baby doctors to deliver babies in rural America to farm families. So they are not going to allow me to offer that amendment. What an outrage.

They do not want an amendment which would give firefighters in this country the right to bargain in order to reach agreement on contracts. Now, I do not think fires just burn in cities. Farmers have fires. In fact, if you look at what is happening in the West with wildfires, there are a lot of issues of fires for farmers in this country, especially silo fires. I know. I come from an area where there are occasional silo fires. They need firefighters. But the other side of the aisle does not want to hear about an amendment that deals with firefighters' rights. No. They want to lock that amendment out of the process.

They want to lock out of the process an amendment which would address the issue of people who are caught up in this terrible mortgage crisis we have. There are a lot of farmers, I suspect, and a lot of Americans generally who did not know how these ARMs worked when they went into these deals, and they are now finding they are being refinanced at a level where they cannot keep their homes because their interest rates are jumping up into the double-digit levels. When those homes are foreclosed on, they get a double whammy of getting hit by the IRS with what is known as a recognized gain, even though they did not have any income because their home got foreclosed on. This is a really difficult thing to do to someone, whether you are a farmer or just an average American, to first have their home foreclosed on and then to hit them with an IRS bill for having their home foreclosed on. I was going to suggest we take that issue up on the farm bill because it happens to relate to a lot of farmers who are being foreclosed on.

I was going to suggest we take up an amendment which might look at some of these new commodities that were put into this bill, such as the asparagus program and the camellia program and the chickpea program, but we do not want to hear about that. No, we do not want to address those issues.

We do not want to address the issue of the fact that this bill has in it $10 billion—$10 billion—of gamesmanship on moving dates so they can make this bill look more affordable and less costly. They don't want to have an amendment on that which might make the bill honest on its face. They don't want to hear that amendment. They don't want to hear this amendment, which is sort of ironic.

They have put in this bill what is called walking-around money—walking-around money—for the farm States in this country, actually for five farm States, called a $5 billion disaster loan fund. The way we have always handled disaster loans for the farm community—and they have them, and they are legitimate—is we have simply passed an emergency bill around here to cover the disaster when the disaster occurs. But what this bill does is set up a new fund which will be a floor, essentially, which says there is $5 billion in this kitty sitting over here for which if there is a disaster, you take this money too. What is the practical implication of that? Every wind storm that occurs in North Dakota that blows over a mailbox is going to be declared a disaster so they can get some of this money. It is putting money on the table that is just going to be used up.

We know we are going to fund disasters when they occur. Why would we prefund disasters in a way that is going to make it absolutely guaranteed that a disaster will occur, even if there is not a disaster? Well, we don't want to have an amendment which says: Let's take that disaster money and move it over to IDEA, special education. There is an account that needs some more money. There is an account which would give relief to a lot of families in this country, a lot of small towns in this country, farm communities and other communities that have a huge burden of IDEA in special education. Let's take that $5 billion out of that emergency account and, rather than having walking-around money for the five States that usually get this emergency money, use it for IDEA, which will benefit all the States in this country.

They don't want to hear those amendments.

It is incredible that on a bill of this size—one of the biggest bills we deal with as a Congress, one of the most important pieces of public policy we deal with—the other side of the aisle and the majority leader have specifically set up a procedure where amendments will not be tolerated—simply won't be tolerated. Totally inappropriate. I think basically what the other side of the aisle wants to do is kill this bill.

Now, from my perspective, this is not a good bill, and I am going to be voting against it. But I know it is going to pass if it is given a legitimate shot at passage because there are a lot of people around here who have these different commodities, and they all vote for each other, and, as a result, they build up enough votes to pass this bill. That is the way the farm bill always works. But that is no reason why we should not have a chance to debate it, to address some of these issues, such as baby doctors in rural communities and farm communities, such as the need for firefighters to have adequate bargaining rights, such as the need for people who are getting foreclosed on not getting hit with an IRS bill, such as the need to have proper accounting on this bill for what they are actually spending, such as the need for not setting up a $5 billion walking-around money fund, such as the need for the new commodities programs for asparagus, chickpeas, and camellia. We should have amendments to address all these issues. That is what the process of the Senate is all about. But it is being denied here. The result of that denial is that those of us who happen to believe the Senate should function as a place where things are amended and discussed and aired and heard are going to have to resist this bill. So the majority seems to want to kill this bill, which is unfortunate, because in the end, this bill should at least get a fair hearing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from South Carolina has 7½ minutes.

KEEPING PROMISES

Mr. DEMINT. Mr. President, I think we came into this year very hopeful in a lot of ways. The Republicans lost the majority, and in some ways I think that is a good thing. We lost our discipline on spending, and for many years our Democratic colleagues were more than happy to help us and even try to one-up us during the period we were in the majority.

Our last act as the majority, though, was a good one. We were able to stop last year's omnibus bill and force Congress to move ahead under a continuing resolution that only had about 2,000 earmarks—wasteful earmarks. This year, the majority unfortunately has expanded that back to about 6,000, which is disappointing because we entered the year with a lot of promises from the new majority, a lot of hopes about things that would change. Our Democratic colleagues ran on cleaning up the culture of corruption and getting rid of a lot of wasteful earmarks.

I, for one, wanted to help. In fact, one of the first things I did this year was introduce NANCY PELOSI's, Speaker PELOSI's, earmark transparency bill in the Senate. Unfortunately, the new majority decided it wasn't right the way they did it and filled it full of loopholes, and we have been fighting all year to try to continue to disclose a lot of this wasteful spending.

Now, as I said, as we end the year, instead of the 2,000 earmarks we were at last year, we are going to 6,000 plus. We are also way over budget. The amount we have over budget this year will translate over the next 10 years to about $300 billion in additional spending. That is a lot of money for anyone to even conceive of, but just so Americans will know, that amount would allow us to continue the tax relief we have had for the last several years for another 10 years without spending any additional money as a government. That tax relief affects every American. Instead, because we haven't acted, because we haven't kept our promises, next year millions of Americans, middle-class Americans will experience a new tax that they have never experienced before, and a lot of them don't know it is coming.

The disappointment, I guess, as we end this year is there are so many needs as a nation that we haven't acted on. Instead, we have spent the year with 40 resolutions on Iraq. We have tried to expand Government health care, holding children hostage to moving to more Government-controlled health care. The 40 Iraq resolutions were all done holding our troops hostage and the funding for our troops and the weapons and the armament they need to succeed. We spent the year on things such as trying to eliminate the secret ballot for workers when folks are trying to unionize them. Workers have always had the freedom to vote secretly and not be coerced or intimidated, but we have held workers hostage this year.

We have all of these new wasteful earmarks. Americans have heard about them, whether it is a hippie museum or monuments to different Members of Congress, billion-dollar parks at the expense of our veterans funds. We have balled that all up as we go into the end of the year $300 billion over budget for the next 10 years with wasteful earmarks, including monuments to ourselves. I think we have done something even worse than the wasteful spending because we have tied to this wasteful spending ball at the end of the year the most vulnerable and disadvantaged in our society. We have tied the children to it. We have said they need more health care. We have tied our troops to it, and we are holding them hostage. Instead of giving them the money they need over the next several months, we are tying them up and holding them hostage.

Our veterans, we filled the Veterans bill with wasteful earmarks, and we are holding our veterans hostage. We have basically made human shields out of the most vulnerable Americans, and we are challenging Members of the Senate and Members of the House: Vote for this bill that is billions over budget, that contains billions of wasteful earmarks. You either vote for this bill or you are voting against children and veterans and seniors and voting against our troops. This is no way to run the most important Government in the world.

So we end the year with a lot of broken promises. We have not helped Americans buy health insurance; in fact, we have made it harder. We haven't cut spending; we have raised it. We have increased the number of earmarks from last year. All we have done is talk. While our troops are succeeding in Iraq, we are trying to cut their funding. Instead of broken promises, we need to focus on the promises we need to keep.

We have promised Americans since the beginning of our Constitution that we are going to protect them. That is our main purpose. We need to keep our promises to seniors because we have taken their money all their lives and promised them Social Security and Medicare will be there. We need to keep those promises. We need to keep the promise of making freedom work for everyone and not to use the problems in our society as an excuse to replace freedom with more Government, which is what we are in the process of doing at every turn in Washington.

I appreciate the opportunity to speak, and I hope we can end the year in a more bipartisan fashion and work on reducing the amount of spending, the wasteful earmarks, and try to focus our efforts on the real priorities of this country that affect real Americans and not to hold our people hostage to this wasteful spending. We have just another month or so to finish our business, and I hope we finish it with some honor and dignity in a way that the American people would regain some trust in this Senate and in this Congress.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

GETTING RESULTS

Ms. STABENOW. Mr. President, I come to the floor because it is amazing to listen to my friends on the other side of the aisle lament what they view are things not getting done when, in fact, we are getting things done. The truth is, we have been operating this year with an extraordinary slowness on the other side of the aisle because, first of all, they have participated in 52 filibusters since the beginning of the year—52 filibusters, maybe 53 by the end of the week, every week now. This is unprecedented. It never happened before. It never happened before; to see the minority in the Senate obstruct, obstruct, obstruct with 52 different filibusters, trying to stop us from getting the people's business done.

I find it so interesting and amazing when my colleagues lament that not more of the appropriations process is done. As the Presiding Officer knows, our colleagues, the previous majority, didn't do a budget at all last year—at all. We are moving through the process. Despite the continual slowdowns, the efforts to stop us from proceeding, we are moving ahead. But last year, our colleagues, who lament so passionately and who come to the floor every day, didn't even pass a budget. We came in in January to a new majority and had to clean up the mess, literally. There was no budget. We had to pass a budget just to get us through the end of the year, to be able to keep services for the American people going, and we did that. We did that.

Also, during that process we put in place a few things along the way that we clearly put at the top of the list in terms of appropriations: Additional money for our veterans, clearly a priority for us; a Pell grant for our low-income students trying to go to college to have the American dream. We are now at a point where we have the budget, the appropriations process that we are working on for next year. We have seen nothing but efforts to slow that down, to veto it.

Yesterday the President vetoed the part of the budget that focuses on health care, education for our people, health research into new cures for cancer. It focuses on diabetes and Alzheimer's and Parkinson's disease, all of the areas where we hope to make breakthroughs to be able to save lives. The President vetoed that.

The President says the slight increase for restoring cuts that the President and the Republicans have made in the last several years, in our efforts to restore those funds to get the priorities right and put us back on track for middle-class families, was too much. Eleven billion dollars invested in America is too much. Twelve billion dollars a month on a war—putting our men and women in the middle of harm's way in a civil war every day—is OK, and it is not paid for. The most important thing is we are losing lives, but it is outrageous that we are seeing $12 billion a month being spent.

The President vetoed an investment in America yesterday that was less than 1 month in Iraq—an investment in our families, in our seniors, in our children, and in the future in terms of education and opportunity and research. He vetoed a bill that was, in fact, an effort to invest in America.

I have to say, despite 52 filibusters, we are, as Democrats, working with colleagues, obviously. We don't get anything done unless it is on a bipartisan basis. We know that, and we do it every day. But the truth is, our majority is getting results for middle-class Americans every day. I am proud we have placed veterans at the top of our budget. We, for the first time, have listened. We, the new majority, have listened to the veterans of this country, the veterans organizations. We took their budget called the Independent Budget—the veterans budget—and made it our own so we would make sure our veterans were fully funded. We have addressed the concerns about Walter Reed and what happens when our veterans come home and get caught between the military health system and the VA system.

Mr. President, I believe you are about to give me a high sign on the time. I ask unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator is recognized for an additional 10 minutes.

Ms. STABENOW. Mr. President, I am very proud of the fact that one of the first things we did this year in addition to supporting our veterans was to pass the first minimum wage increase in 10 years for working Americans. An awful lot of those are moms with 2 children, 3 children, working 1 job, 2 jobs, 3 jobs, trying to hold things together for their family, working hard every day. I am proud we have passed that. I am proud we have also focused on middle-class Americans and the American dream of college and the opportunity to be able to get the skills that young people and people going back to school can receive in order to be able to work hard and be successful in our new global economy. We have passed the largest student financial aid program since the GI bill. I am very proud we have done that. We are getting results for middle-class Americans every day.

On a bipartisan basis, we have also passed the America COMPETES Act, which redirects critical resources into math and science and technology for education as well as for research. I am very proud of the fact that despite the need to pass the 9/11 Commission recommendations, we have done that. Again, one of the early efforts by the new Democratic majority was to pass the 9/11 Commission recommendations to focus on critical needs, such as making radios work, so the police officers and firefighters in America can actually talk to each other and not be put in the same situation as they were on 9/11 where they were running into buildings they should have been running out of because they did not have the communications equipment that worked. We have focused on real security. We have focused, through the appropriations that we have passed, on our troops and their families, and I am very proud of that. We have also focused on important and long overdue and neglected water resources projects.

And it is wonderful to see that not only was it passed on a bipartisan basis, but when the President vetoed the bill, we joined together to say yes to protecting our waters, when the President said no. So we are getting things done. We are getting things done every single day.

We are putting the priorities of the American people first. In our budget, we have said veterans are at the top of the list, education funding opportunity is at the top of the list, and we also place children's health insurance at the top of the list. In this area, we have worked together in a wonderful bipartisan way. People are to be congratulated on both sides of the aisle for working together on children's health insurance.

The President again said no. He has vetoed the bill. We are working hard, and we have the votes in the Senate to override the veto. We are working hard to get House Republican colleagues to join us so we can invest and cover 10 million children with health insurance.

This is another example of where we have been pushing forward, changing the direction of this Congress, focusing on middle-class Americans, getting things done—trying to get things done over the objection of the President. Again, I have to go back to the whole question of the funding of the war: $12 billion a month on this war—not paid for. To cover 10 million children in America with health insurance, it is $7 billion a year, and it is in our budget. We have fully paid for that.

What kind of priorities has the President set, when he will veto children's health insurance and yet continue to ask for more and more dollars for this war? Everything we do around here is values and priorities, based on what we think is important, what we think the people who have sent us here think is important. The majority of Americans are saying this country is going in the wrong direction, that while people find themselves worried about whether they will have a job or whether it is going to go overseas or whether they will lose pay, lose income, while their health insurance premium goes up—if they even have health insurance—their gas prices go up, and college tuition is going up. They may find themselves in the situation where they cannot sell their homes due to the mortgage crisis or in a situation of foreclosure or in a sales situation where they are losing dollars.

Middle-class Americans look around them and see a world, under this administration, for the last 6 years, of failed policies and priorities—a world that doesn't work for Americans, losing opportunities rather than gaining them, working harder and harder but seeing the American dream slip away for themselves and their families.

We, as the new majority of the Senate, understand this, we get it. We are laser focused on what makes a difference to the American people every day. We are focused, and we will be coming forward with efforts to help with the mortgage crisis. I have legislation we will be bringing forward to make sure that when you lose your home to foreclosure or a short sale, you don't get a tax bill on top of that, which will happen now if your financial institution gives you any kind of a break on refinancing. You end up, with the value of the difference, paying taxes on it. We are going to make sure that doesn't happen. We are laser focused on getting the children's health insurance bill done, focusing on the right kind of trade policy that is fair for Americans—American workers and businesses. We are focused on strengthening our country, opportunity, valuing work, focusing on the things people care about every single day. When we get up in the morning and we are focused on what we want for our children and grandchildren, in order to be able to have a wonderful life, those are the things we have been bringing forward every single day. We will continue to do that.

We are getting things done for middle-class America. That is our focus. We are getting things done. But I have to say, in conclusion, that this has not been easy. We have had 52 filibusters—which is unheard of in the Senate—in less than a year—52 filibusters that require us to get 60 votes to stop, including, I might add, on the war. We have a majority of Members of this body who want to end this strategy on the war, who have been willing to say we want to put a deadline on what is happening there and refocus on what will truly keep us safe. We have a majority of Members—an overwhelming majority—who supported Senator WEBB's effort on troop readiness, to say to our troops who are being deployed, redeployed, and redeployed, we should follow the traditional policies of the military; if you have 12 or 15 months in combat in theater, you should get the same at home for rest, retraining, and the opportunity to see your family.

We have the majority of Members who have voted to change this policy in Iraq, get us out of a civil war, bring our troops home, to have troop readiness policies that make sense; but we have had 52 filibusters, which is too many, stopping us from changing this war.

This can go to 53, 54—we know it will keep going through the next year. But so will our focus. We are not going to stop. We are focused on getting things done. We are getting results for middle-class Americans, and we are going to continue to do that every single day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS SUICIDES

Mrs. MURRAY. Mr. President, I wish to take a few minutes this morning to talk about a subject that has tragically received far too little attention, and that is the number of veterans who take their lives because our Nation has failed them.

In a breakthrough report last night, CBS News revealed that far more veterans commit suicide than has previously been reported by the Defense Department and the VA. CBS, in fact, found that in 2005, at least 6,256 veterans took their lives. That is a rate that is twice that of other Americans.

CBS also found that veterans who are aged 20 to 24—those most likely to have served in the war on terror—are taking their lives at a rate that is estimated to be between two and four times higher than nonveterans in the same age group.

CBS should be commended for pushing past this administration's stonewalling and digging to get those numbers. The administration told the network that even the VA hadn't counted the nationwide numbers.

Those findings are sad, they are horrifying, and they should be preventable. Frankly, they are a reflection of something that many of my colleagues and I have said over and over. They reflect an administration that has failed to plan, failed to own up to its responsibilities, and failed even to complete statistics on the impact of this war on our veterans. From inadequate funding to a lack of mental health professionals to a failure to help our servicemembers make the transition from battlefield back to the homefront, this administration has dropped the ball.

The Defense Department and the VA, in particular, must own up to the true cost of this war and do a better job to ensure that our heroes are not lost when they come home.

We in Congress are taking steps to try to understand and care for the mental health wounds our troops are experiencing, but we clearly have to do more. If those numbers CBS is reporting do not wake up America, I fear nothing will. It is time for all of us to wake up to the reality and the consequences of this war. It is time to wake up our neighbors and our communities. It is time to wake up our employers and our schools and ask if we are doing enough for our veterans. It is time to wake up the White House and demand better care for our veterans, those men and women who have sacrificed for all of us.

As I stand here and speak today, a generation of servicemembers is falling through the cracks because of our failure to provide for them, and that is shameful.

Five years ago, when the President asked us to go to war in Iraq, he talked to us about weapons of mass destruction, he talked about al-Qaida, he talked about the mission to fight the war on terror, but he never talked about policing a civil war. He never talked about the stress of living months without a break and constantly waiting for the next attack. He has never talked about, in my opinion, taking care of those men and women who have served us honorably when they finally come home.

In the past, our servicemembers were always given a rest, time to relax, time to regroup for battle. But we are today waging this war with an all-volunteer military. Some men and women are now serving their second, third, fourth, and now even fifth tour of duty. They are stretched to the breaking point. Too many of them are sustaining traumatic brain injuries. Too many are suffering from post-traumatic stress disorder. A third of our servicemembers are coming home with mental health conditions, and when they finally do come home, they struggle with the memories of battle. In their nightmares, they see their friends being blown apart. Some of them are turning to drugs and alcohol to numb themselves from the pain they are in.

The sad truth is that all too often the system we have set up to provide care for them does not help them, and we do not find out how much pain they are in until, obviously, it is too late.

I have taken the time to talk with these servicemembers. I have taken the time to talk with their families. I have heard their stories, and I wish to share a few with my colleagues today that illustrate, I believe, why it is so critical that we take action. These are young men and women. They are in their early twenties. They are young men and women who have served our country. They are someone's son, brother, sister, wife, best friend. Losing them is shameful.

Let me tell my colleagues about a young veteran named Justin Bailey. Justin joined the Marine Corps when he was 18, a few months after he graduated from high school. He was about to separate from the Marines in 2003 when his service was involuntarily extended because of the war in Iraq.

Justin went to Iraq. He was injured, and he returned home in pain and suffering from PTSD. He underwent several surgeries, and over a 2-year time period was prescribed a slew of medications, including hydrocone, xanax, and methadone, and he became addicted.

Justin slipped through the cracks. Despite seeking help for his addiction, he was allowed to self-medicate. Despite warnings from the FDA, he was prescribed drugs that were inconsistent with the treatment of PTSD. Justin tried to find help, but after 6 weeks in a VA program for addicts with PTSD, he never once saw a psychiatrist.

Justin's parents had assumed that he would get proper supervision in the VA program, but he didn't. This past January, Justin took too many pills and he died of an overdose.

The next young man I wish to tell my colleagues about is Joshua Omvig. Josh, I am told, was an eager soldier who dreamed of being a police officer. He insisted on graduating from high school early so he could join the military and begin his career. He was sent to Iraq. But after one visit home his parents could see he was shaken. Ordinary things, they said, made him nervous, and he was having nightmares that made him shout out in his sleep.

When he completed his tour of duty, he was transitioned back into civilian life after only a couple of weeks. His parents saw he was not the same. They said he didn't say much about Iraq, but he did talk about hearing voices and seeing faces and he was very jittery.

His parents wanted him to get care, but he refused to see a doctor for fear it would hurt his career. Despite his parents' efforts to help him, Josh could not get over the trauma he experienced in Iraq. It got worse and his world slowly unraveled. Josh took his life at the age of 22.

Josh's and Justin's stories came to light because their families came here and asked Congress for help. As a result, we passed the Joshua Omvig Veteran Suicide Prevention Act this year because his family pushed and pushed for legislation that would require the military and the VA to better understand and treat psychological trauma for our servicemembers.

Are these extreme examples? Well, maybe, but they are not isolated examples, and the reality is many others are slipping unnoticed through the cracks today.

It would be one thing if we had no idea what the mental health strains are for our veterans, but that is not the case. We have seen servicemembers come home with mental wounds in every military conflict in which we have ever been involved.

When I was a young college student in the late sixties, I volunteered at the Seattle VA. I was assigned to the psychiatric ward. I worked with Vietnam veterans who were my age at the time coming home from Vietnam. I saw what was in their eyes. For some, it was a blank stare. For many, it was anger. For a lot, it was talking and talking and talking about what they had been through.

There was no word called post-traumatic stress syndrome when I worked at the VA with those Vietnam veterans. But we know now the strains of war and what it causes, and we should be doing so much more for the thousands and thousands of young men and women who are coming home today and feeling lost and alone in their homes and communities because no one has reached out to help them.

Our understanding of the impact that warfare has on the minds of servicemembers has evolved since I worked at the VA as a young student many years ago. One thing we know is that the mental wound suffered by men and women in uniform can be as devastating as their physical injuries. So it is long past time that the military knock down the stigma associated with mental health care. It is long past time that the military provide the care our veterans desperately need and deserve and back it up with adequate funding. We must acknowledge that this is a cost of war we cannot ignore.

What can we do to prevent more stories such as Josh and Justin? We have to better understand the trauma our troops have experienced. The Joshua Omvig Act we passed takes steps to do that, but it is so clear we have more to do. We need more mental health care clinics, and we need more providers. We need the VA to be proactive. We need them to reach out to these veterans who are not enrolled in the VA system and who are at risk for suicide. And we in Congress have to provide the money to fully fund their care.

The Senate has passed a bill that will increase funding for veterans by almost $4 billion over what the President asked. I hope we can get those improvements to our veterans as quickly as possible. We have to finally provide a seamless transition for our servicemembers when they come home, and that starts with making sure that veterans can get their disability benefits without having to fight through the system. It is unconscionable to me that our heroes return home from the battlefield today only to have to fight a bureaucracy to get the benefits they were promised.

Veterans Day was a few days ago. Many of us went home and took part in ceremonies to thank our servicemembers for securing our safety and our freedom—well-deserved. In my own speech in Kitsap County, at home in Washington State, I said I believe that Veterans Day should not be just a day for ceremony. It should be a day to consider whether there is something more we can do for our veterans. And what are the implications for not doing enough? As the "CBS News" report found, too often the implications are that many veterans are stretched to the breaking point. That is a tragedy. We have to wake up to the reality that we have already lost too many.

Ours is a great Nation. No matter how any of us feel about this current conflict, we know our troops are serving us honorably. But we owe them so much more than we have given them so far. We can do better. We must do better. I ask anyone who is listening to me this morning, anyone who watched the CBS report and saw those families talk about the tragedy of losing a son or a daughter to suicide after they had come home from this war, to reach out and say: Am I doing enough? Do I know of a family who is suffering? Do I know of someone at my child's school whose parent has come home? Do I know an employee who has come home from Iraq? Have I reached out myself and said: I am here for you if you need me?

All of us can do more. Congress needs to act and do more as well. We are a great nation. We should do much better.

I yield the floor, and I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2419, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Pending:

Harkin amendment No. 3500, in the nature of a substitute.

Reid (for Dorgan-Grassley) amendment No. 3508 (to amendment No. 3500), to strengthen payment limitations and direct the savings to increased funding for certain programs.

Reid amendment No. 3509 (to amendment No. 3508), to change the enactment date.

Reid amendment No. 3510 (to the language proposed to be stricken by amendment No. 3500), to change the enactment date.

Reid amendment No. 3511 (to Amendment No. 3510), to change the enactment date.

Motion to commit the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions to report back forthwith, with Reid amendment No. 3512.

Reid amendment No. 3512 (to the instructions of the motion to commit to the Committee on Agriculture, Nutrition, and Forestry, with instructions), to change the enactment date.

Reid amendment No. 3513 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 3514 (to amendment No. 3513), to change the enactment date.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I see my friend, Senator CHAMBLISS, is on the floor. I think we are both very frustrated. I don't think, I know we are both very frustrated that we are stymied on this farm bill. We are not moving anywhere. But in hopes that maybe we can get something moving, I am going to propound some unanimous consent requests to see if we can't break out and move ahead.

So I inquire of my colleague, Senator CHAMBLISS, as to whether we can agree to a time limitation for debate with respect to the pending Dorgan-Grassley amendment. Therefore, I ask unanimous consent that there be 60 minutes of debate prior to a vote in relation to the Dorgan amendment No. 3508, with the time equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate vote in relation to the amendment; that no second-degree amendment be in order prior to the vote.

The PRESIDING OFFICER. Is there objection? The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, unfortunately, based upon the status of the amendments at this point in time and based upon the comments by the majority leader this morning, at this point in time I am going to have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, I now ask unanimous consent that we proceed to the Lugar-Lautenberg amendment regarding farm program reform; that there be 2 hours of debate with respect to the amendment prior to a vote; that no amendments be in order to the amendment prior to the vote; that the time be equally divided and controlled in the usual form; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection? The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, again, as much as I would love to accommodate the chairman of the committee, based upon the status at this time and the comments of the majority leader this morning, I will have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, in light of that objection, I would inquire as to whether we can enter into an agreement on the Roberts amendment No. 3548; that there be 90 minutes for debate prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate vote in relation to the amendment, with no second-degree amendment in order prior to the vote.

The PRESIDING OFFICER. Is there objection? The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, again, based upon the process that we are now involved in and the comments of the majority leader this morning relative to the farm bill, I will have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, let's see if there can be agreement to consider the Stevens amendment No. 3569; again that there be 60 minutes of debate prior to a vote in relation to the amendment, with no amendment in order to the amendment prior to the vote, and the time be equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Mr. President, once again, based upon the process we are now engaged in and the comments of the majority leader this morning, I will have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, I ask unanimous consent that we proceed to the Allard amendment No. 3572; that there be 60 minutes of debate prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form, with no second-degree amendment in order prior to the vote; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Reserving the right to object, I would say there may be some common ground.

I ask unanimous consent that the unanimous consent request of the chairman be modified and that the pending amendments and motion to recommit be withdrawn and the only amendments in order be the bipartisan list of first-degree amendments I have sent to the desk and that all first-degree amendments be subject to relevant second-degree amendments.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. HARKIN. I do not modify my request.

Mr. CHAMBLISS. Then, Mr. President, I will have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, I am certain the Senator will have another unanimous consent request of his own very shortly, as he just enunciated. I just proposed five requests for votes in relation to amendments that are relevant to the farm bill. As we just heard, there are objections to each one of those.

We are ready to move ahead. We have been here now a week, over a week, on this farm bill, and we are stuck, dead in the water. Again, my friend, Senator CHAMBLISS, said he wanted to send to the desk a list of amendments that have been looked at. Not all of them have been filed, as I understand, but they have been talked about. As I understand it, there are 255 amendments. That is ridiculous. Of course, we are not going to have 255 amendments. But at least we could work. We are here; we could be working now. We could debate the Dorgan amendment and vote on it today. There are five requests I just offered right now, five amendments we could dispose of this afternoon. The other side objected to each one of those.

Again, I am extremely frustrated, as the chairman of the committee. We got a bill through. We worked very hard on it. Senator CHAMBLISS worked very hard on it. Yet we are stuck. We got it through committee. There was not one dissenting vote in the committee, not one. It is a good bill.

As Senator LINCOLN said—I heard her speech this morning—it is bipartisan, it is multiregional. There are a lot of compromises in it, as is true in any bill. But we got it through without a dissenting vote. Yet we cannot even work on it on the Senate floor? We cannot even work on it. Forget about passing it, we can't even work on it.

I just propounded five requests to have debate and votes on amendments, relevant amendments to this farm bill, and every time it was objected to.

I don't know. I just want to make it clear that we on this side are ready to do business. We have been for a week. We could have been debating relevant amendments. We could have almost—we could have been done with this bill by now.

I want to point out a little bit of history. On the last farm bill, when I was privileged to chair the committee at that time in the Senate, in 2002, we had 10 days of consideration in December and 6 days in February. That was it. Mr. President, 53 amendments were considered, not 255.

In 1996, we had 4 days of consideration, 24 amendments to the bill; in 1990, 7 days of consideration, and we proceeded to vote on it. This is very frustrating. We are here. We are ready to do business. We are ready to debate and vote. Yet the leadership on the other side says no. The leadership says no.

I wanted to make it clear, fundamentally, basically clear to all Senators and anyone watching: We on this side have been ready, are ready, are willing to debate and vote on these amendments. It has been objected to on the other side.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, this is almost unbelievably disappointing. This is the second week we are on the farm bill. We have people in the Senate who believe, apparently, they are trying to imitate a set of human brake pads and stop everything. We haven't even started. How can you stop it? I don't understand this at all. If family farmers farmed like Congress legislated, there would be no food.

When it comes spring you have to plant the seeds. You have to do it. It is not an option. When it comes harvest time, you have to take it off the field. When the cows are ready to milk, you have to milk. We have a few people in Congress who believe you don't have to do anything. All you have to do, as I said, is imitate a set of human brake pads and just stop everything. I guess maybe that is a successful strategy for some, if you do not believe anything ought to get done.

The chairman of this committee, Senator HARKIN, and the ranking member, Senator CHAMBLISS, worked hard on this. I understand Senator CHAMBLISS has been objecting as a result of the minority leader's position. I understand that. But my colleague from Iowa just propounded a series of unanimous consent requests. He said let's just start. This isn't rocket science. How do you get this bill done? First, you start the bill.

As I understand it, my colleague proposed a couple of amendments from each side, Democratic amendments, Republican amendments. Just start, have some time agreements, have a debate, have a vote.

If there are some who do not want a farm bill to be passed in this Congress, I understand. They have a right to vote against and speak against the farm bill. But why on Earth should they hold this bill hostage to their whims? We take for granted, every single day in this country, what family farmers do. They get up out there in the country, living under a yard light, get up, often very early, and do chores. They work hard. They take a lot of risks. They have big dreams. They live on hope. They must live on hope. They hope there is going to be a better crop, a better year. They hope they are going to be able to make a decent living. We take all of that for granted.

What we try to do in the Congress is to write a farm bill that says family farmers are important—yes, for economic reasons but also for cultural reasons, to have a network of families out there producing America's food. Family farmers are important, and we understand families can't survive some tough times, so we create a safety net, a bridge over price depressions. And we say: We want to help you. That is what the farm bill is about.

There are other pieces of it, nutrition and other issues, but the centerpiece of a safety net for family farmers is very important. I guess I don't remember a time when we had a farm bill on the Senate floor that has been held up. I voted against some farm bills I didn't like. But, you know, I didn't like the so-called Freedom to Farm bill, which I thought was a disaster, so I voted against it, but I didn't come down to the floor to try to prevent it from moving. I just said this is something I will not support, so I voted against it.

In this case, and in the previous case with the farm bill we operate under currently, I support it. I really want this to move forward. I do not understand. I do not understand at all. We could compare, perhaps, the Senate to a glacier, but the difference is a glacier actually moves from time to time. This Senate, on this bill, is going nowhere because of a couple of people who decided we are going to stop it.

The majority leader has brought this bill to the floor of the Senate, allowed 2 weeks for it. Both colleagues, Senator HARKIN and Senator CHAMBLISS, have worked hard. My colleague, Senator CONRAD, has been out here working hard to see if can we get a list of amendments we can begin working through. Apparently, we now know there are something like 250 amendments that have been noticed. Obviously, we are not going to have 250 amendments on this bill. We don't have time for that. Some of these amendments, a good many of them, have nothing at all to do with this subject at all—going back into immigration and a whole series of tax issues that have nothing to do with farming, agriculture, family farms.

So the question is, Can we find a way to reduce that number of amendments and then just start?

The first amendment Senator GRASSLEY and I have offered is an amendment that would, I think, improve the bill. But we have not been able to even begin the first 5 minutes of debate on that amendment. There are many others.

My colleague offers a proposal: Let's at least start on two Republican and two Democratic amendments. The first step of any journey is the most important step. Let's just begin. Here it is, a week and a half after the bill comes to the floor of the Senate, and this Senate is at parade rest. I do not understand it.

One of my great concerns at the moment is that the time has been set aside to try to get this farm bill done. Senator HARKIN and Senator CHAMBLISS wrote a farm bill that came out of the Agriculture Committee, as I understand, unanimously. You would believe, then, that represents bipartisan agreement on the central portion of a farm bill. Can we improve it a little bit? I think so. There are some amendments back and forth that perhaps will improve some portions of it. But the fact is, they wrote a bipartisan bill that had very strong support, in fact, unanimous support in the committee.

How on Earth do we get to a point where a bill that comes out of the committee unanimously, a bill that is as important as this one is to every region of the country, sits on the floor of the Senate at parade rest, and we cannot even get to debate on the first amendment? I do not understand that at all. That makes no sense to me.

The fact is, time is running out. I worry if we do not get this bill done this week—work late tonight, late tomorrow night, into Friday, get this bill done—I worry that this bill is not going to get done in any timely fashion. What an awful message for us to send to family farmers. The message in this bill is, we think they matter. We think they are an important part of this country's economic strength. Family farmers have always been the economic All-Stars.

But it is beyond me to understand what is going on here. We have amendments. My amendment is pending, but we can't even begin the first minute of debate. I don't understand it at all.

I have said before on the floor of the Senate that family farmers in this country produce a lot more than crops and food. They produce communities.

They are the blood vessels that create the strength for these small towns. I grew up in one of those towns. We raised some cattle and some horses. The fact is, family farmers are very important to the economic strength and to the culture of this country. They do not expect much. They don't ask for much. They are an independent bunch of people. They are people who try to raise a family and raise a crop, way out in the country, in many cases. They are not asking for anything very much except that this country has believed for a long while that all of the uncertainties, all of the risks that accrue to family farming in many cases just wipe them out unless you have some kind of safety net. That is why we have created a safety net.

They plant a seed, hope it grows, hope it rains enough, hope it doesn't rain too much, hope it doesn't hail, hope the insects don't come, hope there isn't any crop disease. Then they hope they have a chance to harvest it in the fall and then hope when they harvest it and truck it to the elevator, it is going to have a decent price. All of that risk, all alone.

So we create a safety net to say we are going to try, if we can, to provide some strength to that hope because we want family farms to continue to exist in the future because we think it strengthens our country. That is why we write a farm bill. All of us come from different points on the compass, but we all believe basically the same thing: family farming matters for this country.

How on Earth have we gotten to the point where, on a Wednesday, a week after we start the debate on the farm bill, we have not been able to consider even one amendment?

Now we risk not getting the farm bill done. How we have gotten to this point, I don't have the foggiest understanding, but it is not healthy and not good.

I hope we can persuade the minority leader and others to let us proceed. Just start. We are not asking for the Moon. Just start discussion, debate, and vote on amendments, and let's see how quickly we can move through these to try to get a bill done before the end of this week.

Let me finish, as I started, by saying I know a lot of people have worked for a long time on this bill. There are a lot of people on both sides of the political aisle who want this bill to get done. I am among them. But there are some who have decided we ought not move forward, and they have decided the only way they would allow us to move forward is to allow all kinds of amendments that go back and recreate the debates on immigration, and you name it. The fact is, all that means is we will not get this bill done, never get this bill done. So let's go back to the tradition.

The tradition has been, with respect to farm bills, we have had farm bills on the floor of the Senate in which we debate and vote on amendments. We do not, in most cases, see amendments that have nothing to do with agriculture load down this bill and decide we are going to try to stop it from moving. I hope we can get back to that tradition. That is the tradition I think farmers would expect of us.

Let me again say, as I started, if families out there in the country farmed like we legislate—or at least like a few people in this Chamber want to legislate—there would be no food because they would never plant the grain. It wouldn't matter, timing doesn't matter, they wouldn't harvest the grain, timing doesn't matter; they wouldn't milk the cows because they wouldn't care whether the cows are fresh or sore.

This Congress can do a whole lot better than this, and my hope is, in the coming couple of hours, we can reach agreement and begin debate on the amendments. Let's follow this trail until the amendments are done, and I think that farm bill will get a resounding vote on the floor of the Senate. I think the farm bill will get two-thirds or perhaps three-fourths in favor of it.

I yield the floor. I know we have two other Members on the Senate floor. The Senator from Colorado had indicated he wanted to speak, but I know the Senator from Georgia is on the Senate floor as well.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I thank the Senator from North Dakota for his comments. He is exactly right. There are a lot of us in this body who wish to see this farm bill move. I actually came back a day early last week thinking the farm bill would be up the next day.

I was prepared, as ranking member, to move ahead with the farm bill. When I got here, I found out we all of a sudden were going to be caught in a process that is unique to the Senate, and that is a process where the majority leader has the right—and I understand he has the right; I understand that we did that when we were in the majority—to fill the tree, and he did so. And when he does so, it kind of brings things to a halt. That is the purpose in doing that, in trying to control what amendments may be filed. I thought after a week's time, yesterday, rather than us debating amendments, moving through, which in all likelihood we conceivably could have been through this bill by now—but instead of being able to call up amendments, debating them and voting on them over the past week, we have been stuck in this process now that requires a unanimous consent by both sides before we can move forward with the process of dealing with amendments.

Yesterday I had some hope, because Senator HARKIN and I agreed that what we thought we ought to do would be to come up with a list of amendments that are relevant, and as always is the case on any major piece of legislation, some were irrelevant amendments. I would hope we could agree on a number. Unfortunately, we have not been able to do that. As of yesterday we had about 140 Democratic amendments that were filed, and about 120 Republican amendments that were filed.

Most of them are relevant to the farm bill, but some of them are not. But it is always the case that we deal with some nonrelevant amendments.

But instead of allowing Senator HARKIN and me to move through the process of taking the amendments—the first one we had agreed to take was Senator DORGAN and Senator GRASSLEY's amendment. Instead of allowing us to move ahead and debate that amendment, and possibly have already voted on it, if we had taken it up this morning with the time agreement we had tentatively agreed to, a decision was made that we are not going to be allowed to do that, and nothing is going to happen until there is a definite agreement by both sides on not just the number of amendments but what nonrelevant amendments will be considered.

It will happen. I know this is not the first time this situation has happened in this body with a farm bill. I would remind those who were here in 2002, at that time there were 246 amendments filed; almost exactly the same number of amendments were filed to the farm bill while the Democrats were in charge in 2002. There were at least two, and there may have been three, cloture votes. I am not sure because I was not here then. But there were two or three cloture votes asked for and made on the farm bill before cloture was invoked. Those cloture votes originally were made in December of 2001. When cloture was finally invoked in February of 2002, the farm bill sailed through in a matter of a few days. So we are basically in exactly the same position we were in 2002.

But here is the problem. 2002 was an entirely different atmosphere in American agriculture. Farmers and ranchers need to be discussing next month with their bankers and their insurers and landowners from whom they lease property, or farmers whom they lease property to; they need to be talking to their equipment dealers about how much they are going to plant of what respective crops; how much insurance they are going to need; how much in the way of financing they are going to need; how much in the way of new equipment or repairs or replaced equipment they are going to need, so that come next March, in the whole Southeast, not just in my State, but in March we start planting crops. Early corn goes in in March or the first part of April. In 2002, I was a Member of the House, and I was a member of the conference committee on the farm bill that was delayed until final passage occurring sometime in March. Obviously when farmers do not know what to anticipate from the standpoint of farm policy, do not know what type of programs they are going to have available to them, it is difficult for them to make any decision regarding how much money they are going to have to finance their crops, how much insurance they are going to need, or how many acres of what crops to plant.

So here we are stuck in a process. I am not saying one side or the other is more to blame than the other. I think it is more the rules of the Senate that have got us locked into this situation. I am ready to go. I was ready to go last Tuesday morning or actually last Monday afternoon. But, unfortunately, we are in a situation now where we cannot move ahead.

I did have to object to Senator HARKIN's request. There is nothing I would rather do than move on the Grassley-Dorgan amendment, although I am strongly opposed to it. I am going to advocate a "no" vote on it. But I think we ought to move and get this process going and start winnowing down these 260 or so, whatever the number of amendments is we have filed, or that we have been notified that either are filed or are going to be filed.

We can do that. It was done in 2002. We can do it now, and we are ultimately going to have to do it. Whether we do it now or whether we do it in January, whether we do it in February, we are going to do it. It is a bullet we are going to have to bite.

I regret very much having to object to Senator HARKIN's request. But, by the same token, he had to not agree to amend his unanimous consent request to comply with what I asked for, which would allow us to move ahead right now with amendments.

Those folks who are out in ag country are depending on the Congress, the Presiding Officer being one of those members who sits on the Ag Committee who has a significant interest in agriculture. My friend Senator SALAZAR, a member of the committee, comes from a strong agricultural State. Folks are depending on all of us as policymakers to get our work done, and yet here we are stuck by the rules of the Senate.

As I said in the press yesterday, I would simply say again, if we do not get this bill done this week, we do not have the opportunity to work with our colleagues in the House over the next 2 weeks while we are gone to get ready for a conference in December, it is going to be extremely difficult, if not impossible, to get a farm bill passed by both bodies, on the desk of the President before the end of the year.

That does not handicap us, but it surely handicaps those folks we represent; that is, the great men and women who are the farmers and ranchers of America. So I am hopeful that over the next several hours—I do not how long it may take, but I hope in the short term we are able to reach some agreement. Particularly it boils down to the nonrelevant amendments. If the other side would be lenient with us in trying to let us get those amendments up, debate them, get them voted on, we can move this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I came here this morning, now afternoon, to talk about the importance of this farm bill and for us to get off the dime and get us moving forward on the farm bill. I am going to make a statement on that in a few minutes.

My friend from Utah has asked if he can go ahead of me to speak on another subject for about 10 minutes. I ask unanimous consent that the Senator from Utah be recognized for 10 minutes to speak on a subject that he will address; then, following the Senator from Utah, that I be recognized for up to 20 minutes; following my statement that Senator DURBIN be recognized for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

FISA MODERNIZATION

Mr. HATCH. Mr. President, following the unauthorized public disclosure in 2005 of what has become known as the Terrorism Surveillance Program, numerous lawsuits were filed against electronic communication service providers for their alleged participation. Currently, more than 40 lawsuits are pending, which collectively seek hundreds of billions of dollars in damages. Let me repeat that figure, hundreds of billions of dollars.

For myriad reasons which I am going to discuss, these service providers alleged to have participated deserve a round of applause and a helping hand, not a slap in the face and a kick to the gut.

The amount of misinformation concerning this issue is staggering. Given that this dialogue involves highly classified details, there are many things that simply can't be discussed. However, the committee report for the recently passed FISA modernization bill, S. 2248, from the Senate Select Committee on Intelligence is public, and contains very pertinent information.

The report mentions that as with other intelligence matters, the identities of persons or entities that provide assistance to the U.S. Government are protected as vital sources and methods of intelligence. Details of any such assistance can not be discussed. However, the committee report does mention that beginning soon after September 11, the executive branch provided written requests or directives to U.S. electronic communication service providers to obtain their assistance with communications intelligence activities that had been authorized by the President.

During consideration of FISA modernization legislation, the Intelligence Committee examined classified documents relating to this issue.

The committee, in an overwhelmingly bipartisan tally, voted to include retroactive immunity for service providers that were alleged to have cooperated with the intelligence community in the implementation of the President's surveillance program. Senators from both sides of the aisle, after careful consideration, came to this conclusion. Make no mistake, this was the right conclusion.

It was the right conclusion for the Intelligence Committee, and it should be the right conclusion for the Judiciary Committee, when it considers this bill tomorrow.

Given the astounding amount of misinformation in the public domain concerning the Terrorism Surveillance Program, it is not surprising that these lawsuits are filled with false information and baseless allegations.

Some have asked a valid question, if the companies did not break the law, why do they need immunity? Quite simply, the Government's assertion of the state secrets privilege prevents these companies from defending themselves.

This assertion by the Government is absolutely essential, as the possible disclosure of classified materials from ongoing court proceedings is a grave threat to national security. Given the necessity for the state secrets privilege, the drawback is that the companies being sued are forbidden from making their case.

In fact, the companies cannot even confirm or deny any involvement in the program whatsoever. They have no ability to defend themselves.

Ordinarily, these companies would be able to address allegations and make their case. However, the classified nature of the topic means that companies are not free to do so. They can't even have discussions with shareholders or business partners. But we need to remember, lawful silence does not equate to guilt.

Another point not mentioned nearly enough is that the Government cannot obtain the intelligence it needs without the assistance of telecommunication companies. This means that our collection capabilities are dependent on the support and collaboration of private businesses.

If retroactive immunity is not provided, these private businesses will certainly be extremely hesitant to provide any future assistance to our intelligence community. This could have a crippling effect on the security of millions of people in our society; thus, it's simply an unacceptable outcome for the safety and security of our Nation.

Any hesitation from companies to provide assistance with future Government requests could be disastrous. This could affect not only our intelligence community but domestic law enforcement efforts. The next time a child is kidnapped, and law enforcement needs help with communications, would that situation allow any hesitation from the service provider? If your son or daughter was missing, would you stand for any lack of cooperation from companies? Do we want endless teams of private company lawyers second, third, fourth, and fifth guessing lawful orders to compel their assistance?

This is not the only problem with not including retroactive immunity. As the duration of these lawsuits increases, so does the chance that highly classified sources and methods of our intelligence community will be unnecessarily and unlawfully disclosed. Our enemies are acutely aware of these proceedings, and are certainly attempting to gather information previously unknown to them. The potential disclosure of classified information also puts the personnel and facilities of electronic communication service providers at risk.

Given all of the tremendous harm and damage that will occur by not passing a form of limited liability, I am amazed at the number of individuals who fail to grasp the seriousness of the issue before us.

To those who purport to oppose immunity in any form, I would hope that they take the time to actually read the bill. For those unable to tear themselves away from their favorite partisan blog, I am going to quickly tell you what the immunity provision says, and what it does not say. Remember, this bill passed 13-2 in the Intelligence Committee.

A civil action may be dismissed only if a certification is made to the court certifying that either (1) the electronic service provider did not provide the alleged assistance, or (2) the assistance was provided after the 9/11 attacks, and was described in a written request indicating that the activity was authorized by the President and determined to be lawful.

Furthermore, this certification has to be reviewed by the court before a civil action can be dismissed.

It does not provide for immunity for Government officials. It does not provide for immunity for criminal acts. Instead, it is a narrowly tailored provision that strikes a proper balance. This point can't be overlooked; the immunity provision in the current bill has absolutely zero effect on the numerous lawsuits pending against Federal Government agencies. These cases will go on, with their questionable constitutional challenges, with no impact from this bill.

Some Senators have suggested that indemnification or substitution would be possible solutions. Let me be perfectly clear, neither one is appropriate or acceptable in this situation. The Intelligence Committee considered both of these ideas, and rejected them for good reason. Indemnification, where the Federal Government would be responsible for any damages awarded against the providers, is not advisable since the providers would still be parties to the lawsuits, and thus the suits would continue with the consequences of disclosure and discovery. Not only does this further the likelihood of disclosure of classified material, but the companies will face serious damage to their business reputations, relationships with foreign countries, and stock prices. This is extremely unfair, if handled improperly.

Substitution, where the Government would litigate in place of the service providers, is not a viable solution since all of the same concerns just mentioned still apply. Even though the providers will not be parties to the litigation, discovery will still apply.

Don't we realize that having the Government fund unnecessary litigation is a tremendous waste of taxpayer dollars? The Government does not magically create dollars, it taxes hard-working Americans. When it comes to funding, who do we think the Government is?

To say that the Government should pay is to say that our mothers, fathers, brothers, sisters, sons, and daughters should have money forcefully taken from their paychecks to fund frivolous lawsuits. This is Alice in Wonderland, and down the rabbit hole we go.

Finally, for those who love to expound the catch phrase "warrantless wiretapping" to assert some theory of illegality, I encourage you to carefully read the fourth amendment.

Contrary to any other assertion, the fourth amendment does not always require a warrant and is based on the reasonableness of searches. While the phrase is meant to scare people, "warrantless wiretapping" in this instance is perfectly legal and constitutional.

Immunity is an appropriate remedy. It is just. It is necessary. It is imperative for the continued success of our intelligence gathering.

While reasonable minds can disagree about political topics, this issue requires disciplined logic, not political hyperbole. I hope that people keep the following facts in mind when considering this topic.

The program did not involve interception of domestic to domestic phone calls.

The President and the highest levels of the executive branch determined the program to be lawful and conveyed this fact repeatedly in writing to service providers.

The electronic service providers' participation was vital to the security of our country.

Lives have been saved by this program.

The companies were called on to support a lawful program that was vital to the security of our country. Do the companies require thanks or appreciation? No, but they certainly do not deserve illegitimate and false criticisms that affect their financial well being.

A grateful public should certainly appreciate the critical assistance the companies alone can provide for the public's defense. These companies are quite possibly facing irreversible harm to their business reputation and cannot defend themselves due to state secrets.

This debate has far too many Monday morning quarterbacks, applying their revisionist history to best represent their political mantra. I strongly urge all of my colleagues to support the limited immunity provided for in S. 2248. Any company that has done its part to provide for the protection of American families deserves protection in return. If not, the next time we reach out for a helping hand, we will be the ones who receive a slap to the face. And really, who could blame them?

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, on November 5, almost 10 days ago, I came to the floor to say there it was a proud day in my time as a Senator because we were moving forward with consideration of the 2007 farm bill. Almost 10 days have passed and we are stuck. In being stuck, we are doing a disservice to the people of America, to the people of rural America. It behooves us to move forward with the kind of process that put together the 2002 farm bill and farm bills before that, where there was a procedure set out that there was an agreed-upon set of relevant amendments that were discussed and debated on the farm bill and then a farm bill was passed. To do otherwise is, frankly, letting down the farmers and ranchers. From my point of view, that is something which we ought not to do. It is something we have a moral obligation to avoid and where both Republicans and Democrats coming together can figure out a way forward to make sure we are addressing the realities and challenges of rural America, the realities and challenges of our farmers and ranchers, and the issues related to nutrition and all of the rest of the components of this very good farm bill which has been written by the Agriculture Committee, a committee which is composed of Republicans and Democrats, of which the Presiding Officer played a significant role in putting this farm bill together. It is important we move forward.

Let me talk about why I believe it is important to move forward. I decided to run for this position in the Senate several years ago in large part because there aren't enough people in Washington and on the floor of the Senate who cared much about what happens to rural America. There are very few people here, frankly, who have lived through the hard times and celebrated the joys of being a farmer or a rancher. It is important the voices of farmers and ranchers, who have dirt under their fingernails, whose hands are unmistakably calloused by the hard work they do, be heard in this Chamber. We do a tremendous dishonor to those hard-working Americans when there are the procedural and political games that are being played here today.

The majority leader came forward and said what we ought to do is go to the farm bill. It is a good farm bill. We ought to decide that there is maybe a subset of amendments, 10, 15, 20, whatever it is, and get on with the farm bill. Yet 10 days later, we are not making very much progress. Why aren't we making progress? Is it possible that some people on the other side simply do not want a farm bill, that they would rather see this work, which has been a labor for several years by many people, be killed? Is that their agenda, to kill the farm bill?

To all the farmers and ranchers who are listening across America today, to all those organizations which have been a part of this effort over the last several years, to all those people who care about nutrition in schools, to all those who care about making sure the hungriest are being fed, the faith community and others, I ask them to make their voices heard in Washington today so we are able to move forward to get a farm bill done and to get it done before we go back for Thanksgiving. I believe if those voices are heard here, that in fact will happen.

For me, much of my life has been spent on a farm and on a ranch. I know what the joys of farming and ranching are. I know what the joy is after you have prepared a field and you go out to the field after you have applied the fertilizer and you have watered the soil and you start seeing the shoots of wheat or barley or the young plants of alfalfa spring up like magic from the soil. I know the joy of what it is like to go out in the middle of the night and to watch a baby calf being born and then, within 4 or 5 hours, to watch the baby calf begin to stand on its legs, suck on the milk, and then be out prancing around within 12 hours. It is almost a spiritual experience when you think about the beauty of nature that you get to experience firsthand as a rancher and as a farmer.

I know the joys of being there for harvest time. I know the joy of being on a combine and watching the golden color of the grain collected in the combine and dumping it out through the chutes into the trucks that take it into the bins for storage. I know the joy of putting up stacks of hay, 20,000 bales of the greenest hay that is possible. It makes you proud when your haystack is finally completed. I know all the joys that come with farming from what you get to see on the land itself.

I also know the joy that comes from the effort where a family works together, where you have, in many cases around America, family farmers and ranchers who have been on the same land for generations, as is the case with my family, where they have been on the same farm for five generations. I know the joy and special meaning of those lands, where you know the reality of every fencepost because it was my great-grandfather who put that fencepost up. I know where the ditches were built in our case on our ranch on May 15 of 1857, when they were finally adjudicated and given a water right for that ditch. We know the reality of our land and our water.

There needs to be voices in the Senate, Democrats, such as the Presiding Officer from Pennsylvania, and Republicans as well who come up and say: We are not going to let rural America down. We are not going to let this farm bill die. We are not going to let those who have some political agenda kill this farm bill, to turn their back on rural America and do what they are trying to do. It is unconscionable that they would be engaging on that agenda.

Like I know the joys of farming, I also know the hardships that come as a rancher and a farmer. I know the concerns you can have when you have cut a crop of hay and you see the clouds coming up at 10 or 11 o'clock in the morning, knowing that maybe before you get to a point where you are going to bale the hay, you are going to have a crop that will be ruined. I also know the fear of watching those clouds rise over the horizon, when you can know from the color of the cloud itself that a hailstorm is on the way and you wonder whether that storm is going to hit your crop or it is going to hit a neighbor's crop, whether devastation is going to be caused by that storm.

I also know the pain of being in a position where ranchers, farmers go to the bank and they say to the banker: I need some assistance because I can't afford to pay back my operating line because either the prices are too low this year or because we have had some kind of disaster that has affected our ability to pay you back.

I know farmers and ranchers personally who have lost their farms, who have lost their ranches, and there is nothing that is anymore painful than going to those auctions and watching those farmers and ranchers who have built their life and their entire dream around their farm or their ranch and the equipment they have and being there in a position where they are having to sell what, essentially, is the soul of their life, their farm or their ranch.

So what we do here today—what we are doing here on this farm bill—in incredibly important for rural America. It is incredibly important for farmers and ranchers. It is incredibly important for those of us who want to feed this Nation. Yet, somehow, as I see the debate taking place here, at last count there were some 255 amendments to this farm bill. Well, why are there 255 amendments to this farm bill, when we have been working on this legislation for a number of different years?

The distinguished ranking member of the committee, Senator CHAMBLISS, started to hold hearings on the farm bill several years ago. He held them all over the country—from Iowa to Georgia to other places. Then Senator HARKIN, the chairman of the committee, held hearings in my State of Colorado on the farm bill, held hearings all over the country—each of us working to produce the very best farm bill we possibly could.

In my own State of Colorado, I worked with the great agricultural organizations—from the Colorado Cattlemen's Association to the Rocky Mountain Farmers Union to a whole host of others—to make sure we were putting together the very best farm bill for America.

It is a farm bill that, in my view, is one which would give us a great opportunity to revitalize rural America, to make sure that when we look back at the dawn of this century we did not allow rural America to be sunsetted but that instead we reinvigorated rural America in a way that has not ever happened before.

We have some great opportunities to do that because this farm bill is not just about farms; it is about fuel, it is about our energy security, it is about the future of our country in so many different ways. Yet we are being stalled here. We are not being allowed to move forward to consider this legislation and the substance of this legislation.

Let me say from my point of view, when I look at the future of agriculture, the future of ranching, and the future of rural America, what I see. First, I see great promise, and then I see great hope. I see great promise and great hope if we can do for rural development that which needs to be done.

We know today that per capita income in rural America is a lot less than it is in urban America. We know today that the infrastructure issues that are faced in the small towns of rural America exceed the capacity of those communities to be able to deal with those infrastructure needs by multiple times. We know that in many towns in every one of the 50 States, and represented here, you can go through those towns and you can see what has happened as rural America has been more and more forgotten year after year.

As to the town of Antonito, located within 5 miles of part of our ranch, you can drive in that town today and can see the devastation of a great part of rural America. At one point in time there were four or five gas stations in the town of Antonito. Today, there is one gas station. At one point in time in this town of Antonito, which has a population of less than 1,000, there used be a number of different grocery stores to go and buy your food. I remember ShopRite because that is where I used to go and buy lunch sometimes when I was working out on the farm. ShopRite has closed. So have other stores. There is only one small store that survives today. You see the boarded-up streets of that town where probably 50 percent of all of the buildings today are vacant.

You see a whole host of other problems in rural America. What we have tried to do with this farm bill is to address those issues. If we are successful—as we should be—if we are successful—as we must be, as we are required to do if we are going to do our job—then we are going to open a new chapter of opportunity for America and for rural America.

That chapter of opportunity has several very important features to it. First, it will make sure we have food security for the United States of America. We do not want to become dependent on foreign sources for our food in the same say we have for oil. For me, for the time I have been in public service—and before—I have had a sign on my desk that says: "No farms, no food." So no matter where you are, the 300 million people of America every day should remind themselves of that reality: "No farms, no food." This is about the food security of our Nation.

Secondly, the vision that we have with this farm bill we have worked on so hard for so many years is that we will contribute significantly to making sure we get rid of our addiction to foreign oil and that we grow our way to energy independence. The energy aspects of title IX of this farm bill are the most robust in the history of the United States of America. What you will see with this legislation, as it is implemented, is a rural America helping us grow our way to energy independence.

Senator GRASSLEY and I cosponsored legislation, a resolution which passed both this body as well as the House of Representatives, that says we can grow 25 percent of our energy from renewable energy resources. That is the ambitious vision that is included in this legislation. The energy components of the farm bill are incredibly important to the national security of the United States, to the environmental security of our world, as well as to the economic opportunities for America.

So I am hopeful we will open this chapter of energy opportunity with the passage of this farm bill, and that we will get it done as soon as possible.

Finally, when we think about the great conservationists of our country, there are no better people to take care of their land and their water than those who depend on it for a living. If you are a farmer or you are a rancher, you know you have to take care of your land and your water because that is your way of life. If something happens to your land and to your water, your way of life is taken away from you. So the conservation programs which are such a major part of this legislation are a keystone to the future of how we take care of our planet.

This legislation, under the leadership of Senator HARKIN, is the best legislation that has ever come forward on a farm bill with respect to the many conservation programs that include the Wetlands Reserve Program, the Conservation Reserve Program, and a whole host of other programs that are going to be important to make sure we have the best conservation agenda possible for our Nation.

In conclusion, I would make a plea to my colleagues, and that is that we work together to narrow down the number of amendments that need to be considered, and that we set about a process that will bring about a conclusion to this farm bill, so that then we can go to conference and we can get a farm bill that is a good farm bill for America, delivered to the President.

I also say to my colleagues—and there are some—who want this bill killed, don't do it. Don't kill this bill. It is too important for this country. Across America, people ought to be beating the drums in every State, in every county, in every village, on every farm and every ranch. They ought to be beating the drums and using their telephones calling the Members of this Senate, telling us we ought not to leave here until the job is done. And the job will be done when we get this farm bill adopted by this Senate, which I predict if this bill, in its current fashion, were to be brought to a vote today, it would pass with about 70 to 75 votes.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from Colorado. He comes to the Senate with an amazing background. I have sat and talked to him from time to time about his family. Senator SALAZAR's family came to the United States 400 or 500 years ago. They were some of the earliest settlers of our country, in the southwestern part of the United States. The founding of the city of Santa Fe, NM, his family was directly involved in; the naming of mountain ranges and rivers. They were there long before my ancestors ever had the good fortune to come to these shores.

I have also heard the stories of his youth, how he grew up on a ranch in Colorado with some very difficult circumstances, without the creature comforts many of us in the cities were used to. It is clearly in his blood and in his heart. When he speaks about this farm bill, he is not talking about some academic conversation but, rather, about the reason he came to the Senate, to make sure families such as his would have a voice in so many different areas but particularly when it came to this bill.

This monster of a bill, 1,600 pages, is a bill we take up every 5 years. It is the farm bill. But it includes so much more, as Senator SALAZAR has told us. It is not just about keeping our farms productive and our ranches profitable, but it is about rural America, small town America, the America of the Senator's youth, and the America I was fortunate enough to represent as a Congressman in downstate Illinois for so long.

His statement on the subject is not just another political speech. I know it came from the heart. I thank him for reminding us about the importance of this bill to small town America, to farmers and ranchers across America, and why these very practical, commonsense, hardheaded folks would find it hard to understand what is happening on the Senate floor over the last week and a half.

You see, for 10 days we have virtually tied up and stopped the Senate in the consideration of this farm bill. It should have been passed a long time ago. When you take a look back at previous farm bills, in 1990 there were 7 days of consideration of the farm bill. Mr. President, 122 amendments were dealt with. There were only 2 that were not relevant to a farm bill—only 2—and 122 were.

In 1996, 4 days were spent on the farm bill, and 24 amendments were considered to the bill. None of them were about anything other than farming and agriculture.

In 2001 and 2002, there were about 16 days of consideration on the farm bill, with 53 amendments. Only one was offered that did not have anything to do with the farm bill, which was offered by Senator KYL of Arizona on the estate tax. There was one side-by-side amendment offered by Senator CONRAD. That was it.

Well, it is a different story today. Senator SALAZAR has told us. This morning, Senator REID, the majority leader, the Democratic leader, gave me a list of the Republican amendments they want to call on this farm bill. We have been tied in knots now for almost 10 days in the Senate because the Republicans refuse to come up with a list of amendments we could consider.

They finally came up with this list. When you take a look at the amendments on this list, you can understand what their game plan is. After all the time we spent in preparing this bill, it is very clear they do not want this bill to be called. They do not want us to debate it. They want to talk about everything under the Sun except a farm bill.

Here are a couple examples of things they think should be talked about: Senator MURKOWSKI of Alaska thinks the farm bill is a good time to talk about *Exxon Valdez* litigation. Senator KYL of Arizona believes this is the tax bill, so he wants to talk about the alternative minimum tax. In fact, he has filed at least one amendment, maybe more, on the subject. Senator LOTT, the Republican whip, thinks this is a good tax bill, too. Let's get into a debate about the alternative minimum tax, an issue which clearly we will debate and will decide before the end of the year.

Senator COBURN believes we should talk about the estate tax. Senator MCCONNELL also wants to talk about the estate tax. He also wants to talk about the alternative minimum tax. Senator STEVENS of Alaska wants to talk about protecting kids from online predators. I am all for that. I am trying to figure out what the connection is with the farm bill, though.

Senator GREGG is one of the most prolific when it comes to producing amendments which have little or nothing to do with the farm bill. He wants us to get into a debate on the mortgage crisis in America. It truly is a crisis. He thinks the farm bill is the place to do it. He wants to talk about immigration, too, while we are on the farm bill—not ag workers and immigrants brought in for that purpose—but the issue of driver's licenses for the undocumented. He also thinks it is important for us to get into an issue of collective bargaining for firefighters. I happen to be a cosponsor of that bill. I never would have dreamed that amendment should be offered on a farm bill. Senator GREGG of New Hampshire—I don't know how many farmers there are in his State. I don't know what they grow; I am sure they are very good people—has decided their interests have to be set aside. He has other things he wants to talk about.

He also has the notion in which he thinks, in addition to immigration, mortgages, firefighters' right to collective bargaining, we should in the farm bill say women who live in rural areas of America will be denied the right to sue doctors guilty of malpractice. Women in rural areas will have a limited legal right to sue doctors guilty of malpractice. Well, I am sure the rural women of America are grateful Senator GREGG wants to make sure they are a special class, unable to use their constitutional legal rights in court if they are injured or a member of their family is killed as a result of medical malpractice. He thinks that belongs on the farm bill. He also has one about the Gulf of Mexico. I will have to dig into that. He has gone far afield. I think he turned his legislative staff loose and said: Got any ideas? Let's put an amendment on the farm bill.

Senator DOLE wants to get into taxes. It goes on and on; page after page of amendments.

Well, clearly, we can't consider those amendments if we are serious about passing a farm bill. So what Senator REID and Senator HARKIN, the chairman of the Agriculture Committee, did was say to the Republican side: Let's get serious. Let's get down to business. Let's cooperate. Let's bring up the amendments that relate to the farm bill, and let's do it on a bipartisan basis.

So this morning Senator HARKIN said: How about starting with the amendment of the Senator from North Dakota, Senator DORGAN, cosponsored by Senator GRASSLEY, a Republican of Iowa. Let's have limited time for debate, and then let's vote on it. Well, Senator SAXBY CHAMBLISS of Georgia, the ranking Republican on the Senate Agriculture Committee, objected. He didn't want to bring up a bipartisan amendment to be debated for 60 minutes and vote on it.

Then Senator HARKIN said: Well, let's pick another bipartisan amendment, the Lugar-Lautenberg amendment regarding farm program reform, 2 hours of debate and a vote. Senator SAXBY CHAMBLISS, the Republican on the Senate Agriculture Committee, objected.

Senator HARKIN, undaunted, then suggested that Senator PAT ROBERTS of Kansas, a man who has an extensive background in the House and Senate on ag programs, be given 90 minutes on his amendment, and then a vote. Senator SAXBY CHAMBLISS, the Republican ranking member on the Senate Agriculture Committee, objected to even calling up his colleague's amendment for a vote. Do you see a pattern emerging? It isn't so much about amendments and votes; it is a matter of stopping the bill.

Senator HARKIN, indefatigable, then suggested that Senator STEVENS of Alaska—another Republican—be allowed to call up his amendment with 60 minutes of debate and a vote. Senator CHAMBLISS, still stuck on the agenda of stopping this bill, objected.

Then Senator HARKIN, showing the magnanimity of a great corn husker from Iowa, suggested we proceed to the amendment by Senator ALLARD, a Republican from Colorado, 60 minutes of debate and a vote. Senator CHAMBLISS, unmoved by the generosity of Senator HARKIN, objected. Five requests, every one of them but one an amendment either sponsored by a Republican or cosponsored by a Republican, and the Republicans objected.

Well, you don't need to be a C-SPAN addict to figure out what is going on. The Republicans don't want us to finish the farm bill. After months and months of hearings, after an elaborate process, after negotiations and compromises on both sides, after a lot of hard work, 1,600 pages of policy are rejected by the Republicans. I am not surprised. This is the party that failed for 6 years—6 straight years—to pass the Water Resources Development Act, a critical bill for farmers in my State. This bill will provide the funds to upgrade the locks and dams so important for ag commerce. It wasn't a major priority for the Republican Congress. For 6 years, they ignored it, failed to pass it. We finally passed it this year, and last week, in a historic Senate vote, overrode the President's veto the 107th time it has occurred on the floor of the Senate. The Republicans, left to their own devices, couldn't pass the bill. When we finally passed it on a bipartisan basis, their President vetoed it, and they joined us in overriding the veto.

Now comes the farm bill, which doesn't come around that often—it has been about 5 years—and they want to stop this one too. They want to stop it by killing it with amendments. Senator HARKIN has gone out of his way to give them votes and debate on critical amendments that do relate to the farm bill, but that is not their strategy and that is not their goal. Their goal is to kill the farm bill. I am not sure why.

In my State, I would hazard a guess that there are more Republicans who are farmers than Democrats. It doesn't make much difference from my point of view as a Senator; I am going to help farmers in general, and their political identity is secondary. But why would they turn their backs on so many farmers across America when we have a chance to pass this farm bill? Why wouldn't they agree to a reasonable number of amendments that stick with the farm bill and what it is all about? Well, because, frankly, they don't want us to achieve the goal of passing the farm bill. It isn't new to many of us. We have seen it happen over and over again.

We have something in the Senate called a filibuster, and a filibuster goes back in history at least 90 years. We said at that time, any Senator can stop any bill from being debated and considered. About 90 years ago, we amended that and said: Well, I will tell you, if 67 Senators step forward and say we want to go to the bill anyway, they can overrule that one Senator who said no—67. That was back 90 years ago. About 40 years ago, that was changed to 60 Senators. So you have a filibuster, which is an attempt to stop the debate, stop the progress of the bill, and if 60 Senators will step forward and say we disagree, then you move forward with the amendment, you move forward with the bill. That is the filibuster in the simplest terms.

In the history of the Senate, the most prolific use of the filibuster to delay votes and kill bills produced 58—58—filibusters over 2 years—58 over 2 years. Well, our colleagues on the Republican side of the aisle are about to break through that record dramatically. Senator STABENOW has created this chart. It shows to date 52 Republican filibusters on motions for cloture—52 this year. We still have another year and 2 months to go. The Republicans have tried to stop legislation on this floor with a filibuster and a motion for cloture 52 times. So this is certainly going to be the Republican Senate on steroids when it comes to filibusters. They are going to bust through the old record, and they are going to stop everything they can, including a bipartisan farm bill.

They accomplished so little when they were in charge and in control that they want to make sure we accomplish as little as possible. That is unfortunate. It is unfortunate because the American people want us to cooperate. They want us to compromise. They want us to try to come up with legislation that solves America's problems, not squabble and fight and exalt our differences.

Luckily, there have been a few things—in fact, a significant number of things—that have been enacted by this Congress, despite 52 filibusters. I think back on passing the increase in the minimum wage, and I think it was the first time in 10 years we finally passed an increase in the Federal minimum wage. We passed historic legislation to provide student loans for students from families with limited means, reducing the cost of those loans and forgiving some of those loans. We passed that. We also managed to pass the Children's Health Insurance Program, a program that would extend coverage to another 4 million uninsured children in America—children who weren't the poorest, because those kids are taken care of in our caring Nation; and not the luckiest, because their parents don't have health insurance—but those caught right in the middle. Mom and dad go to work, no benefits, and we had a program that said let's help them. Let's provide private health insurance for those kids. Well, the President stopped that, vetoed it, and the Republicans refused to override that veto. We passed it, not once but twice, despite the odds against us in passing important legislation.

I think about stem cell research, too—the first President in history to have a Federal prohibition against medical research when it involves stem cells. We passed it with a bipartisan vote to override this prohibition. The President vetoed it.

So time and again, whether it is help for education or health care, we have been up against it: The failure of the Republicans to cooperate and pass the legislation, or the President's veto that they are afraid to override. That, I think, is the story of the Republican strategy of this session. It puzzles me. Do they think this is a winning strategy in America, a party so bereft of ideas and policies that all they can do is stop us?

This bill is not a Democratic bill, this farm bill. I think Senator CHAMBLISS, if he were on the floor today, would readily concede he played a big role in writing this bill. Senator ROBERTS of Kansas played a major role in writing this bill. Two Republican Senators who were involved in this legislation. Yet when it comes to trying to pass it, unfortunately, Senator CHAMBLISS objected five times in our attempts to bring this bill forward and move it forward.

They don't want this Senate to achieve anything, whether it is a farm bill or whatever it happens to be. But we are not going to quit. We are not going to be discouraged. We can only hope that those who follow this debate will respond. If you live in rural America, small town America, a farm family, a ranching family; if you know the importance of rural electric; if you know what it means to have soil and water conservation programs to protect the area you live in; if you think that bringing broadband Internet to all of America, including small towns and rural areas is important; if you think our Food Stamp Program to make sure the poorest in our country have something to eat is important; if you are worried about school lunch programs and whether they have good quality so our kids get nutritious food; if you happen to believe that the WIC Program, which is a program which helps low-income mothers and their babies is important; if you believe that making certain our farm sector in America can survive difficult times—a bad year—whether it is a drought or a flood, a tornado; if you think it is important we have programs to protect that part of America; if you believe we need to have alternative sources of fuel and not be at the mercy of OPEC and the Middle East sheiks and we should be producing ethanol and other forms of fuel that can help us move toward energy independence; if you think any of those things are important, I encourage you to contact your Senator and tell them to get moving.

Ten days on the farm bill with nothing happening is unacceptable. It is the Senate at its worst. It is the minority with their program at its worst.

We need to have bipartisan cooperation. Senator HARKIN tried repeatedly. We will keep trying. But if the object of the Republicans is to run out the clock, to have us break and go home for Thanksgiving with no farm bill passed, I assume they can achieve that. Boy, talk about bragging rights, going home to your State and saying: We stopped the farm bill. You know, every 5 years, it comes around. We stopped it cold, even though it is a bipartisan bill. That is what they will be able to brag about.

Senator GREGG has told me he has lots of amendments. He is thinking of even more. He is ingenious when it comes to different subjects, and I am sure his staff is busy right now thinking of other amendments they can add to this bill that have nothing to do with the farm bill, and he is going to want to ask that we vote on every single one of them. We could all do that. I guess there would be some personal satisfaction, but at the end of the day, very little legislation and very little to show for our efforts. This list, this three-page list of Republican amendments, is an indication of bad faith. If they are serious about a farm bill—and we should be—let's agree to a reasonable number of germane, relevant amendments that have something to do with the farm bill. Let's not make this a bill for all seasons; let's make this a bill for America's agricultural sector that counts on us.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate stand in recess today from 2 to 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, we have for many weeks now been debating in this Chamber the 2007 farm bill. In my State of Ohio, passage of this legislation is essential to ensuring the well-being of middle-class and low-income families throughout our State. The bill is an agriculture bill, it is a hunger bill, it is an energy bill, it is a conservation bill. Melding these priorities is not easy. Melding these priorities into a bill that helps farmers, that advances our Nation's energy goals, that increases the focus on conservation, and that bolsters nutrition programs is a profound accomplishment.

As we debate the complex components of this legislation, I applaud Chairman TOM HARKIN, a Senator from

Iowa, for his leadership. We must never lose sight that this bill is about families. Families in Ohio and across the Nation are depending on us to pass this legislation in a timely manner.

This spring, I traveled throughout Ohio and heard directly from farmers about what they need in this year's farm bill. They need the same thing any other entrepreneur needs—a fair shake. They need a safety net that makes sense given the revenue fluctuations they experience. They need for Washington rhetoric about conservation and alternative energy to translate into commonsense programs and meaningful incentives.

This bill will help family farmers in Ohio and in New Jersey, the State of the Presiding Officer, and across our country by strengthening and diversifying the farm safety net. Current farm programs protect farmers from chronically low prices. However, these programs do little to help farmers when prices are high but yields are low, resulting in a revenue shortfall. By targeting overall revenue rather than simply price, farmers can receive better protection against swings in prices and natural disasters.

Currently, crop prices are high but volatile. Farmers' input costs are rising, as well as their overall risks. Farmers should be given the opportunity to choose an alternative safety net if it better allows them to manage their own farm's risk in today's uncertain and evolving farm environment.

The average crop revenue program, brought to this bill by Senator DURBIN, Chairman HARKIN, and me, gives farmers a choice. The average crop revenue program will matter to help those farmers with a safety net. For the first time ever, farmers will be able to enroll in a program—it is their choice; they don't have to—they can enroll in a program that insures against revenue instability which for many farmers makes more sense than a price-focused safety net, which is the old farm program.

As I traveled around Ohio, I met with Mark Schweibert, a corn farmer in Henry County in northwest Ohio who will likely take advantage of average crop revenue. He will be supplying corn to one of the first ethanol plants in Ohio. I met that same week with Ralph Dull, a hog farmer from Montgomery County, who uses wind turbines to provide on-farm energy.

This farm bill makes a commitment to move beyond antiquated energy sources and to prepare American agriculture to lead the world in renewable energy production. With the right resources, the right incentives, farmers can help decrease our dependence on foreign oil and produce cleaner, sustainable, renewable energy. In a State such as Ohio, with a talented labor force and a proud manufacturing history, that just doesn't mean stronger farms, more prosperous farms; it means a better Ohio and a stronger economy.

This bill will provide more than $4 billion in additional funding for conservation programs to help farmers protect our water quality, expand our wildlife habitat, and preserve endangered farmland. And this bill does something else equally important: It fights hunger.

Earlier this year, when the Agriculture Committee began this process, we heard from Rhonda Stewart of Hamilton, OH. Rhonda Stewart, a single mother, came with her young son. She told us a story. She told us that she works a full-time job, has no health care, and makes about, I believe, $9 an hour. She teaches Sunday school, She is involved with the Cub Scouts for her son, and she is president of the PTA at her son's school. She plays by the rules. She works hard. She said that at the beginning of the month, as she is a food stamp beneficiary, she makes pork chops for her son once or twice that first week. Later on in the month, maybe she takes him to a fast food restaurant. Almost invariably at the end of the month, she says she sits down at the kitchen table and her son is eating dinner and she does not.

Her son says: Mom, what is wrong? Are you not hungry?

She says: I am not feeling well tonight.

For Rhonda Stewart, who teaches Sunday school, is involved with the Cub Scouts, is president of the PTA, works hard, pays her taxes, raises a son, is a food stamp beneficiary of $1 per person per meal, and $6 a day roughly for Rhonda Stewart does not go far enough. What we do in this Chamber can help Rhonda Stewart, her family, and millions of families such as hers. The farm bill increases food stamp benefits and indexes those benefits to inflation. When the purchasing power of food stamps erodes, so does our Nation's progress against hunger. We are the wealthiest country in the world. We are a caring, compassionate people. Families in our country, especially families who work hard, such as Rhonda Stewart and her family, should not go hungry.

I am pleased with the overall bill. There are some things we can do to improve it. The public is perfectly willing to help family farmers when they need it, as we should. However, taxpayers will not support massive payments to farms that have substantial net incomes or huge payments to farmers who are not really farmers, who have huge off-farm income and really just happen to own farmland.

I will be offering an amendment to return some of the excess subsidies in the Crop Insurance Program to the American taxpayers and to provide funding for the McGovern-Dole program.

We have heard, of course, tales of woe from the crop insurance industry over the past few weeks as they furiously lobby against this amendment. But the facts tell a different story. Instead of letting the crop insurance industry exceed even their already record returns, I think we will get far better returns with modest investments at home and abroad. The McGovern-Dole program—which would be funded with part of the revenues from the crop insurance amendment—provides funding for school lunches in developing nations. The potential benefits are immense for our national security. We responded decades ago to a hostile Communist threat in Europe with the Marshall Plan. Our best response to a hostile threat overseas is to provide help in nutrition and education for people who desperately need it.

Passage of the 2007 farm bill is not just a responsible thing to do for this body, it is the right thing to do for our families, for our farmers, and for our Nation.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I personally thank you for your courtesy in taking over the Presiding Officer duties so that I may make these comments. I appreciate your courtesy.

IRAQ

Mr. MENENDEZ. Mr. President, 3 weeks ago, I began a series of speeches on the price America is paying for the failed war in Iraq, and I wish to continue today. The number of American service men and women killed in action has risen to 3,855, and with every death of a husband or wife, a son or daughter, a mom or dad, the suffering of a family soars to that place where numbers do not matter, to that place where pain is beyond infinite.

I have spoken about what the war has cost us financially. Since the war began more than 4 long years ago, we have spent over $455 billion. Over the long run, it will cost almost $2 trillion. Again, those are not just numbers, those were cargo scanners that could have been installed at our ports, safer bridges that could have been built, lifesaving cancer research that could have been done, children who could have been educated, lives that could have been saved—a world of possibilities that passed by us all. I have tried to help us all imagine what we are giving up by failing to awaken ourselves from the living nightmare that is the war in Iraq.

Today, I wish to talk about the people who have given so much, people who will be paying for this war for the rest of their lives—our veterans and their families.

On Sunday, we celebrated Veterans Day. I wish to talk about how much we could do for those who have served with the amount of money we have used to send them into harm's way.

Mr. President, 28,451 troops have come back from Iraq with horrible wounds. Some wounds are physical. Some have had their legs or arms blown off by bombs. Some are blind from shrapnel in their eyes.

And some wounds are mental. Denying that war can wound a brain along with the rest of the body is denying so many veterans' nightmares, flashbacks, shocks or changes in personality so radical—so radical—that loved ones can no longer recognize the person they once knew.

Today, Army researchers are releasing a study showing that the full psychological impact of the war tends to hit soldiers even harder 6 months after they have returned from the war. So the ranks of those suffering are about to grow by many thousands.

Beyond the human cost of these injuries, the financial costs to our society are tremendous. A report released by Physicians for Social Responsibility puts the cost of medical care and disability benefits for veterans returning from Iraq at over $660 billion. So in a very direct sense, the war has been more than twice as financially expensive as we might think just looking at the combat costs.

The human and financial costs don't end with just health care. Here is a shocking statistic, Mr. President: Veterans make up one in four homeless people in this country. That means almost 200,000 veterans don't have a home to go back to tonight. Experts say the rates of homelessness are spiraling up faster than they did after the war in Vietnam.

Mr. President, that is a moral outrage. These people put their lives on the line for our country, no questions asked. It is a shame our men and women in uniform would be sent to patrol the streets of Baghdad only to have to come back and sleep on the streets of their own hometowns.

That is why Democrats in Congress are working to give veterans the support they deserve. The Senate recently passed a bill that contains the largest increase in funding for our veterans in history. We are reinvigorating our Veterans Affairs Department with a record $87 billion, which is several billion dollars more than President Bush said he was willing to spend on our veterans, with $37 billion for veterans health care. Billions of dollars are headed to expand medical services and beef up the administrative side so vets spend less time waiting to get their benefits.

Now, compare this to the costs of combat. Let's compare the investment in the men and women who serve in the uniform of the United States to the costs of combat. We could pay for the entire Veterans Health Administration budget—the entire Veterans Health Administration budget, all $37 billion—with what we spend in less than 4 months of combat in Iraq. Take care of every veteran, in terms of the veterans health care system. We could pay for that entire budget, $37 billion, with what we spend in less than 4 months of combat in Iraq. And some say it is too much? Where are their priorities?

Just as important as making sure vets have excellent health care is making sure they have an opportunity to get an excellent education. I am proud to be a cosponsor of a bill offered by Senator WEBB that would be the biggest boost to veterans education since World War II. Preparing thousands of veterans to enter the civilian workforce with a first-rate education would cost about $5.4 billion next year—$5.4 billion—for, in essence, a new GI education bill. In other words, it would cost what it takes to fund combat in Iraq for roughly 2 weeks to make sure thousands of veterans can enter the civilian workforce when they come back.

Here is one of our challenges. Many of our vets come back and find the jobs they once had are no longer there. They find themselves, after serving their Nation, unemployed. The type of first-rate education we could give them would clearly create an opportunity to ensure they would have greater skills, greater employability, and that would take roughly 2 weeks of funding for the war in Iraq.

Democrats in Congress are also working to end the pandemic of homelessness. I joined with Senator OBAMA to support a bill called Homes for Heroes. The bill would establish permanent housing and services for low-income veterans and their families. It would make more rental assistance available to help providers of veteran housing and services, and focus more attention on vets who are homeless. Of course, the more soldiers who go off to war, the more necessary this bill becomes.

The portion of the bill that helps community and nonprofit organizations offer housing to low-income veterans would require about $225 million to fund. We grind up enough money to house thousands of veterans in 16 hours in Iraq—not even a day. The costs of combat compared to the opportunity to providing a year of expanded housing for homeless veterans would cost the same as 16 hours of the amount we spend in Iraq. Some say too much. Where are your values? What are your priorities? How is it that you choose?

Of course, the price we pay in dollars can never compare to the price our wounded warriors and their families pay in lost limbs, in haunted dreams, and in lives changed forever. That is a price not one more soldier should be asked to pay for a pointless war. In the meantime, we need to act fast to get returning vets the help they need. Veterans got their wounds following their Government's orders. Those wounds can only heal if the Government reorders its priorities.

Democrats wanted to send the bill increasing funding for veterans to the President before Veterans Day, but President Bush is trying to use veterans funding as an excuse to veto other programs on which America depends. The President has also said funding a new GI bill for veterans' education is too expensive. Too expensive. Never have calls for fiscal responsibility been so morally irresponsible.

First and foremost, we can never forget the price tag our veterans have ultimately paid with their service, and the price tag for veterans services wouldn't be so high if this administration didn't recklessly send them into harm's way to begin with. The President seems to think we can't afford to spend on both veterans health and children's health. He seems to think we can't afford to treat the wounds our soldiers suffer and fund cancer research to save civilians from that brutal killer. He seems to think we can't afford to ensure the safety of our returning soldiers and make sure all Americans find safety in the workplace. But he did seem to think we could afford to chase Osama bin Laden in Afghanistan—as we should have—and then invade Iraq, even though both situations today are major challenges. He did seem to think we could fight a $2 trillion war in Iraq and give a massive tax cut to millionaires and billionaires, even though the economy hovers near recession and most American families are no better off now than they were at the beginning of this administration. He did seem to think he could sign every bill—every bill—the Republican-controlled Congress sent him, running up a debt to the tune of $3 trillion, borrowing money from foreign countries to pay for a war that makes no sense, ignoring pressing national priorities, underfunding care for veterans, leaving our ports vulnerable, leaving our educational systems underfunded, leaving the massive crisis in global climate change completely ignored, leaving children in this country without health care—because we have wanted to expand the number of uninsured children who have no health care coverage to those who would have health care coverage under our bill—leaving 47 million Americans with no health insurance whatsoever, and he thought that he could get away with all of it.

Well, Mr. President, now is the time for us to stand up and say: Sometimes you can't have it both ways. When it comes to children's health, when it comes to education and homeland security and veterans care, we had better be getting all the support we need.

On Sunday, our Nation devoted a day to those who devoted themselves to the Nation for military service. We took that day to celebrate how lucky we are—how lucky we are—and how unbelievably blessed we are as a nation to have such brave men and women rise again and again to offer their service when they hear the call. I hope we took that day to offer not just words but deeds of thanks.

A grateful nation not only goes to a Veterans Day observance or marches in a Memorial Day parade, as we should, but a grateful nation shows their gratitude by how we treat veterans in terms of getting them the health care they need, how we treat them in terms of taking care of their disabilities, and how we take care of the survivors of those who have made the ultimate sacrifice. That is the true measure of a grateful nation.

We took that day to remember the duty we have to them because of the devotion they have shown to us. Veterans Day is about a fundamental principle. When soldiers are shipped off to war, if we can look them in the eye and tell them there is a good reason we are waving goodbye, we better be able to look them in the eye when they come back and tell them we mean it when we say: Welcome home.

With 171,000 troops still in Iraq, I hope America's message on Sunday was: We look forward to the soonest possible year when you will celebrate Veterans Day here with all of us. We welcome you back, and we honor you by how we take care of you in your health care, for those who have disabilities, and how we have taken care of the families of those who have made the ultimate sacrifice. That will be the true measure of whether we are a grateful nation.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I am here to speak on the farm bill once again. I have done this before, but I wish to urge my colleagues across the aisle to move on this farm bill. I think it is incredibly important for my State of Minnesota and for our country that we move forward.

Minnesota is one of the largest agricultural States in the Nation. As a member of the Senate Agriculture Committee, where we worked hard to reach a bipartisan compromise under the leadership of Chairman HARKIN and Ranking Member CHAMBLISS, as well as Senator CONRAD and Senator BAUCUS—they worked hard on this—I believe we need to move forward. The bipartisan farm bill before us will invest in our farms and our rural communities so they will be a strong, growing, and innovative part of the 21st Century.

I have seen firsthand in my State, where I visited all 87 counties 2 years in a row, what the 2002 farm bill meant for rural America. It revitalized our communities. It gave our farmers the chance to take a risk and expand their production. We are on the cusp of starting to move forward toward energy independence. We are on the cusp of not depending on these oil cartels in the Mideast and instead investing in the farmers and the workers of the Midwest. I do not believe we should turn away from that. I believe it is time to move forward.

America's farm safety net was created during the Great Depression as an essential reform to help support rural communities and protect struggling family farmers from the financial shocks of volatile prices and equally volatile weather. Almost 75 years later, the reasons for maintaining that safety net still exist.

As I said, the 2002 farm bill spurred rural development by allowing farmers across Minnesota and across this country to expand production. Because of the gains in productivity and the expansion of the last farm bill, the 2002 farm bill came in, under a 10-year period, $17 billion under budget.

As we continue to debate the 2007 farm bill—and I hope my colleagues on the other side of the aisle will allow us to debate this farm bill—it is important not to underestimate the value of a strong farm bill. That is why, as a member of the Senate Agriculture Committee, I support this bill.

I do believe, as I know the Presiding Officer does, there should be more reform. I support the Dorgan-Grassley amendment to put some limits on subsidies. I also believe we should have some limits on eligibility—I suggest $750,000 for a full-time farmer, $250,000 income for a part-time farmer. I don't think there are the significant limits we need in the current farm bill. But, that said, we are not even going to be able to get to talk about those important reforms if we do not allow this bill to move forward. I think that is what our leadership is trying to do every day with this farm bill.

One of the issues that most interests me about this bill is the increased focus on cellulosic-based ethanol. That is a part our office worked on. Actually, the bill we drafted is a part of this bill. The idea is to build on our corn-based ethanol and soybean-based biodiesel to a new generation of cellulosic ethanol. It is better for the environment. It puts carbon back in the soil and is higher in energy content. We are not going to get there unless we have the incentives in place.

I know there are people who complain about ethanol, but I tell you I think of it as the computer industry in the 1970s, when the computers were in these huge rooms and they got more and more efficient and changed our country. It is the same with fuel. Right now we are at the infancy of an industry, ethanol and biomass and other kinds of farm-based fuel. We are at the beginning. If we let the oil companies have their way and tell us it is stopping them from building their refineries and allow them to get in the way and not allow us to retail the fuel as we should—there are outrageous stories of them not allowing the prices to be posted or the pumps to be put in. There are only 1,200 ethanol pumps in this country and 320 of them are in my State, but who is counting. If we are going to move forward with biomass and with our own energy, we have to allow this industry to develop.

When I talk to farmers across our State, what they like most about the 2002 farm bill is the safety net and the way it worked. It worked well for the first time in a long time. What we did with this farm bill was basically allow that safety net to stay in place and also rebalance the commodity programs to be more equitable for some northern crops such as wheat, oats, barley, soybeans, and canola.

I met with our wheat and barley growers a few hours ago. They are one of the many groups that care a lot about this. Again, they revitalized a lot of the areas of our State that had been troubled because of the fact that we have a thriving rural economy.

Another top priority for Minnesota farmers was creating a permanent program for disaster assistance. I thank Senator BAUCUS and the Finance Committee for their work in this area. Farmers are tired of coming back to Congress every year with a tin cup. We have been hit by drought, flooding, and everything in between. They had to wait for 3 years for Congress to pass the ad hoc disaster relief bill, and the permanent program of disaster relief will give farmers the security they need in moving forward.

I urge my colleagues on the other side of the aisle who are from farm States to think about the importance of this disaster program for their States.

The farm bill is not, as we know, just about the commodity programs and the safety net. It is also about energy. It is also, as I mentioned, about biofuels. I mentioned the cellulosic piece of it that is so important. It also includes bipartisan legislation Senator CRAPO and I introduced to double the mandatory funding for the Biodiesel Education Program. Spreading the word about biodiesel to drivers and gas stations is very important if we are going to help that industry. Again, I urge every Senator who wants less dependence on foreign oil to look at the energy portion of this farm bill.

One of the things that has plagued our rural communities in the last decade or so is the inability for younger people to get involved in farming. The committee accepted my amendment to improve the Beginning Farmer and Rancher Program. There are real opportunities today to start out in farming, especially in growing areas such as organic farming and energy production. But beginning farmers also face big obstacles, including limited access to credit and technical assistance and the high price of land.

The Beginning Farmer and Rancher Programs in this farm bill provide mentoring and outreach for new farmers and training in business planning and credit building—the skills they need to succeed and to stay on the land. If you are concerned because you have seen fewer and fewer young people going into farming in your State, I urge you to move this bill forward.

As I said, there are a lot of good things for Minnesota and for our country in this farm bill. There is, however, one area that needs reform and that is that we need to stop urban millionaires from pocketing farm subsidies intended for hard-working farmers. Here are the facts in our State. Minnesota is the sixth largest agricultural-producing State in the Nation and, I would add, as we approach Thanksgiving, the No. 1 turkey producer in our country. I was able to judge a race recently between a Minnesota turkey and a Texas turkey at the King Turkey Days in Worthington, MN, and I would like to report that the Minnesota turkey won the race. The Texas turkey got too cold and had to be carried over the finish line.

Minnesota, as I said, is the sixth largest agricultural-producing State in the Nation. Nationally, 60 farms have collected more than $1 million each under the 2002 farm bill. None of them are in our State. The average income for Minnesota farms, after expenses, is $54,000, but under the current system, a part-time farmer can have an income as high as $2.5 million from outside sources and still qualify for Federal benefits.

I very strongly support this farm bill, but I also believe we need some reform in this area because it makes no sense to hand out payments to multimillionaires when this money should be targeted to family farmers and conservation and nutrition and other programs under the farm bill. Right now, nearly 600 residents of New York City, 559 residents of Washington, DC, and even 21 residents of Beverly Hills 90210 received Federal farm checks in the past 3 years. Some collected hundreds of thousands of dollars.

We have the opportunity to fix this in this farm bill because the administration has not been doing its job in enforcing the rules, so I say let's use this farm bill to do it. Already in this farm bill in both the House and the Senate we have gotten rid of the "three entity" rule, of which there is much abuse. The House bill does contain some income eligibility limits. I believe it is $1 million for a full-time farmer, $500,000 for the part-time farmer. We, in this farm bill, have an ability to go further, as I suggested, with an amendment for $750,000 for full time and $250,000 part time. The Dorgan-Grassley amendment, which passed this Chamber in the past, would keep subsidy levels at $250,000. You put that in this farm bill. If we don't have this farm bill, if our colleagues will not allow the Senate to proceed, if we are not allowed to make this reform which the administration has not enforced on its own—I believe this is a great opportunity for us.

For the reasons I laid out there for the energy title, which is forward thinking, for the conservation title, which is more funding and much more aggressive look at conservation, for the nutrition title, where we are finally promoting our fruits and vegetables and are doing new things to promote more healthy kids—these are all things that are different about this farm bill. If we rest on our laurels and don't do anything new, we are not going to be able to move in the direction we want for the energy revolution in this country.

When my daughter did a project for sixth grade on biofuels last year, she actually drew a map of the State of Minnesota.

She had 2 little dots that said "Minneapolis" and "St. Paul," then she had a big circle that said "Pine City, the home of farmer Tom Peterson." That is whom she had talked to about biofuels.

I tell you this story because the future for our economy in Minnesota and across the country, when you look at energy, the rural part of our country is going to have a big piece of this. It is necessary for that development.

If we do not pass this farm bill, we are not going to get there. I urge my colleagues, for that and many other reasons, to move forward with the 2007 farm bill.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1429

Mr. President, I ask unanimous consent that at 3:30 p.m. today, the Senate proceed to the consideration of the conference report to accompany H.R. 1429, Head Start Authorization; that it be considered under the following limitations; that there be 60 minutes of debate with respect to the conference report, with the time equally divided and controlled between the chair and ranking member of the HELP Committee, or their designees; that upon the use or yielding back of time, the Senate proceed to vote on adoption of the conference report without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3:30 p.m.

Thereupon, at 2:01 p.m., the Senate recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. SANDERS).

IMPROVING HEAD START FOR SCHOOL READINESS ACT OF 2007—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report to accompany H.R. 1429, which the clerk will report by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of Friday, November 9, 2007.)

The PRESIDING OFFICER. There will be 60 minutes of debate equally divided.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend and colleague, the Senator from Wyoming, Mr. ENZI, for his strong advocacy and extremely effective work on this legislation. I also thank the staff of the HELP committee for their work on this important piece of legislation. This is an important moment in the Senate because this reauthorization of Head Start focuses on the most vulnerable members of society, the children, and it delivers a message of hope for these children and their families.

HELP Committee members are extremely involved and active in all the matters that come before our committee, but never more than on issues of education and early childhood development. We have before us legislation that reflects a coming together of both parties and both chambers of Congress to address the needs of children in our society. Reflected in this legislation are the interest of some of those who aren't with us physically, colleagues who are involved in the Presidential campaign. Senator DODD, who has been a longtime leader in the Senate on children and children's interests, has had important suggestions and recommendations. BARACK OBAMA has followed this process very closely and has been in frequent communication with us. Senator CLINTON has been very much involved in crafting this legislation, as well as a number of other pieces of legislation we approved in the committee earlier today.

We welcome an overwhelming vote this afternoon. There was an overwhelmingly bipartisan vote in the House of Representatives, 381 to 36. I am hopeful we will have a similar expression of support in the Senate.

We have an hour. I know I have several colleagues who want to talk. I will yield myself 12 minutes. I don't know how much I have used so far.

The PRESIDING OFFICER. The Senator has used 3½ minutes. Is that another 12 on top of the 3½?

Mr. KENNEDY. No, a total of 12. If the Chair will let me know when I have a minute and a half, I would appreciate that.

Planning for Head Start began in the early 1960s, before we knew all that we know today about how to best intervene and support the lives of young children living in poverty. At that time, as Attorney General, my brother Robert Kennedy decided to tackle the problem of juvenile delinquency. Research pointed to poverty as the root of the Nation's social and economic challenges. It was agreed that a strategy based on early education could be a significant part of the answer.

In August 1964, President Johnson and Congress launched the war on poverty by passing the Economic Opportunity Act. The Nation's poor numbered 10 million, with nearly half under the age of 12.

In the fall of that year, my brother-in-law, Sargent Shriver, convened a panel of experts in child development, education, public health, and social work to lay a foundation for the Head Start program. He envisioned a bold national commitment to prepare our neediest children for kindergarten and first grade. He conferred with experts like Dr. Edward Zigler, who is still a vigorous, forceful advocate for children, and they agreed that a comprehensive approach was needed. Preschool was the centerpiece of the plan, but a major emphasis was placed on health care and parent involvement, too.

The following year, Head Start came into being as an 8-week summer program. With the help of thousands of volunteers, it served 560,000 children through preschool classes, medical and dental care, and health services. Over the years, it would reach over 24 million.

Today the face of poverty and of America's neediest families has changed. The American workplace has changed, and our education system is being challenged to keep up with the global economy. Head Start has always adapted, finding new ways to respond to the demands on low-income, working families. But its mission has remained the same—to help our most vulnerable children succeed in school and in life.

When parents are asked what they most want to accomplish in life, their answer undoubtedly includes a desire to open the doors of opportunity for their children. They want a fair chance for their children to grow up in a healthy and safe environment, to graduate from high school and go on to college, and to achieve the American dream.

That dream should be available to every child in America. But far too often, families are still struggling to put food on the table, buy clothes for their children, pay the rent, or see a doctor. Poverty is again on the rise. Today, 1 out of every 5 children in America grows up poor.

Poverty has many dimensions. It is a labor issue, because pay is so low and workers are exploited. It is a civil rights issue, because so many African American and Latino families are often the ones left behind. It is a health care issue, because the health care that families in poverty receive is so substandard. Most of all, it is a children's issue, because the children of the poor have done nothing wrong. But they still pay the price.

It is our responsibility as a Nation to help those in need. The Federal bedrock of that commitment is Head Start. It has always been an important symbol of our responsibility to others. At its core are the values that shaped our democracy: Equity, opportunity, community empowerment, and economic progress.

Head Start is based on the premise that education is the key to the future and to breaking down the destructive forces of poverty.

It provides the starting point for a child's day, with a healthy meal each morning and a promise to parents that while they are at work and balancing two jobs, their children will see a doctor and dentist, and receive immunizations.

It provides children with the building blocks they need to enter school ready to learn. It teaches the social and emotional skills needed by children to pay attention in the classroom and get along well with others. It expands their vocabulary, gets them excited about reading, and teaches them to count.

It welcomes parents into its programs, gives them opportunities to make decisions about their child's learning and development, and sometimes helps families find a roof for over their head.

Over the years, with each new educational and developmental advance in research, we have learned more about how Head Start can be improved. And with that learning, modifications have been made to enable the program to be even more effective.

In 1972, the Child Development Associate program was established, to provide a standard of quality for Head Start teachers and aides.

In 1974, the reauthorization of Head Start established the comprehensive Program Performance Standards to guide Head Start centers in providing essential educational, health, and social services, and achieving parental involvement. The reauthorization also paved the way for a network of training and technical assistance activities to help Head Start agencies enhance the quality of their programs.

In the 1980s and early 1990s, the Indian and Migrant Head Start programs were formed, and family service centers were established to combat illiteracy, substance abuse, and unemployment in Head Start communities. At that time, Head Start also began its important focus on improving transitions for preschool children to public schools.

In 1994, we created Early Head Start to serve low-income infants and toddlers in the first 3 years of their development. That legislation also led to the development of improved performance measures to assess outcomes in Head Start and new guidelines for monitoring Head Start programs.

The current reauthorization applies the lessons learned from the past with the new knowledge of child development and early education to enable Head Start to be even more successful in the years ahead.

There is no question that Head Start is effective. Our own federally mandated study of Head Start found that it expands children's vocabularies, and makes the greatest difference for those with the greatest needs. Head Start improves children's writing skills, and helps children grow in their social skills and behavior.

By the time Head Start children complete their kindergarten year, their skills and developmental abilities are near the national average, with scores of 99 in early literacy, 98 in early writing, 95 in early math, and 95 in vocabulary.

We are talking about the most disadvantaged children in America. They are often well behind in terms of their ability to enter school ready to start. Look at the results at the end of kindergarten. Head Start children catch up to their peers, to the national norm. It brings the children up so, hopefully, we will be, as a country and society, more equitable, more fair.

This reauthorization maintains high standards and comprehensive services in Head Start. It upgrades educational components of the program, and ensures that it delivers the skills and support that children need to succeed in kindergarten and the early grades.

It promotes greater partnerships between Head Start programs and local schools, and ensures that services continue to be framed by the highly effective Head Start Child Outcomes Framework. It also provides a needed bridge for parents to their local schools, to promote greater coordination and ease the transition of children from preschool to kindergarten.

We also terminate the flawed National Reporting System, and ensure that new educational standards and measures used in Head Start will be informed by the National Academy of Sciences. Two years ago, the Government Accountability Office confirmed many of our long-standing concerns with this assessment, concluding that the test is not valid to make determinations about programs and students. The study also confirmed that the test was inconsistent with nationally-recognized testing standards, and unclear in its purpose.

This reauthorization ensures that any assessments used in Head Start will be valid and reliable, fair to children from all backgrounds, and measure the whole child. Head Start children and their families deserve nothing less.

Head Start teachers and staff are the heart and future of the program. They help children learn to identify letters and arrange the pieces of puzzles. They teach them to brush their teeth, wash their hands, make friends, and follow rules.

This reauthorization sets important and unprecedented goals for enhancing the skills and qualifications of Head Start teachers and staff. In this reauthorization, we are striving to help all teachers earn their associate's degree over the next 6 years, help half of all teachers in Head Start earn their bachelor's degree, and help all assistant teachers work toward completing a CDA or another early education credential.

These are ambitious goals. But we know that learning and development of young children require good teachers and that there is a strong link between educational qualifications and the quality of programs.

The quality of a program doesn't just depend on the educational background of its teachers, which is why we are also calling for professional development and a career advancement plan for every Head Start employee including family service workers, assistant teachers, and curriculum coordinators. We have established new partnerships to increase staff in Head Start who are prepared to serve the diverse children enrolled in the programs.

Most of all, we have worked to ensure that Head Start agencies have a dedicated stream of funds to provide needed training for teachers. The reauthorization dedicates $2 million this year to local training and improvement efforts, much of which will be used to improve and strengthen the Head Start workforce. We commit to confronting the persistent challenge of compensating Head Start teachers as the professionals that they are. Head Start teachers earn half the salary of kindergarten teachers, and turnover is about 11 percent per year.

This conference report commits 40 percent of new funds in Head Start to program quality and teacher salaries, to do more to attract and retain caring and committed leaders. It ensures that each Head Start Center will receive an annual cost-of-living increase to keep up with the rising costs of operation and overhead.

We grant additional flexibility in this reauthorization for Head Start to serve thousands of additional low-income children in need, by including families just above the Federal poverty level. It is essential for Head Start to prioritize its services to the neediest families in their communities. But this new flexibility enables those living near poverty and earning less than what they need to get by to receive assistance too. It is the right thing to do, and it is what Head Start is all about.

The reauthorization also makes a long-overdue commitment to expanding Head Start programs in Indian country, and programs for migrant and seasonal farmworkers. By reserving up to $20 million annually to expand services in these programs, we can hopefully reach an additional 5,500 migrant children and an additional 5,100 Native American children living in poverty. New provisions are also included to enhance services for homeless children, children who are English language learners, and children with disabilities in order to ensure that these populations receive the care and attention they deserve.

Accountability is a cornerstone of excellence and should start early. Head Start should be accountable for its commitment to provide safe and healthy learning environments, to support each child's individual pattern of development and learning, to build community partnerships in services to children, and to involve parents in their child's growth.

This reauthorization makes significant progress in increasing accountability and investing in excellence in Head Start. It continues the comprehensive monitoring that has become a hallmark of Head Start, and ensures that reviews are fair and balanced in order to account for challenges and strengths in programs. It also establishes a new system for the designation of Head Start grants, to be phased in over the next several years.

We know that the vast majority of Head Start programs provide outstanding services—fewer than 20 percent of programs are found to be deficient each year. But where serious deficiencies exist, we must see that substantial problems do not languish at the expense of children. If a local program is unable to meet Head Start's high standards of quality, timely action should be taken. This new system will facilitate accountability and funding decisions, and do so in a manner that is transparent, fair, and responsive to the local needs of families and children.

We have established greater accountability for enrollment in programs and delineated a clear system of governance in Head Start.

The reauthorization also takes important steps to expand Early Head Start. Since its inception, results have proven that Early Head Start is one of the most effective programs of the Department of Health and Human Services. In this legislation, we improve the training and assistance network serving Early Head Start and guarantee a dedicated expert in each State to work with programs to meet the needs of infants and toddlers. We also expand the screening available to infants exposed to trauma, violence, or other circumstances detrimental to their development. We commit to expanding Early Head Start to serve an additional 8,000 low-income infants and toddlers over the next 5 years.

As in elementary and secondary education, reform in early childhood education requires resources. Today, half of all children eligible for Head Start have no access to it. Early Head Start however, serves only 3 percent of eligible infants and toddlers—we leave behind a shameful 97 percent.

When Sargent Shriver discussed the war on poverty, he said "You have to put immense resources into winning a war." He was right, and he wasn't talking about wars like Iraq. He was talking about the war on poverty. This conference report increases authorizations for Head Start to $7.3 billion in fiscal year 2008, $7.6 billion in fiscal year 2009, and $7.9 billion in fiscal year 2010. On a bipartisan basis, the conferees have signaled a commitment to invest more in our youngest children, and to assist Head Start in responding to the changing and evolving needs of the communities it serves.

Research shows that the first 5 years of life make an immense difference for a child. Those who attend high-quality early education programs are more likely to do well when they reach elementary school, are less likely to be held back a grade, and are more likely to graduate from high school and go on to college.

Our Federal investment in early childhood education clearly pays off—for every dollar invested in high-quality early education, there is a 16 dollar return later in life.

All children—regardless of their background—deserve to learn and develop. We need to strengthen early childhood for young children, in order to help them succeed later in school and in life.

A comprehensive curriculum and a stable and well-qualified workforce are cornerstones of a good early education. I am especially pleased that this reauthorization of Head Start includes a blueprint to strengthen the array of early childhood programs and services for young children.

The bill establishes an Early Childhood Advisory Council to examine needs of early childhood programs, develop a plan to improve professional development, upgrade standards, enhance collaboration among programs, and improve data collection.

More than 40 States have early learning standards in place or under development. States such as Massachusetts, Connecticut, and Illinois have developed the systems needed to improve program quality and expand access to programs in the early years. We need to build on that progress. States that are ready to take on the challenge of implementing needed improvements in their early education programs will qualify for incentive grants to get such improvements under way.

One of our highest priorities in Congress is to expand educational opportunities for every American. In this age of globalization, every citizen deserves a chance to acquire the skills needed to compete in the modern economy. That challenge begins at birth, and accelerates in the early years of life well before children even begin kindergarten.

This reauthorization helps us reach this essential goal. It keeps Head Start on its successful path, and enables it to continue to thrive and improve.

We still haven't won the war on poverty in America. But thanks to Head Start, we are getting closer. Day by day, and one child at a time. This conference report continues that indispensable progress, and I urge my colleagues to approve it.

Mr. President, we have others who desire to speak at this time. I will have a chance with the remaining time, perhaps, to get into some of the additional items.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank Senator KENNEDY for that excellent recap of what has taken us months, in fact, years to get done.

I am pleased after many years of false starts, we have finally reached agreement on Head Start reauthorization. This conference agreement is a bipartisan, bicameral effort that focuses on improving the lives of low-income children and their families. We need to ensure that children, regardless of their circumstances, have the opportunity to get the preparation they need to enter school ready to learn and be successful.

The Head Start Program was established in 1965 as part of the war on poverty to level the playing field for low-income children. The purpose of the program was, and remains, to provide educational and other developmental services to children in very low income families. It recognizes that children do not start school with the same set of experiences or knowledge. Head Start programs provide low-income children with a solid base of experiences and knowledge that enables them to start their elementary school experience on par with their more affluent peers.

Since its creation, Head Start has been a comprehensive, early childhood development program that provides educational, health, nutritional, social, and other services to low-income, preschool-aged children and their families. Head Start currently provides services to over 900,000 children and their families through a network of over 1,600 public and private agencies. This program also recognizes the important role that families play in a child's development and encourages their regular participation in the program.

I do thank Senator KENNEDY and Congressman MILLER for their commitment to working together on a bipartisan basis. That commitment has resulted in a conference report that meets the needs of children and families who participate in Head Start programs throughout our Nation. I also thank my other colleagues, particularly Senators ALEXANDER and DODD, and Congressmen MCKEON, KILDEE, and CASTLE, for their fine work and dedication to this important legislation.

The conference agreement before us today builds off legislation we developed last Congress when I was chairman of the HELP Committee. Senator KENNEDY agreed to use that legislation as the base for this year's bill to build on the bipartisan support it had received. Senator KENNEDY and I understand that to get anything done, especially in the Senate, you have to have bipartisan support.

Years ago, I established an "80-percent rule" to help guide my work in committee and on the Senate floor. It means that 80 percent of what Congress works on we agree to. The other 20 percent is the stuff we may never agree on. But that is what always seems to get the attention. I do think we do our best work when we focus on the 80 percent. Legislation seems to move more quickly when we work together in a bipartisan way.

I am pretty certain people in Massachusetts are cringing, and people in Wyoming are cringing and saying: Oh, no, KENNEDY and ENZI are doing it again. But that is the way things get done, and we have quite a track record of doing things that wind up pretty unanimous on both sides of the Capitol because they figure with our two backgrounds it has to be reasonable or we will not agree. That is exactly how it works out.

So this bill probably will not make headlines, and it is not the most sensational sound bite. However, this is work Congress can and must do to improve the lives of children and families across America.

Today, with the passage of the Head Start conference report, we begin to fulfill this obligation. But our work is far from done. This is just the first in a number of education and training bills we have to complete this Congress.

With the reauthorization of the Head Start Act, the first bookend is in place. I hope we can continue to work together on legislation to reauthorize No Child Left Behind, the Higher Education Act, and the Workforce Investment Act. These four bills represent the continuum of education and workforce training legislation supported by the Federal Government—with Head Start as one bookend and the Workforce Investment Act as the other.

These acts support programs from preschool, through elementary and high school, into postsecondary education and the workforce, and are critical to maintaining our global competitiveness. We cannot afford to let those programs fall victim to election year politics.

I am pleased the House Education and Labor Committee has moved forward with the markup of the reauthorization of the Higher Education Act. It is my hope we can continue this momentum and move into a conference on that important legislation in the very near future.

Head Start provides the building blocks children need for success later in life. The Improving Head Start for School Readiness Act of 2007 before us today helps ensure that children in Head Start programs will be better prepared to enter school with the skills necessary to succeed. We have always worked hard to improve and strengthen this act because we believe in the future success of all children.

I am particularly pleased with the accountability provisions in this conference report. The conference agreement includes important changes related to the evaluation and review of grantees. We have taken steps to increase the quality of Head Start, and there is now greater clarity for grantees as to what constitutes a program deficiency.

The roles of governing body and policy councils have been clarified and strengthened, while also preserving the important role of parents. It is absolutely necessary and vital that a single entity, the governing body, has fiscal and legal control of the Federal grant dollars. That said, we maintain the equally vital and necessary role of the policy councils in setting program priorities, classroom activities, and classroom personnel changes. We believe this will help ensure the continued integrity of the Head Start Program for years to come.

Parents are their children's first teachers. It is vital we continue to encourage and strengthen the role parents play in Head Start programs. This conference agreement increases the presence of parents in Head Start programs. It strengthens services for families, and it provides training and development opportunities for parents who serve on policy councils and governing boards.

Today we are taking the final legislative step toward a comprehensive and bipartisan reauthorization of the Head Start Program. As we take this step to reauthorize Head Start, it is important we review the effectiveness and need for the 57 other early childhood and preschool programs currently receiving Federal support. Many of those programs are programs in name only. Others are ineffective and fail to provide the services children need to be ready for school. We have to direct funds to programs that have been shown to be effective at preparing children for success in elementary school. Head Start is a successful program that deserves our continued support. This support should not be diluted by competing programs or the creation of new programs.

I again wish to thank all the members of both committees, in particular Senators KENNEDY, ALEXANDER, ISAKSON and DODD, and Congressmen MILLER, MCKEON, KILDEE, and CASTLE, for getting this done.

I also thank all of the staff who worked to complete this reauthorization. Many of them have been working toward this day since early January. In particular, I would like to thank the following staff for Congressman MILLER: Ruth Friedman, Lamont Ivey, Denise Forte, and Stephanie Moore; for Congressman MCKEON: Kirsten Duncan, James Bergeron, and Susan Ross; for Congressman KILDEE: Lloyd Horwich; for Congressman CASTLE: Jessica Gross; for Senator KENNEDY: Roberto Rodriguez, Carmel Martin, and David Johns—I would like to mention how well Senator KENNEDY's staff and my staff have been able to work together on all of the issues—for Senator ISAKSON: Glee Smith; for Senator ALEXANDER: David Cleary and Sarah Rittling; and for Senator DODD: Catherine Hildum, and former staffer Sharon Lewis.

For my staff, I want to be sure to thank Lindsay Hunsicker, who has done a marvelous job of working and understanding and providing some creativity in the decisions that had to be made to get here; Beth Buehlmann, who oversees all of these education issues and is making sure they are moving forward in a bipartisan way; and Ilyse Schuman, who is the legal brains behind the drafting and decisions for my team; Katherine McGuire, who heads up the team as staff director; and, of course, Kelly Hastings.

Passage of this conference report will ensure that low-income children are prepared not only for success in school but, most importantly, for later success in life.

I look forward to getting this conference report to President Bush for his signature as soon as possible.

Mr. President, I yield the floor and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Washington, Mrs. MURRAY, who has been particularly involved in making sure parents are going to be included in this program. She has been such an outspoken advocate for the homeless and foster children who so often get left out and left behind. She is a former schoolteacher herself and member of a school board. She brings extraordinary knowledge, experience, and understanding to this problem. We are very fortunate to have her on our committee, and the Senate is very fortunate to have her as well. I hope they listen to her message.

Mr. President, I yield 5 minutes to the Senator from Washington.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank the Senator from Massachusetts.

I am delighted we are here today to talk about one of the most important things this Congress has done for our children, and that is the Head Start Program.

I thank the Senators from Massachusetts and Wyoming for shepherding this important bill to the floor today, where it is in its last final step before it reaches the President for his signature.

For over 40 years now, Head Start has helped children from low-income families build the confidence and skills they have to have to succeed in school. As the Senator from Massachusetts said, I am a former preschool teacher, parent, school board member, and U.S. Senator. I can tell you, I have seen from every aspect how this important program benefits our children.

Today, I am very excited we are taking a vote to renew this important program. The bill we have in front of us now strengthens Head Start by making it more efficient, more accommodating, and more sensitive to our children's social, emotional, and developmental needs. It will allow us to better serve millions of children and improve on this already successful program.

This bill will help raise the quality that Senator KENNEDY talked about of our Head Start services across the country so that we ensure all of our children, no matter where they live, receive high quality, consistent services. Also, it will help ensure that all Head Start partners from our early childhood centers to our elementary schools, our childcare centers, our health care providers, our family service centers, are all working together in a coordinated way so we can best serve our young children and their families.

This bill increases funding authorization for Head Start each year from 2008 to 2010, and that will enable even more of our kids to start school ready to learn than ever before. I hope all of our colleagues will support this important bill, and I urge the President to sign it as soon as possible so we can put these new tools to work for our kids.

As the, I believe, only former preschool teacher here in the Senate, I feel a personal obligation to stand up for all of our young children. And standing up for our children, particularly our most vulnerable children, means standing up for Head Start. Each year, nearly a million poor children across this country attend our Head Start programs. Those kids didn't choose to be poor, but fortunately, since they live in this Nation, which values our young people, many of them are enrolled in Head Start where they can get the tools and the training they need to prepare them for school.

I thank Senator KENNEDY and his staff as well as Ranking Member ENZI for working so hard on this bill.

I am particularly proud of the provisions that increase Head Start access for our homeless and for our foster children. This bill will help improve transportation and services for these children and places a priority on enrolling them. These are some of our kids who face some of the greatest barriers to learning in our society, and I am glad we are making their success in school and in life an immediate priority.

I also fought to make sure that parents of children enrolled in this program have a voice in the decision-making process on local Head Start issues. I think our parents need to be involved in these programs and to have responsibility, and I think as their kids get a jump on learning through Head Start, this program will help our parents begin to understand that they have a very important and critical role in shaping their children's education. So I am very proud we were able to work out that language and move forward in a positive direction.

To name a few other quick additions, this reauthorization improves the transition of Head Start children to school by making sure that the curriculum they get matches their State early learning standards and kindergarten skills, which is very important. It also reserves 40 percent of new Head Start funds to improve programs as well as increase salaries for staffers, and it enables Native-American and migrant

Head Start programs to expand, which will increase access to early learning for those particularly vulnerable populations.

I have visited Head Start centers all across my State. I have talked with teachers, I have talked with the parents, and I have talked with advocates about ways we can improve Head Start. I am very pleased that a number of their suggestions have been put into this bill. Washington State, my home State, is a leader in early learning efforts. I think we can all be proud of this bill, and I hope all of our colleagues will support it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. ENZI. Mr. President, I yield 7 minutes to the former Secretary of Education.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask the Chair to please let me know when I have 1 minute remaining.

The ACTING PRESIDENT pro tempore. The Chair will so advise.

Mr. ALEXANDER. Mr. President, it is not too much to say that this vote on this piece of legislation on Head Start is about whose century this century will be. Some say it will be China's century. Some say it will be India's century. I think the jury is still out, but I do believe it can be the American century, and I believe it is up to us to make sure it is.

We have the advantages in our country. One of them, of course, is our brain power advantage. We don't have better brains than others, but since World War II, we have spent a great deal of time building our education system, our universities, our research laboratories. We worked together this year to pass the America COMPETES Act, authorizing $34 billion over the next 3 years to step that up. A second advantage we have is the e pluribus unum. We are one country. Where different countries are fractured, we are working here to help our children and our new arrivals learn English, our common language, and to learn our American history so we can stay as one country. That is an advantage we have. The third advantage we have is that we are the only country in the world that believes that anything is possible. We don't say leave just a few children behind, or 80 percent of us are created equal; we set these very high goals. Anything is possible. Most of our politics is about failing to reach the goals, dealing with the disappointment, and then trying again.

How do we make sure that the dream that anything is possible is real? Well, No. 1, we keep down taxes and we keep down regulations, and we keep markets free so people can go from the back to the front of the line. The other thing we do is to make sure that all Americans have a chance to get to the starting line ready. Some people need some help, and that is what Head Start is about.

I was very pleased to come to this floor in the earlier part of this year with Senator KENNEDY, Senator ENZI, and Senator DODD, introducing a piece of legislation that we hoped would get to the point this one has today. I thank them for the way they have worked on this for the last 3 or 4 years. It didn't matter much whether it was a Republican or a Democratic Senate; we all worked together and we are here now with this result.

A lot has changed, and there are four major advantages to this bill, in my opinion. No. 1, I call special attention to the 200 new centers of excellence that are created. These are opportunities for Governors to look, say, at Nashville or at Boston or at some place in their State and designate a center of excellence. These would be shining examples of all of the best efforts that are being made for early childhood education. The centers would get up to $200,000 a year for 5 years and would hopefully try to coordinate all early childhood education and development efforts.

When I was a child, my mother's preschool class in the garage in our backyard was the only preschool education program in town. In the 1970s, Tennessee adopted public kindergarten for the first time, a few years after Head Start. Well, today, Head Start is a $7 billion program. It has 1,700 agencies, 29,000 centers, but that is far from all the effort we are making. There are 21 billion Federal dollars for early childhood education, and many State and local dollars. They are not always spent in the most efficient manner. The President thought it would be better to give the Head Start funds to the States. I disagree with that. We have disagreed with that, but we have respected his impulse by saying in these 200 centers for the next 5 years, let's see what happens. Let's see what happens when States work with local governments and put all the Federal, State, and local money together for early childhood education in these centers for excellence.

Second, there is a system for renewal for Head Start agencies. There is not an automatic renewal after this time, and the Secretary of Health and Human Services will develop a process for that to make sure that for every cycle, the Head Start agency earns its right to continue. Third, there is clear authority to governing boards about the big dollars we are spending here and the big lives we are affecting. We heard eloquent testimony from the mayor of Shelby County, A.C. Wharton, about money that was stolen down there. So we have done a better job listening to Mayor Wharton and to others in making it clear who is in charge of the money, who is in charge of the administration, and at the same time, making sure that the parents, who are the lifeblood of the uniqueness of Head Start, are active and full participants through policy councils.

Finally, as the President also recommended, we have worked over the last 2 or 3 years in developing this bill to increase cognitive learning standards. Forty years ago, we didn't know nearly as much about how the brains of very young children work, but we know now that to be ready to learn, to be at the starting line when the time comes to go to school, children need to learn more in their earlier years. So Head Start will provide that opportunity.

It is not too much to say that this bill is about whose century this will be. We hope it will be the century of every child in the world, but we like the idea that it could be the American century, and we want to take full advantage of the assets we have. One of the assets we have is the dream that anything is possible, that you can go from the back of the line to the front. We will keep our markets free. We will try to keep our taxes down. We will get rid of unnecessary regulations so people can get ahead. But this bill is a commitment that says we will also make certain we will do our best to make sure every single child has an opportunity to get to the starting line ready to succeed.

Thank you, Mr. President.

Ms. MIKULSKI. Mr. President, I am proud to rise in support of the conference report for the Head Start for School Readiness Act. Since 1965, Head Start has been one of the most successful Federal programs for helping low-income children and their families. This long overdue reauthorization is good news for over a million Americans who rely on Head Start's comprehensive services.

Head Start is for the poorest children. About 75 percent of Head Start families are at or below the poverty level. For a family of four, that is just $20,600 per year. These children are often the furthest behind in learning to read and learning the alphabet. Yet Head Start makes a difference. In 1 year, these students see huge improvements in their vocabulary, increasing from the 16th percentile to the 32nd percentile, which is almost the national norm.

But Head Start does so much more. It brings children to the doctor to get immunizations and hearing checks. It helps parents get on the right track. Many parents become Head Start teachers and go back to school to get their degrees. It provides nutritious meals for children who might otherwise go hungry. I am a social worker. I have seen first hand children whose lives were changed by a simple hearing aid or a good breakfast. Believe me: it can make all the difference.

Head Start is also a smart investment. Research shows that society accrues $9 in benefits for every $1 invested in Head Start children. Head Start graduates are more likely to have increased earnings and employment than non-Head Start participants. Head Start graduates are also less likely to be dependent on welfare or to have been charged with a crime when compared to their siblings who did not participate in the program.

Unfortunately, only 60 percent of eligible preschool children are in Head Start, and less than 5 percent of eligible infants and toddlers are in Early Head Start. In Maryland, about 25 percent of eligible children age zero to 5 years are in Head Start and Early Head Start. The Bush administration has underfunded this critical Federal program for the past 7 years. Now is the time to renew the Federal investment in Head Start.

That is why I am proud to support this bill that makes low-income children and families a priority in the Federal checkbook. It increases the authorized spending level from $6.9 billion in fiscal year 2007 to $7.3 billion in fiscal year 2008. That is nearly a $450 million increase. This increased investment will allow tens of thousands more children to participate in the program who would be otherwise turned away because of inadequate funding.

This bill also expands Head Start by increasing the eligibility income level from $20,600 to $26,800. This means that a family of four who are scrimping and saving on an annual income of only $26,800 will no longer be denied the comprehensive services Head Start provides.

The Head Start for School Readiness Act makes a serious investment in our youngest children and their families. The benefits of Head Start to the children, their families and society at large far outweighs the cost. I urge my Senate colleagues to vote in favor of this conference report. Our young children deserve nothing less.

Mr. REED. Mr. President, I strongly support H.R. 1429, the Improving Head Start for School Readiness Act of 2007. This important bipartisan legislation, which I helped craft as a member of the Senate Education Committee and as a conferee, reauthorizes the Head Start Act for the first time since 1998 and strengthens our commitment to ensuring that the nation's neediest children receive high-quality early education supports and services.

Since 1965, Head Start has provided comprehensive early childhood development, educational, health, nutritional, social and other services to low-income preschool children and their families, and this reauthorization builds on our long-standing investment in this essential initiative.

There are two provisions that I am particularly pleased are included in this legislation, and which are important to my State of Rhode Island. First, the Improving Head Start for School Readiness Act builds on provisions I first authored in 2003 to provide Head Start programs with additional flexibility to serve children up to 130 percent of poverty. Current law limits program eligibility to 100 percent of poverty or below. This increase in income eligibility will enhance the opportunity for struggling, low-income families to participate in Head Start while ensuring that programs prioritize serving families under the poverty guideline and enhance outreach to ensure those most in need are served first. Raising the income eligibility limit finally puts Head Start on the same level as other means-tested programs, which essentially all serve above the poverty level to provide for greater participation and help the working poor.

Second, this legislation for the first time establishes the Parent Policy Council as a decisionmaking authority within the governing structure of Head Start programs. Strong parent involvement in their children's early education and development has been a key tenet of the Head Start program since its inception in 1965, and is one of the primary reasons for the program's continuing success.

This reauthorization also includes a provision I authored to enhance coordination between Head Start programs and school and public libraries to excite children about the world of books, assist in literacy training for Head Start teachers, and support parents and other caregivers in literacy efforts.

Additionally, I am pleased that this conference report does not permit employment discrimination based on religion despite the administration's continuing advocacy for such a change. Faith-based organizations are an integral part of Head Start. However, there is no need to change a program that has encouraged their participation by allowing such discrimination.

I want to thank Chairmen KENNEDY, DODD, and MILLER and Ranking Members ENZI, ALEXANDER, and MCKEON and their staffs, for their extraordinary work on this conference report. The Improving Head Start for School Readiness Act is significant legislation for the people of Rhode Island and the nation, and I am pleased to support it. This strong reauthorization in tandem with necessary funding increases will ensure that Head Start can continue its important and critical work to lessen the effects of poverty and ensure that children are successfully prepared for school and life.

Mr. HATCH. Mr. President, today we approved the Conference Report on the Improving Head Start for School Readiness Act of 2007—H.R. 1429. I applaud the good work of all involved. I particularly want to commend Chairman KENNEDY and Senator ENZI, as well as Chairman MILLER and Representative MCKEON on the House side for their collective work on this important bill.

Head Start is a national program promoting school readiness through educational, health, nutritional, and social services. Currently, Head Start serves over 900,000 low-income children and their families in approximately 1,600 programs run by public and private agencies. As a whole-child, whole-family program, Head Start prepares children for what we hope will be a lifetime of learning.

I want to recognize and commend our Head Start programs in Utah. They do an outstanding job, and I believe this legislation will go a long way to providing additional support for them. I have appreciated their input during this long process.

I have been struck by some of the stories shared by our Head Start people in Utah. I remember hearing from one of our Head Start Directors that a number of children have never held a book before entering the program. When they are handed their first book, many don't know how to open it. Entering Head Start swings wide the doors of learning and opportunity and exposes young children to the reading and learning process.

I have also heard stories of Head Start children who were suffering from major medical problems that would not only threaten their ability to learn but their very lives. One of the great characteristics of the Head Start program includes the identification and treatment of several medical conditions, many problems can be detected and treated before they become serious learning impediments.

The Improving Head Start for School Readiness Act of 2007 not only reauthorizes the program, it greatly improves and strengthens it. This bill will enable more low-income children to get into the Head Start program. Utah has only been able to serve just over 50 percent of its eligible children. This bill provides for the expansion of Head Start and Early Head Start in States, like Utah, serving fewer than 60 percent of eligible children.

This bill strengthens the accountability of Head Start programs and improves the overall quality of Head Start grantees, as they will be reviewed every 5 years. It clarifies and strengthens the role of the governing board in the oversight of the program. It also respects the priority role of parents and family through the collaborative role of the policy councils and operations of the Head Start programs.

Through this legislation, the Head Start workforce is strengthened, as goals have been established for education standards for Head Start teachers, curriculum specialists, and teacher assistants. It requires Head Start teachers to have in-service training every year and ensures professional development for all Head Start staff working directly with children.

The Improving Head Start for School Readiness Act of 2007 strengthens coordination and collaboration of the program by aligning services with State early learning standards, providing professional development opportunities for Head Start staff, and promoting partnerships with other agencies.

Because I believe that education is best done at the local and State levels with appropriate Federal support, I am pleased that under this bill, states will designate a State Advisory Council that will closely address the education and care of children from birth to school entry. I strongly support the authorization for Centers of Excellence to designate model exemplary Head Start programs in every State.

One of the concerns expressed by many of us as we started this process years ago, was the challenge of strengthening the academic portions of Head Start. Under this bill, Head Start agencies will use scientifically based measures to support learning and program evaluation. Recommendations of the National Academy of Science study on Developmental Outcomes and Assessments for Young Children will be incorporated. Although the National Reporting System was intended to improve the program, it was found to be time-consuming and unwieldy for Head Start programs, and without demonstrated benefits. That reporting system has been eliminated under this bill.

In order to educate every child in our country, we must prepare them. Many pre-school children, particularly those who are disadvantaged, would have learning difficulties long before they entered elementary school. This bill will help these young, vulnerable, and teachable children develop the necessary early reading and math skills to be successful in school. It will address their health and nutritional needs, and it will provide important socialization. It also engages and empowers parents, and benefits us as a Nation.

I was proud to have worked with my colleagues on the Senate Health, Education, Labor, and Pensions Committee to get this bill through the legislative process, and I was pleased to see it pass unanimously today.

Mr. DURBIN. Mr. President, I rise today in support of the conference report to accompany the Head Start reauthorization bill. For the first time since 1998, Congress will send a bill to the President to reauthorize and strengthen the Head Start program.

A child's education begins well before he or she enters a school building for the first day of kindergarten. The children who succeed in kindergarten are the children whose parents read to them every day, who talk with them, and who engage their minds with games, art, and new experiences. These are the children who enter kindergarten ready to learn.

Unfortunately, many children enter kindergarten well behind their peers. They may have parents whose long hours interfere with the kind of time they spend with their small children. Or they may have parents who don't know how important these early developmental activities are. That is why we created Head Start in 1965, to make sure low-income children are ready to learn when they arrive in kindergarten. Head Start provides preschool-aged, low-income children and their families with school activities, health screening, healthy snacks, and structure to encourage parental involvement.

Each year, over 900,000 children are served by Head Start nationwide; 40,000 of those children live in my home State of Illinois. The legislation that we are considering today will increase authorized funding for Head Start to $7.9 billion in fiscal year 2010, allowing tens of thousands more children to participate in the program.

The legislation will also expand eligibility, allowing Head Start to serve low-income children and families up to 130 percent of Federal poverty, or $26,800 for a family of four. It will also expand the Early Head Start program, so it can reach an additional 8,000 low-income infants and toddlers. The earlier children enroll in Head Start programs, the more likely they are to succeed once they enter kindergarten.

The legislation also sets new minimum qualification standards for Head Start teachers. Within 6 years, all Head Start teachers must have an associate's degree, and half of all teachers must have a bachelor's degree. Forty percent of new funding will be reserved for program quality enhancements, including much-needed salary increases for Head Start staff.

Educational standards will be strengthened in Head Start programs to make sure children are presented with language and literacy, math, science, and other cognitive development material. These new standards will be updated and aligned with the latest research in child development. The legislation we are considering today will improve the transition for children who are leaving Head Start to enter kindergarten, through better coordination between Head Start programs and schools, shared teacher training, and alignment of curriculum.

I am especially pleased that this legislation strengthens Head Start without weakening its long-standing civil rights protections for more than 200,000 Head Start teachers and 1.3 million parent volunteers.

Since 1972, the law has prohibited agencies that receive government funding for Head Start from employment discrimination on the basis of race, creed, color, national origin, sex, political affiliation, or beliefs. These civil rights protections have been reaffirmed all six times that the Head Start program has been reauthorized since then, and I strongly support the seventh reaffirmation today.

Preserving this provision is especially important given this administration's attempts to overturn long-standing principles of nondiscrimination through Executive orders, proposed legislation, and, recently, Department of Justice opinions.

Let me be clear. I support the right of religious organizations to use religious criteria in hiring people to carry out their religious work. This exception—which is the current law—makes sense because it allows people of common faith to work together to further their religion's mission.

However, there is a fundamental difference between religious organizations using their own funds for their religious work and religious organizations using government funds for that purpose. In 1972, Congress established the current, expanded religious exception under title VII of the Civil Rights Act of 1964. The same Congress established the nondiscrimination provisions in Head Start that continue with today's legislation. They understood the difference between permitting hiring based on religion for religious functions not funded by the government, and allowing discrimination based on religion in hiring people to carry out activities funded by the Federal Government.

I also want to address a memo released last month by the Department of Justice entitled "Effect of the Religious Freedom Restoration Act on Faith-Based Applicants for Grants." This troubling memo concludes that the Religious Freedom Restoration Act allows faith-based organizations to receive Federal funds even when considering religion in employment. It further asserts that RFRA "protects this right to prefer co-religionists for employees even if the statute that authorizes the funding program generally forbids consideration of religion in employment decisions by grantees."

I strongly disagree with these conclusions in general, and especially with respect to the legislation before us today. The law and the history regarding Head Start is clear with respect to nondiscrimination in employment, and this explicit civil rights protection must be followed.

In closing, I want to affirm my strong support for the participation of religious organizations in the Head Start program. These organizations provide critical support for our Nation's children in 5 percent of Head Start centers and greatly improve our pre-schoolers' education. It is not surprising that Head Start is the second-largest source of federal funding for faith-based organizations.

This program truly is a model for how the government can successfully partner with faith-based organizations, while complying with nondiscrimination requirements.

I thank Senators KENNEDY and ENZI for their bipartisan work on this important legislation, and I urge my colleagues to support this conference report.

Mr. KENNEDY. Mr. President, as I understand, we have 9 minutes left. Am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. I yield 3 minutes to the Senator from Ohio and 3 minutes to the Senator from Vermont, and I will take the last 3 minutes, and we will alternate with our Republican colleagues.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I thank Chairman KENNEDY and Ranking Member ENZI for their leadership, as well as the staff, for their tireless work on the Head Start reauthorization bill. It is long overdue. It will help prepare thousands of low-income children for their transition into school and for their success later in life.

There is no greater investment, of course, that we can make than investing in our children. This legislation means an additional 8,000 low-income infants and toddlers younger than those who have traditionally been enrolled in Head Start will be eligible for the program. Teachers will receive more training, the critical training they need and the cost-of-living increases that they deserve. This legislation means expansion of the program to children whose families earn just above the poverty line. For tens of thousands of children in this country, this legislation gives them hope. It is a step forward, a major step forward.

Yesterday, unfortunately, the President vetoed the funding for Head Start. That is why we take a step forward today with this Head Start reauthorization, as the President took a step backward in vetoing the funding for Head Start. Budgets, we know, are about priorities. Whether it is a family budget, it speaks to your values; whether it is a Federal budget, it speaks to our values. Vetoing funding for Head Start, for medical research, and for job training as the President did yesterday, tells us something about his priorities.

I am pleased that on a bipartisan basis, by passing legislation that expands Head Start to reach more low-income children, this Senate is saying our priorities are different. I hope that together we can override the President's veto and fulfill the promise inherent in the Head Start Program.

I thank my colleagues on both sides of the aisle for their good work on this Head Start reauthorization. We should move forward.

Mr. ENZI. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Almost 14 minutes.

Mr. ENZI. I yield 7 minutes to the Senator from Georgia, who has always played a tremendous role in this piece of work with his staff person Glee Smith, and he brings with him a world of knowledge from Georgia where he served as the chief school official there. They set some precedent-setting things at all levels of education while he was doing that, and he did it in conjunction with former Senator Zell Miller, who was Governor at that time. I yield 7 minutes to the Senator from Georgia.

Mr. ISAKSON. Mr. President, I wish to thank Ranking Member ENZI for his kind remarks and his tremendous dedication and commitment to bringing this conference report to the floor. I particularly want to thank Senator KENNEDY from Massachusetts, who is a consummate legislator by anybody's definition and a very committed individual in the development of our youth and the betterment of education.

As Senator ENZI said, about a decade ago I served as chairman of the State Board of Education in the administration of my predecessor in this seat who was then Governor Zell Miller. Those were the years that the breakthrough brain research came forward and illustrated conclusively that there is a direct correlation between early childhood development and the potential development of a person as an adult. We worked very hard together in Georgia to improve the plight of all Georgians and did everything we could to develop new programs. One of them that we developed was none other than the 4-year-old prekindergarten program which now is available to every child in Georgia. It is a program that builds on the fact that the earlier you can begin instruction, the earlier you can improve the environment and the atmosphere in which a child is exposed, the better that child is going to do.

It is critical for us, if we want to turn around the trend in terms of dropouts in this country, to see to it that we enhance and enrich the lives of every single student who is going to go to our public schools.

Mr. President, it is conclusive that the environment in which a child lives in their early years—that to which they are exposed, their nutrition, the total environment—is directly a correlation to their ability to learn. The Head Start Program is designed to get to those children most in need for quality support, for uplift, for a greater self-esteem, and for a leg up, a chance to get to go to a 4-year-old prekindergarten program or to a kindergarten program ready to learn.

USA Today ran an article about a week ago talking about America's dropout factories, and it enumerated schools in almost every State, with dropout rates of 40, 50, 60 percent. If you looked at the facts around those articles and those schools, you would find a common denominator: Those schools' children came from the least of backgrounds, with the least support, and from the poorest of environments. We have an obligation to ourselves and, as Senator ALEXANDER said, America's future to see to it that every American child arrives at kindergarten or first grade ready to learn. The advancement of programs such as Head Start will make that happen.

I commend Senators ALEXANDER, ENZI, and KENNEDY, Congressmen MILLER and MCKEON, and all those who worked on this important legislation. I urge every Member to cast a favorable vote in favor of a better atmosphere for our young children to grow up in, better exposure to those things that help them go to school ready to learn, and turn around the paradigm on dropouts in the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I wish to add my voice to the others and thank Senator KENNEDY and Senator ENZI for their leadership on this issue and for the cooperative, bipartisan relationship we see on that committee, which makes it perhaps the most productive committee in the Senate.

As others have said, this is a very important day forward for the children of our country. Right now, I am thinking about the Head Start workers in Vermont who do such an extraordinary job in reaching out and providing for low-income kids throughout our State, and I know the same is true throughout this country. They are dedicated people, they are underpaid and overworked, but they do it for the love of the children. I very much appreciate all they are doing.

Mr. President, while this is, in fact, an important day forward, it is significant to point out again that this is an authorization bill, not an appropriations bill. We had the disappointment just the other day of the President vetoing the Labor-HHS bill, which includes Head Start. My hope is that in the very near future we are going to have a strong Labor bill, with adequate funding for Head Start, but more significantly—and this is an issue I will talk about until the cows come home—we have to change our national priorities with regard to how we treat the children of this country.

Every Member of Congress, every American should be deeply ashamed and embarrassed that in this great country, we have, by far, the highest rate of childhood poverty in the industrialized world. The figures are that between 18 and 20 percent of our children live in poverty. As other speakers have pointed out, if children at an early age don't get the intellectual and emotional nourishment they need, they are not going to do well in life. It is not an accident that at the same time we have the highest rate of childhood poverty, we also have the highest rate of incarceration of any major nation on Earth. So we don't take adequate care of our children, and, lo and behold, we are shocked when they end up behind bars, and we spend $50,000 to $70,000 for each person who is incarcerated. It makes a lot more sense to me—and I hope my colleagues agree—that we put that money up front to make sure all of our kids get the opportunities they are entitled to as young Americans.

The truth is that while this bill is a significant step forward—and I applaud all those who built it—as Senator KENNEDY indicated earlier, only one-half of the eligible children in America today, because of inadequate funding, are able to get into the Head Start Program. So this is an important step forward. I congratulate all who have made this day possible. We have a long way to go to, in fact, keep the faith with the children of America.

Mr. ENZI. Mr. President, I yield 3 minutes to the Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Wyoming and the Senator from Massachusetts. I rise to express my appreciation for their excellent work on this legislation. It has been a long time in gestation. I think it reflects their commitment to legislating in a bipartisan and effective way that the bill is now at this stage. I congratulate them.

I think anybody who has been exposed to Head Start is impressed by the program. There have been studies and reports of that which can be done to improve the program, and hopefully this bill will work in that direction. But the underlying idea of giving low-income kids the ability to come into an atmosphere where they get nurturing, good nutrition, and now, because of this bill, where they get starting blocks for learning how to deal with an academic program is totally appropriate and something that has succeeded.

If you look at what we are facing as a nation, as discussed here at considerable length—I heard the Senator from Tennessee make an excellent statement on the needs of education, and what our country really needs is the ability to bring into the educational mainstream children who today, unfortunately, are not able or do not come to school with the necessary skills to compete with some of their fellow students. Head Start gives those children that opportunity. It gives low-income kids the ability to start kindergarten and get into the first grade with an understanding of how, first, to be social and deal with an atmosphere where there are other children; secondly, to have the necessary nutrition to get through the day and be able to learn; and third, begin the building blocks of learning. This program works, and it has worked. It is something that should be continued to be supported by the Federal Government and also by the local communities that stand behind Head Start.

That is one of the great things about Head Start. In my experience, when you go to a local Head Start center in New Hampshire—or anywhere—as chairman of the committee, I visited Head Start centers all across the country. They are usually community-oriented events. Behind those teachers and committed people, who are willing to spend the day with the children and try to make their lives better during the day, there are usually a lot of volunteers and people from the community stepping up to also make those programs work well.

So Head Start is one of the success stories and one of the things we need as one of the building blocks in order to continue to make America a great place to live and give people the ability to participate in the American dream.

Again, I thank the Senators for orchestrating this effort.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, it has been a pleasure and an honor to get to work on this bill and to work with people on both sides of the aisle. You can see the unanimity from the Republican side and the Democratic side in making sure the bill came to pass.

As I mentioned before, we have had a lot of false starts trying to get Head Start done. This time, we have gotten through the process. Today, we will have a positive vote and send it to the President for signature. I think you can tell from the debate that it has been a very positive process.

The only distinction appears to be the few comments we have had about the Labor-HHS appropriations bill. I don't want to get into that issue because it will take a long time to discuss it. I ask unanimous consent to have the Wall Street Journal article from today called "Return to Spender" printed in the RECORD to counter some of the things talked about. It wasn't Head Start that he vetoed; it was the entire Labor-HHS budget.

There being no objection, the material was ordered to be printed in the Record, as follows:

Return To Spender

Congressional Democrats spent the fall preparing for their budget confrontation with the White House, and the strategy they seem to have settled on is futility. They knew President Bush would veto their first appropriations bill, as he did yesterday, and they also knew they'd lack the votes for an override. If they're wondering why the bottom's fallen out of their approval ratings, here it is.

Mr. Bush said the bill exceeds "reasonable and responsible levels for discretionary spending," and he was being too kind. Ostensibly the $606 billion "minibus"—combining funding for the Departments of Labor, Health and Human Services, and Education—is "only" $12.2 billion beyond the President's budget request for discretionary spending. But that's more than half of the $22 billion that Democrats want to spend for 2008 above the Administration's top line. (That $22 billion, by the way, swells to at least $205 billion in additional outlays over five years.)

Democrats are already feigning outrage. House Appropriations kingpin David Obey complained, "There has been virtually no criticism of its contents," and if he's only referring to Congress, he's not far off. The bill marks a return to Capitol Hill's earmarks-as-usual spending culture, assuming it ever abated. There are more than 2,200 earmarks worth some $1 billion.

The pork includes $1.5 million for the AFL–CIO Working for America Institute and $2.2 million for the AFL–CIO Appalachian Council. There's $500,000 for a "virtual herbarium" in New York and $50,000 for a Utah "ice center." Also check off $1 million for the Clinton School of Public Service in Little Rock, and another $1 million for the Thomas Daschle Center for Public Service and Representative Democracy at South Dakota State University. Plus the usual assorted millions for art centers, aquariums, aviation and jazz museums, and so forth.

The Members also reverted to habit by using a House-Senate conference to "airdrop" $155 million in earmarks that were not included in earlier editions—in violation of the 2006 ethics "reform." The conference also clandestinely removed a provision barring federal funding for the "hippies museum" near Woodstock. All of this from Democrats who rode into the majority promising to restore "fiscal discipline."

Mr. Obey was especially instructive in a speech immediately before the final House vote: "I would ask every serious-minded person in this body, if they really think there is a chance of a snowball in Hades that Members' earmarks on either side of the aisle will survive if we wind up at the President's level of funding." He concluded: "The fate of every project . . . is in your hands."

The Democrats were desperate for a veto-proof majority, and for the sake of their earmarks some Republicans were content to go along. The pork, of course, was cover for much larger domestic spending excesses, including a $2.4 billion budget gimmick for" advance appropriations" designed to circumvent Democratic "pay as you go" budget rules. Thankfully, enough GOP Members realized it, and maybe a few even hoped to recover their credibility on spending.

Since there aren't enough votes to override Mr. Bush, it's back to the drawing board. Maybe next time Democrats should try something new—say, spending less money.

Mr. ENZI. I hope the vote today will display the unanimity we have had while working on this bill. I congratulate the Senator from Massachusetts for the way he is running the committee. We have not just done hearings on things—hearings are a little more divisive than the other mechanism, which has been his morning coffees. In hearings, the two sides bring people to testify, and we kind of beat up on each other's witnesses. In the coffees he has held, we get to bring in a bunch of people and hear what they think. We have the interaction of one person who has had experience, and he talks to another person who has had experience, and they talk about how the two experiences might come together. That has been helpful on this bill, as well as the other ones, the bookends I mentioned. This being the first part of the bookend, and the next one we will be working on is No Child Left Behind.

We have already done the Higher Education Act on this side. I look forward to conferencing that and getting on to the Workforce Investment Act, which passed this body twice already but never has been conferenced. Our work is still cut out for us, but this is a day to celebrate the good work done on both sides of the aisle.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from Wyoming. He believes we ought to listen to experts before we actually legislate, which was a rather dramatic thought to many around here. He certainly is right. He reminds us of our unfinished business in terms of higher education and the workforce legislation. We are strongly committed, and we will get a response on that.

UNANIMOUS-CONSENT AGREEMENT—H. CON. RES. 258

Mr. KENNEDY. Mr. President, I ask unanimous consent that upon the adoption of the conference report to accompany H.R. 1429, the Senate proceed to the consideration of H. Con. Res. 258, a correcting resolution; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Finally, I would take a few moments to mention the staff who worked on this bill. I want to personally mention those who have worked so hard on this legislation. Some have been working on this for 4 years. I will not get into the reasons for that. This has been a very long and, in the past, contentious piece of legislation and without them, there is no way we could have completed this bill.

I would like to thank Michael Myers, Carmel Martin, Roberto Rodriguez, David Johns, Lily Clark, Liz Maher, and Raquel Alvarenga from my staff.

I would like to thank Katherine Graham Hildum of Senator DODD's staff; Janelle Krishnamoorthy of Senator HARKIN's staff; Mildred Otero of Senator CLINTON's staff; Michael Yudin of Senator BINGAMAN's staff; Robin Juliano of Senator MIKULSKI's staff; Seth Gerson of Senator REED's staff; Kathryn Young of Senator MURRAY's staff; Will Jawando of Senator BROWN's staff; Huck Gutman of Senator SANDERS' staff; and Steve Robinson of Senator OBAMA's staff.

This has been a bipartisan process all the way. I would also like to thank Senator ENZI's wonderful staff, specifically Katherine McGuire, Beth Buehlmann, Lindsay Hunsicker, and Adam Briddell.

I would also like to thank David Cleary and Sarah Rittling of Senator ALEXANDER's staff; Celia Sims of Senator BURR's staff; Juliann Andreen of Senator HATCH's staff; Allison Dembeck of Senator GREGG's staff; Elizabeth Floyd of Senator COBURN's staff; Karen McCarthy of Senator MURKOWSKI's staff; Suzanne Singleterry of Senator ALLARD's staff; Glee Smith of Senator ISAKSON's staff; and Alison Anway of Senator ROBERTS' staff.

It is important to mention the work done by our colleagues in the House and I would like to thank Ruth Freidman of Congressman MILLER's staff; James Bergeron, Kristen Duncan and Susan Ross of Congressman MCKEON's staff; Lloyd Horwich of Congressman KILDEE's staff and Jessica Gross of Congressman CASTLE's staff for all of their work on this legislation.

I would like to thank especially Roberto Rodriguez and David Johns who have taken the lead on Head Start in my office. Their good work has made all the difference. I know Roberto is especially pleased to see the Senate and House pass this conference report, as he has worked on this legislation for several years now. I commend him for his expertise, diligence, good nature and all of his efforts.

Mr. President, finally, the Head Start Program reaches the neediest children in this country. It reaches them to help and assist by providing health care, teaching proper nutrition, and by supporting proper development of cognitive abilities to ensure that children are ready to successfully transition to school.

Head Start is targeted to the neediest children in this country. Even with the small numbers we reach—we only reach a million, and there are 4 million poor children who are between ages 0 and 5—we see the difference it makes. Head Start raises them to a level playing ground. That is what our country is really about—trying to raise people to a level playing ground. Head Start alone does not guarantee success, but it gives them the opportunity to be successful.

If we have a group in our society that needs this kind of support, it is our children. As pointed out in this debate, through no fault of their own many children are born into difficult and challenging circumstances. As a nation we have a responsibility to get them up to a point where they can succeed in school and in life. That is what Head Start is about—a recognition that our Nation believes that children who are living in poverty, in some of the most challenging circumstances, should have the opportunity to be on a level playing field.

Finally, there is one thing we have learned in the area of education; that is, the more resources are targeted to early education, the better the opportunities these children have to succeed.

In this reauthorization we have taken advantage of the lessons we have learned from Head Start's successful history and built upon excellent recommendations made by members of our committee. This is a very solid and important piece of legislation that will make a difference in the lives of millions of children. I urge the Senate to support it.

Mr. President, I ask unanimous consent that the following three letters in support of the Head Start reauthorization conference report be printed in the CONGRESSIONAL RECORD following my remarks on the conference report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL HEAD START ASSOCIATION,
Alexandria, VA, November 13, 2007.

Hon. EDWARD KENNEDY,
Chairman, Senate Committee on Health, Education, Labor & Pension, Washington, DC

DEAR CHAIRMAN KENNEDY: On behalf of the National Head Start Association, the children, parents, staff and teachers of Head Start and Early Head Start programs, and the Board of Directors, I would like to take this opportunity to congratulate you, the members of the Senate Committee on Health, Education, Labor and Pension for supporting the reauthorization of Head Start—truly a bipartisan effort and success story for America's premier preschool program, Head Start.

As the national association representing the Head Start community, we represent more than 1 million children and their families, 200,000 staff, and 2,700 Head Start programs. With the assistance of over 1 million volunteers, these programs comprehensively meet the early childhood development, educational, health and family needs of our children.

Head Start as you very well know, was established in 1965 as part of President Lyndon Baines Johnson's "Great Society" program, and is the most successful, longest running, national school readiness program in the United States. Head Start has served over 25 million preschool-age children, infants, toddlers, and pregnant women since its inception. Your successful reauthorization of Head Start signals the continued legacy for future low-income children and families.

The Head Start reauthorization bill is a lesson in bipartisan cooperation and leadership in addressing a critical priority need of our country—the preschool readiness of our children. In short, the "Improving Head Start Act" addresses income eligibility, where the working poor are supported and provided incentives to work; terminates the National Reporting System; helps more programs operate full-day and year round; reaffirms the accreditation of teachers in early childhood; provides expansion for Migrant and Seasonal Head Start and American Indian/Alaskan Native populations; and underscores the importance of parental involvement in the education of their children.

Therefore, I call upon our longtime friends and supporters in the U.S. Congress to approve overwhelmingly the "Improving Head Start Act of 2007" and send it to the President for his signature.

Again, congratulations on your success and that of our children and families.

With great gratitude,

SARAH GREENE,
President and CEO.

FIGHT CRIME:
INVEST IN KIDS,
Washington, DC, November 14, 2007.

DEAR SENATORS KENNEDY, ENZI, DODD AND ALEXANDER: The over 3,500 police chiefs, sheriffs, prosecutors and violence survivors of Fight Crime: Invest in Kids know from the front lines—and the research—that investments in Head Start are critical to our nation's public safety. Head Start helps kids get a good start in life so that they avoid later criminality and grow up to become responsible citizens. But the maximum crime reduction impacts—and many other benefits of Head Start—can only occur when programs reach more of the at-risk kids and are comprehensive and of the highest quality.

We are pleased that the final conference report version of the Improving Head Start Act of 2007 (H.R. 1429) includes the following:

Funding authorization: We are pleased the bill includes increased funding authorizations in Fiscal Years (FY) 2008–2010, with "such sums" funding levels for FY11–FY12. A $750 million increase in FY08—beyond the FY07 level—is needed to simply restore funding to the FY02 service level. And that level would only serve a small portion of the eligible, poor kids now left out of Head Start. These increases are an important first step in the right direction.

Teacher qualifications: We are pleased the bill includes a quality improvement requirement that 50% of classroom lead teachers have at least a bachelor's degree by 2013. The requirement is crucial to Head Start program quality, since no peer-reviewed, scientific research study has found an early care and education program that demonstrated significant, long-term crime reduction and education results without a bachelor's degree teacher requirement.

Quality improvement set-aside: We are pleased the bill directs 40% of annual increases over the prior year's funding level to quality improvement, with half of those funds directed toward improved teacher compensation rates. Improved teacher compensation is critical to attracting and retaining better-educated individuals—who would otherwise flock to higher-paying opportunities, including K–12 schools.

Targeting to serve the poorest children: We are pleased the bill maintains Head Start's priority for serving the poorest, most at-risk children by ensuring that children living in poverty are served first as income eligibility is expanded to 130% of the Federal Poverty Level.

Early head start: We are pleased that bill adds flexibility for Head Start programs to serve zero-to-three-year-olds if they meet the Early Head Start quality standards. In addition, we are pleased that the bill directs half of new expansion funding toward Early Head Start enrollment increases.

The bill also includes several provisions that will continue to strengthen Head Start's quality:

No state block grants, state waivers, or state application authority that might have endangered current quality standards;

Training/technical assistance activities (including through a 2.5%–3% set-aside);

Strengthened research-based school readiness elements of Head Start (of course, it is critical to maintain and strengthen all eight of the domains of Head Start's outcomes framework);

Strengthened parent education and home visiting provisions;

A requirement that Head Start agencies utilize high-quality, research-based developmental screening tools to identify children with early emotional and behavioral problems, so kids can receive the treatment they need to prevent later delinquency;

Improvements in fiscal and program accountability among grantees, including improved monitoring and termination of grantees that are significantly and/or systemically deficient;

Enhanced outreach to at-risk kids;

Enhanced collaboration and coordination efforts requirements between local Head Start grantees and other early education providers though collaboration grants;

Increased state-level coordination through State Advisory Councils on Early Childhood Education and Care;

The development of an integrated data collection system to provide complete information about children served by the programs and the services offered; and

Suspension of the National Reporting System, and provisions for any future assessment approaches to be based on the results the National Academy of Sciences study regarding appropriate, comprehensive and scientifically valid and reliable child assessments.

We appreciate the efforts of the Health, Education, Labor and Pensions Committee and the Education and Labor Committee to strengthen Head Start through this reauthorization legislation. This bill will benefit at-risk kids now and help ensure safer communities in the years to come. The result will be generations of disadvantaged children progressing toward school success and graduation rather than later arrest and incarceration.

Sincerely,

DAVID S. KASS,
President.
MIRIAM A. ROLLIN,
Vice President.

COMMUNITY ACTION AGENCIES WELCOME HEAD START RENEWAL

WASHINGTON (Nov. 14, 2007).—The nation's Community Action Agencies applaud the work of Senate and House conferees on Head Start reauthorization and look forward to passage of this national child development legislation later this week.

Community Action Agencies (CAAs) administer 30 percent of Head Start grants and a third of all enrollments nationwide. Children and families participating in programs offered by CAAs also benefit from the comprehensive services offered by these organizations to help them secure housing, gain employment, and build assets to help them achieve economic security.

"Low-wage working families who turn to Community Action Agencies to prepare their children for school with Head Start leave with a variety of resources to help them improve the lives of the entire family," said National Community Action Foundation Executive Director David Bradley.

The conference agreement expands access for more eligible children, increases classroom quality, enhances the Head Start workforce, strengthens governance and provides more tools for greater accountability.

"It is commendable that this Congress has focused so much of its agenda on domestic issues that are important to American voters, and, in this instance, has been able to do so with strong bipartisan cooperation to assist low-wage working families," Bradley said.

"Once these important enhancements are adopted for the Head Start program, we hope that Congress will next turn its attention to the remaining Human Services initiatives: the Low-Income Home Energy Assistance Program (LIHEAP) and the Community Services Block Grant," he said. "These programs make key investments in the daily lives of low-wage working American families, and are long overdue for reauthorization. NCAF hopes its proposals to strengthen and modernize these programs will be considered soon."

Mr. KENNEDY. I yield back whatever time remains, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the conference report to accompany H.R. 1429.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 409 Leg.]

YEAS—95

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune

Vitter Warner Whitehouse
Voinovich Webb Wyden

NOT VOTING—5

Biden Dodd Obama
Clinton McCain

The conference report was agreed to.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mrs. CLINTON. Mr. President, I rise to applaud the Senate passage of the Head Start Improvement for School Readiness Act of 2007—a product of hard work by my colleagues on both sides of the aisle.

For more than 40 years, Head Start has provided comprehensive services to poor families—health, nutrition, academic skills, family literacy, and more—ensuring children get the cognitive, social-emotional, and academic skills they need to succeed in kindergarten and later in life. In New York, almost 50,000 families benefit from Head Start services.

This bill takes several steps forward in strengthening Head Start programs across the country. It dramatically expands Early Head Start—a program created under the Clinton administration to reach children from birth to age 3. Though we have decades of research underscoring the importance of this stage of development, Early Head Start has only been able to reach 3 percent of eligible infants and toddlers. This conference report doubles Early Head Start funding from 10 percent to 20 percent to ensure more infants and toddlers receive services and arrive at kindergarten ready to learn.

The conference report increases Head Start authorization by 6 percent in the first year and 4 percent in the following 2 years. For years, our Head Start providers have had to make difficult decisions in the face of President Bush's budgets that have included flat-funding or funding cuts, as well as the effects of inflation. Many centers had to cut back on comprehensive services that Head Start families rely on. In New York, programs have been forced to eliminate vital transportation services. This much needed increase in funding will finally give Head Start agencies the resources they need to maintain enrollment, improve quality service levels, and provide for the necessary cost of living increase for teachers.

The Head Start Improvement for School Readiness Act of 2007 enhances teacher quality. Research has shown that the right teaching training and successful instruction lead to successful Head Start programs. Right now, about a third of Head Start teachers hold a bachelor's degree. This bill will help increase the skills and training of more Head Start teachers and increase the quality of instruction for Head Start children. I am also pleased this conference report retains the important roles parents have always maintained in Head Start programs, including ensuring parents' voices are heard in Head Start's daily operations.

The bill also increases a portion of the income eligibility guidelines from the current 100 percent of poverty level to children in families with income up to 130 percent of poverty. This is particularly important for States like New York, where the cost of living is higher than most States'. Many programs need flexibility in serving these families earning just slightly above the poverty line, including the ability to assist families who have moved off welfare and are now working and struggling to make ends meet. For New York City, this provision means thousands more children will be able to participate in Head Start programs. This bill will give those hard working families support as they become self sustainable.

This bill also terminates use of the National Reporting System, NRS. I have expressed my concern about this test for several years now. In 2003, I joined my colleague Senator BINGAMAN in offering an amendment during the markup of Head Start to suspend NRS. In 2005, the Government Accountability Office produced a report underscoring our concerns when it called into question the validity and reliability of the NRS. I am pleased this bill suspends the unfair NRS test and asks the National Academy of Sciences to make recommendations on an appropriate assessment for young children.

Head Start is critical to ensuring our most vulnerable children enter school ready to learn. Head Start has provided comprehensive services to low-income families—from health and nutrition, to academic skills and family literacy. I am pleased that we were able to move this bill forward in this session in a bipartisan fashion. The Senate passage of this bill is a victory for our neediest children and the Head Start community that serves them.●

Mr. KENNEDY. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. Under the previous order, H. Con. Res. 258 is adopted, and a motion to reconsider that vote is considered made and laid on the table.

The resolution (H. Con. Res. 258) was agreed to.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Continued

Mr. REID. Mr. President, it is my understanding that we are on the farm bill?

The PRESIDING OFFICER. The Senator is correct.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk on the substitute.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Harkin amendment No. 3500 (Substitute) to H.R. 2419, the farm bill.

Tom Harkin, Jon Tester, Daniel K. Inouye, Dick Durbin, Patrick J. Leahy, Patty Murray, Bernard Sanders, Kent Conrad, Ben Cardin, Debbie Stabenow, Ben Nelson, Byron L. Dorgan, Max Baucus, Ken Salazar, Claire McCaskill, Bob Casey, Jr., Sherrod Brown.

CLOTURE MOTION

Mr. REID. Mr. President, I send another cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 339, H.R. 2419, the Farm, Nutrition, and Bioenergy Act of 2007.

Tom Harkin, Harry Reid, Kent Conrad, Ben Nelson, Amy Klobuchar, Frank R. Lautenberg, Daniel K. Inouye, Bernard Sanders, Russell D. Feingold, Patty Murray, Claire McCaskill, Byron L. Dorgan, Max Baucus, John Kerry, Debbie Stabenow, Richard J. Durbin, Sherrod Brown.

Mr. REID. Mr. President, I indicated this morning that sometime today, unless something changed, I would file a cloture motion on the Dorgan-Grassley amendment and, as I have indicated, on the bill, which I have just done. I had a long conversation with the distinguished Senator from North Dakota. Very few people know the farm bill as well as he does. Certainly his partner in this amendment, Senator GRASSLEY—no one can dispute his knowledge of the farm bill.

It is the feeling of Senator DORGAN, after having conferred with Senator GRASSLEY, that it would not be in the interests of the Senate, the farm community, and the country to go forward on cloture on that amendment at this time. I have followed their suggestion and that is why I did not go forward with this.

Unless something is worked out, it appears very clear—we have heard the debate all day on the farm bill. Tremendously difficult, hard work has gone on. The bill was reported out of the Agriculture Committee. Every Senator there voted for it. There was not a recorded "no" vote, but that only says part of the story. The rest of the story is numerous Senators worked for weeks and weeks to arrive at a point where a bill could come out of that committee. It came out here to the floor. It came out last week and we have tried to move forward on it. That we have been unable to do that was unfortunate.

I hope Senators, when they are called upon to vote cloture on this matter, would understand that the work of the committee was very good work. Does that mean there should not be amendments to improve it? Probably not. But if we did nothing more than pass the bill that came out of that committee and took it to conference with the House-passed bill, we would be way ahead of the game. I hope that is what Senators will understand.

I am confident virtually every Democratic Senator will vote for cloture on the farm bill, even though there are many Democratic Senators whose No. 1 industry in the State is not agriculture. But they recognize that agriculture is an important business for this country. It is an important business for this country for so many reasons, one of which is the farming and ranching industry in this country is exemplary. We are able to compete with the rest of the world, without any question. We have modern techniques that have gone into farming that have made our production extraordinary.

We now have, as represented by Senator TESTER from Montana—one example—we have now a thriving business in America of organic farming. There are many people in this Senate who, when they go shopping, will only buy organic produce. That is part of this bill. Part of this bill recognizes that. It is very unfortunate that we have been stopped from going forward on this bill because people want to vote on immigration matters, they want to vote on tax matters, they want to vote on issues that are not related. I went over that entire list this morning, of all the nonrelevant, totally nongermane amendments that have been given to us.

I have said we Democrats will agree to five amendments. Five amendments; that is all we want. We don't expect the same from the Republicans. If they want more amendments—fine, give them to us. I said to SAXBY CHAMBLISS and to TRENT LOTT, we will even take a look at some of the nonrelevant amendments. If you want to meet the standard that has been in the last three farm bills and come up with one amendment—that is what has been the average—but come up with some nonrelevant amendments that people believe they have to offer, we will be happy to consider that. But let's agree to a finite number of amendments. We will take a few. The Republicans have more than we have.

This is something we want to do. We want to do the farm bill. As I have said before on the Senate floor, the farm bill is not the most important bill for the State of Nevada. When I go shopping at Smith's or one of the other grocery stores in Las Vegas, I am impressed with all that I find on those shelves: food produced in America. There is no question we import some food. I always look at the labels. We get some mangoes from other places and a few things, but we in America do well. Even though I am from Nevada—and I am very proud of the white onions we grow. The largest white onion producer is in Nevada, in Lyon County. I am happy about the garlic we grow and I am happy about the alfalfa we grow, but the driving force is tourism and gold. We produce 85 percent of all the gold that is produced in America.

But I think I represent the Democratic caucus. We are not all pushing forward on this farm bill because it is the most important thing in our State, directly. But indirectly, it is one of the most important things this body can do.

There can be all the statements made about: he will not take down the tree, and we never did do this before, and the last bill we had 240 amendments, the one before we had 196 or whatever it is. Of course there are a lot of amendments filed on bills, but we don't deal with that many of them. We have been stopped for 10 days from dealing with these amendments.

I reach out to my Republican colleagues and I say this with all sincerity: You want to bring down this bill? That is what you are doing. Yes, maybe we can take it up some other time, and I will certainly try to do that, but I think the time is slowly evaporating here. We need to get this bill done. We could still complete the bill before we leave here. If we couldn't complete the bill before we leave here for Thanksgiving, we certainly could get it teed up so we could finish in a day or so when we get back.

I hope above all hope, with the hard work that has gone into this bill on a bipartisan basis—this is not a Democratic bill by any stretch of the imagination; this is a bipartisan farm bill—I hope somehow we can work our way out of this.

I stand willing to do whatever I can, to be as reasonable as I can be. I am sure I have Senators on my side of the aisle over here who are not happy with the proposal I have made—five amendments. But I have done that because I believe it is that important to get the bill done.

This is a bill where there will be a conference. We have had bills that passed here and passed the House and we have not had a conference. This is a bill that will be conferenced.

Mr. McCONNELL. Will the majority leader yield?

Mr. REID. I will be happy to yield to my friend from Kentucky for a question.

Mr. McCONNELL. I believe I heard my good friend say what we needed to do was get a list of amendments and a starting place. I remind my good friend from Nevada, the majority leader, we were prepared to do that yesterday. We are prepared to do that now, if we could enter into an agreement to have a finite list of amendments, which I offered to do yesterday. That would at least define the universe, and at whatever point we get back to beginning to make progress on the bill, it would be a good starting place.

I was pleased to hear the majority leader indicate that is what we need to do and I say to him I am happy to do that.

Mr. REID. I say to my friend, as you can see, looking at our list, our list of amendments is mostly amendments saying, "If you offer one, I am going to offer one." I don't have the list before me. Well over half of the amendments we have are "relevant"—just relevant amendments. In the vernacular, that means I have an amendment but probably not. That is to protect them in case they want to offer an amendment.

I plead to my colleagues on the other side of the aisle—yes, you have given us a list. But give us a real list. I have made a proposal I think is very reasonable. We will take five relevant amendments. You give us a number of amendments that you have, relevant and nonrelevant, and let's see if we can work something out. I talked with the distinguished manager of the bill and he said to me: I have no authority to do anything. So talking to my friend from Georgia, for lack of a better description, is a waste of my time. He says he has no authority to do anything. What kind of negotiation is that?

Mr. McCONNELL. Will the majority leader yield?

Mr. REID. Of course.

Mr. McCONNELL. Would the majority leader agree with me that it would be at least desirable to prevent there being a further proliferation of amendments? It strikes me the longer we are out here, the more the amendments would multiply. Why would it not be a good idea to enter into a consent agreement now to limit the universe of amendments, as I was prepared to do yesterday, at least to give us a first step toward preventing the multiplicity of amendments that have a way of coming out of the woodwork around here, so at whatever point we go back to the farm bill we have at least defined the universe? That is the way we almost always start on a bill of that magnitude. It is the way we started on past farm bills. At the end we, of course, will pass a farm bill. We have in the past and we will this year.

I ask my friend from Nevada, what would be wrong with locking in the master, the universe—the list that we both produced yesterday? I was happy to enter into a consent agreement to limit the amendments to that 24 hours ago.

Mr. REID. I say to my friend, there is no question, if you have to walk a mile, a few steps is better than nothing. Here is what I would be willing to do on behalf of the Democratic caucus. OK, we have your list, they have our list. We have two lists. I would have no problem entering into an agreement that that is a finite list. How we complete all those amendments is a different question. I am not going to take down the tree at this stage. I am happy to work on that at a subsequent time, to see what we can do in that regard, but I am willing to do that.

We have their amendments and our amendments. I agree to a unanimous consent proposal that that is the finite list of amendments and that we will try to figure out a way to move through that. Maybe, as I have indicated, each mile has to be done in short steps. This would be a short step. I would be willing to do that.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, obviously we prefer the tree be taken down so we didn't have one Senator, in effect, dictating to the rest of the Senate what amendments get to be considered. But it does strike me that at least that is a place to start. Both sides are familiar with the list that was produced yesterday. I wish to ask unanimous consent that that list be adopted as the list that could be—we all know the vast majority of these amendments are never offered and will not be offered on this one.

Mr. REID. Mr. President, I would say to my friend and friends on the other side of the aisle, we will continue to work. We have now a tentative arrangement, starting arrangement. This is not the end, we know that. But we will figure out a way that people can offer amendments.

I will be happy to consider—I do not like language like this, but that is what we use around here, "take down the tree." That kind of turns into a buzzword for—it is kind of like "earmarks" or something like it is real bad.

So I would be happy, at this stage, to accept the proposal that these two lists the staff has, these be the entire universe of the amendments that we will work on, on this bill. We will come back at a subsequent time to figure out a way to take down the tree and work our way through these.

I think it is fair. I would say this to my friend, that these amendments would be subject to relevant second-degree amendments. I accept that.

Mr. McCONNELL. Reserving the right to object, obviously I am not going to, I wish to make sure we do not have any misunderstanding. This is a little, small step forward. This does not mean we will invoke cloture on either the bill or the substitute.

But it does indicate there is an interest, on this side of the aisle and on the other side of the aisle, in preventing the further kind of proliferation of amendments that will go on a virtually daily basis until we define the universe.

At whatever point we go back to the bill and seriously try to go forward with it, we can have further discussions about some further limitation of amendments. We are certainly, in order to agree to any further limitation of amendments, going to want the tree to be unfilled so we can have a more free-flowing debate on this bill, as we have had in the past.

Mr. REID. I am happy to work with my esteemed colleague, the minority leader, to see how we can work our way through this procedure. We have taken a short step, but it is at least a very important step.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I want to make sure I got the nod of Senator McCONNELL's important staff person. The agreement says there will be unanimous consent that there be only relevant second-degree amendments.

Mr. McCONNELL. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Reserving the right to object, I shall not object to a baby step, but let me try to understand exactly what we have.

I looked at the list that is before us. My name is not on that list. I assume that the Dorgan-Grassley amendment is now pending. And if the tree is taken—

Mr. REID. You are protected.

Mr. DORGAN. I wish to make sure there is protection for that amendment. I also would like, if I might for a moment, to say that the cloture motion you have filed does not alter or change the opportunity for Senator GRASSLEY and myself? The point that you had made was I did not want a vote on the Dorgan-Grassley amendment to be a cloture vote because there may be some who feel they have to vote with their leadership on a cloture, in a manner that would be different than if we had it straight up and down on the merits. It will still be pending, and we will intend to pursue that amendment.

The list of amendments is as follows:

Akaka—Amdt. No. 3538, Alexander—SoS: Broadband, Alexander—Increase Ag Research, Alexander—Strike renewable tax credit, Alexander—Wind energy tax credit, Alexander—Wind energy property taxes, Allard—PART, Allard—Vet Food Systems, Allard—Forest Reassessment, Barrasso—Support project-7, Baucus—State assistance for beginning farmers (Amdt. No. 3598), Baucus—Ag Research, Baucus—Brucellosis, Baucus—Agriculture supply, Bingaman—1 relevant amendment, Bingaman—Ground and water surface conservation program, Bingaman—Regional Water Enhancement program, Bond—Food Stamps, Bond—Red-tape Reduction, Bond—Research.

Boxer—6 relevant amendments, Brown/Hatch—Crop Insurance, Bunning—Disaster Relief, Cantwell—Study on climate change and impact on wine industry, Cantwell—increase funding specialty crop block grant, Cantwell—Minor oil seed crops, Cantwell—tree assistance program, Cardin—2 relevant amendments, Casey—crop insurance, Casey—agriculture inspectors, Casey—food stamp nutrition education, Casey—emergency funding for invasive pests and diseases, Chambliss—Farm Credit Service, Chambliss—Crop Insurance Fix, Chambliss—Trade-strikes section 3101, Chambliss—Biotech—PPV, Chambliss—Sugar technical fix, Chambliss—Ethanol/direct payments, Chambliss—Conservation AGI, Chambliss—5 Relevant.

Chambliss—2 Relevant to any on the list, Coburn—Waste, Coburn—Chinese garden maintenance, Coburn—Transparency, Coburn—Estate payments, Coburn—Federal hunger problems, Coburn—Crop Insurance, Coburn—Equip, Coleman—AGI Caps, Coleman—Drivers License, Conrad—3 relevant amendments, Corker—Coal gasification project credits, Cornyn—Child obesity study, Cornyn—Strike Disaster Trust Fund, Cornyn—New Budget P/O, Craig—Loan Repayment, Craig—Land Preservation, Craig—Worker Housing, Craig—Biogas.

DeMint—Death tax, Dorgan CRP, Dorgan—2 SECA tax amendments, Dorgan—Secretary's rule regarding cattle and beef (Amdt. No. 3602), Dorgan—Amdt. No. 3508 (pending), Dorgan—payment limits, Dole—Tax Credit, Domenici—Renewable Energy, Domenici—Land Transfer, Durbin—Food Safety sunset, Durbin—McGovern-Dole funding, Durbin—ACR improvements, Durbin—Puppy information, Durbin—Low-interest financing to fight invasive species, Durbin—Food Safety, Ensign—5 Relevant Amendments, Enzi—Captive Supply, Feingold—13 relevant amendments, Feinstein—Ag inspectors, Feinstein—Energy market oversight, Feinstein—Leafy greens, Feinstein—Clementines.

Graham—Cellulosic Ethanol, Grassley—Agricultural mergers, Gregg-Mortgage Crisis, Gregg—Drivers License, Gregg—Firefighters, Gregg—Ag disaster funds, Gregg—Farm stress program, Gregg—Proper budget accounting, Gregg—Commodity subsidies, Gregg—Sugar Program, Gregg—Loss assistance (asparagus), Gregg—Commodity subsidies, Gregg—Gulf of Mexico, Gregg—Farm and rural healthcare.

Harkin—7 relevant amendments, Harkin—2 amendments relevant to any on the list, Harkin—School nutrition standards, Harkin—Packers and stockyards Act, Harkin—Managers' Amendments, Hutchison—Southwest Dairy, Hutchison—Land Grants, Hutchison—Rio Grande, Hutchison—Renewables, Inouye—Food for Peace, Inouye—Rail related, Inouye—Broaband Data, Inouye—Energy related, Inouye—Sugar/ethanol loan guarantee grant program, Inouye—Exemption for Hawaii, Inouye—Reimbursement payment to geographically disadvantaged farmers/ranchers.

Kerry—4 relevant amendments, Kohl—Revised membership/Federal Milk Marketing

(Amdt. No. 3531), Kohl—SOS Rural Energy America Program (Amdt. No. 3532), Kohl—Amdt. No. 3533, Kohl—Amdt. No. 3534, Kohl—Amdt. No. 3535, Kohl—Amdt. No. 3536, Kohl—Amdt. No. 3537, Kohl—Amdt. No. 3555, Klobuchar—AGI Limits, Klobuchar—Timber contracts, Klobuchar—Beginning farmers/ranchers, Kyl—Tax/AMT, Kyl—Relevant.

Landrieu—7 relevant amendments, Lautenberg—FRESH Act, Lautenberg—FEED Act, Levin—Energy Markets, Lincoln—4 Ag tax amendments, Lincoln—Bio Fuels, Lincoln—Small Procedure Credit, Lincoln—1 relevant amendment, Lott—Gulf of Mexico task force, Lott—Tax/AMT, Lott—2 Relevant, Lugar—Complete overhaul, Lugar—Trade, Lugar—2 Relevant.

McCaskill—Amdt. No. 3556, McConnell—4 Relevant, McConnell—Death Tax, McConnell—AMT, McConnell—Tax/Horses, McConnell—2 Relevant to any on the list, Menendez—4 relevant amendments, Mikulski—2 cloned foods amendments, Mikulski—2 H2B amendments, Murkowski—Exxon Valdez litigation, Murkowski—Specialty crops, Murray—2 Conservation amendments, Murray—Energy, Murray—Specialty crop, Nelson (NE)—Amdt. No. 3576, Pryor—Broadband (Amdt. No. 3625), Pryor—4 relevant amendments.

Reid—Amdt. No. 3509, Reid—Amdt. No. 3510, Reid—Amdt. No. 3511, Reid—Amdt. No. 3512, Reid—Amdt. No. 3513, Reid—Amdt. No. 3514, Reid—2 relevant amendments, Reid—2 amendments relevant to any on the list, Roberts—Technical, Roberts—Ag Fair Practices, Roberts—Definitions, Roberts—Regulations, Roberts—Conservation, Roberts—Conservation, Roberts—Trade, Roberts—Nutrition, Roberts—Rural Development, Roberts—Rural Development, Salazar—Cellulosic Biofuels Production Incentives (Amdt. No. 3616), Salazar—Colorado Good Neighbor Agreements (Forestry), Sanders—Amdt. No. 3595, Schumer—5 Conservation amendments, Sessions—Rural Hospital, Sessions—Farm Savings Accounts.

Smith—Americorp Vista volunteers, Smith—River Conservatory, Smith—Deschutes River, Smith—Wallowa Lake Dam, Smith—Oregon Subbasins, Smith—North Irrigation unit, Smith—Irrigation Districts, Smith—Fire sprinkler systems, Stabenow—Local farmer initiative—Buy America, Stabenow—CSFP, Stevens—Protecting Kids Online, Stevens—e911, Stevens—FSA operating loans, Stevens—Quarantine inspection fees, Stevens—Bloc Grant to seafood, Stevens—AQI User Fees, Stevens—Fishing Loans, Sununu—Biomass Fuel.

Tester—Amdt No. 3516, Tester—Live Stock Title, Thune—Biofuels, Vitter—National Finance Center, Webb—3 relevant amendments, Wyden—Illegal logging, Wyden—Biomass grants (Nov. 14, 2007).

Mr. REID. Mr. President, I wish to announce there will be no further votes on this today.

Unless someone has something else, I yield to my friend from Kansas.

Mr. BROWNBACK. Mr. President, I wanted to speak on the farm bill. I am glad to see we are taking baby steps forward. If the leaders have their things worked out, I want to go ahead and speak.

The farm bill obviously for my State is a very important issue. I appreciate that we are making some steps forward. I do think it would be wiser if we could start amending and start working as a legislative body and see how far we get. We have been on the bill now for 10 days. We have not had a vote. It seems it would be prudent to go ahead and try it. I realize the leaders are trying to work something out, and I hope they can. But each day we do not get something moving, we are not moving forward on the farm bill.

I think we can trust each other in the process. I do want to recognize the work that has been done by the committee on the farm bill, the Agriculture Committee and their work. I think they have done a number of very nice things in the bill. I say that as someone from an agricultural State, from an agricultural family, who has been Secretary of Agriculture for the State of Kansas and has a degree in agriculture.

I can see some very positive things. I like the overall trend in certain areas of the bill and some of it not. I wish to comment on both of those and make one particular policy provision notice to my colleagues and friends in the Senate.

The Senate farm bill creates the Average Crop Revenue Program, a new safety net for farmers to utilize if they choose to do so. That is key for me, giving farmers the choice in how they manage their risk and not requiring that they take and use this program. Farmers may choose to stay in the current system or may opt into the new ACR Program. I think that flexibility is a good way to go forward.

Despite several threats throughout the year, the farm bill leaves direct payments at their current level. I think that is a victory and that is good for farmers in farm country. Direct payments are the only commodity title program that provides direct assistance to producers when they have no crop to harvest. Unfortunately, that happens all too often in my State.

It has happened in places of my State this year. In fact, 2 weeks ago, I was in a field of soybeans tilling them up. There was not enough there to harvest. It happens. There is nothing a farmer can do about it if the weather breaks that poorly against him.

So I am pleased to see those direct payments continue to exist, because when you have no crop, it does not matter how much the price is, it doesn't work, you have nothing to sell.

I also particularly appreciate the expanded research for energy coming from agriculture. To me, this has been one of the Holy Grails in agriculture for years and years, to expand the definition of the business from food and fiber, to food, fiber, and fuels. This effort recognizes our need to grow more of our own fuel to help in the environment in doing that, to help in the economy, the rural economy in doing that. It recognizes this fabulous chance we have in a world today to do things along that line.

If I could take a moment to set a root off to the side or shoot it off to the side, on this particular energy provision, I think there is another way we can also go that the managers have put in the base bill; that is, replacing oil-based products with starch-based products. This is again something the agricultural industry has worked at for a long time, is doing a much better job of, but we still do not have many of the products on the marketplace.

For instance, I had a company from my State, Midwest Grain Products, in my office 2 weeks ago with now 100 percent starch-based plastic utensils. He gave me some spoons and chopsticks that were made 100 percent out of wheat starch. They had been going 50 percent out of starch and 50 percent out of oil-based products. But he is now at 100 percent.

Yet they have not been able to crack through the marketplace yet on this, a totally biodegradable product made out of agricultural commodities, better for the environment, certainly better for our economy.

One of the things we have put in this farm bill is a New Uses Expo, where we would showcase on an annual basis, almost like you do at an auto show, the computer shows, on an annual basis, the new widgets coming out of agriculture, replacing, in many times and places, oil-based products with agricultural-based products, but showcasing that, having the Secretary of Agriculture and indeed even the Secretary of Energy cohosting that event. I think that is something that can help us expand the marketplace and expand value added coming out of agriculture, which is key for rural communities in my State and many others.

There are problems in the bill. That is why I hoped we could get some amendments moving. First, the bill contains a ban on packers owning livestock. This is a very contentious issue in my State and many places around the country.

Under this packer ban provision, processers would be prohibited from owning, feeding, or controlling livestock more than 14 days before slaughter. You can look at this, and as someone raised in a farm family, I look at this and say: Well, that sounds like a pretty good thing. I do not want packers owning livestock. I want the family farm, I want my dad and my brother to be owning that livestock rather than the packers.

But then you start looking at the marketplace and the changes taking place in the marketplace and say: Wait. This is going to disrupt some good things happening. Ten days ago, I was on a ranch, a feed yard in Lyons, KS. They are raising certified Angus beef, natural, no artificial hormones, no antibiotics in the livestock, and then direct marketing that to consumers on the east coast, a great innovative product they have got coming out. They are getting a premium then for farmers when they can market this product that way.

But to do it, they had to enter into a contractual agreement with the packers that are set to process the animal and to deliver it to the end consumer, to the stores that they are going to directly to the consumers with.

So with this packer prohibition ban, this innovative market technique that is getting more in the pocketbooks of my farmers, because they are working with the packers, going straight to the consumer with a product they want, certified Angus beef, that is all natural, you are going to break that supply chain.

They are not going to be able to work with the packer on a contractual arrangement to do this. They are saying: Look, this is going to hurt us. We are not going to be able to do this. Now your ban that you are doing to try to save family farmers is going to hurt family farmers. So this is kind of the law of unintended consequences, that something people are trying to do on a positive basis to help family farmers is, in the end, going to hurt many of them in being able to increase the income they get from their livestock.

That is what they need. They need to be able to get more income from their livestock, and here is a key marketing tool and a way to be able to do that. I would hope that would be something we could deal with and something we can get passed.

Overall, I do not want to take a lot of time of my colleagues, other than to recognize the importance of getting this bill through. I would urge them on the Democratic side to let us start doing some amendments and working this bill through. I think we have a good base bill to work from. I think we can make some sensible decisions around here and get a farm bill through that is important to my State, important to the country, important to the future of the industry, and important to security in the United States on energy security.

But to do that, we need to get the process going. I would urge my colleagues to allow that to move on forward.

Mr. SMITH. Mr. President, I want to express my support for the tribal forestry provisions in title VIII of S. 2302, the Food and Energy Security Act of 2007, also referred to as the 2007 farm bill. These tribal provisions make important and needed improvements in the U.S. Forest Service by authorizing direct tribal governmental participation in State and private forestry conservation and support activities, and by providing the Secretary with flexible authority to enhance and facilitate tribal relations with the Forest Service and activities on National Forest System lands. The Committee on Agriculture, Nutrition and Forestry is to be commended for its bipartisan development and adoption of these provisions.

There are nine federally recognized tribes within my home State of Oregon, and it is my pleasure to serve on the Committee on Indian Affairs. Indian tribal governments are separate sovereigns that have a unique government-to-government relationship with the United States. That relationship embraces special duties to tribes that extend throughout the Federal Government, including the Department of Agriculture and the U.S. Forest Service.

Within the Forest Service, State and private forestry programs authorized by the Cooperative Forestry Assistance Act are intended to conserve and strengthen America's non-Federal forest resources across the landscape. However, the Cooperative Forestry Assistance Act of 1978 does not authorize direct support to tribal governments, and the Forest Service has found that tribal forest land participation is inconsistent and low. The new authorities in title VIII will help rectify these matters by establishing a more appropriate and equitable relationship between tribal government and the Forest Service. In so doing, it will also enable State and private forestry to better meet its mission among all stakeholders across the landscape.

The tribal provisions in title VIII authorize direct tribal governmental participation in a new Community Forest and Open Space Conservation program and in the established forest legacy conservation easement program. The title also authorizes Forest Service support directly to tribal governments for consultation and coordination, for conservation activities, and for technical assistance for tribal forest resources.

Additional tribal provisions in title VIII facilitate the Forest Service's interaction with tribal governments on National Forest System lands. In Oregon, all nine of the tribes in the State have deep historical ties and active current interests in the National Forests around the State. From time immemorial, the tribes have drawn physical and spiritual sustenance from what are today Oregon's national forests, and they continue those activities to this day. Of course, the modern conduct of those activities involves both the tribes and the Forest Service, and the Senate's farm bill provides the Secretary and the Forest Service new authorities that will enable these two stewards of our forests—one ancient and one contemporary—to work in closer cooperation. The bill gives clear authority for the reburial of tribal remains and cultural items on National Forest System land, and it allows free tribal access to forest products from the national forests for cultural and traditional purposes. It also allows the Secretary to temporarily close National Forest System land for the tribal conduct of cultural and traditional activities. Finally, it enables the Secretary to preserve the confidentiality of sensitive tribal information that has come into the possession of the Forest Service in the course of its collaborating with tribes.

The tribal forestry authorities in title VIII of S. 2302 are a historic step forward for the Forest Service and tribal governments. They are supported by Oregon tribes and I am pleased they are in the bill. Once again, I want to express my support, and I urge the support of all my colleagues as well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

NUCLEAR TERRORISM

Mr. CASEY. Madam President, the United States today faces a broad set of national security challenges, so many of them, but just to name a few: initiating a responsible redeployment of U.S. combat troops out of Iraq, preventing the Taliban from making a comeback in Afghanistan, addressing the current turmoil in Pakistan, responding to antidemocratic trends in Russia.

Our whole country has a full plate of national security challenges. So today I wish to speak about one of those, but I think it is at the top of the list, and I think it is an issue that has not received nearly enough attention in the Senate or in the other body. It is a longer term threat that has not received the attention it deserves, but I believe this issue is the single greatest peril to this great Nation, and that is the prospect that a terrorist group, possibly with the active support of a nation state, will detonate an improvised nuclear weapon in an American city.

I commend those who have displayed outstanding leadership on this issue, many of these individuals over several years, if not, in some cases, decades. Former Senator Nunn, of course, has been a leader on this issue; Senator LUGAR, a colleague of ours and the ranking member of the Foreign Relations Committee, a committee on which I have the honor to serve; and, of course, the chairman of that committee, Senator JOE BIDEN. All of these individuals and others have worked on this issue for many years.

In the weeks following 9/11, a lot of Americans know our intelligence community picked up a very frightening report from an agent. It was rumored that al-Qaida had acquired a Soviet-era nuclear weapon and had managed to smuggle it into New York City. The response of our Government, although secret at the time, was swift. Teams of experts were deployed across New York City with state-of-the-art detection equipment in an effort to track down this bomb before it exploded.

The threat was ultimately discounted. There was no nuclear weapon inside the United States at that time. The intelligence community's agent had bad information. But what is so frightening about these events is that it is entirely plausible that al-Qaida could have smuggled a nuclear weapon into our Nation.

One can only imagine the retrospective questions that would have followed such a horrific attack. What could our Federal Government have done to prevent such a detonation, we would ask. What policies or programs did we fail to prioritize? And, thirdly, how could we not have appreciated the urgency and the magnitude of the threat of nuclear terrorism?

I hope we never have to ask and answer those questions. But here we are 6 years later and neither the United States nor any other nation has been forced to confront the aftermath of a terrorist attack involving a nuclear weapon. Yet I regret to say we cannot rely upon good luck continuing indefinitely. The threat of nuclear terrorism persists, and the United States and the international community are failing to move quickly enough to neutralize this threat.

Why am I so concerned about nuclear terrorism and the challenges that it poses, not just for the world of today but for the world of our children and the world of our grandchildren? Some may ask that, and in response I just will cite a couple examples as to why I and everyone in this body should be concerned.

No. 1, last year a Russian citizen was arrested in Georgia on charges of seeking to smuggle 100 grams of highly enriched uranium on the local black market in that country, with the promise made that he could deliver another 2 to 3 kilograms of highly enriched uranium at a later time.

This arrest on smuggling charges is only one of hundreds involving fissile material that have emerged since the breakup of the Soviet Union in 1991. The good news is the quantities detected so far have been very small. The bad news is, just as with drug trafficking, those transactions come to our attention only after a fraction of what may actually be occurring.

No. 2, too many facilities across the globe do not yet have the security safeguards we should demand for stockpiles of fissile material. Today, as many as 40 nations—40 nations—possess the key materials and components required to assemble a nuclear weapon. Surprisingly, we don't fully understand the magnitude of this problem. Among other experts, Dr. Matthew Bunn, a leading expert on nuclear terrorism, reports that neither the United States nor the International Atomic Energy Agency—we know from the news as IAEA—has a comprehensive prioritized list assessing which facilities around the world pose the most serious risk of nuclear theft.

Finally, the third example I would cite in terms of why this is such an important issue and important question is, a columnist by the name of David Ignatius, with the Washington Post, reported last month that a senior Energy Department intelligence official had briefed the President and other administration officials that al-Qaida is engaged in a long-term mission—a long-term mission—to acquire a nuclear weapon to use against the United States. According to this report by a senior Energy Department official, al-Qaida may have held off against further attacks against our Nation since 9/11 to focus on attaining a nuclear weapon.

Madam President, I do have good news in this area. It is a serious topic, but there is some good news to report, although it also presents a challenge to us. The good news is, we know exactly what needs to be done to address the threat of nuclear terrorism. And a terrorist group as sophisticated as al-Qaida cannot build a nuclear weapon from scratch. The production of nuclear weapons and the fissile material that gives these nuclear weapons their deadly explosive power remains a capacity limited to a national government. A terrorist group can acquire a nuclear weapon through several means: It can purchase or steal a completed warhead from a state, or it can acquire the weapons-grade plutonium or enriched uranium at the core of a nuclear warhead to devise an improvised nuclear device.

Thus, if the United States works in concert with other nations to "lock down" nuclear warheads and weapons grade materials around the world, we can prevent terrorists from accessing this material in the first place. We are making some progress on this front through programs such as the Nunn-Lugar effort—named after Senators Nunn and Lugar. This effort to dismantle nuclear weapons and secure excess nuclear materials is playing out, but we are not moving fast enough. Additional funding is required but, perhaps even more important, high-level attention at the level of Presidents and Prime Ministers is necessary to break through the bureaucratic obstacles and political inertia blocking more rapid security gains.

After 9/11, the President should have made nuclear terrorism a key international priority, raising it to the very top of the U.S.-Russian agenda, for example. Instead, this administration continued a business-as-usual approach. I believe this was a gross misjudgment. This issue cries out for Presidential leadership.

But as vital as cooperative threat reduction programs are, we must go above and beyond them if we are to be successful in deterring a nuclear attack or nuclear terrorism. Not only should we do everything we can to prevent terrorist groups from acquiring the means to detonate a nuclear weapon, we must also fortify our capability to deter their use. A terrorist group such as al-Qaida is undeterred, but states, and certainly the states from which al-Qaida would acquire or steal a nuclear weapon, are not undeterred. We should make sure we keep pressure on them. We must enhance our ability to threaten overwhelming retribution against any state that by inattention or lax security enables a terrorist group to detonate a nuclear warhead in the United States.

We can do this in a number of ways: First, we must elevate the cost for individuals and businesses that choose to facilitate illicit smuggling of fissile material and related nuclear components. Nuclear smugglers and nuclear smuggling networks rely upon middlemen to transport fissile material and nuclear components, to forge export licenses and Customs slips, and engage in other black market activities. Too often in the past, when such individuals and businesses are caught in the act, so to speak, or with their hands dirty, they receive minimal prison sentences. For example, the Russian citizen arrested in Georgia for nuclear smuggling was sentenced to only 8 years in prison. These lax criminal penalties cannot deter future actions of nuclear smuggling.

Aiding and abetting nuclear smuggling is abhorrent and should be recognized for what it is—a crime against humanity. Just as the international community has banded together in the past to stigmatize the slave trade and genocide as crimes against humanity, so too should it now do the same thing for those who help terrorist groups acquire weapons of mass destruction. The United States should be a leader in this effort.

No. 2, we should be working with the International Atomic Energy Agency to establish a global library, a library of nuclear fissile material. If the IAEA were to have nuclear samples from every weapons production facility in the world, when a nuclear device exploded somewhere in the world, we could, in short order, trace the nuclear material used in that explosion to the originating reactor or production facility. The capability of a library such as this could serve as a powerful deterrent. If a state knew it could be held ultimately responsible for a nuclear detonation, it would have a far greater incentive to secure and protect its nuclear materials. Those states that refuse to cooperate with such a global library would risk condemnation and suspicion in the event of a nuclear attack.

Our colleague, Senator BIDEN, the chairman of the Foreign Relations Committee, has worked with the Armed Services Committee to strengthen U.S. efforts to take the first steps toward such a global library. Today, a group such as al-Qaida can get away with a nuclear attack on the United States because it does not have a fixed address at which we can easily retaliate. The same, however, does not apply to a nation that intentionally or through lax security provides the means for a terrorist group to detonate a nuclear device. The United States must leverage the same type of deterrence against those nations as it did against the Soviet Union during the Cold War.

Finally, we must be doing more in the overall effort to combat nuclear proliferation among states. It is a very simple equation. The more states that acquire a nuclear weapon and fissile material, the more likely it is one of those states or some of those weapons and/or fissile material may be vulnerable to theft or illicit sale to terrorist groups. That is but one reason we must prevent Iran from acquiring nuclear weapons. It is why we must work with our international allies and partners to continue to ensure that North Korea verifiably dismantles its nuclear facilities and weapons under the Six Party Talks. This link between nuclear proliferation and nuclear terrorism demonstrates the importance of reinforcing the Nuclear Nonproliferation Treaty.

It is very difficult to imagine the utter devastation of an American city by an improvised nuclear device. It is perhaps for that reason the spectre of nuclear terrorism remains an abstract threat today. Yet before 9/11, very few of us could appreciate the dangers by commercial jet airliners hijacked by those on a suicide mission.

Madam President, the time for action on the challenge of nuclear terrorism is now. We must move to bolster existing threat reduction programs, strengthen our deterrence capability against those who would perpetrate acts of nuclear terrorism, and, finally, recommit ourselves to the effort to reduce the role and the number of nuclear weapons in our world today. We do not have the luxury of time to wait.

Before I relinquish the floor, I want to thank one of our great staff members for his work on this and so many other areas of our work. Jofi Joseph is one of our great legislative assistants who did a lot of work on this to prepare these remarks, and in so many other areas, and I want to commend him for his work.

Madam President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

FHA MODERNIZATION ACT

Mr. REID. Madam President, I am glad I had the opportunity to listen to my friend from Pennsylvania give this very well thought out and very important statement. It is important for our country and for the world. Thank you very much.

Madam President, tomorrow, among other things, we will turn to consideration of the FHA Modernization Act, which has now been reported by the Senate Banking Committee. The bill enjoys wide bipartisan support, and for a good reason. It passed out of the committee by an overwhelming 20-to-1 vote.

The reason we must act now is clear for all to see. Every day new evidence emerges, and the depth and severity of our country's subprime mortgage and foreclosure crisis is painted before our eyes. Hundreds of thousands of mortgages are now delinquent nationwide. This is leading to real pain and hardship for American families. The most alarming fact is, this could be just the beginning.

This is why House and Senate Democrats announced earlier this year that we would address the subprime mortgage and foreclosure crisis comprehensively. I am pleased to say Democrats and Republicans have joined to work diligently toward that goal. Tomorrow, we bring the product of that hard work to the floor of the Senate.

This modernization bill is one of several ways we plan to assist deserving families not with a handout or a bailout but with education and assistance to help them weather this storm.

UNANIMOUS CONSENT AGREEMENT—H.R. 4156

Mr. REID. Madam President, I ask unanimous consent that when the Senate begins the rule XIV procedure with respect to the House bridge bill regarding funding for Iraq and Afghanistan, that it be considered as having been initiated on Wednesday, November 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent to go into morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS LEGISLATION

Mr. AKAKA. Mr. President, last Thursday, November 8, 2007, the assistant majority leader, Senator DURBIN, propounded unanimous consent agreements on two bills reported by the Veterans' Affairs Committee—S. 1233, the proposed "Veterans Traumatic Brain Injury and Other Health Programs Improvement Act of 2007" and S. 1315, the proposed "Veterans Benefits Enhancement Act of 2007."

Both proposed agreements called for the bills to be considered "at any time determined by the majority leader, following consultation with the Republican leader" and also provided that the only amendments that would be in order would be "first-degree amendments that are relevant to subject matter of the bill." In other words, the request was for the Senate to take up these two bills, ordered reported by the committee in late June and reported in August, at some future time with the only exclusion being that no nonrelevant amendments would be in order.

It is hard to think of a more modest request for action on legislation. Unfortunately, my friend and colleague, the former chairman and ranking member of the committee, Senator CRAIG, objected to both unanimous consent agreements.

In explaining his objection, Senator CRAIG expressed the view that some provisions in the 2 bills are "controversial enough to merit considerable floor debate." Whether I agree with that characterization of the provisions, I would not seek to keep Senator CRAIG or any other Senator from debating the 2 bills. As I just noted, that was precisely what the unanimous consent called for—debate, at a mutually agreed upon time, with the only limitation being that any amendment had to be relevant. Judging by the concerns Senator CRAIG discussed in his explanation of his objection to the unanimous consent agreement, his amendments would, indeed, be relevant.

I was patient while our colleagues on the other side of the aisle dealt with the upheaval that followed the unanticipated change in the minority leadership on the committee. I recognized that they needed time to reorganize and for Senator BURR to move into his new role as the committee's ranking member. However, that change in the ranking member's position occurred over 2 months ago. It is time to bring these bills to the floor, time to engage in a full and open debate, time to vote on any amendments, and time to allow the Senate to have its say on the bills.

In his objection, Senator CRAIG spoke of the committee's history of working in a bipartisan fashion to resolve differences at the committee level. He is certainly correct that our committee rarely brings measures to the floor for debate. However, I do not understand that history to mean that any and all differences of opinion on legislation are resolved before we seek Senate action. Rather, it is my understanding that the committee's bipartisan practice means that we seek to negotiate so as to reach agreed-upon positions on legislation after legislative hearings and before committee markups. When we are unable to reach agreement, there is an opportunity for amendments to be offered during markups. After a markup, our traditional practice has been to move forward from a committee markup without further debate on the floor.

That approach is exactly what happened in 2005, when Senator CRAIG was chairman of the committee. He and I had negotiated on a variety of legislative initiatives up to the markup but could not reach agreement on a number of matters. At the markup, I offered amendments—five or six is my memory—on a number of the issues about which I had strong feelings. I did not, however, continue to pursue those matters on the floor. And I most assuredly did not do anything to block Senate consideration of the legislation that I had sought to amend. In fact, as ranking member, I worked with then-Chairman CRAIG to gain passage of the legislation by unanimous consent.

While I would certainly appreciate similar cooperation with respect to S. 1233 and S. 1315, I realize that Senator CRAIG and others may wish to continue to pursue amendments during debate before the full Senate, and I am prepared to support that result. All that is needed for that to happen is for agreement to be reached to begin that debate, as set forth in the unanimous consent agreement put forward by Senator DURBIN last week.

I do not know why others on the other side of the aisle are blocking this debate. I urge them to reconsider and to agree to allow the debate to go forward. Our committee should finish our work. America's veterans deserve no less.

MORTGAGE CANCELLATION RELIEF ACT

Mr. HATCH. Mr. President, I rise to speak concerning the Mortgage Cancellation Relief Act, S. 1394. In previous Congresses, I have introduced this legislation to provide immediate tax relief to homeowners adversely impacted by the recent downturn in the Nation's housing markets.

However, this Congress, I am pleased to join my friend and colleague from Michigan, Senator DEBBIE STABENOW, as a cosponsor of S. 1394. She was on the floor earlier this morning, and she had the opportunity to address this bill. I want to thank her for her continued interest in this issue.

I agree with her that it is well past time for Congress to act on this legislation.

There are a number of positive things I can say about S. 1394. It is a bipartisan bill. It is sound tax policy. It is good economic policy. And it treats those who have been impacted by housing declines fairly in their time of need.

As I mentioned, Senator STABENOW introduced this bill in May.

The President recommended a similar proposal in August.

However, the one not-so-positive thing I can say is that it is not law.

We are now into November. And despite all of the positive aspects of S. 1394, it has still not been reported by the Finance Committee or debated on the Senate floor.

The problem addressed by this legislation has its roots in the housing market.

In September, overall home sales slid 8 percent from the month before. Single-family sales slowed to the lowest pace in nearly 10 years.

Inventory is going up. At the end of August, there was a 9.6-month supply of homes. At the end of September, there was a 10.5-month supply of homes on the market.

So supply is up, and demand is down.

A high school senior, barely paying attention in his economics class, could tell you the result.

The result is a buyer's market. The median home price is down 4.2 percent from the year before.

With the dip in the housing market has come a corollary decrease in new home construction.

According to one recent estimate, construction spending on all new homes fell by 22 percent in 2007. The decline was even greater for single family homes—25 percent.

With another 4 percent dip in 2008, residential construction spending will be down to $254 billion in 2008 from $384 billion in 2005.

While this is not good news for the Nation's builders, at least it tells us that the U.S. housing market is functioning rationally. As the supply of housing tightens, demand and prices will once again go up. This leads many economists to believe that housing markets will turn the corner sooner rather than later.

In the meantime, however, we have a deadly economic mix of declining housing prices, interest rate volatility, and adjustable rate mortgages that are beginning to reset. When this convergence of events takes place and is followed by a certain unnecessarily punitive and totally unfair provision in our Tax Code, life becomes even more burdensome for some of our most vulnerable families and communities.

Let me explain why.

Adjustable rate mortgages are a product that provides an opportunity for millions of families to achieve home ownership. Because they pose less risk to lenders, these mortgages can be a more affordable product that allows families to purchase homes while assuming the risk that interest rates will increase.

Yet because of the easy availability of adjustable rate mortgages, some people took out very high mortgages and according to the Wall Street Journal, there are 17 percent adjustable rate mortgage holders who cannot make their payments on time.

We are currently witnessing how well private industry will be able to handle this problem on its own. The Nation's largest mortgage lender, Countrywide Financial, announced that it is modifying the terms of $16 billion in adjustable rate mortgages. Thirty thousand have already restructured their loans, and Countrywide intends to contact 52,000 borrowers to see if they would like to restructure their loans as well.

Still, the declines in the Nation's housing markets have left two groups particularly vulnerable.

First, there are those who sell their homes for less than the outstanding amount of the mortgage.

Second, there are those who are unable to make their mortgage payments and suffer foreclosure.

As I mentioned earlier, the Tax Code effectively kicks these folks while they are down.

The Internal Revenue Code defines income very broadly.

And when lenders forgive mortgage debt in a short-sale or a foreclosure, the borrower has technically received taxable income. Yet this is phantom income, and it makes little sense to have these financially vulnerable families getting a form 1099 and an increased tax liability for income they never received.

This makes little sense as public policy. And it is inequitable as tax policy.

Section 121 of the Internal Revenue Code allows the exclusion of up to $250,000—or $500,000 on a joint return—of gain on the sale of a home. Few people realize gains in excess of this statutory exclusion. And for those who do, those gains are taxed at lower capital gains rates.

Yet if a family is in such a dire financial situation that it is losing its home or selling it at a loss, the phantom gain on these transactions is taxed at ordinary income rates.

With adjustable rate mortgages being reset, growing housing inventory, and declining housing prices, too many people will be getting a 1099 form in the mail telling them that they owe income taxes on this debt forgiveness.

This is not the way it ought to be.

Our legislation would remedy this problem by excluding this debt forgiveness from gross income.

There is precedent for this. Congress provided similar relief in the wake of Hurricane Katrina.

Given the ramifications of housing market declines, we should extend this needed relief to all Americans who find themselves receiving this kind of phantom income.

Yes, we would forgo some tax revenue by making this simple, fair, and commonsense change to our tax laws, but the House has found a reasonable offset that is supported by the housing industry so the net effect to the Federal budget should be zero.

As I stated earlier, it is time to act. I am not sure what the delay is.

The drop in the housing market and the problems with adjustable rate mortgages are no longer breaking news. It has been nearly 6 months since this bipartisan legislation was introduced. It has been over 2 months since the President indicated he supported this legislation and wanted to get it signed into law.

This Congress seems to have ground to a halt.

You can hear crickets chirping on the Senate floor lately. To say we are too busy to address this important legislation is simply false.

The lack of quick action on this legislation is no longer acceptable.

I urge my colleagues to support S. 1394 and for the Senate to pass this legislation as soon as possible. Families in need and vulnerable communities demand that we act.

MOTORCOACH ENHANCED SAFETY ACT

Mr. BROWN. Mr. President, on March 1, 2007, the Bluffton University baseball team left Ohio for a tournament in Florida.

Early the next morning on Interstate 75 in Atlanta, their trip came to a tragic halt when their motorcoach, attempting to exit the highway, fell off an overpass and landed on its side on the road below.

The crash resulted in the deaths of five members of the baseball team: Tyler Williams, Cody Holp, Scott Harmon, Zack Arend, David Joseph Betts. The driver, Jerome Niemeyer, and his wife Jean were also killed in the crash. Many of the other 33 passengers were treated for injuries.

For John Betts, who lost his son David in the crash, it was important to take the accident and make it into something positive, in honor of his son and the other bright, talented young men who died that morning. Motorcoach safety became his crusade.

Mr. Betts has been interviewed by the media, local and national, bringing to light the need for stronger motorcoach safety regulations.

He has called for seatbelts for all passengers as well as other regulations that lower the risk of injury or fatality in accidents.

Mr. Betts sees upgrading the safety laws for motorcoaches as an opportunity to save the lives of future riders.

More importantly, he sees it as a way to memorialize David and his teammates and, as he puts it, to make the world they lived in better than it was when they left it.

Sadly, the Bluffton University baseball team's fatal accident was not unique. We have witnessed story after story about motorcoach accidents.

While the investigation into the cause of the crash is ongoing, one thing is clear—stronger safety regulations could have minimized the fatalities resulting from this crash.

The Motorcoach Safety Enhancement Act, which I introduced today along with Senator HUTCHISON, would address the shortfall in safety regulations for motorcoaches.

Many of the injuries sustained in motorcoaches could be prevented by incorporating high-quality safety technologies that exist today but are not widely used, such as crush-proof roofing and glazed windows to prevent ejection.

More basic safety features, such as readily accessible fire extinguishers and seatbelts for all passengers, are still not required on motorcoaches.

As a father of four, I find it particularly disturbing to know students are still riding in vehicles without even the option of buckling up.

I applaud Mr. Betts and the other Bluffton parents for their courageous fight in the midst of so much personal pain.

Seatbelts, window glazing, fire extinguishers—these are not new technologies. These are commonsense safety features that are widely used.

And they are features that the National Transportation Safety Board recommends be enacted into law. Yet they have been languishing for years.

The Motorcoach Safety Enhancement Act would instruct the Secretary of Transportation to enact these and other safety features. It would put a timeframe on final rulings so these safety requirements do not spend any more time in limbo.

This bill takes the lessons learned from the tragic events of the Bluffton University baseball team's motorcoach accident, and aims to correct them for future riders.

It is my hope that in the future, parents will not have to endure the anguish and grief that John Betts and the other family members experienced.

I hope for swift consideration of this bill.

ADDITIONAL STATEMENTS

RECOGNIZING THE STUDENT CONSERVATION ASSOCIATION

• Mr. GREGG. Mr. President, today I honor the 50th anniversary of the Student Conservation Association. Over these last 5 decades, the SCA has led the way in promoting the importance of conservation service and stewardship. Its staff and supporters have made an extraordinary commitment to instilling this ethic in our country's young people. While it is headquartered in my home State of New Hampshire, the SCA's reach and influence go far beyond the borders of New Hampshire. Since its founding in 1957 by Elizabeth C. Titus Putnam, nearly 50,000 SCA volunteers have worked to protect the critical natural habitats and threatened wildlife in our country's parks, forests, and urban green spaces. Its members can be found in all 50 States, as well as Canada, Mexico, Brazil, Germany and Latvia. In 2006 alone, 4,000 volunteers logged 1.6 million service hours at 511 separate sites. In past years, they worked to restore the Everglades following the devastation Hurricane Hugo left behind and to repair the damage to Yellowstone National Park following the fires which damaged that park in 1988. This year, they were chosen to lead the Northwest Recovery at Mount Ranier and other parks in that region of the United States following the floods of 2006. It is, in fact, the largest conservation service program in the country.

Those numbers and facts are impressive, but they do not fully convey the central role this organization plays in strengthening the quality of life in the United States. The thousands of volunteers and interns clearly have relished meeting the obligation we all have to protecting the vital natural areas in our country. Their unique dedication and enthusiasm have made them great role models and leaders. These qualities explain why such Federal agencies as the Bureau of Land Management, U.S. Forest Service, U.S. Fish and Wildlife Service, and the U.S. Armed Forces all have partnered with the SCA and are the reason the White House, National Wildlife Federation, and the National Park Service have recognized the SCA's achievements.

The prime architect behind the SCA is Elizabeth Titus Putnam, and I am especially pleased to honor her. It is a great reflection on her character that the vision she developed 50 years ago became a reality. Her energy and passion for environmental protection have touched countless people and demonstrate why the SCA continues to be an effective and vibrant organization.

For these reasons, I am proud to be a member of the 50th Anniversary Honorary Committee. I hope all the alumni and current volunteers will long remember the deep impact they have made on communities from Maine to Hawaii and from Alaska to Florida. Happy Birthday to the Student Conservation Association and my best wishes for continued success.•

RETIREMENT OF BRIGADIER GENERAL WILLIAM T. BESTER

• Mr. INOUYE. Mr. President, I wish to recognize the service of a great public servant, outstanding Army officer, and dedicated academic leader.

In his latest stint of public service, BG William T. Bester, U.S. Army retired, distinguished himself by exceptionally meritorious service to the Graduate School of Nursing, Uniformed Services University of the Health Sciences, Bethesda, MD, as acting dean from 10 July 2006 to 30 December 2007.

During this period, the outstanding leadership and ceaseless efforts of General Bester resulted in major contributions to the Graduate School of Nursing, GSN, and to the Uniformed Services University, USU. He assumed his duties during a period of significant change and growth in the history of the GSN and the USU. He lead efforts in dealing with substantial change in the GSN: planning for a new psychiatric/mental health nurse practitioner master's option, facilitating the merger of the GSN and Navy nurse anesthesia master's option, fostering renewed collaboration with the Federal nursing service chiefs, FNSCs, assisting the USU with the search for a new brigade commander and GSN dean, and dealing with base closure and realignment strategy and requirements. He focused on every issue with unwavering directness, a spirit of community participation, collegial respect, enthusiasm, and a wonderful sense of humor and fair play. His leadership brought about a change in GSN character and personality that is visible at every level of USU. His tenure has been marked by strong, supportive relationships with senior USU leaders, an increase in FNSC collaboration and trust resulting in additional senior scholars assigned to the Nursing Science Doctoral Program and new educational program opportunities and increased student involvement in and enthusiasm for the school and the university.

Working closely with my office, he was instrumental in solidifying DOD core budgeting for the GSN. He negotiated an expansion of faculty research support with the School of Medicine and the USU vice president for research. He established a sense of calm and collaborative team building by fostering a common vision, always listening to the faculty and staff issues, and addressing their concerns. As a genuine and dedicated ambassador of the university, General Bester often represented the USU president at external senior level meetings. His career interdisciplinary leadership experiences and the respect he maintains within the Department of Defense always provided credibility as spokesperson when he represented the university and its president. These same qualities allowed him to be an essential advisor to President Rice during a time of significant change within USU, on the Bethesda campus, and in emerging military and Federal health cooperative concerns. Brigadier General Bester's total dedication to service in all aspects of his leadership of the Graduate School of Nursing and his exceptional leadership contributions to USU reflect an unsurpassed commitment to maintaining the highest standards for military and Federal health nurse education at the Uniformed Services University. The distinctive accomplishments of Brigadier General Bester reflect great credit upon himself, the Department of Defense, and the Uniformed Services University.

The Uniformed Services University of the Health Sciences continues to fulfill our vision as a key part of the Nation's academic health education enterprise because of the dedication of its faculty and administrative leadership. General Bester exemplifies the best of the best. We owe a debt of gratitude for his years of public service, and I wish to take this opportunity to thank him along with his family: his wife Cheryl, his son Jason, daughter Jodi, and grandsons Will and Jake.

We wish General Bester Godspeed as he returns to his family and Texas where his children and grandchildren now live.•

RECOGNIZING JORDAN-FERNALD FUNERAL HOMES

• Ms. SNOWE. Mr. President, I wish to recognize Jordan-Fernald Funeral Homes, an outstanding small business in my home State of Maine that exemplifies the best of Maine's community spirit. Founded in 1860 by the Fernald family, Jordan-Fernald is now in its fourth and fifth generations of ownership. Over the years, the Fernalds purchased several Jordan Funeral Home locations to become Jordan-Fernald in 2004. Currently, four Fernalds siblings—Bill, Tom, and Lauri, along with their father, Robert—co-own the business.

Presently maintaining funeral homes in four towns in Hancock County, the Fernalds have always prided themselves on their stalwart commitment to the ever-changing needs of the local communities. For example, Bill participates in a local project to prepare the Hancock County area against a potential pandemic flu. Meanwhile, Tom serves on the boards of the Maine Funeral Directors Association and the Maine Coast Memorial Hospital and Lauri serves on the boards of the Hospice of Hancock County, the Abbe Museum, and the Hospice Regatta of Maine. Finally, Robert is well known in the area for his work on behalf of the Lions Club.

In recognition of the Fernalds' contributions to the communities, Jordan-Fernald received the Gannett Family Business of the Year Award in 2005. This award recognizes family-run businesses that demonstrate creativity in ensuring their company's vitality while maintaining ties with their communities and stakeholders. Jordan-Fernald was selected, along with one other business, out of a pool of 22 nominees. Family-owned businesses represent approximately 90 percent of all Maine businesses, yet less than 30 percent survive to the second generation and only 13 percent survive to the third generation, making it all the more impressive that Jordan-Fernald has survived to the fifth generation!

Most recently, Jordan-Fernald received the Top Drawer Award from the Ellsworth Area Chamber of Commerce. The award is presented to a business that has made a substantial contribution to the growth, development, and improvement of Ellsworth, Hancock County, and the State of Maine. The Ellsworth Area Chamber president, Chrissi Maguire-Harding, cited Jordan-Fernald's commitment to the region through participation on community boards, support of other businesses, and economic growth as the main reasons for the award. In modern times, where one-third of Maine funeral homes are owned by a single corporation based in Texas, Jordan-Fernald has managed to maintain independence and a bountiful community spirit.

Jordan-Fernald is an exemplary small business. The firm's dynamic approach toward business and community involvement benefits everyone throughout eastern Maine and, indeed, the entire State of Maine. I commend Jordan-Fernald Funeral Homes for its dedication and leadership, and I wish the enterprise much success going forward.•

RECOGNIZING THE RAPID CITY MEALS PROGRAM

• Mr. THUNE. Mr. President, today I honor the Rapid City, SD, MEALS program as they celebrate 26 years of dedicated service to the Black Hills community.

For more than a quarter century, the Rapid City MEALS program has provided our seniors with quality nutrition, education, community, and support services so they can live in their own homes and maintain their independence.

The MEALS program would not be able to perform its invaluable mission without the hard work and dedication of the many volunteers who put in countless hours serving the needs of others. These compassionate individuals are truly the backbone of the Rapid City community and I hope that their service will inspire others to lend a helping hand.

It gives me great pleasure, with the State of South Dakota, to congratulate the MEALS Program of Rapid City on this important anniversary and wish them continued success in the years to come.•

MESSAGE FROM THE HOUSE DURING RECESS

Under authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on November 14, 2007, during the recess of the Senate, received a message from the House of Representatives announcing that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 258. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of H.R. 1429.

MESSAGES FROM THE HOUSE

At 5:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1534. An act to prohibit certain sales, distributions, and transfers of elemental mercury, to prohibit the export of elemental mercury, and for other purposes.

H.R. 1593. An act to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

H.R. 2614. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California.

H.R. 2627. An act to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site.

H.R. 2705. An act to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

H.R. 3013. An act to provide appropriate protection to attorney-client privileged communications and attorney work product.

H.R. 3315. An act to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

H.R. 3403. An act to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities.

H.R. 3461. An act to establish a public awareness campaign regarding Internet safety.

H.R. 3470. An act to designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the "John Sidney 'Sid' Flowers Post Office Building".

H.R. 3569. An act to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the "Beatrice E. Watson Post Office Building".

H.R. 3703. An act to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

H.R. 3919. An act to provide for a comprehensive nationwide inventory of existing broadband service, and for other purposes.

H.R. 3974. An act to designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the "Marine Corps Corporal Steven P. Gill Post Office Building".

H.R. 4134. An act to direct the Attorney General to provide grants for Internet crime prevention education programs.

H.R. 4153. An act to make certain technical corrections and transition amendments to the College Cost Reduction and Access Act.

H.R. 4154. An act to increase the insurance limitations on Federal insurance for bonds issued by the designated bonding authority for Historically Black Colleges and Universities capital financing.

H.J. Res. 62. Joint resolution to honor the achievements and contributions of Native Americans he United States, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 122. Concurrent resolution supporting the goal and mission of America Recycles Day.

H. Con. Res. 211. Concurrent resolution supporting the goals and ideals of World Diabetes Day.

H. Con. Res. 229. Concurrent resolution expressing the sense of the Congress that the United States should seek a review of compliance by all nations with the International Commission for the Conservation of Atlantic Tunas' conservation and management recommendations for Atlantic bluefin tuna and other species, and should pursue strengthened conservation and management measures to facilitate the recovery of the Atlantic bluefin tuna, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 45. Concurrent resolution commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month.

At 5:48 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1534. To prohibit certain sales, distributions, and transfers of elemental mercury, to prohibit the export of elemental mercury, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1593. An act to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes; to the Committee on the Judiciary.

H.R. 2614. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California; to the Committee on Energy and Natural Resources.

H.R. 2627. An act to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site; to the Committee on Energy and Natural Resources.

H.R. 3013. An act to provide appropriate protection to attorney-client privileged communications and attorney work product; to the Committee on the Judiciary.

H.R. 3403. An act to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encouraging the nation's transition to a national IP-enabled emergency network and improve 911 and E-911 access to those with disabilities; to the Committee on Commerce, Science, and Transportation.

H.R. 3461. An act to establish a public awareness campaign regarding Internet safety; to the Committee on Commerce, Science, and Transportation.

H.R. 3470. An act to designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the "John Sidney 'Sid' Flowers Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3569. An act to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the "Beatrice E. Watson Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3919. An act to provide for a comprehensive nationwide inventory of existing broadband service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3974. An act to designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the "Marine Corps Corporal Steven P. Gill Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4134. An act to direct the Attorney General to provide grants for Internet crime prevention education programs; to the Committee on the Judiciary.

H.R. 4153. An act to make certain technical corrections and transition amendments to the College Cost Reduction and Access Act; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4154. An act to increase the insurance limitations on Federal insurance for bonds issued by the designated bonding authority for Historically Black Colleges and Universities capital financing; to the Committee on Health, Education, Labor, and Pensions.

H.J. Res. 62. Joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes; to the Committee on Indian Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 122. Concurrent resolution supporting the goal and mission of America

Recycles Day; to the Committee on Environment and Public Works.

H. Con. Res. 211. Concurrent resolution supporting the goals and ideals of World Diabetes Day; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 229. Concurrent resolution expressing the sense of the Congress that the United States should seek a review of compliance by all nations with the International Commission for the Conservation of Atlantic Tunas' conservation and management recommendations for Atlantic bluefin tuna and other species, and should pursue strengthened conservation and management measures to facilitate the recovery of the Atlantic bluefin tuna, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 3996. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

S. 2334. A bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2340. A bill making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

S. 2346. A bill to temporarily increase the portfolio caps applicable to Freddie Mac and Fannie Mae, to provide the necessary financing to curb foreclosures by facilitating the refinancing of at-risk subprime borrowers into safe, affordable loans, and for other purposes.

S. 2348. A bill to ensure control over the United States border and to strengthen enforcement of the immigration laws.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2705. An act to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 311. A bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes (Rept. No. 110-229).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 2089. A bill to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Services Veterans Post Office".

H.R. 2276. A bill to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building".

H.R. 3297. A bill to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the "Nate De Tample Post Office Building".

H.R. 3307. A bill to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the "Dennis P. Collins Post Office Building".

H.R. 3308. A bill to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the "Lance Corporal David K. Fribley Post Office".

H.R. 3325. A bill to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office".

H.R. 3382. A bill to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the "Philip A. Baddour, Sr. Post Office".

H.R. 3446. A bill to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the "Michael W. Schragg Post Office Building".

H.R. 3518. To designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the "Charles H. Hendrix Post Office Building".

H.R. 3530. A bill to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the "Chief Warrant Officer Aaron Weaver Post Office Building".

H.R. 3572. A bill to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the "Wallace S. Hartsfield Post Office Building".

S. 2107. A bill to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the "Dennis P. Collins Post Office Building".

S. 2110. A bill to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office".

S. 2150. A bill to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the "Wallace S. Hartsfield Post Office Building".

S. 2174. A bill to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the "Paul E. Gillmor Post Office Building".

S. 2290. A bill to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the "Beatrice E. Watson Post Office Building".

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

[Treaty Doc. 110-3 Tax Convention with Belgium (Ex. Rept. 110-2); Treaty Doc. 109-19 Protocol Amending Tax Convention with Denmark (Ex. Rept. 110-3); Treaty Doc. 109-18 Protocol Amending Tax Convention with Finland (Ex. Rept. 110-4); and Treaty Doc. 109-20 Protocol Amending Tax Convention with Germany (Ex. Rept. 110-5)]

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

110–3: TAX CONVENTION WITH BELGIUM

Resolved (two-thirds of the Senators present concurring therein),

The Senate advises and consents to the ratification of the Convention Between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and accompanying Protocol, signed at Brussels on November 27, 2006 (Treaty Doc. 110–3).

109–19: PROTOCOL AMENDING TAX CONVENTION WITH DENMARK

Resolved (two-thirds of the Senators present concurring therein),

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Copenhagen on May 2, 2006 (Treaty Doc. 109–19).

109–18: PROTOCOL AMENDING TAX CONVENTION WITH FINLAND

Resolved (two-thirds of the Senators present concurring therein),

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the Government of the United States of America and the Government of the Republic of Finland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital, signed at Helsinki on May 31, 2006 (Treaty Doc. 109–18).

109–20: PROTOCOL AMENDING TAX CONVENTION WITH GERMANY

Resolved (two-thirds of the Senators present concurring therein),

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes, signed at Berlin on June 1, 2006 and an Exchange of Notes dated August 17, 2006 (EC–2046) (Treaty Doc. 109–20).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

Charles E. F. Millard, of New York, to be Director of the Pension Benefit Guaranty Corporation.

*Mark D. Gearan, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 1, 2010.

*Julie Fisher Cummings, of Michigan, to be a Member of the Board of Directors of the

Corporation for National and Community Service for a term expiring September 14, 2011.

*Donna N. Williams, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2009.

*Tom Osborne, of Nebraska, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2012.

*Alan D. Solomont, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2009.

Mr. KENNEDY. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Public Health Service nominations beginning with Harry J. Brown and ending with Elaine C. Wolff, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2007.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Ellen C. Williams, of Kentucky, to be a Governor of the United States Postal Service for a term expiring December 8, 2014.

*W. Ross Ashley, III, of Virginia, to be an Assistant Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)):

S. 2349. A bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

By Mr. MENENDEZ:

S. 2350. A bill to establish a grant program to provide screenings for glaucoma to individuals determined to be at a high risk for glaucoma, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 2351. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for medical research related to developing qualified infectious disease products; to the Committee on Finance.

By Mr. JOHNSON (for himself, Mr. COLEMAN, Mr. HARKIN, and Mr. MENENDEZ):

S. 2352. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries greater choice with regard to accessing hearing health services and benefits; to the Committee on Finance.

By Mr. DURBIN:

S. 2353. A bill to increase the annual salaries of justices and judges of the United States, and to increase fees for bankruptcy trustees; to the Committee on the Judiciary.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 2354. A bill to direct the Secretary of the Interior to convey 4 parcels of land from the Bureau of Land Management to the city of Twin Falls, Idaho; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL:

S. 2355. A bill to amend the National Climate Program Act to enhance the ability of the United States to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COLEMAN:

S. 2356. A bill to enhance national security by restricting access of illegal aliens to driver's licenses and State-issued identification documents; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. STEVENS, Mr. BINGAMAN, Mr. ISAKSON, Mr. LOTT, Mr. DORGAN, Mr. BENNETT, Mr. SHELBY, Ms. MIKULSKI, Mr. ROBERTS, Mrs. DOLE, Mr. INOUYE, Mr. LAUTENBERG, Mr. CASEY, Mr. OBAMA, Mr. BUNNING, Mr. INHOFE, Mr. DOMENICI, Mr. CRAPO, Mr. COLEMAN, Mr. GRAHAM, Mr. SALAZAR, Mr. BROWNBACK, Mr. VOINOVICH, Mr. NELSON of Florida, Mr. BIDEN, Mrs. CLINTON, Mr. CRAIG, Mr. MARTINEZ, Mr. MCCAIN, Mr. JOHNSON, Mrs. HUTCHISON, Mr. GREGG, Ms. STABENOW, Mr. KENNEDY, Mr. SUNUNU, Mr. COCHRAN, Mr. WHITEHOUSE, and Mr. BAUCUS):

S. Res. 378. A resolution recognizing and thanking all military families for the tremendous sacrifices and contributions they have made to the Nation; considered and agreed to.

By Mr. HATCH (for himself and Mr. BENNETT):

S. Res. 379. A resolution designating Thursday, November 15, 2007, as "Feed America Thursday"; considered and agreed to.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. Res. 380. A resolution recognizing Hostelling International USA for 75 years of service to intercultural understanding and to youth travel; considered and agreed to.

By Mr. FEINGOLD (for himself, Mr. DODD, Mr. LEAHY, Mr. KERRY, Mr. CASEY, Mr. MENENDEZ, and Mr. DURBIN):

S. Res. 381. A resolution remembering and commemorating the lives and work of Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, who were executed by members of the Armed Forces of El Salvador on December 2, 1980; considered and agreed to.

By Ms. STABENOW (for herself, Mr. DOMENICI, Mr. LAUTENBERG, and Mr. COLEMAN):

S. Res. 382. A resolution supporting the goals and ideals of World Diabetes Day; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 67

At the request of Mr. INOUYE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 518

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 518, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs.

S. 578

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 578, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 583

At the request of Mr. SALAZAR, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 583, a bill to create a competitive grant program for States to enable the States to award salary bonuses to highly qualified elementary school or secondary school teachers who teach, or commit to teach, for at least 3 academic years in a school served by a rural local educational agency.

S. 968

At the request of Mrs. BOXER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1382

At the request of Mr. REID, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1394

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1394, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1465

At the request of Mr. CONRAD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1465, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain medical mobility devices approved as class III medical devices.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1534

At the request of Mr. BROWNBACK, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1534, a bill to hold the current regime in Iran accountable for its human rights record and to support a transition to democracy in Iran.

S. 1551

At the request of Mr. BROWN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1551, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1679

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 1679, a bill to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

At the request of Ms. LANDRIEU, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Michigan (Mr. LEVIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1679, supra.

S. 1734

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1734, a bill to provide for prostate cancer imaging research and education.

S. 1852

At the request of Mr. INOUYE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1852, a bill to designate the Friday after Thanksgiving of each year as "Native American Heritage Day" in honor of the achievements and contributions of Native Americans to the United States.

S. 1858

At the request of Mr. CASEY, his name was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1858, supra.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1858, supra.

S. 1943

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1943, a bill to establish uniform standards for interrogation techniques applicable to individuals under the custody or physical control of the United States Government.

S. 1958

At the request of Mr. CONRAD, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with tne preparation and return phases of the expedition, and for other purposes.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2071

At the request of Mrs. FEINSTEIN, the names of the Senator from Nevada (Mr. REID) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2123

At the request of Mr. GREGG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2136

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2161

At the request of Mr. ISAKSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2257

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2257, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.

At the request of Mr. BIDEN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2257, supra.

S. 2278

At the request of Mr. DURBIN, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. 2278, a bill to improve the prevention, detection, and treatment of community and healthcare-associated infections (CHAI), with a focus on antibiotic-resistant bacteria.

S. 2303

At the request of Mr. BURR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2303, a bill to amend section 435(o) of the Higher Education Act of 1965 regarding the definition of economic hardship.

S. 2324

At the request of Mrs. MCCASKILL, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2324, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

S. 2331

At the request of Mr. WARNER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2331, a bill to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event, loss of life and limb, at Virginia Polytechnic Institute & State University.

S. 2332

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2340

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 2340, a bill making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

S. 2347

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 2347, supra.

S. 2348

At the request of Mr. CORNYN, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from Georgia (Mr. ISAKSON), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Kansas (Mr. ROBERTS), the Senator from Arizona (Mr. KYL), the Senator from New Mexico (Mr. DOMENICI) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 2348, a bill to ensure control over the United States border and to strengthen enforcement of the immigration laws.

S. RES. 273

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease.

S. RES. 356

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 356, a resolution affirming that any offensive military action taken against Iran must be explicitly approved by Congress before such action may be initiated.

S. RES. 358

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Res. 358, a resolution expressing the importance of friendship and cooperation between the United States and Turkey.

S. RES. 376

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 376, a resolution providing the sense of the Senate that the Secretary of Commerce should declare a commercial fishery failure for the groundfish fishery for Massachusetts, Maine, New Hampshire, and Rhode Island and immediately propose regulations to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act.

AMENDMENT NO. 3508

At the request of Mr. DORGAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 3508 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3544

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 3544 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3545

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 3545 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3615

At the request of Mr. GREGG, the names of the Senator from Maine (Ms. COLLINS), the Senator from Connecticut (Mr. DODD) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 3615 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3616

At the request of Mr. SALAZAR, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of amendment No. 3616 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3625

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3625 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3649

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 3649 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON (for himself, Mr. COLEMAN, Mr. HARKIN, and Mr. MENENDEZ):

S. 2352. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries greater choice with regard to accessing hearing health services and benefits; to the Committee on Finance.

Mr. JOHNSON. Mr. President, I am pleased to introduce the Medicare Hearing Health Care Enhancement Act with my colleagues, Senators HARKIN, COLEMAN, and MENENDEZ. This legislation is the companion bill to legislation introduced in the House by Representative MIKE ROSS, with a number of cosponsors.

This legislation will provide Medicare beneficiaries with the same hearing care options available to veterans and Federal employees, including every member of this body. Under this bill, Medicare beneficiaries who experience hearing problems will have the option of going directly to an audiologist, rather than first visiting a physician. This is the policy for the health care programs administered by the Department of Veterans Affairs and the Office of Personnel Management. Direct access works well for our veterans and for Federal employees, including Members of Congress, and direct access should be available to senior citizens in the Medicare program.

More than 31 million Americans have some type of hearing problem, making hearing loss the third most common health problem in the U.S. Many of them are older Americans, and this statistic is fast increasing with the aging of the "baby boomers." Yet half of all hearing impaired persons are under age 65. With 80 to 90 percent of hearing problems not medically or surgically treatable, it seems only reasonable that Medicare patients be allowed to consult with an audiologist without first seeing another health care provider. It is part of regular audiological practice to refer patients for medical management when clinical indicators are present.

In 1992, the Department of Veterans Affairs, VA, changed its health care policy to allow for the option of direct access to a licensed audiologist. The VA reports: "the policy has provided and continues to provide high quality, cost effective, and successful hearing health care to veterans." The VA did not experience increased utilization of audiology services due to the policy change and instead found, "the policy did not increase the number of visits beyond what would be expected in the aging veteran population."

In 2003, the Congress in the Appropriations Conference Report number 108-10 recommended that the Center for Medicare and Medicaid Services make this change. We have since learned that CMS does not have the authority to do so under current law. Therefore, I hope that we can all agree that this is a common sense idea whose time has come, and move this legislation forward to enactment.

Direct access would facilitate access to hearing care without expanding the scope of practice for audiologists. This legislation will make it easier for Medicare beneficiaries, particularly in rural America, to have the same high quality hearing care provided by the VA and OPM. It is also important to point out that both the Medicare and Medicaid programs now recognize State licensure as the appropriate standard for determining who is a qualified audiologist.

This legislation enjoys the support of a large number of organizations including the American Academy of Audiology, the American Speech-Language and Hearing Association, the National Association of the Deaf and the National Rural Health Association. I commend this legislation to the attention of my colleagues and urge them to lend their support by cosponsoring this bill.

By Mr. DURBIN:

S. 2353. A bill to increase the annual salaries of justices and judges of the United States, and to increase fees for bankruptcy trustees; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Judicial Compensation Act of 2007".

SEC. 2. JUDICIAL SALARY INCREASE.

(a) IN GENERAL.—The annual salaries of the Chief Justice of the United States, associate justices of the Supreme Court of the United States, United States circuit judges, United States district judges, and judges of the United States Court of International Trade are increased in the amount of 16.5 percent of their respective annual salary rates in effect on the effective date of this Act, rounded to the nearest $100 (or, if midway between multiples of $100, to the next higher multiple of $100).

(b) COORDINATION RULE.—If a pay adjustment under subsection (a) is to be made for an office or position as of the same date that any other pay adjustment would take effect for such office or position, the adjustment under this Act shall be made first.

(c) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 3. BANKRUPTCY TRUSTEES.

Section 330(b)(2) of title 11, United States Code, is amended, in the undesignated matter following subparagraph (B), by striking "$15" each place that term appears and inserting "$55".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Ms. CANTWELL:

S. 2355. A bill to amend the National Climate Program Act to enhance the ability of the United States to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Climate Change Adaptation Act of 2007.

Before I describe the merits of this bill, I would like to take a moment to commend many of my colleagues for their ongoing efforts to develop legislative solutions to meet the enormous challenges global warming poses to our Nation and our planet. I feel this bill helps address a somewhat overlooked, but key tool, to tackling this preeminent challenge facing our Nation.

I am proud that Washington State is taking the lead on the issue of global climate change. While my State's contribution to global warming is relatively small—because we are fortunate enough to derive about 70 percent of our electricity from inexpensive, emissions-free hydropower—global warming threatens to seriously impact our economy.

Ironically, one of the primary impacts of global warming on the Pacific Northwest will be to change our rainfall patterns in a way that reduces the amount of water available for hydropower production.

And these changes will not only harm electricity generation, they will also impact billions of dollars of economic infrastructure associated with irrigation systems, municipal water supplies, even ski resorts that depend on our historic snowfall patterns.

Faced with these possibilities, we must ask several simple questions: What are we doing to prepare for these changes? How are predicted sea level rises being incorporated into shoreline restoration projects, siting of public infrastructure, or disaster response plans, among many other examples? What tools do we need to give Federal, State, and local decisionmakers to take climate change into account on long-term, multibillion-dollar decisions?

Unfortunately, we don't have any answers.

As we discovered when I held a hearing on ocean acidification as chair of the Oceans, Atmosphere, Fisheries and Coast Guard subcommittee last May, our Government is ill-equipped to plan for the consequences of global climate change. We simply lack the tools to develop the strategies we need to adapt.

In August, the Government Accountability Office found that the Federal government is not providing Federal agencies with the proper tools or policy mandates to take climate change impacts into account in carrying out their responsibilities to manage public resources.

In September, the National Academy of Sciences concluded there is a tremendous need to improve the delivery of climate change information to Federal, regional, and local levels so they can take climate change impacts into account in planning and managing resources.

The reality is that even if we were somehow able to stop using fossil fuels today, a certain degree of warming and ocean acidification will still occur over the next 2 or 3 decades.

While my top priority is to move our Nation to a clean energy system, we must face the fact that global warming is happening already, and it is only going to get worse.

That is why I am pleased today to be introducing the Climate Change Adaptation Act—a bill to ensure that our government plans for the changes that global warming will inevitably bring. This bill will require the President to develop a national strategy for addressing the impacts that climate change will have on our natural resources. It will also specifically require NOAA to conduct vulnerability assessments on the impacts of climate change on coastal and ocean resources, and to prepare adaptation plans for those resources.

Planning for the future isn't just common sense—it's responsible government.

This bill is complementary to several bills under consideration by the Commerce Committee on which I serve, including the Kerry-Snowe bill that was under discussion at a Commerce Committee hearing earlier today. Their bill contains many provisions I believe are vitally important—including language I authored with Senator COLLINS on the need for a program to study the threat of abrupt climate change. I'm also proud to work with Senator LAUTENBERG on legislation combating ocean acidification.

I look forward to working with my colleagues to move all these critical bills out of the committee and through the Senate in the coming weeks.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Climate Change Adaptation Act".

SEC. 2. AMENDMENT OF NATIONAL CLIMATE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Climate Program Act (15 U.S.C. 2901 et seq.).

SEC. 3. FINDINGS.

Section 2 (15 U.S.C. 2601) is amended to read as follows:

"SEC. 2. FINDINGS.

"The Congress finds that—

"(1) weather, climate change, and climate variability affect public safety, environmental services and security, human health, agriculture, energy use, water resources, and other factors vital to national security and human welfare;

"(2) the present rate of advance of national efforts in research and development and the application of such advances is inadequate to meet the challenges posed by observed and projected rates of climate change and climate variability and the increasing demand for information to guide planning and response across all sectors;

"(3) the United States lacks adequate research, infrastructure, and coordinated outreach and communication mechanisms to meet national climate monitoring, prediction, and decision support needs for adapting to and mitigating the impacts of climate change and climate variability;

"(4) information regarding climate change and climate variability is not being fully disseminated or used, and Federal efforts have given insufficient attention to assessing and applying this information;

"(5) climate change and climate variability occur on a global basis making international cooperation essential for the purpose of sharing the benefits and costs of a global effort to understand and communicate these changes;

"(6) recent scientific reports by the Intergovernmental Panel on Climate Change conclusively found that climate change is occurring, and that impacts from climate change can be expected in even shorter time periods than had been previously predicted;

"(7) the Panel found that the resilience of many ecosystems is likely to be exceeded this century by an unprecedented combination of climate change, associated disturbances such as flooding and drought, and other global change drivers such as land-use change;

"(8) according to the Panel, approximately 20 to 30 percent of plant and animal species assessed so far are likely to be at increased risk of extinction if increases in global average temperature exceed 1.5 to 2.5 degrees Celsius;

"(9) the Panel also found that the progressive acidification of oceans due to increasing atmospheric carbon dioxide is expected to have negative impacts on marine shell-forming organisms, such as corals, and their dependent species;

"(10) the Panel found that coasts will be exposed to increasing risks, including coastal erosion, over coming decades due to climate change and sea-level rise, and that adaptation costs for vulnerable coasts are much less than the costs of inaction;

"(11) in its September, 2007, study entitled Evaluating Progress of the U.S. Climate Change Science Program: Methods and Preliminary Results, the National Academy of Sciences concluded that there is a tremendous need to improve the delivery of information to decision makers at the Federal, regional, and local levels on climate change impacts and to take such impacts into account in planning and in managing resources;

"(12) States and local communities may need Federal assistance in developing and implementing strategies to address the impacts of climate change;

"(13) in its August, 2007, report entitled Climate Change: Agencies Should Develop Guidance for Addressing the Effects on Federal Land and Water Resources, GAO-07-863, the Government Accountability Office found that the Federal government is not providing the National Oceanic and Atmospheric Administration and other Federal agencies that are responsible for managing natural resources with the proper tools or policy mandates to take the impacts of climate change into account in carrying out their responsibilities to manage public resources;

"(14) the National Oceanic and Atmospheric Administration, which plays a leading role in the Federal government's Global Change Research Program, has a key role to play both in predicting impacts of climate change on natural resources and in improving the delivery of information critical to adaptation and management to end users; and

"(15) the National Oceanic and Atmospheric Administration has a key role to play in addressing the impacts of climate change on our Nation's coastal areas and ocean resources.".

SEC. 4. DEFINITIONS.

Section 4 (15 U.S.C. 2903) is amended by striking paragraphs (1) and (2) and redesignating paragraphs (3) and (4) as paragraphs (1) and (2).

SEC. 5. NATIONAL CLIMATE PROGRAM ELEMENTS.

Section 5 (15 U.S.C. 2904) is amended—

(1) by striking "subsection (d)(9);" in subsection (b)(1) and inserting "section 6;";

(2) by striking subsections (c), (e), (f), and (g); and

(3) by striking subsection (d) and inserting the following:

"(c) PROGRAM ELEMENTS.—

"(1) IN GENERAL.—The Program shall include—

"(1) a strategic plan to address the impacts of climate change within the United States; and

"(2) a National Climate Service to be established within the National Oceanic and Atmospheric Administration.".

SEC. 6. NATIONAL CLIMATE STRATEGY.

The Act is amended by striking sections 6 through 9 (15 U.S.C. 2905 et seq.) and inserting the following:

"SEC. 6. NATIONAL STRATEGIC PLAN FOR CLIMATE CHANGE ADAPTATION.

"(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Climate Change Adaptation Act, the President shall provide to the Congress a 5-year national strategic plan to address the impacts of climate change within the United States, to implement such strategy for Federally-managed resources and actions, and to provide information to and coordinate with State and local governments and nongovernmental entities to support similar efforts with respect to non-Federal natural resources. The President shall provide a mechanism for consulting with States and local governments, the private sector, universities, and other nongovernmental entities in developing the plan. The plan shall be updated at least every 5 years.

"(b) CONTENTS OF PLAN.—The plan shall, at a minimum—

"(1) identify existing Federal requirements, protocols, and capabilities for addressing climate change impacts on Federally managed resources and actions;

"(2) identify measures to improve such capabilities and the utilization of such capabilities;

"(3) include protocols to integrate climate change impacts into Federal agency actions and policies, consistent with existing authorities;

"(4) address vulnerabilities and priorities identified through the assessments carried out under the Global Change Research Act of 1990 and this Act;

"(5) establish a mechanism for the exchange of information related to addressing the impacts of climate change with, and provide technical assistance to, State and local governments and nongovernmental entities;

"(6) develop partnerships with State and local governments and nongovernmental entities to support and coordinate implementation of the plan;

"(7) include implementation and funding strategies for short-term and long-term actions that may be taken at the national, regional, State, and local level;

"(8) establish a process to develop more detailed agency and department- specific plans;

"(9) identify opportunities to utilize remote sensing and other geospatial technologies to improve planning for adaptation to climate change impacts; and

"(10) identify existing legal authorities and additional authorities necessary to implement the plan.

"(c) AGENCY-LEVEL STRATEGIES.—

"(1) AGENCY PLANS.—Each department and agency of the Executive Branch shall develop a detailed plan, based on the national plan, for addressing climate change impacts with respect to such department or agencies policies and actions, within 1 year after the date that the plan is submitted under subsection (b) and provide such plan to Congress.

"(2) INTERIM ACTIVITIES.—Nothing in this section shall be understood to prevent any Federal agency or department to take climate change impacts into account, consistent with its existing authorities, until the plans are provided to Congress and steps to implement such plans are taken.

"(d) COORDINATION.—The President shall ensure that the mechanism to provide information related to addressing the impacts of climate change to State and local governments and nongovernmental entities is appropriately coordinated or integrated with existing programs that provide similar information on climate change predictions.

"(e) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section shall supersede any Federal authority in effect on the date of enactment of the Climate Change Adaptation Act.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2009 through 2013 $10,000,000 to carry out this section.

"SEC. 7. OCEAN AND COASTAL VULNERABILITY AND ADAPTATION.

"(a) COASTAL AND OCEAN VULNERABILITY.—

"(1) IN GENERAL.—Within 2 years after the date of enactment of the Climate Change Adaptation Act, the Secretary of Commerce shall, in consultation with the appropriate Federal, State, and local governmental entities, conduct regional assessments of the vulnerability of coastal and ocean areas and resources to hazards associated with climate change, climate variability, and ocean acidification including -

"(A) sea level rise;

"(B) fluctuation of Great Lakes water levels;

"(C) increases in severe weather events;

"(D) storm surge;

"(E) rainfall;

"(F) flooding and inundation;

"(G) changes in sea ice;

"(H) changes in ocean currents impacting global heat transfer;

"(I) increased siltation due to coastal erosion;

"(J) shifts in the hydrological cycle;

"(K) natural hazards, including tsunami, drought, flood, and fire;

"(L) coral reef bleaching; and

"(M) alteration of ecological communities, including at the ecosystem or watershed levels,

"(2) UPDATES.—The Secretary shall update such assessments at least once every 5 years.

"(3) REGIONAL COASTAL AND OCEAN ASSESSMENTS.—In preparing the regional coastal assessments, the Secretary shall take into account the information and assessments being developed pursuant to the Global Change Research Program. The regional assessments shall include an evaluation of—

"(A) physical, biological, and ecological impacts, such as coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion of aquifers and saltwater encroachment, impacts on food web distribution, species migration, species abundance, and changes in marine pathogens and diseases;

"(B) social impacts associated with threats to and potential losses of housing, communities, and infrastructure; and

"(C) economic impacts on local, State, and regional economies, including the impact on abundance or distribution of economically important living marine resources.

"(b) COASTAL AND OCEAN ADAPTATION PLAN.—The Secretary shall, within 3 years after the date of enactment of the Climate Change Adaptation Act, submit to the Congress a national coastal and ocean adaptation plan, composed of individual regional adaptation plans that recommend targets and strategies to address coastal and ocean impacts associated with climate change, ocean acidification, sea level rise, and climate variability. The plan shall be developed with the participation of other Federal, State, and local government agencies that will be critical in the implementation of the plan at the State and local levels and shall take into account recommendations of the National Science Board in its January 12, 2007, report entitled Hurricane Warning: The Critical Need for a National Hurricane Research Initiative and other relevant studies, and not duplicate existing Federal and State hazard planning requirements. The Plan shall recommend both short- and long-term adaptation strategies and shall include recommendations regarding—

"(1) Federal flood insurance program modifications;

"(2) areas that have been identified as high risk through mapping and assessment;

"(3) mitigation incentives such as rolling easements, strategic retreat, State or Federal acquisition in fee simple or other interest in land, construction standards, and zoning;

"(4) land and property owner education;

"(5) economic planning for small communities dependent upon affected coastal and ocean resources, including fisheries;

"(6) coastal hazards protocols to reduce the risk of damage to lives and property, and a process for evaluating the implementation of such protocols;

"(7) strategies to address impacts on the most vulnerable living marine resources;

"(8) proposals to integrate measures into the actions and policies of the National Oceanic and Atmospheric Administration;

"(9) a plan for additional research and development of technologies and capabilities to address such impacts;

"(10) plans to pursue bilateral and multilateral agreements necessary to effectively address such impacts;

"(11) partnerships with States and nongovernmental organizations;

"(12) methods to mitigate the impacts identified, including habitat restoration measures; and

"(12) funding requirements and mechanisms.

"(c) TECHNICAL PLANNING ASSISTANCE.—The Secretary, through the National Oceanic and Atmospheric Administration, shall establish a coordinated program to provide technical planning assistance and products to coastal States and local governments as they develop and implement adaptation or mitigation strategies and plans. Products, information, tools and technical expertise generated from the development of the regional coastal and ocean assessments and the coastal and ocean adaptation plans will be made available to coastal States for the purposes of developing their own State and local plans.

"(d) COASTAL AND OCEAN ADAPTATION GRANTS.—

"(1) IN GENERAL.—The Secretary shall provide grants of financial assistance to coastal States with federally approved coastal zone management programs to develop and begin implementing coastal and ocean adaptation programs.

"(2) ALLOCATION OF FUNDS.—The Secretary shall distribute grant funds under paragraph (1) among coastal States in accordance with the formula established under section 306(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455(c)), adjusted in consultation with the States as necessary to provide assistance to particularly vulnerable coastlines.

"(3) MATCHING REQUIREMENT.—The Secretary shall make grants under paragraph (1) on a matching basis under which the ratio of Federal to State funds is—

"(A) 4 to 1 in the first fiscal year;

"(B) 2.3 to 1 in the second fiscal year;

"(C) 2 to 1 in the third fiscal year; and

"(D) 1 to 1 thereafter.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere $35,000,000 for each of fiscal years 2009 through 2013 to carry out the provisions of this section, of which $25,000,000 shall be available for grants under subsection (d) for each of such fiscal years. Not more than 75 percent of the amount available for grants under subsection (d) for any fiscal year may be used for grants relating to coastal impacts.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 378—RECOGNIZING AND THANKING ALL MILITARY FAMILIES FOR THE TREMENDOUS SACRIFICES AND CONTRIBUTIONS THEY HAVE MADE TO THE NATION

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. STEVENS, Mr. BINGAMAN, Mr. ISAKSON, Mr. LOTT, Mr. DORGAN, Mr. BENNETT, Mr. SHELBY, Ms. MIKULSKI, Mr. ROBERTS, Mrs. DOLE, Mr. INOUYE, Mr. LAUTENBERG, Mr. CASEY, Mr. OBAMA, Mr. BUNNING, Mr. INHOFE, Mr. DOMENICI, Mr. CRAPO, Mr. COLEMAN, Mr. GRAHAM, Mr. SALAZAR, Mr. BROWNBACK, Mr. VOINOVICH, Mr. NELSON of Florida, Mr. BIDEN, Mrs. CLINTON, Mr. CRAIG, Mr. MARTINEZ, Mr. MCCAIN, Mr. JOHNSON, Mrs. HUTCHISON, Mr. GREGG, Ms. STABENOW, Mr. KENNEDY, Mr. SUNUNU, Mr. COCHRAN, Mr. WHITEHOUSE, and Mr. BAUCUS) submitted the following resolution; which was considered and agreed to:

S. RES. 378

Whereas there are currently more than 3,000,000 immediate family members of individuals serving in the Armed Forces;

Whereas these family members bear the most immediate and profound burden of the absence of their loved ones during the performance of their duties;

Whereas these families have been the bedrock of support and strength for our Nation's Armed Forces for over 230 years;

Whereas military families serve this country with an equal amount of dedication and patriotism as their loved ones who are fighting for the United States;

Whereas the families of servicemembers—whether in the regular components of the

Armed Forces, the Reserve, or the National Guard—feel enormous amounts of pride, love, and trepidation during the absence of their loved ones;

Whereas it is essential that the Nation recognize the contributions made by military families and celebrate their strength; and

Whereas the Senate stands in humble respect of the sacrifice made by our military families: Now, therefore, be it

Resolved, That the Senate—

(1) honors the families of members of the Armed Forces and recognizes that they too share in the burden of protecting the Nation;

(2) urges the people of the United States to join with the Senate in thanking military families for their tremendous sacrifice on behalf of the Nation; and

(3) recognizes with great appreciation the contributions made by military families in providing the essential personal support that our Nation's warriors need.

SENATE RESOLUTION 379—DESIGNATING THURSDAY, NOVEMBER 15, 2007, AS “FEED AMERICA THURSDAY”

Mr. HATCH (for himself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 379

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the Nation was founded;

Whereas, according to the Department of Agriculture, roughly 35,000,000 people in the United States, including 12,000,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 15, 2007, as “Feed America Thursday”; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 15, 2007, and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

SENATE RESOLUTION 380—RECOGNIZING HOSTELLING INTERNATIONAL USA FOR 75 YEARS OF SERVICE TO INTERCULTURAL UNDERSTANDING AND TO YOUTH TRAVEL

Mr. STEVENS (for himself and Mr. INOUYE) submitted the following resolution; which was considered and agreed to:

S. RES. 380

Whereas travel promotes awareness and knowledge of peoples, places, and cultures;

Whereas hostelling is educational travel, local and global, using hostels and other programs to facilitate interaction among travelers and with local communities;

Whereas hostels are simple, safe, shared accommodations that promote community and cooperation among users and introduce young people of limited means to travel;

Whereas Hostelling International USA (HI-USA) is a nonprofit educational organization established in 1934 as American Youth Hostels to promote hostelling in the United States;

Whereas, since its founding, HI-USA has provided in its hostels more than 22,000,000 overnight stays to visitors from the United States and more than 150 countries worldwide;

Whereas today HI-USA has a network of 70 hostels in areas of cultural, historic, and recreational interest, often in partnership with public, private, and other nonprofit organizations, that annually hosts nearly 1,000,000 overnights stays by both domestic and foreign travelers;

Whereas HI-USA today offers programs through its hostels and local chapters that promote the appreciation of local culture and environment, while facilitating the discovery of both world and self, to more than 65,000 participants annually;

Whereas HI-USA has made a unique and notable contribution to intercultural understanding in the United States and worldwide, especially among youth: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Hostelling International USA on its 75 years of service; and

(2) commends Hostelling International USA for its contributions to intercultural exchange and its leadership in the field of youth travel.

SENATE RESOLUTION 381—REMEMBERING AND COMMEMORATING THE LIVES AND WORK OF MARYKNOLL SISTERS MAURA CLARKE AND ITA FORD, URSULINE SISTER DOROTHY KAZEL, AND CLEVELAND LAY MISSION TEAM MEMBER JEAN DONOVAN, WHO WERE EXECUTED BY MEMBERS OF THE ARMED FORCES OF EL SALVADOR ON DECEMBER 2, 1980

Mr. FEINGOLD (for himself, Mr. DODD, Mr. LEAHY, Mr. KERRY, Mr. CASEY, Mr. MENENDEZ, and Mr. DURBIN) submitted the followint resolution; which was considered and agreed to:

S. RES. 381

Whereas on December 2, 1980, four churchwomen from the United States, Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, were violated and executed by members of the National Guard of El Salvador;

Whereas in 1980, Maryknoll Sisters Maura Clarke and Ita Ford were working in the parish of the Church of San Juan Bautista in Chalatenango, El Salvador, providing food, transportation, and other assistance to refugees, and Ursuline Sister Dorothy Kazel and Cleveland Lay Mission Team Member Jean Donovan were working in the parish of the Church of the Immaculate Conception in La Libertad, El Salvador, providing assistance and support to refugees and other victims of violence;

Whereas these four churchwomen from the United States dedicated their lives to working with the poor of El Salvador, especially women and children left homeless, displaced, and destitute by the civil war in El Salvador;

Whereas these four churchwomen from the United States were among the more than 70,000 civilians who were murdered during the course of the civil war in El Salvador;

Whereas on May 23 and May 24, 1984, five members of the National Guard of El Salvador, Subsergeant Luis Antonio Colindres Aleman, Daniel Canales Ramirez, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, and Jose Roberto Moreno Canjura, were found guilty by the El Salvador courts of the executions of these four churchwomen from the United States and were sentenced to 30 years in prison, marking the first time in El Salvador history in which a member of the Armed Forces of El Salvador was convicted of murder by an El Salvador judge;

Whereas the United Nations Commission on the Truth for El Salvador was established under the terms of the historic January 1992 Peace Accords that ended 12 years of civil war in El Salvador and was charged to investigate and report to the El Salvador people on human rights crimes committed by all sides during the course of the civil war;

Whereas in March 1993, the United Nations Commission on the Truth for El Salvador found that the execution of these four churchwomen from the United States was planned, that Subsergeant Luis Antonio Colindres Aleman carried out orders from a superior to execute them, that then Colonel Carlos Eugenio Vides Casanova, then Director-General of the National Guard and his cousin, Lieutenant Colonel Oscar Edgardo Casanova Vejar, then Commander of the Zacatecoluca military detachment where the murders were committed, and other military personnel knew that members of the National Guard had committed the murders pursuant to orders of a superior, and that the subsequent coverup of the facts adversely affected the judicial investigation into the murders of the churchwomen;

Whereas the United Nations Commission on the Truth for El Salvador determined that General Jose Guillermo Garcia, then Minister of Defense, made no serious effort to conduct a thorough investigation of responsibility for the murders of these four churchwomen from the United States;

Whereas the families of these four churchwomen from the United States continue their efforts to determine the full truth surrounding the murders of their loved ones, appreciate the cooperation of United States Government agencies in disclosing and providing documents relevant to the murders of the churchwomen, and pursue requests to release to the family members the few remaining undisclosed documents and reports pertaining to the case;

Whereas the families of these four churchwomen from the United States appreciate the ability of those harmed by violence to bring suit against El Salvador military officers in United States courts under the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

Whereas the lives of these four churchwomen from the United States have, for the past 27 years, served as inspiration for and continue to inspire Salvadorans, Americans, and people throughout the world to answer the call to service and to pursue lives dedicated to addressing the needs and aspirations of the poor, the vulnerable, and the disadvantaged, especially among women and children;

Whereas the lives of these four churchwomen from the United States have also inspired numerous books, plays, films, music, religious events, and cultural events;

Whereas schools, libraries, research centers, spiritual centers, health clinics, women's and children's programs in the United States and in El Salvador have been named after or dedicated to Sisters Maura Clarke, Ita Ford, Dorothy Kazel, and lay missionary Jean Donovan;

Whereas the Maryknoll Sisters, headquartered in Ossining, New York, the Ursuline Sisters, headquartered in Cleveland, Ohio, numerous religious task forces in the United States, and the Salvadoran and international religious communities based in El Salvador annually commemorate the lives and martyrdom of these four churchwomen from the United States;

Whereas the historic January 1992 Peace Accords ended 12 years of civil war in El Salvador and have allowed the Government and the people of El Salvador to achieve significant progress in creating and strengthening democratic, political, economic, and social institutions in El Salvador; and

Whereas December 2, 2007, marks the 27th anniversary of the deaths of these four spiritual, courageous, and generous churchwomen from the United States: Now, therefore, be it

Resolved, That the Senate—

(1) remembers and commemorates the lives and work of Sisters Maura Clarke, Ita Ford, and Dorothy Kazel and lay missionary Jean Donovan;

(2) extends sympathy and support for the families, friends, and religious communities of these four churchwomen from the United States;

(3) continues to find inspiration in the lives and work of these four churchwomen from the United States;

(4) calls upon the people of the United States and religious congregations to participate in local, national, and international events commemorating the 27th anniversary of the martyrdom of these four churchwomen from the United States;

(5) recognizes that while progress has been made in El Salvador during the post-civil war period, the work begun by these four churchwomen from the United States remains unfinished and social and economic hardships persist among many sectors of El Salvador society; and

(6) calls upon the President, the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other United States Government agencies to continue to support and collaborate with the Government of El Salvador and with private sector, nongovernmental, regional, international, and religious organizations in their efforts to reduce poverty and hunger and to promote educational opportunity, health care, and social equity for the people of El Salvador.

SENATE RESOLUTION 382—SUPPORTING THE GOALS AND IDEALS OF WORLD DIABETES DAY

Ms. STABENOW (for herself, Mr. DOMENICI, Mr. LAUTENBERG, and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 382

Whereas the World Health Organization and the International Diabetes Federation established World Diabetes Day in 1991 with the aim of coordinating diabetes advocacy worldwide;

Whereas World Diabetes Day is celebrated annually on November 14;

Whereas, on December 20, 2006, the General Assembly of the United Nations passed a landmark resolution recognizing diabetes as a chronic, debilitating, and costly disease;

Whereas the resolution designates World Diabetes Day as a United Nations Day to be observed every year starting in 2007 in order to raise global awareness of diabetes;

Whereas the theme of the 2007 United Nations World Diabetes Day campaign focuses on raising awareness of diabetes in children and adolescents, who face unique challenges when diagnosed with diabetes;

Whereas the United Nations campaign aims, among other objectives, to firmly establish the message that no child should die of diabetes;

Whereas the global diabetes epidemic has devastating effects on families, societies, and national economies;

Whereas diabetes is the 4th leading cause of death by disease in the world, and is the 6th leading cause of death in the United States;

Whereas diabetes is a leading cause of blindness, kidney failure, amputation, heart attack, and stroke;

Whereas in almost every country the incidence of diabetes is increasing, growing from an estimated 30,000,000 people worldwide in 1985 to an estimated 245,000,000 people in 2007, and to 380,000,000 by 2025, as reported by the International Diabetes Federation;

Whereas diabetes is one of the most common chronic childhood diseases;

Whereas diabetes can strike children at any age, and when diagnosed in young people the risk of developing life-threatening complications at an early age increases and life expectancy is shortened by, on average, 10 to 20 years;

Whereas new figures from the International Diabetes Federation's Diabetes Atlas suggest that more than 70,000 children develop type 1 diabetes each year and 440,000 children worldwide under the age of 14 now live with type 1 diabetes;

Whereas recent data indicate that 1 out of every 3 children born in the United States will develop diabetes during their lifetime, including 1 out of every 2 children from ethnic minority groups;

Whereas in low- and middle-income countries, many children with diabetes die because they are diagnosed late or misdiagnosed or because insulin is unaffordable, unavailable, or in short supply;

Whereas the incidence of type 2 diabetes, which was previously rare in children, is rising at alarming rates, with more than 200 children a day developing this form of diabetes;

Whereas obesity is a major contributor to type 2 diabetes;

Whereas according to the International Obesity Task Force of the International Association for the Study of Obesity, 155,000,000 school-age children worldwide are overweight, representing at least 1 out of every 10 school-age children;

Whereas at least 30,000,000 of those overweight children are classified as obese, accounting for at least 2 percent of the world's children between the ages of 5 and 17 years of age;

Whereas research has shown conclusively that type 2 diabetes can be prevented or significantly delayed through healthy weight maintenance and regular physical activity;

Whereas adopting a lifestyle high in physical activity and adopting a low-sugar, low-fat diet can successfully prevent the onset of obesity and diabetes among school-age children;

Whereas diabetes is costly, with the world estimated to spend at least $232,000,000,000 in 2007 and over $302,500,000,000 by 2025 to treat and prevent diabetes and its complications;

Whereas world treatment costs for diabetes are growing more quickly than the world population;

Whereas diabetes threatens to subvert global economic advancement by both straining government budgets worldwide (with the cost of diabetes-related disability payments, pensions, social and medical service costs, and lost revenue) and burdening private health insurers and employers with spiraling health care costs;

Whereas by 2025 the largest increases in diabetes prevalence will take place in developing countries, whose economies are less able to support increased expenditures to provide for those with the disease and engage in effective prevention efforts; and

Whereas the economic impact of diabetes threatens to undermine the achievement of the United Nation's Millennium Development Goals for developing countries: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of World Diabetes Day.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3654. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3655. Mr. BAUCUS (for himself, Mr. ENZI, Mr. TESTER, Mr. CRAIG, Mr. CRAPO, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3656. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3657. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3658. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3659. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3660. Mr. BAUCUS (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3661. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3662. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3663. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3664. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3665. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3666. Mr. TESTER (for himself, Mr. GRASSLEY, and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3667. Mr. HARKIN (for himself, Mr. ENZI, Mr. JOHNSON, Mr. BARRASSO, Mr. DORGAN, Mr. GRASSLEY, Mr. FEINGOLD, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3668. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3669. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3670. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3671. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3672. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3673. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3674. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3675. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3676. Mr. DURBIN (for Mrs. FEINSTEIN (for herself and Mrs.. HUTCHISON)) proposed an amendment to the bill S. 597, to extend the special postage stamp for breast cancer research for 4 years .

SA 3677. Mr. DURBIN (for Mr. MENENDEZ) proposed an amendment to the resolution S. Res. 299, recognizing the religious and historical significance of the festival of Diwali.

SA 3678. Mr. DURBIN (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 597, to extend the special postage stamp for breast cancer research for 4 years.

TEXT OF AMENDMENTS

SA 3654. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 272, after line 24, add the following:

SEC. 19___ SHARE OF RISK.

(a) IN GENERAL.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended—

(1) by striking "require the reinsured" and inserting the following: "require—

"(A) the reinsured";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(B)(i) the cumulative underwriting gain or loss, and the associated premium and losses with such amount, calculated under any reinsurance agreement (except livestock) ceded to the Corporation by each approved insurance provider to be not less than 12.5 percent; and

"(ii) the Corporation to pay a ceding commission to reinsured companies of 2 percent of the premium used to define the loss ratio for the book of business of the approved insurance provider that is described in clause (i).".

(b) CONFORMING AMENDMENTS.—Section 516(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)) is amended by adding at the end the following:

"(E) Costs associated with the ceding commissions described in section 508(k)(3)(B)(ii).".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on June 30, 2008.

On page 273, lines 12 and 13, strike "2 percentage points" and insert "4.0 percentage points".

Beginning on page 445, strike line 18 and all that follows through page 446, line 7, and insert the following:

"(5) The farmland protection program under subchapter B of chapter 2, using, to the maximum extent practicable, $110,000,000 for each of fiscal years 2008 through 2012.

"(6) The grassland reserve program under chapter C of chapter 2, using, to the maximum extent practicable, $300,000,000 for the period of fiscal years 2008 through 2012.

"(7) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

"(A) $1,345,000,000 for fiscal year 2008;

"(B) $1,350,000,000 for fiscal year 2009;

"(C) $1,385,000,000 for fiscal year 2010; and

"(D) $1,420,000,000 for each of fiscal years 2011 and 2012.".

SA 3655. Mr. BAUCUS (for himself, Mr. ENZI, Mr. TESTER, Mr. CRAIG, Mr. CRAPO, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 972, strike line 2 and insert the following:

on reproductive fitness and related measures.

"(56) BRUCELLOSIS CONTROL AND ERADICATION.—Research and extension grants may be made available—

"(A) for the conduct of research relating to the development of vaccines and vaccine delivery systems to effectively control and eliminate brucellosis in wildlife; and

"(B) to assist with the controlling of the spread of brucellosis from wildlife to domestic animals in the greater Yellowstone area."

SA 3656. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1192, strike line 13 and insert the following:

"SEC. 9023. REPORT ON THE GROWTH POTENTIAL FOR CELLULOSIC MATERIAL.

"Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a comprehensive report that, on a State-by-State basis—

"(1) identifies the range of cellulosic feedstock materials that can be grown and are viable candidates for renewable fuel production;

"(2) estimates the acreage available for growing the cellulosic feedstock materials identified under paragraph (1);

"(3) estimates the quantity of available energy per acre for each cellulosic feedstock material identified under paragraph (1);

"(4) calculates the development potential for growing cellulosic feedstock materials, based on—

"(A) the range of cellulosic materials available for growth;

"(B) soil quality;

"(C) climate variables;

"(D) the quality and availability of water;

"(E) agriculture systems that are in place as of the date of enactment of this Act;

"(F) available acreage; and

"(G) other relevant factors identified by the Secretary; and

"(5) rates the development potential for growing cellulosic feedstock material, with the ratings displayed on maps of the United States that indicate the development potential of each State, as calculated by the Secretary under paragraph (4).

"SEC. 9024. FURTURE FARMSTEADS PROGRAM.

SA 3657. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. REGULATIONS TO IMPROVE MANAGEMENT AND OVERSIGHT OF CERTAIN REGULATED ARTICLES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate regulations—

(1) to implement, as appropriate, each issue identified in the document entitled "Lessons Learned and Revisions under Consideration for APHIS' Biotechnology Framework", dated October 4, 2007; and

(2) to improve the management and oversight of articles regulated under the Plant Protection Act (7 U.S.C. 7701 et seq.).

(b) INCLUSIONS.—In promulgating regulations under subsection (a), the Secretary shall include provisions that are designed to enhance—

(1) the quality and completeness of records;

(2) the availability of representative samples;

(3) the maintenance of identity and control in the event of an unauthorized release;

(4) corrective actions in the event of an unauthorized release;

(5) protocols for conducting molecular forensics;

(6) clarity in contractual agreements;

(7) the use of the latest scientific techniques for isolation and confinement;

(8) standards for quality management systems and effective research (including laboratory, greenhouse, and field research); and

(9) the design of electronic permits to store documents and other information relating to the permit and notification processes.

(c) CONSIDERATION.—In promulgating regulations under subsection (a), the Secretary shall consider—

(1) establishing—

(A) a level of potential risk presented by each regulated article (including unintended release);

(B) a means to identify regulated articles (including the retention of seed samples); and

(C) scientifically valid and proven isolation and containment distances; and

(2) requiring permit holders—

(A) to maintain a positive chain of custody;

(B) to provide for the maintenance of records;

(C) to provide for the accounting of material;

(D) to conduct periodic audits;

(E) to establish an appropriate training program;

(F) to provide contingency and corrective action plans; and

(G) to submit reports as the Secretary considers to be appropriate.

SA 3658. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. INVASIVE SPECIES REVOLVING LOAN FUND.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED EQUIPMENT.—

(A) IN GENERAL.—The term "authorized equipment" means any equipment necessary for the management of forest land.

(B) INCLUSIONS.—The term "authorized equipment" includes—

(i) cherry pickers;

(ii) equipment necessary for—

(I) the construction of staging and marshalling areas;

(II) the planting of trees; and

(III) the surveying of forest land;

(iii) vehicles capable of transporting harvested trees;

(iv) wood chippers; and

(v) any other appropriate equipment, as determined by the Secretary.

(2) FUND.—The term "Fund" means the Invasive Species Revolving Loan Fund established by subsection (b).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Deputy Chief of the State and Private Forestry organization.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the "Invasive Species Revolving Loan Fund", consisting of such amounts as are appropriated to the Fund under subsection (f).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (e).

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) USES OF FUND.—

(1) LOANS.—

(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—

(i) on land under the jurisdiction of the eligible units of local government; and

(ii) within the borders of quarantine areas infested by invasive species.

(B) MAXIMUM AMOUNT.—The maximum amount of a loan that may be provided by the Secretary to an eligible unit of local government under this subsection shall be the lesser of—

(i) the amount that the eligible unit of local government has appropriated—

(I) to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—

(aa) on land under the jurisdiction of the eligible unit of local government; and

(bb) within the borders of a quarantine area infested by invasive species; and

(II) to enter into contracts with appropriate individuals and entities to monitor, remove, dispose of, and replace infested trees that are located in each area described in subclause (I); or

(ii) $5,000,000.

(C) INTEREST RATE.—The interest rate on any loan made by the Secretary under this paragraph shall be a rate equal to 2 percent.

(D) REPORT.—Not later than 180 days after the date on which an eligible unit of local government receives a loan provided by the Secretary under subparagraph (A), the eligible unit of local government shall submit to the Secretary a report that describes each purchase made by the eligible unit of local government using assistance provided through the loan.

(2) LOAN REPAYMENT SCHEDULE.—

(A) IN GENERAL.—To be eligible to receive a loan from the Secretary under paragraph (1), in accordance with each requirement described in subparagraph (B), an eligible unit of local government shall enter into an agreement with the Secretary to establish a loan repayment schedule relating to the repayment of the loan.

(B) REQUIREMENTS RELATING TO LOAN REPAYMENT SCHEDULE.—A loan repayment schedule established under subparagraph (A) shall require the eligible unit of local government—

(i) to repay to the Secretary of the Treasury, not later than 1 year after the date on which the eligible unit of local government receives a loan under paragraph (1), and semiannually thereafter, an amount equal to the quotient obtained by dividing—

(I) the principal amount of the loan (including interest); by

(II) the total quantity of payments that the eligible unit of local government is required to make during the repayment period of the loan; and

(ii) not later than 20 years after the date on which the eligible unit of local government receives a loan under paragraph (1), to complete repayment to the Secretary of the Treasury of the loan made under this section (including interest).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 11073. COOPERATIVE AGREEMENTS RELATING TO INVASIVE SPECIES PREVENTION ACTIVITIES.

Any cooperative agreement entered into after the date of enactment of this Act between the Secretary and a State relating to the prevention of invasive species infestation shall allow the State to provide any cost-sharing assistance or financing mechanism provided to the State under the cooperative agreement to a unit of local government of the State that—

(1) is engaged in any activity relating to the prevention of invasive species infestation; and

(2) is capable of documenting each invasive species infestation prevention activity generally carried out by—

(A) the Department of Agriculture; or

(B) the State department of agriculture that has jurisdiction over the unit of local government.

SA 3659. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 895, strike lines 4 through 7 and insert the following:

Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended—

(A) in subsection (g)(1), by striking "$350,000" and inserting "$500,000"; and

(B) in subsection (h), by striking "2007" and inserting "2012".

SA 3660. Mr. BAUCUS (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3___. AGRICULTURAL SUPPLY.

(a) In General.—Section 902(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201(1)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1); and

(3) by inserting after paragraph (1) the following:

"(2) Agricultural supply.—The term 'agricultural supply' includes—

"(A) agricultural commodities; and

"(B)(i) agriculture-related processing equipment;

"(ii) agriculture-related machinery; and

"(iii) other capital goods related to the storage or handling of agricultural commodities or products.".

(b) Conforming Amendments.—The Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.) is amended—

(1) by striking "agricultural commodities" each place it appears and inserting "agricultural supplies";

(2) in section 904(2), by striking "agricultural commodity" and inserting "agricultural supply"; and

(3) in section 910(a), in the subsection heading, by striking "Agricultural Commodities" and inserting "Agricultural Supplies".

SEC. 3___. CLARIFICATION OF PAYMENT TERMS UNDER TSREEA.

Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) striking "(1) In general.—No United States person" and inserting the following:

"(1) Prohibition.—

"(A) In general.—No United States person"; and

(3) in the undesignated matter following clause (ii) (as redesignated by paragraph (1)), by striking "Nothing in this paragraph" and inserting the following:

"(B) Definition of payment of cash in advance.—Notwithstanding any other provision of law, for purposes of this paragraph, the term 'payment of cash in advance' means only that payment must be received by the seller of an agricultural supply to Cuba or any person in Cuba before surrendering physical possession of the agricultural supply.

"(C) Regulations.—The Secretary of the Treasury shall publish in the Federal Register a description of the contents of this section as a clarification of the regulations of the Secretary regarding sales under this title to Cuba.

"(D) Clarification.—Nothing in this paragraph".

SEC. 3___. REQUIREMENTS RELATING TO CERTAIN TRAVEL-RELATED TRANSACTIONS WITH CUBA.

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by adding at the end the following:

"(c) General License Authority for Travel-Related Expenditures in Cuba by Persons Engaging in TSREEA-Authorized Sales and Marketing Activities.—

"(1) Definition of sales and marketing activity.—

"(A) In general.—In this subsection, the term 'sales and marketing activity' means any activity with respect to travel to, from, or within Cuba that is undertaken by United States persons—

"(i) to explore the market in Cuba for products authorized under this title; or

"(ii) to engage in sales activities with respect to such products.

"(B) Inclusion.—The term 'sales and marketing activity' includes exhibiting, negotiating, marketing, surveying the market, and delivering and servicing products authorized under this title.

"(2) Authorization.—The Secretary of the Treasury shall authorize under a general license the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations (as in effect on June 1, 2007), for travel to, from, or within Cuba in connection with sales and marketing activities involving products approved for sale under this title.

"(3) Authorized persons.—Persons authorized to travel to Cuba under paragraph (2) shall include—

"(A) producers of products authorized under this title;

"(B) distributors of such products; and

"(C) representatives of trade organizations that promote the interests of producers and distributors of such products.

"(4) Regulations.—The Secretary of the Treasury shall promulgate such rules and regulations as are necessary to carry out this subsection.".

SEC. 3___. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

The Trade Sanctions Reform and Export Enhancement Act of 2000 is amended—

(1) by redesignating section 911 (22 U.S.C. 7201 note; Public Law 106-387) as section 912; and

(2) by inserting after section 910 (22 U.S.C. 7209) the following;

"SEC. 911. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

"Notwithstanding any other provision of law (including regulations), the President shall not restrict direct transfers from Cuban to United States financial institutions executed in payment for products authorized by this Act.".

SEC. 3___. SENSE OF CONGRESS THAT PROSPECTIVE PURCHASERS OF TSREEA PRODUCTS SHOULD BE ISSUED VISAS TO ENTER THE UNITED STATES.

(a) Sense of Congress.—It is the sense of Congress that the Secretary of State should issue visas for temporary entry into the United States of Cuban nationals who demonstrate a full itinerary of purchasing activities relating to the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.) while in the United States.

(b) Periodic Reports.—Not later than 45 days after the date of enactment of this Act and every 90 days thereafter, the Secretary of State shall submit to the Committees on Agriculture, Foreign Affairs, and Ways and Means of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry, Finance, and Foreign Relations of the Senate a report that describes any actions of the Secretary relating to this section, including—

(1) a full description of each application received from a Cuban national to travel to the United States to engage in purchasing activities described in subsection (a); and

(2) a description of the disposition of each such application.

SA 3661. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows;

At the appropriate place, insert the following:

SEC.___. PREVENTING CHILDHOOD OBESITY.

(a) Federal Leadership Commission to Prevent Childhood Obesity.—Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

"SEC. 399Z–1. FEDERAL LEADERSHIP COMMISSION TO PREVENT CHILDHOOD OBESITY.

"(a) In General.—The Secretary shall ensure that the Federal Government coordinates efforts to develop, implement, and enforce policies that promote messages and activities designed to prevent obesity among children and youth.

"(b) Establishment of Leadership Commission.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish within the Centers for Disease Control and Prevention a Federal Leadership Commission to Prevent Childhood Obesity (referred to in this section as the 'Commission') to assess and make recommendations for Federal departmental policies, programs, and messages relating to the prevention of childhood obesity. The Director shall serve as the chairperson of the Commission.

"(c) Membership.—The Commission shall include representatives of offices and agencies within—

"(1) the Department of Health and Human Services;

"(2) the Department of Agriculture;

"(3) the Department of Commerce;

"(4) the Department of Education;

"(5) the Department of Housing and Urban Development;

"(6) the Department of the Interior;

"(7) the Department of Labor;

"(8) the Department of Transportation;

"(9) the Federal Trade Commission; and

"(10) other Federal entities as determined appropriate by the Secretary.

"(d) Duties.—The Commission shall—

"(1) serve as a centralized mechanism to coordinate activities related to obesity prevention across all Federal departments and agencies;

"(2) establish specific goals for obesity prevention, and determine accountability for reaching these goals, within and across Federal departments and agencies;

"(3) review evaluation and economic data relating to the impact of Federal interventions on the prevention of childhood obesity;

"(4) provide a description of evidence-based best practices, model programs, effective guidelines, and other strategies for preventing childhood obesity;

"(5) make recommendations to improve Federal efforts relating to obesity prevention and to ensure Federal efforts are consistent with available standards and evidence; and

"(6) monitor Federal progress in meeting specific obesity prevention goals.

"(e) Study; Summit; Guidelines.—

"(1) Study.—The Government Accountability Office shall—

"(A) conduct a study to assess the effect of Federal nutrition assistance programs and agricultural policies on the prevention of childhood obesity, and prepare a report on the results of such study that shall include a description and evaluation of the content and impact of Federal agriculture subsidy and commodity programs and policies as such relate to Federal nutrition programs;

"(B) make recommendations to guide or revise Federal policies for ensuring access to nutritional foods in Federal nutrition assistance programs; and

"(C) complete the activities provided for under this section not later than 18 months after the date of enactment of this section.

"(2) INSTITUTE OF MEDICINE STUDY.—

"(A) IN GENERAL.—Not later than 6 months after the date of enactment of this section, the Secretary shall request that the Institute of Medicine (or similar organization) conduct a study and make recommendations on guidelines for nutritional food and physical activity advertising and marketing to prevent childhood obesity. In conducting such study the Institute of Medicine shall—

"(i) evaluate children's advertising and marketing guidelines and evidence-based literature relating to the impact of advertising on nutritional foods and physical activity in children and youth; and

"(ii) make recommendations on national guidelines for advertising and marketing practices relating to children and youth that—

"(I) reduce the exposure of children and youth to advertising and marketing of foods of poor or minimal nutritional value and practices that promote sedentary behavior; and

"(II) increase the number of media messages that promote physical activity and sound nutrition.

"(B) GUIDELINES.—Not later than 2 years after the date of enactment of this section, the Institute of Medicine shall submit to the Commission the final report concerning the results of the study, and making the recommendations, required under this paragraph.

"(3) NATIONAL SUMMIT.—

"(A) IN GENERAL.—Not later than 1 year after the date on which the report under paragraph (2)(B) is submitted, the Commission shall convene a National Summit to Implement Food and Physical Activity Advertising and Marketing Guidelines to Prevent Childhood Obesity (referred to in this section as the 'Summit').

"(B) COLLABORATIVE EFFORT.—The Summit shall be a collaborative effort and include representatives from—

"(i) education and child development groups;

"(ii) public health and behavioral science groups;

"(iii) child advocacy and health care provider groups; and

"(iv) advertising and marketing industry.

"(C) ACTIVITIES.—The participants in the Summit shall develop a 5-year plan for implementing the national guidelines recommended by the Institute of Medicine in the report submitted under paragraph (2)(B).

"(D) EVALUATION AND REPORTS.—Not later than 1 year after the date of enactment of this section, and biannually thereafter, the Commission shall evaluate and submit a report to Congress on the efforts of the Federal Government to implement the recommendations made by the Institute of Medicine in the report under paragraph (2)(B) that shall include a detailed description of the plan of the Secretary to implement such recommendations.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2010.

"(g) DEFINITIONS.—For purposes of this section, the definitions contained in section 401 of the Prevention of Childhood Obesity Act shall apply.".

(b) FEDERAL TRADE COMMISSION AND MARKETING TO CHILDREN AND YOUTH.—

(1) IN GENERAL.—Notwithstanding section 18 of the Federal Trade Commission Act (15 U.S.C. 57a), the Federal Trade Commission is authorized to promulgate regulations and monitor compliance with the guidelines for advertising and marketing of nutritional foods and physical activity directed at children and youth, as recommended by the National Summit to Implement Food and Physical Activity Advertising and Marketing Guidelines to Prevent Childhood Obesity (as established under section 399Z-1(e)(3) of the Public Health Service Act).

(2) FINES.—Notwithstanding section 18 of the Federal Trade Commission Act (15 U.S.C. 57a), the Federal Trade Commission may assess fines on advertisers or network and media groups that fail to comply with the guidelines described in paragraph (1).

SA 3662. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

SEC. 9____. SENSE OF CONGRESS REGARDING COOPERATIVE REGIONAL RESEARCH, EXTENSION, AND EDUCATION PROGRAMS ON BIOFUELS AND BIOPRODUCTS.

It is the sense of Congress that the Secretary shall continue to allow and support efforts of regional consortiums of public institutions, including land grant universities and State departments of agriculture, to jointly support the bioeconomy through research, extension, and education activities, including—

(1) expanding the use of biomass;

(2) improving the efficiency and sustainability of bioenergy;

(3) supporting local ownership in the bioeconomy;

(4) communicating about the bioeconomy;

(5) facilitating information sharing; and

(6) assisting to coordinate regional approaches.

SA 3663. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VII, add the following:

SEC. 75___. MODIFICATIONS TO INFORMATION TECHNOLOGY SERVICE.

(a) IN GENERAL.—The Secretary shall not implement any modification that reduces the availability or provision of information technology service, or administrative management control of that service, including data or center service agency, functions, and personnel at the National Finance Center and the National Information Technology Center service locations, until the date on which the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate receive a written determination and report from the Chief Financial Officer or Chief Information Officer of the Department of Agriculture and the Secretary that states that the implementation of the modification is in the best interests of the Department of Agriculture.

(b) REPORT ON PROPOSED MODIFICATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Comptroller General a report on any proposed modification to reduce the availability or provision of any information technology service, or administrative management control of such a service, including data or center service agency, functions, and personnel at the National Finance Center and National Technology Center service locations, that includes—

(1) a business case analysis (including of the near- and long-term costs and benefits to the Department of Agriculture and all other Federal agencies and departments that benefit from services provided by the National Finance Center and the National Information Technology Center service locations) of the proposed modifications, as compared with maintaining administrative management control or information technology service functions and personnel in the existing structure and at present locations; and

(2) an analysis of the impact of any changes in that administrative management control or information technology service (including data or center service agency, functions, and personnel) on the ability of the National Finance Center and National Information Technology Center service locations to provide, in the near- and long-term, to all Federal agencies and departments, cost-effective, secure, efficient, and interoperable—

(A) information technology services;

(B) cross-servicing;

(C) e-payroll services; and

(D) human resource line-of-business services.

(c) ASSESSMENT.—Not later than 90 days after the date on which the Comptroller General receives the report submitted under subsection (b), the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a detailed written assessment of the report that includes an analysis (including of near- and long-term cost benefits and impacts) of the alternatives available to all Federal agencies and departments to acquire cost-effective, secure, efficient, and interoperable information technology, cross-servicing, e-payroll, and human resource line-of-business services.

(d) OPERATING RESERVE.—

(1) IN GENERAL.—Of annual income amounts in the working capital fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent—

(A) for the replacement or acquisition of capital equipment, including equipment for—

(i) the improvement and implementation of a financial management plan;

(ii) information technology; and

(iii) other systems of the National Finance Center; or

(B) to pay any unforeseen, extraordinary costs of the National Finance Center.

(2) AVAILABILITY FOR OBLIGATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), none of the amounts reserved under paragraph (1) shall be available for obligation unless the Secretary submits notification of the obligation to—

(i) the Committees on Appropriations and Agriculture of the House of Representatives; and

(ii) the Committees on Appropriations and Agriculture, Nutrition, and Forestry of the Senate.

(B) Exception.—The limitation described in subparagraph (A) shall not apply to any obligation that, as determined by the Secretary, is necessary—

(i) to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or

(ii) to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SA 3664. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. Harkin (for himself, Mr. Chambliss, Mr. Baucus, and Mr. Grassley) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11_____. RIO GRANDE BASIN MANAGEMENT PROJECT.

The Food Security Act of 1985 is amended by inserting after section 1240K (as added by section 2361) the following:

"SEC. 1240L. RIO GRANDE BASIN MANAGEMENT PROJECT.

"(a) Definition of Rio Grande Basin.—In this section, the term 'Rio Grande Basin' includes all tributaries, backwaters, and side channels (including watersheds) of the United States that drain into the Rio Grande River.

"(b) Establishment.—The Secretary, in conjunction with partnerships of institutions of higher education working with farmers, ranchers, and other rural landowners, shall establish a program under which the Secretary shall provide grants to the partnerships to benefit the Rio Grande Basin by—

"(1) restoring water flow and the riparian habitat;

"(2) improving usage;

"(3) addressing demand for drinking water;

"(4) providing technical assistance to agricultural and municipal water systems; and

"(5) reducing biological and chemical hazards through alternative treatment of water and wastewater.

"(c) Use of Funds.—

"(1) In general.—A grant provided under this section may be used by a partnership for the costs of carrying out an activity described in subsection (b), including the costs of—

"(A) direct labor;

"(B) appropriate travel;

"(C) equipment;

"(D) instrumentation;

"(E) analytical laboratory work;

"(F) subcontracting;

"(G) cooperative research agreements; and

"(H) similar related expenses and costs.

"(2) Limitation.—A grant provided under this section shall not be used to purchase or construct any building.

"(d) Reports.—A partnership that receives a grant under this subsection shall submit to the Secretary annual reports describing—

"(1) the expenses of the partnership during the preceding calendar year; and

"(2) such other financial information as the Secretary may require.

"(e) Funding.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.".

SA 3665. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 20 and all that follows through page 212, line 21, and insert the following:

"(1) Programs.—

"(A) Commodity programs.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during a crop year if the average adjusted gross income of the individual or entity exceeds $200,000.

"(B) Conservation programs.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a fiscal year if the average adjusted gross income of the individual or entity exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.

"(2) Covered benefits.—

"(A) In general.—Paragraph (1)(A) applies with respect to the following:

"(i) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(ii) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(iii) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

"(B) Conservation programs.—Paragraph (1)(B) applies with respect to a payment under any program under—

SA 3666. Mr. TESTER (for himself, Mr. Grassley, and Mr. Harkin) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. Harkin (for himself, Mr. Chambliss, Mr. Baucus, and Mr. Grassley) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1232, strike lines 9 through 12 and insert the following:

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsections (c), (d), (e), and (g) (as redesignated by paragraph (1)), by striking the semicolon each place it appears and inserting ", regardless of any alleged business justification;"; and

(3) by inserting after subsection (e) the following:

On page 1233, line 20, strike "subsection (a)" and insert "subsection (a)(3)".

On page 1234, line 2, strike "subsection (a)" and insert "subsection (a)(3)".

SA 3667. Mr. HARKIN (for himself, Mr. Enzi, Mr. Johnson, Mr. Barrasso, Mr. Dorgan, Mr. Grassley, Mr. Feingold, and Mr. Tester) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. Harkin (for himself, Mr. Chambliss, Mr. Baucus, and Mr. Grassley) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1232, between lines 4 and 5, insert the following:

SEC. 10207. NO COMPETITIVE INJURY REQUIREMENT.

(a) Packers and Stockyards Act, 1921.—Section 202(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(a)), is amended by inserting ", regardless of whether the practice or device causes a competitive injury" after "or device".

(b) Effective Date.—The amendment made by subsection (a) takes effect on the earlier of—

(1) the date on which the Department promulgates a final regulation to reflect the amendment made by subsection (a); and

(2) the date that is 1 year after the date of enactment of this Act.

SA 3668. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3___. AGRICULTURAL SUPPLY.

(a) In General.—Section 902(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201(1)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1); and

(3) by inserting after paragraph (1) the following:

"(2) Agricultural supply.—The term 'agricultural supply' includes—

"(A) agricultural commodities; and

"(B)(i) agriculture-related processing equipment;

"(ii) agriculture-related machinery; and

"(iii) other capital goods related to the storage or handling of agricultural commodities or products.".

(b) Conforming Amendments.—The Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.) is amended—

(1) by striking "agricultural commodities" each place it appears and inserting "agricultural supplies";

(2) in section 904(2), by striking "agricultural commodity" and inserting "agricultural supply"; and

(3) in section 910(a), in the subsection heading, by striking "AGRICULTURAL COMMODITIES" and inserting "AGRICULTURAL SUPPLIES".

SEC. 3___. CLARIFICATION OF PAYMENT TERMS UNDER TSREEA.

Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) striking "(1) In general.—No United States person" and inserting the following:

"(1) PROHIBITION.—

"(A) IN GENERAL.—No United States person"; and

(3) in the undesignated matter following clause (ii) (as redesignated by paragraph (1)), by striking "Nothing in this paragraph" and inserting the following:

"(B) DEFINITION OF PAYMENT OF CASH IN ADVANCE.—Notwithstanding any other provision of law, for purposes of this paragraph, the term 'payment of cash in advance' means only that payment must be received by the seller of an agricultural supply to Cuba or any person in Cuba before surrendering physical possession of the agricultural supply.

"(C) REGULATIONS.—The Secretary of the Treasury shall publish in the Federal Register a description of the contents of this section as a clarification of the regulations of the Secretary regarding sales under this title to Cuba.

"(D) CLARIFICATION.—Nothing in this paragraph".

SEC. 3___. REQUIREMENTS RELATING TO CERTAIN TRAVEL-RELATED TRANSACTIONS WITH CUBA.

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by adding at the end the following:

"(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES IN CUBA BY PERSONS ENGAGING IN TSREEA-AUTHORIZED SALES AND MARKETING ACTIVITIES.—

"(1) DEFINITION OF SALES AND MARKETING ACTIVITY.—

"(A) IN GENERAL.—In this subsection, the term 'sales and marketing activity' means any activity with respect to travel to, from, or within Cuba that is undertaken by United States persons—

"(i) to explore the market in Cuba for products authorized under this title; or

"(ii) to engage in sales activities with respect to such products.

"(B) INCLUSION.—The term 'sales and marketing activity' includes exhibiting, negotiating, marketing, surveying the market, and delivering and servicing products authorized under this title.

"(2) AUTHORIZATION.—The Secretary of the Treasury shall authorize under a general license the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations (as in effect on June 1, 2007), for travel to, from, or within Cuba in connection with sales and marketing activities involving products approved for sale under this title.

"(3) AUTHORIZED PERSONS.—Persons authorized to travel to Cuba under paragraph (2) shall include—

"(A) producers of products authorized under this title;

"(B) distributors of such products; and

"(C) representatives of trade organizations that promote the interests of producers and distributors of such products.

"(4) REGULATIONS.—The Secretary of the Treasury shall promulgate such rules and regulations as are necessary to carry out this subsection.".

SEC. 3___. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

The Trade Sanctions Reform and Export Enhancement Act of 2000 is amended—

(1) by redesignating section 911 (22 U.S.C. 7201 note; Public Law 106–387) as section 912; and

(2) by inserting after section 910 (22 U.S.C. 7209) the following:

"SEC. 911. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

"Notwithstanding any other provision of law (including regulations), the President shall not restrict direct transfers from Cuban to United States financial institutions executed in payment for products authorized by this Act.".

SA 3669. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 160, after line 24, insert the following:

SEC. 15___. PROHIBITION ON SUGAR ASSISTANCE WITHOUT HEALTH CERTIFICATION.

Notwithstanding any other provision of this title or an amendment made by this title, no loan, payment, purchase, allotment, or other assistance may be provided to or for a producer of sugarcane or sugar beets under this title or an amendment made by this title unless the Secretary of Health and Human Services certifies to Congress, before the assistance is provided, that sugarcane, sugar beets, and the products of sugarcane and sugar beets do not contribute to childhood obesity, tooth decay, or diabetes.

SA 3670. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON ISSUANCE OF IDENTIFICATION DOCUMENTS TO ILLEGAL ALIENS.

Notwithstanding any other provision of law and after the date that is 1 year after the date of the enactment of this Act, no State or subdivision of a State may issue a driver's license or other identification document to an alien who is unlawfully present in the United States.

SA 3671. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 7042.

SA 3672. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 254, strike line 19 and all that follows through page 255, line 22.

SA 3673. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—

HEALTHY MOTHERS AND HEALTHY BABIES RURAL ACCESS TO CARE

SEC. _01. SHORT TITLE.

This title may be cited as the "Healthy Mothers and Healthy Babies Rural Access to Care Act".

SEC. _02. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) EFFECT ON WOMEN'S ACCESS TO HEALTH SERVICES.—Congress finds that—

(A) the current civil justice system is eroding women's access to obstetrical and gynecological services;

(B) the American College of Obstetricians and Gynecologists (ACOG) has identified nearly half of the States as having a medical liability insurance crisis that is threatening access to high-quality obstetrical and gynecological services;

(C) because of the high cost of medical liability insurance and the risk of being sued, one in seven obstetricians and gynecologists have stopped practicing obstetrics and one in five has decreased their number of high-risk obstetrics patients; and

(D) because of the lack of availability of obstetrical services, women—

(i) must travel longer distances and cross State lines to find a doctor;

(ii) have longer waiting periods (in some cases months) for appointments;

(iii) have shorter visits with their physicians once they get appointments;

(iv) have less access to maternal-fetal medicine specialists, physicians with the most experience and training in the care of women with high-risk pregnancies; and

(v) have fewer hospitals with maternity wards where they can deliver their child, potentially endangering the lives and health of the woman and her unborn child.

(2) EFFECT ON INTERSTATE COMMERCE.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

(3) EFFECT ON FEDERAL SPENDING.—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this title to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of "defensive medicine" and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

SEC. _03. DEFINITIONS.

In this title:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term "alternative dispute resolution system" or "ADR" means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term "claimant" means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term "collateral source benefits" means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers' compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term "compensatory damages" means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. Such term includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term "contingent fee" includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term "economic damages" means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) HEALTH CARE GOODS OR SERVICES.—The term "health care goods or services" means any obstetrical or gynecological goods or services provided by a health care institution, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, care, or treatment of any obstetrical or gynecological-related human disease or impairment, or the assessment of the health of human beings.

(8) HEALTH CARE INSTITUTION.—The term "health care institution" means any entity licensed under Federal or State law to provide health care services (including but not limited to ambulatory surgical centers, assisted living facilities, emergency medical services providers, hospices, hospitals and hospital systems, nursing homes, or other entities licensed to provide such services).

(9) HEALTH CARE LAWSUIT.—The term "health care lawsuit" means any health care liability claim concerning the provision of obstetrical or gynecological goods or services affecting interstate commerce, or any health care liability action concerning the provision of (or the failure to provide) obstetrical or gynecological goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a physician or other health care provider who delivers obstetrical or gynecological services in an rural area or a health care institution (only with respect to obstetrical or gynecological services) located in a rural area regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(10) HEALTH CARE LIABILITY ACTION.—The term "health care liability action" means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider who delivers obstetrical or gynecological services in a rural area or a health care institution (only with respect to obstetrical or gynecological services) located in a rural area regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(11) HEALTH CARE LIABILITY CLAIM.—The term "health care liability claim" means a demand by any person, whether or not pursuant to ADR, against a health care provider who delivers obstetrical or gynecological services in a rural area or a health care institution (only with respect to obstetrical or gynecological services) located in a rural area, including third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) obstetrical or gynecological services, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(12) HEALTH CARE PROVIDER.—

(A) IN GENERAL.—The term "health care provider" means any person (including but not limited to a physician (as defined by section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)), nurse, dentist, podiatrist, pharmacist, chiropractor, or optometrist) required by State or Federal law to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation, and who is providing such services in a rural area.

(B) TREATMENT OF CERTAIN PROFESSIONAL ASSOCIATIONS.—For purposes of this title, a professional association that is organized under State law by an individual physician or group of physicians, a partnership or limited liability partnership formed by a group of physicians, a nonprofit health corporation certified under State law, or a company formed by a group of physicians under State law shall be treated as a health care provider under subparagraph (A).

(13) MALICIOUS INTENT TO INJURE.—The term "malicious intent to injure" means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) NONECONOMIC DAMAGES.—The term "noneconomic damages" means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(15) OBSTETRICAL OR GYNECOLOGICAL SERVICES.—The term "obstetrical or gynecological services" means services for prenatal care or labor and delivery, including the immediate postpartum period (as determined in accordance with the definition of postpartum used for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)).

(16) PUNITIVE DAMAGES.—The term "punitive damages" means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider who delivers obstetrical or gynecological services or a health care institution. Punitive damages are neither economic nor noneconomic damages.

(17) RECOVERY.—The term "recovery" means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys' office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(18) RURAL AREA.—The term "rural area" means any area of the United States that is not—

(A) included within the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 inhabitants; or

(B) the urbanized area contiguous and adjacent to such a city or town.

(19) State.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. _04. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

(a) In General.—Except as otherwise provided for in this section, the time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first.

(b) General Exception.—The time for the commencement of a health care lawsuit shall not exceed 3 years after the date of manifestation of injury unless the tolling of time was delayed as a result of—

(1) fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

(c) Minors.—An action by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that if such minor is under the full age of 6 years, such action shall be commenced within 3 years of the manifestation of injury, or prior to the eighth birthday of the minor, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care institution have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

(d) Rule 11 Sanctions.—Whenever a Federal or State court determines (whether by motion of the parties or whether on the motion of the court) that there has been a violation of Rule 11 of the Federal Rules of Civil Procedure (or a similar violation of applicable State court rules) in a health care liability action to which this title applies, the court shall impose upon the attorneys, law firms, or pro se litigants that have violated Rule 11 or are responsible for the violation, an appropriate sanction, which shall include an order to pay the other party or parties for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorneys' fee. Such sanction shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the party or parties injured by such conduct.

SEC. _05. COMPENSATING PATIENT INJURY.

(a) Unlimited Amount of Damages for Actual Economic Losses in Health Care Lawsuits.—In any health care lawsuit, nothing in this title shall limit the recovery by a claimant of the full amount of the available economic damages, notwithstanding the limitation contained in subsection (b).

(b) Additional Noneconomic Damages.—

(1) Health care providers.—In any health care lawsuit where final judgment is rendered against a health care provider, the amount of noneconomic damages recovered from the provider, if otherwise available under applicable Federal or State law, may be as much as $250,000, regardless of the number of parties other than a health care institution against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(2) Health care institutions.—

(A) Single institution.—In any health care lawsuit where final judgment is rendered against a single health care institution, the amount of noneconomic damages recovered from the institution, if otherwise available under applicable Federal or State law, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(B) Multiple institutions.—In any health care lawsuit where final judgment is rendered against more than one health care institution, the amount of noneconomic damages recovered from each institution, if otherwise available under applicable Federal or State law, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence, except that the total amount recovered from all such institutions in such lawsuit shall not exceed $500,000.

(c) No Discount of Award for Noneconomic Damages.—In any health care lawsuit—

(1) an award for future noneconomic damages shall not be discounted to present value;

(2) the jury shall not be informed about the maximum award for noneconomic damages under subsection (b);

(3) an award for noneconomic damages in excess of the limitations provided for in subsection (b) shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law; and

(4) if separate awards are rendered for past and future noneconomic damages and the combined awards exceed the limitations provided for in subsection (b), the future noneconomic damages shall be reduced first.

(d) Fair Share Rule.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. _06. MAXIMIZING PATIENT RECOVERY.

(a) Court Supervision of Share of Damages Actually Paid to Claimants.—

(1) In general.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants.

(2) Contingency fees.—

(A) In general.—In any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity.

(B) Limitation.—The total of all contingent fees for representing all claimants in a health care lawsuit shall not exceed the following limits:

(i) 40 percent of the first $50,000 recovered by the claimant(s).

(ii) 33⅓ percent of the next $50,000 recovered by the claimant(s).

(iii) 25 percent of the next $500,000 recovered by the claimant(s).

(iv) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) Applicability.—

(1) In general.—The limitations in subsection (a) shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution.

(2) Minors.—In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

(c) Expert Witnesses.—

(1) Requirement.—No individual shall be qualified to testify as an expert witness concerning issues of negligence in any health care lawsuit against a defendant unless such individual—

(A) except as required under paragraph (2), is a health care professional who—

(i) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

(ii) typically treats the diagnosis or condition or provides the type of treatment under review; and

(B) can demonstrate by competent evidence that, as a result of training, education, knowledge, and experience in the evaluation, diagnosis, and treatment of the disease or injury which is the subject matter of the lawsuit against the defendant, the individual was substantially familiar with applicable standards of care and practice as they relate to the act or omission which is the subject of the lawsuit on the date of the incident.

(2) Physician review.—In a health care lawsuit, if the claim of the plaintiff involved treatment that is recommended or provided by a physician (allopathic or osteopathic), an individual shall not be qualified to be an expert witness under this subsection with respect to issues of negligence concerning such treatment unless such individual is a physician.

(3) Specialties and subspecialties.—With respect to a lawsuit described in paragraph (1), a court shall not permit an expert in one medical specialty or subspecialty to testify against a defendant in another medical specialty or subspecialty unless, in addition to a showing of substantial familiarity in accordance with paragraph (1)(B), there is a showing that the standards of care and practice in the two specialty or subspecialty fields are similar.

(4) Limitation.—The limitations in this subsection shall not apply to expert witnesses testifying as to the degree or permanency of medical or physical impairment.

SEC. _07. ADDITIONAL HEALTH BENEFITS.

(a) In General.—The amount of any damages received by a claimant in any health care lawsuit shall be reduced by the court by the amount of any collateral source benefits to which the claimant is entitled, less any insurance premiums or other payments made by the claimant (or by the spouse, parent, child, or legal guardian of the claimant) to obtain or secure such benefits.

(b) Preservation of Current Law.—Where a payor of collateral source benefits has a right of recovery by reimbursement or subrogation and such right is permitted under Federal or State law, subsection (a) shall not apply.

(c) APPLICATION OF PROVISION.—This section shall apply to any health care lawsuit that is settled or resolved by a fact finder.

SEC. _08. PUNITIVE DAMAGES.

(a) PUNITIVE DAMAGES PERMITTED.—

(1) IN GENERAL.—Punitive damages may, if otherwise available under applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer.

(2) FILING OF LAWSUIT.—No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages.

(3) SEPARATE PROCEEDING.—At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(A) whether punitive damages are to be awarded and the amount of such award; and

(B) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(4) LIMITATION WHERE NO COMPENSATORY DAMAGES ARE AWARDED.—In any health care lawsuit where no judgment for compensatory damages is rendered against a person, no punitive damages may be awarded with respect to the claim in such lawsuit against such person.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages under this section, the trier of fact shall consider only the following:

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages awarded in a health care lawsuit may not exceed an amount equal to two times the amount of economic damages awarded in the lawsuit or $250,000, whichever is greater. The jury shall not be informed of the limitation under the preceding sentence.

(c) LIABILITY OF HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—A health care provider who prescribes, or who dispenses pursuant to a prescription, a drug, biological product, or medical device approved by the Food and Drug Administration, for an approved indication of the drug, biological product, or medical device, shall not be named as a party to a product liability lawsuit invoking such drug, biological product, or medical device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or product seller of such drug, biological product, or medical device.

(2) MEDICAL PRODUCT.—The term "medical product" means a drug or device intended for humans. The terms "drug" and "device" have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321), respectively, including any component or raw material used therein, but excluding health care services.

SEC. _09. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments. In any health care lawsuit, the court may be guided by the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this title.

SEC. _10. EFFECT ON OTHER LAWS.

(a) GENERAL VACCINE INJURY.—

(1) IN GENERAL.—To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this title shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such title XXI shall not apply to such action.

(2) EXCEPTION.—If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) SMALLPOX VACCINE INJURY.—

(1) IN GENERAL.—To the extent that part C of title II of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a smallpox vaccine-related injury or death—

(A) this title shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such part C shall not apply to such action.

(2) EXCEPTION.—If there is an aspect of a civil action brought for a smallpox vaccine-related injury or death to which a Federal rule of law under part C of title II of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(c) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this title shall be deemed to affect any defense available, or any limitation on liability that applies to, a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. _11. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this title shall preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits.

(b) PREEMPTION OF CERTAIN STATE LAWS.—No provision of this title shall be construed to preempt any State law (whether effective before, on, or after the date of the enactment of this title) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this title, notwithstanding section _05(a).

(c) PROTECTION OF STATE'S RIGHTS AND OTHER LAWS.—

(1) IN GENERAL.—Any issue that is not governed by a provision of law established by or under this title (including the State standards of negligence) shall be governed by otherwise applicable Federal or State law.

(2) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(A) preempt or supersede any Federal or State law that imposes greater procedural or substantive protections for a health care provider or health care institution from liability, loss, or damages than those provided by this title;

(B) preempt or supercede any State law that permits and provides for the enforcement of any arbitration agreement related to a health care liability claim whether enacted prior to or after the date of enactment of this title;

(C) create a cause of action that is not otherwise available under Federal or State law; or

(D) affect the scope of preemption of any other Federal law.

SEC. _12. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this title, except that any health care lawsuit arising from an injury occurring prior to the date of enactment of this title shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

SA 3674. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DISCHARGES OF INDEBTEDNESS ON PRINCIPAL RESIDENCE EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 108(a) is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by inserting after subparagraph (D) the following new subparagraph:

"(E) the indebtedness is qualified principal residence indebtedness which is discharged before January 1, 2010.".

(b) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—Section 108 is amended by adding at the end the following new subsection:

"(h) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—

"(1) BASIS REDUCTION.—The amount excluded from gross income by reason of subsection (a)(1)(E) shall be applied to reduce (but not below zero) the basis of the principal residence of the taxpayer.

"(2) QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—For purposes of this section, the term 'qualified principal residence indebtedness' means acquisition indebtedness (within the meaning of section 163(h)(3)(B)).

"(3) EXCEPTION FOR CERTAIN DISCHARGES NOT RELATED TO TAXPAYER'S FINANCIAL CONDITION.—Subsection (a)(1)(E) shall not apply to the discharge of a loan if the discharge is on account of services performed for the lender or any other factor not directly related to a decline in the value of the residence or to the financial condition of the taxpayer.

"(4) ORDERING RULE.—If any loan is discharged, in whole or in part, and only a portion of such loan is qualified principal residence indebtedness, subsection (a)(1)(E) shall apply only to so much of the amount discharged as exceeds the amount of the loan (as determined immediately before such discharge) which is not qualified principal residence indebtedness.

"(5) PRINCIPAL RESIDENCE.—For purposes of this subsection, the term 'principal residence' has the same meaning as when used in section 121.".

(c) COORDINATION.—

(1) Subparagraph (A) of section 108(a)(2) is amended by striking "and (D)" and inserting "(D), and (E)".

(2) Paragraph (2) of section 108(a) is amended by adding at the end the following new subparagraph:

"(C) PRINCIPAL RESIDENCE EXCLUSION TAKES PRECEDENCE OVER INSOLVENCY EXCLUSION UNLESS ELECTED OTHERWISE.—Paragraph (1)(B) shall not apply to a discharge to which paragraph (1)(E) applies unless the taxpayer elects to apply paragraph (1)(B) in lieu of paragraph (1)(E).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness on or after January 1, 2007.

SA 3675. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1363, strike line 7 and all that follows through page 1395, line 19 and insert the following:

Subtitle A—Individuals With Disabilities Education Trust Fund

SEC. 12101. ASSISTANCE FOR EDUCATING INDIVIDUALS WITH DISABILITIES.

The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

"TITLE IX—ASSISTANCE FOR EDUCATING INDIVIDUALS WITH DISABILITIES

"SEC. 901. INDIVIDUALS WITH DISABILITIES EDUCATION TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Individuals with Disabilities Education Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

"(b) TRANSFER TO TRUST FUND.—

"(1) IN GENERAL.—There are appropriated to the Individuals with Disabilities Education Trust Fund amounts equivalent to 3.34 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2012 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States.

"(2) AMOUNTS BASED ON ESTIMATES.—The amounts appropriated under this section shall be transferred at least monthly from the general fund of the Treasury of the United States to the Individuals with Disabilities Education Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(c) ADMINISTRATION.—

"(1) REPORTS.—The Secretary of the Treasury shall be the trustee of the Individuals with Disabilities Education Trust Fund and shall submit an annual report to Congress each year on the financial condition and the results of the operations of such Trust Fund during the preceding fiscal year and on its expected condition and operations during the 5 fiscal years succeeding such fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

"(2) INVESTMENT.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Individuals with Disabilities Education Trust Fund as is not in his judgment required to meet current withdrawals. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired—

"(i) on original issue at the issue price, or

"(ii) by purchase of outstanding obligations at the market price.

"(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Individuals with Disabilities Education Trust Fund may be sold by the Secretary of the Treasury at the market price.

"(C) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Individuals with Disabilities Education Trust Fund shall be credited to and form a part of such Trust Fund.

"(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Individuals with Disabilities Education Trust Fund shall be available to the Secretary of Education to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).".

SA 3676. Mr. DURBIN (for Mrs. FEINSTEIN (for herself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 597, to extend the special postage stamp for breast cancer research for 4 years; as follows:

In section 1, in the section heading, strike "**2-YEAR**" and insert "**4-YEAR**".

In section 1, strike "2009" and insert "2011".

SA 3677. Mr. DURBIN (for Mr. MENENDEZ) proposed an amendment to the resolution S. Res. 299, recognizing the religious and historical significance of the festival of Diwali; as follows:

On page 2, strike lines 4 and 5 and insert the following:

(2) in observance of Diwali, the festival of lights, expresses its deepest respect for Indian Americans and the Indian diaspora throughout the world on this significant occasion.

SA 3678. Mr. DURBIN (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 597, to extend the special postage stamp for breast cancer research for 4 years; as follows:

Amend the title so as to read: "To extend the special postage stamp for breast cancer research for 4 years.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 14, 2007, at 10:30 a.m., in order to conduct a hearing entitled "Shareholder Rights and Proxy Access."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 14, 2007, at 2 p.m., in order to conduct a hearing entitled "Sovereign Wealth Fund Acquisitions and Other Foreign Government Investments in the U.S.: Assessing the Economic and National Security Implications."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, November 14, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing.

The hearing will focus on the need to improve the U.S. Global Change Research Program, which is responsible for coordinating and directing Federal climate change research. It will also address the need for improved communication of climate information to decision makers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, November 14, 2007, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building, in order to conduct a hearing.

The purpose of the hearing is to receive testimony on the Global Nuclear Energy Partnership as it relates to U.S. policy on nuclear fuel management.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, November 14, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on "Federal Estate Tax: Uncertainty in Planning Under the Current Law."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, November 14, 2007 at 9:30 a.m. in room 430 of the Dirksen Senate Office Building.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, November 14, 2007, at 10 a.m. in order to conduct a business meeting to consider pending committee business.

Agenda

Legislation

S. 2324, Inspector General Reform Act of 2007; S. 2292, National Bombing Prevention Act of 2007; S. 1667, a bill to establish a pilot program for the expedited disposal of Federal real property; S. 1000, Telework Enhancement Act of 2007; S. 2321, E-Government Reauthorization Act of 2007; H.R. 390, Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act; and H.R. 3571, a bill to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term.

Nominations

Robert D. Jamison, Under Secretary for National Protection and Programs, U.S. Department of Homeland Security; Wiley Ross Ashley III, Assistant Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security; and the Honorable Ellen C. Williams, Member, Postal Board of Governors.

Postal Naming Bills

S. 2174, a bill to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the "Paul E. Gillmor Post Office Building;" H.R. 2089, a bill to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Services Veterans Post Office;" H.R. 3297, a bill to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the "Nate DeTample Post Office Building;" H.R. 3308, a bill to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the "Lance Corporal David K. Fribley Post Office;" H.R. 3530, a bill to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the "Chief Warrant Officer Aaron Weaver Post Office Building;" H.R. 2276, a bill to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building;" H.R. 3325, a bill to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office;" S. 2110, a bill to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office;" H.R. 3382, a bill to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the "Philip A. Baddour Sr. Post Office;" S. 2290, a bill to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the "Beatrice E. Watson Post Office Building;" S. 2272, a bill to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the "John 'Marty' Thiels Southpark Station;" H.R. 3446, a bill to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the "Michael W. Schragg Post Office Building;" S. 2150/H.R. 3572, a bill to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the "Wallace S. Hartsfield Post Office Building;" S. 2107/H.R. 3307, a bill to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the "Dennis P. Collins Post Office Building;" H.R. 3518, a bill to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the "Charles H. Hendrix Post Office Building."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, November 14, 2007, in order to conduct a markup of pending legislation. Immediately following the conclusion of the markup, the Committee will conduct a hearing on the nomination of Michael W. Hager, of Virginia, to be an Assistant Secretary of Veterans Affairs, Human Resources and Management. The committee will meet in room SD-562 of the Dirksen Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, November 14, 2007, at 2:30 p.m., in order to conduct a hearing entitled, "Medicaid Providers That Cheat on Their Taxes and What Can Be Done About It."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet in order to conduct a hearing entitled "No Safe Haven: Accountability for Human Rights Violators in the United States" on Wednesday, November 14, 2007, at 10 a.m. in room SD-266 of the Dirksen Senate Office Building.

Witness list

Panel I: Sigal P. Mandelker, Deputy Assistant Attorney General, Criminal Division, U.S. Department of Justice, Washington, DC, and Marcy M. Forman, Director of Office of Investigations, Immigration and Customs Enforcement, U.S. Department of Homeland Security, Washington, DC.

Panel II: David Scheffer, Mayer Brown/Robert A. Helman Professor of

Law, Northwestern University School of Law, Chicago, IL; Pamela Merchant, Executive Director, Center for Justice and Accountability, San Francisco, CA; and Juan Romagoza Arce, Executive Director, La Clínica del Pueblo, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HATCH. I ask unanimous consent that Jesse Baker, a Federal Government detailee, be granted the privileges of the floor for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

BREAST CANCER RESEARCH STAMP EXTENSION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 473, S. 597.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 597) to extend the special postage stamp for breast cancer research for 2 years.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the amendment at the desk be considered and agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid on the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3676) was agreed to, as follows:

(Purpose: To extend the special postage stamp for breast cancer research for 4 years)

In section 1, in the section heading, strike "**2-YEAR**" and insert "**4-YEAR**".

In section 1, strike "2009" and insert "2011".

Mr. DURBIN. I ask that the title amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The title amendment (No. 3678) was agreed to, as follows:

Amend the title so as to read: "To extend the special postage stamp for breast cancer research for 4 years.".

The bill (S. 597), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 4-YEAR EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.

Section 414(h) of title 39, United States Code, is amended by striking "2007" and inserting "2011".

RECOGNIZING THE FESTIVAL OF DIWALI

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 299 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 299) recognizing the religious and historical significance of the festival of Diwali.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the amendment at the desk be considered and agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3677) was agreed to, as follows:

On page 2, strike lines 4 and 5 and insert the following:

(2) in observance of Diwali, the festival of lights, expresses its deepest respect for Indian Americans and the Indian diaspora throughout the world on this significant occasion.

The resolution (S. Res. 299), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 299

Whereas Diwali, a festival of great significance to Indian Americans and South Asian Americans, is celebrated annually by Hindus, Sikhs, and Jains throughout the United States;

Whereas there are nearly 2,000,000 Hindus in the United States, approximately 1,250,000 of which are of Indian and South Asian origin;

Whereas the word "Diwali" is a shortened version of the Sanskrit term "Deepavali", which means "a row of lamps";

Whereas Diwali is a festival of lights, during which celebrants light small oil lamps, place them around the home, and pray for health, knowledge, and peace;

Whereas celebrants of Diwali believe that the rows of lamps symbolize the light within the individual that rids the soul of the darkness of ignorance;

Whereas Diwali falls on the last day of the last month in the lunar calendar and is celebrated as a day of thanksgiving and the beginning of the new year for many Hindus;

Whereas for Hindus, Diwali is a celebration of the victory of good over evil;

Whereas for Sikhs, Diwali is feted as the day that the sixth founding Sikh Guru, or revered teacher, Guru Hargobind, was released from captivity by the Mughal Emperor Jehangir; and

Whereas for Jains, Diwali marks the anniversary of the attainment of moksha, or liberation, by Mahavira, the last of the Tirthankaras (the great teachers of Jain dharma), at the end of his life in 527 B.C.: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the religious and historical significance of the festival of Diwali; and

(2) in observance of Diwali, the festival of lights, expresses its deepest respect for Indian Americans and the Indian diaspora throughout the world on this significant occasion.

INTERNATIONAL COMMISSION ON THE CONSERVATION OF ATLANTIC TUNAS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 368 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 368) expressing the sense of the Senate that, at the 20th Regular Meeting of the International Commission on the Conservation of Atlantic Tunas, the United States should pursue a moratorium on the eastern Atlantic and Mediterranean bluefin tuna fishery to ensure control of the fishery and further facilitate recovery of the stock, pursue strengthened conservation and management measures to facilitate the recovery of the Atlantic bluefin tuna, and seek a review of compliance by all Nations with the International Commission for the Conservation of Atlantic Tunas' conservation and management recommendation for Atlantic bluefin tuna and other species, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 368) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 368

Whereas Atlantic bluefin tuna are a valuable commercial and recreational fishery of the United States and many other countries;

Whereas the International Convention for the Conservation of Atlantic Tunas entered into force on March 21, 1969;

Whereas the Convention established the International Commission for the Conservation of Atlantic Tunas to coordinate international research and develop, implement, and enforce compliance of the conservation and management recommendations on the Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the adjacent seas, including the Mediterranean Sea;

Whereas in 1974, the Commission adopted its first conservation and management recommendation to ensure the sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea, while allowing for the maximum sustainable catch for food and other purposes;

Whereas in 1981, for management purposes, the Commission adopted a working hypothesis of 2 Atlantic bluefin tuna stocks, with 1 occurring west of 45 degrees west longitude (hereinafter referred to as the "western Atlantic stock") and the other occurring east of 45 degrees west longitude (hereinafter referred to as the "eastern Atlantic and Mediterranean stock");

Whereas, despite scientific recommendations intended to maintain bluefin tuna populations at levels that will permit the maximum sustainable yield and ensure the future of the stocks, the total allowable catch quotas have been consistently set at levels significantly higher than the recommended levels for the eastern Atlantic and Mediterranean stock;

Whereas despite the establishment by the Commission of fishing quotas based on total allowable catch levels for the eastern Atlantic and Mediterranean bluefin tuna fishery that exceed scientific recommendations, compliance with such quotas by parties to the Convention that harvest that stock has been extremely poor, most recently with harvests exceeding such total allowable catch levels by more than 50 percent for each of the last 4 years;

Whereas insufficient data reporting in combination with unreliable national catch statistics has frequently undermined efforts by the Commission to assign quota overharvests to specific countries;

Whereas the failure of many Commission members fishing east of 45 degrees west longitude to comply with other Commission recommendations to conserve and control the overfished eastern Atlantic and Mediterranean bluefin tuna stock has been an ongoing problem;

Whereas the Commission's Standing Committee on Research and Statistics noted in its 2006 report that the fishing mortality rate for the eastern Atlantic and Mediterranean stock may be more than 3 times the level that would permit the stock to stabilize at the maximum sustainable catch level, and continuing to fish at the level of recent years "is expected to drive the spawning biomass to a very low level" giving "rise to a high risk of fishery and stock collapse";

Whereas the Standing Committee has recommended that the annual harvest levels for eastern Atlantic and Mediterranean bluefin tuna be reduced from 32,000 metric tons to approximately 15,000 metric tons to halt decline of the resource and initiate rebuilding, and the United States supported this recommendation at the 2006 Commission meeting;

Whereas in 2006, the Commission adopted the "Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the eastern Atlantic and Mediterranean" containing a wide range of management, monitoring, and control measures designed to facilitate the recovery of the eastern Atlantic and Mediterranean bluefin tuna stock;

Whereas the Recovery Plan is inadequate and allows overfishing and stock decline to continue, and initial information indicates that implementation of the plan in 2007 by many eastern Atlantic and Mediterranean bluefin tuna harvesting countries has been poor;

Whereas since 1981, the Commission has adopted additional and more restrictive conservation and management recommendations for the western Atlantic bluefin tuna stock, and these recommendations have been implemented by Nations fishing west of 45 degrees west longitude, including the United States;

Whereas despite adopting, fully implementing, and complying with a science-based rebuilding program for the western Atlantic bluefin tuna stock by countries fishing west of 45 degrees west longitude, catches and catch rates remain very low;

Whereas many scientists believe that mixing occurs between the western Atlantic bluefin tuna stock and the eastern Atlantic and Mediterranean stock, and as such, poor management and noncompliance with recommendations for one stock are likely to have an adverse effect on the other stock; and

Whereas additional research on stock mixing will improve the understanding of the relationship between eastern and western bluefin tuna stocks and other fisheries, which will assist in the conservation, recovery, and management of the species throughout its range: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States delegation to the 20th Regular Meeting of the International Commission for the Conservation of Atlantic Tunas, should—

(1) seek the adoption of a harvesting moratorium, which includes appropriate mechanisms to ensure compliance, on the eastern Atlantic and Mediterranean bluefin tuna fishery of sufficient duration to begin the process of stock recovery and allow for the development and implementation of an effective program of monitoring and control on the fishery when the moratorium ends;

(2) seek to strengthen the conservation and management of the eastern Atlantic and Mediterranean bluefin tuna by making recommendations to halt the decline of the stock and begin to rebuild it;

(3) reevaluate the implementation, effectiveness, and relevance of the Commission recommendation entitled "Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the eastern Atlantic and Mediterranean" (Recommendation 06-05), and seek from Commission members that have failed to fully implement the terms of the recommendations detailed justification for their lack of compliance;

(4) pursue a review and assessment of compliance with conservation and management measures adopted by the Commission and in effect for the 2006 eastern Atlantic and Mediterranean bluefin tuna fishery, occurring east of 45 degrees west longitude, and other fisheries that are subject to the jurisdiction of the Commission, including data collection and reporting requirements;

(5) seek to address noncompliance by parties to the Convention with such measures through appropriate actions, including, as appropriate, deducting a portion of a future quota for a party to compensate for such party exceeding its quota in prior years; and

(6) pursue additional research on the relationship between the western Atlantic and eastern Atlantic and Mediterranean bluefin tuna stocks and the extent to which the populations intermingle.

RECOGNIZING AND THANKING MILITARY FAMILIES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 378, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 378) recognizing and thanking all military families for the tremendous sacrifices and contributions they have made to the Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 378) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 378

Whereas there are currently more than 3,000,000 immediate family members of individuals serving in the Armed Forces;

Whereas these family members bear the most immediate and profound burden of the absence of their loved ones during the performance of their duties;

Whereas these families have been the bedrock of support and strength for our Nation's Armed Forces for over 230 years;

Whereas military families serve this country with an equal amount of dedication and patriotism as their loved ones who are fighting for the United States;

Whereas the families of servicemembers—whether in the regular components of the Armed Forces, the Reserve, or the National Guard—feel enormous amounts of pride, love, and trepidation during the absence of their loved ones;

Whereas it is essential that the Nation recognize the contributions made by military families and celebrate their strength; and

Whereas the Senate stands in humble respect of the sacrifice made by our military families: Now, therefore, be it

Resolved, That the Senate—

(1) honors the families of members of the Armed Forces and recognizes that they too share in the burden of protecting the Nation;

(2) urges the people of the United States to join with the Senate in thanking military families for their tremendous sacrifice on behalf of the Nation; and

(3) recognizes with great appreciation the contributions made by military families in providing the essential personal support that our Nation's warriors need.

FEED AMERICA THURSDAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 379, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 379) designating Thursday, November 15, 2007, as "Feed America Thursday."

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, I wish to speak regarding an effort that, in recent years, has received the support of many of us in the Senate. "Feed America Thursday" is an effort, promoted by a number of charitable organizations, aimed at fostering our Nation's spirit of selflessness and sacrifice in order to help those in need.

According to the Department of Agriculture's most recent numbers, roughly 35 million Americans, including 12 million children, live in households that do not have an adequate supply of food. As I have said in the past, it is simply inexcusable that, in the most prosperous nation on Earth, so many children go to bed hungry at night. While there are often disputes as to how we should address these problems, I believe there are steps that every American can take to help those in need.

The leaders and participants in "Feed America Thursday" encourage all Americans to sacrifice two meals on the Thursday before Thanksgiving Day and to donate the money they would have used for food to a charity or religious organization of their choice. The charities and churches, in turn, are encouraged to use these funds to feed the hungry.

Today, as I have in previous Congresses, I introduced a resolution that would designate this Thursday, November 15, 2007, as "Feed America Thursday." I urge my Senate colleagues and every American to join me in feeding the hungry and affirming the values that make our Nation great.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 379) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 379

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the Nation was founded;

Whereas, according to the Department of Agriculture, roughly 35,000,000 people in the United States, including 12,000,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 15, 2007, as "Feed America Thursday"; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 15, 2007, and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

RECOGNIZING HOSTELLING INTERNATIONAL USA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 380, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 380) recognizing Hostelling International USA for 75 years of service to intercultural understanding and to youth travel.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I offer today a resolution recognizing Hostelling International USA for 75 years of service to intercultural understanding and to youth travel.

Hostelling USA was established in 1934 to promote hostelling in the United States. Since it is founding, it has hosted over 22 million visitors in its 70 hostels across the country, including Alaska.

Hostelling is a unique and affordable way travelers can see our country, while making lifelong friends and contacts.

I congratulate Hostelling International USA for 75 years of service and hope my colleagues will join me in passing this resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 380) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 380

Whereas travel promotes awareness and knowledge of peoples, places, and cultures;

Whereas hostelling is educational travel, local and global, using hostels and other programs to facilitate interaction among travelers and with local communities;

Whereas hostels are simple, safe, shared accommodations that promote community and cooperation among users and introduce young people of limited means to travel;

Whereas Hostelling International USA (HI-USA) is a nonprofit educational organization established in 1934 as American Youth Hostels to promote hostelling in the United States;

Whereas, since its founding, HI-USA has provided in its hostels more than 22,000,000 overnight stays to visitors from the United States and more than 150 countries worldwide;

Whereas today HI-USA has a network of 70 hostels in areas of cultural, historic, and recreational interest, often in partnership with public, private, and other nonprofit organizations, that annually hosts nearly 1,000,000 overnights stays by both domestic and foreign travelers;

Whereas HI-USA today offers programs through its hostels and local chapters that promote the appreciation of local culture and environment, while facilitating the discovery of both world and self, to more than 65,000 participants annually;

Whereas HI-USA has made a unique and notable contribution to intercultural understanding in the United States and worldwide, especially among youth: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Hostelling International USA on its 75 years of service; and

(2) commends Hostelling International USA for its contributions to intercultural exchange and its leadership in the field of youth travel.

COMMEMORATING THE LIVES OF THE MARYKNOLL SISTERS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 381 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 381) remembering and commemorating the lives and work of Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, who were executed by members of the Armed Forces of El Salvador on December 2, 1980.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent to be added as a cosponsor of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I am grateful to my colleagues for joining me in passing a resolution which remembers the lives of 4 American women who continue to be a source of great inspiration.

Mr. President, on December 2, 1980, 2 Maryknoll Sisters, Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Team lay missionary Jean Donovan were brutally violated and murdered by members of the Salvadoran National Guard. We do not wish to revisit the events of those difficult times in Central America with this resolution. We wish to remember and honor the love and dedication these women of faith showed to those they came to serve.

Two years ago, on the December 2 anniversary of the brutal deaths of these 4 American women, several 25th anniversary events were held in the United States including 1 at Milwaukee's Saint Therese Church in my home State of Wisconsin. I was pleased that the House passed a resolution honoring the lives of the 4 missionaries in the year of the 25th anniversary. Unfortunately, one or more members of this body anonymously blocked the Senate from passing a similar resolution to commemorate the 25th anniversary of the murder of these nuns. Along with my cosponsors, I am pleased that the Senate is now appropriately honoring these women with the passage of this resolution.

Mr. President, remembering these women is a very personal and moving thing for those who actually knew them, but it is also truly powerful for those who have only learned of them after their deaths. I had the opportunity several years ago to meet many of their family members and have become well aware of one of the churchwomen, Sister Ita Ford, through my chief of staff and her aunt, Jean Reardon Baumann, who was a dear friend of Ita's from their childhood together in Brooklyn, New York.

I would like to share with my colleagues a letter Sister Ita Ford wrote to her niece in August of 1980:

> Dear Jennifer, the odds that this note will arrive for your birthday are poor, but know I'm with you in spirit as you celebrate 16 big ones. I hope it's a special day for you. I want to say something to you and I wish I were there to talk to you because sometimes letters don't get across all the meaning and feeling. But, I'll give it a try anyway.
>
> First of all, I love you and care about you and how you are. I'm sure you know that. That holds if you're an angel or a goof-off, a genius or a jerk. A lot of that is up to you, and what you decide to do with your life. What I want to say . . . some of it isn't too jolly birthday talk, but it's real. . . . Yesterday I stood looking down at a 16-year-old who had been killed a few hours earlier. I know a lot of kids even younger who are dead. This is a terrible time in El Salvador for youth. A lot of idealism and commitment is getting snuffed out here now. The reasons why so many people are being killed are quite complicated, yet there are some clear, simple strands. One is that many people have found a meaning to life, to sacrifice, to struggle, and even to death. And whether their life span is 16 years, 60 or 90, for them, their life has had a purpose. In many ways, they are fortunate people.
>
> Brooklyn is not passing through the drama of El Salvador, but some things hold true wherever one is, and at whatever age. What I'm saying is, I hope you come to find that which gives life a deep meaning for you . . . something worth living for, maybe even worth dying for . . . something that energizes you, enthuses you, enables you to keep moving ahead. I can't tell you what it might be—that's for you to find, to choose, to love. I can just encourage you to start looking, and support you in the search. Maybe this sounds weird and off-the-wall, and maybe, no one else will talk to you like this, but then, too, I'm seeing and living things that others around you aren't. . . . I want to say to you: don't waste the gifts and opportunities you have to make yourself and other people happy. . . . I hope this doesn't sound like some kind of a sermon because I don't mean it that way. Rather, it's something you learn here, and I want to share it with you. In fact, it's my birthday present to you. If it doesn't make sense right at this moment, keep this and read it sometime from now. Maybe it will be clearer . . .
>
> A very happy birthday to you and much, much love,
>
> ITA.

From that one letter alone, I am sure that others will understand the kind of people these women were, and the impact they continue to have on us all.

I also want to thank, in particular, my friend from Massachusetts Congressman JIM MCGOVERN and his staff who have led the efforts in Congress to appropriately remember these 4 courageous American women who dedicated their lives to their faith and to the service of others.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 381) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 381

Whereas on December 2, 1980, 4 churchwomen from the United States, Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, were violated and executed by members of the National Guard of El Salvador;

Whereas in 1980, Maryknoll Sisters Maura Clarke and Ita Ford were working in the parish of the Church of San Juan Bautista in Chalatenango, El Salvador, providing food, transportation, and other assistance to refugees, and Ursuline Sister Dorothy Kazel and Cleveland Lay Mission Team Member Jean Donovan were working in the parish of the Church of the Immaculate Conception in La Libertad, El Salvador, providing assistance and support to refugees and other victims of violence;

Whereas these 4 churchwomen from the United States dedicated their lives to working with the poor of El Salvador, especially women and children left homeless, displaced, and destitute by the civil war in El Salvador;

Whereas these 4 churchwomen from the United States were among the more than 70,000 civilians who were murdered during the course of the civil war in El Salvador;

Whereas on May 23 and May 24, 1984, 5 members of the National Guard of El Salvador, Subsergeant Luis Antonio Colindres Aleman, Daniel Canales Ramirez, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, and Jose Roberto Moreno Canjura, were found guilty by the El Salvador courts of the executions of these 4 churchwomen from the United States and were sentenced to 30 years in prison, marking the first time in El Salvador history in which a member of the Armed Forces of El Salvador was convicted of murder by an El Salvador judge;

Whereas the United Nations Commission on the Truth for El Salvador was established under the terms of the historic January 1992 Peace Accords that ended 12 years of civil war in El Salvador and was charged to investigate and report to the El Salvador people on human rights crimes committed by all sides during the course of the civil war;

Whereas in March 1993, the United Nations Commission on the Truth for El Salvador found that the execution of these 4 churchwomen from the United States was planned, that Subsergeant Luis Antonio Colindres Aleman carried out orders from a superior to execute them, that then Colonel Carlos Eugenio Vides Casanova, then Director-General of the National Guard and his cousin, Lieutenant Colonel Oscar Edgardo Casanova Vejar, then Commander of the Zacatecoluca military detachment where the murders were committed, and other military personnel knew that members of the National Guard had committed the murders pursuant to orders of a superior, and that the subsequent coverup of the facts adversely affected the judicial investigation into the murders of the churchwomen;

Whereas the United Nations Commission on the Truth for El Salvador determined that General Jose Guillermo Garcia, then Minister of Defense, made no serious effort to conduct a thorough investigation of responsibility for the murders of these 4 churchwomen from the United States;

Whereas the families of these 4 churchwomen from the United States continue their efforts to determine the full truth surrounding the murders of their loved ones, appreciate the cooperation of United States Government agencies in disclosing and providing documents relevant to the murders of the churchwomen, and pursue requests to release to the family members the few remaining undisclosed documents and reports pertaining to the case;

Whereas the families of these 4 churchwomen from the United States appreciate the ability of those harmed by violence to bring suit against El Salvador military officers in United States courts under the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

Whereas the lives of these 4 churchwomen from the United States have, for the past 27 years, served as inspiration for and continue to inspire Salvadorans, Americans, and people throughout the world to answer the call to service and to pursue lives dedicated to addressing the needs and aspirations of the poor, the vulnerable, and the disadvantaged, especially among women and children;

Whereas the lives of these 4 churchwomen from the United States have also inspired numerous books, plays, films, music, religious events, and cultural events;

Whereas schools, libraries, research centers, spiritual centers, health clinics, women's and children's programs in the United States and in El Salvador have been named after or dedicated to Sisters Maura Clarke, Ita Ford, Dorothy Kazel, and lay missionary Jean Donovan;

Whereas the Maryknoll Sisters, headquartered in Ossining, New York, the Ursuline Sisters, headquartered in Cleveland, Ohio, numerous religious task forces in the United States, and the Salvadoran and international religious communities based in El Salvador annually commemorate the lives and martyrdom of these 4 churchwomen from the United States;

Whereas the historic January 1992 Peace Accords ended 12 years of civil war in El Salvador and have allowed the Government and the people of El Salvador to achieve significant progress in creating and strengthening democratic, political, economic, and social institutions in El Salvador; and

Whereas December 2, 2007, marks the 27th anniversary of the deaths of these 4 spiritual, courageous, and generous churchwomen from the United States: Now, therefore, be it

Resolved, That the Senate—

(1) remembers and commemorates the lives and work of Sisters Maura Clarke, Ita Ford, and Dorothy Kazel and lay missionary Jean Donovan;

(2) extends sympathy and support for the families, friends, and religious communities of these four churchwomen from the United States;

(3) continues to find inspiration in the lives and work of these four churchwomen from the United States;

(4) calls upon the people of the United States and religious congregations to participate in local, national, and international

events commemorating the 27th anniversary of the martyrdom of these four churchwomen from the United States;

(5) recognizes that while progress has been made in El Salvador during the post-civil war period, the work begun by these 4 churchwomen from the United States remains unfinished and social and economic hardships persist among many sectors of El Salvador society; and

(6) calls upon the President, the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other United States Government agencies to continue to support and collaborate with the Government of El Salvador and with private sector, nongovernmental, regional, international, and religious organizations in their efforts to reduce poverty and hunger and to promote educational opportunity, health care, and social equity for the people of El Salvador.

WORLD DIABETES DAY

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 382 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 382) supporting the goals and ideals of World Diabetes Day.

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Mr. President, today I was pleased to introduce a Senate resolution recognizing November 14 as World Diabetes Day. I am also pleased to be joined by my colleagues, Senators PETE DOMENICI and FRANK LAUTENBERG. Established in 1991 by the World Health Organization and the International Diabetes Federation, this day has been recognized annually as World Diabetes Day.

Through World Diabetes Day, advocates worldwide can coordinate diabetes awareness activities and create a sense of urgency about this devastating disease. In almost every nation, diabetes is on the rise. In the United States, diabetes is the sixth leading cause of death by disease. Globally, diabetes is fourth.

Diabetes currently affects 246 million people worldwide and is projected to affect 380 million by 2025. Last year, the United Nations passed landmark Resolution 61/225 recognizing diabetes as a chronic, debilitating, and costly disease.

Each year, over 3.7 million people die due to diabetes. An even greater number die from cardiovascular disease exacerbated by diabetes-related lipid disorders. Every 10 seconds, two people develop diabetes and one person dies from diabetes-related causes.

The prevalence of diabetes is increasing in Michigan—from 5.3 percent to 7.9 percent over the past 10 years. There are 1.3 million Michiganians who have diabetes or are prediabetic. Michigan has the seventh highest rate of diabetes in the Nation, and diabetes costs our State's economy $6 billion a year in health costs and lost productivity. Diabetes is the sixth leading cause of death in Michigan and the fourth leading cause of death among African-American females in Michigan.

This year, the World Diabetes Day campaign will focus on the message that no child should die of diabetes." I take this goal very seriously. As a member of the Agriculture Committee, I am committed to ensuring our children have healthy options in their school meals. And I am working with Senator DOMENICI on reauthorizing the Special Diabetes Program.

We can no longer ignore the growing incidence of diabetes. Instead, let us draw worldwide attention to prevention, access, and treatment.

Finally, I am pleased to have letters of support from diabetes advocacy organizations. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL DIABETES FEDERATION,
Brussels, Belgium, November 11, 2007.
Hon. DEBBIE STABENOW,
Hart Senate Office Building, Washington, DC.
Hon. PETE DOMENICI,
Hart Senate Office Building, Washington, DC.

DEAR U.S. SENATOR STABENOW AND U.S. SENATOR DOMENICI: The International Diabetes Federation (IDF), an over 50–year old worldwide alliance of over 200 diabetes associations in more than 160 countries, is pleased to endorse H. Con. Res. 211, your resolution supporting the goals and ideals of World Diabetes Day.

Established by the World Health Organization and International Diabetes Federation in 1991, World Diabetes Day has been commemorated annually on November 14th. World Diabetes Day has succeeded in elevating and coordinating diabetes advocacy globally. Further, it is especially meaningful for the international diabetes advocacy community that on December 20, 2006, the General Assembly of the United Nations passed a landmark Resolution recognizing diabetes as a chronic, debilitating and costly disease.

Cities and nations all over the world are holding events to celebrate World Diabetes Day. For example, in Egypt, the well-known Bibliotheca Alexandrina (Library of Alexandria) will light up in blue on November 14th. And, La Federación Mexicana de Diabetes (Mexican Diabetes Federation) has planned a series of events throughout Mexico to mark this year's World Diabetes Day, including a diabetes awareness week in Jalisco, walks in Mexico City and Guanajuato, and activities for children and adolescents in Chihuahua.

Senators Stabenow and Domenici, we share your particular enthusiasm that the 2007 Campaign's theme focuses on raising awareness of diabetes in children and adolescents, who face unique challenges when diagnosed with diabetes. The campaign aims, among other objectives, to firmly establish the message that "no child should die of diabetes".

Thank you for your leadership on this important global health awareness campaign, Senators Stabenow and Domenici.

Sincerely,

MARTIN SILINK.

AMERICAN DIABETES ASSOCIATION,
November 14, 2007.
Sen. DEBBIE STABENOW,
Hart Senate Office Building,
Washington, DC.
Sen. PETE DOMENICI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS: On behalf of the 20.8 million children and adults living with diabetes in the Unites States, the American Diabetes Association is pleased to endorse your resolution supporting the goals and ideals of World Diabetes Day. This important day has succeeded in elevating and coordinating diabetes education and advocacy around the world and we applaud your leadership in bringing congressional attention to it.

Established by the World Health Organization and International Diabetes Federation in 1991, World Diabetes Day has been commemorated annually on November 14th. On December 20, 2006, the General Assembly of the United Nations passed a landmark Resolution recognizing diabetes as a chronic, debilitating and costly disease, and designating World Diabetes Day as a United Nations Day to be observed every year starting this year.

As you know, Diabetes is a lifelong chronic disease that has become a health problem of epidemic proportions around the globe. More than 240 million people worldwide are living with diabetes. This number is expected to exceed 350 million in less than 20 years if action is not taken. Diabetes is the fifth highest cause of disease-related death, killing more than 2.9 million people from diabetes-related complications annually, greater than 600 people each day in our own country. In fact, every 10 seconds a person dies of diabetes-related causes—including heart disease, stroke, blindness, kidney disease and amputations.

Children are not spared from this global epidemic, with its debilitating and life-threatening complications. The theme of this year's World Diabetes Day campaign is 'Diabetes in Children and Adolescents.' Type 1 diabetes is growing by 3% per year in children and adolescents, and at an alarming 5% per year among pre-school children. Type 2 diabetes was once seen as a disease of adults. Today, this type of diabetes is growing at alarming rates in children and adolescents. In the United States, it is estimated that type 2 diabetes represents between 8 and 45% of new-onset diabetes cases in children depending on geographic location. Early diagnosis and early education are crucial to reducing complications and saving lives.

Senator Stabenow and Senator Domenici, we share your enthusiasm that the 2007 Campaign's theme focuses on raising awareness of diabetes in children and adolescents, who face unique challenges when diagnosed with diabetes. Passage of this resolution will send a powerful message about the seriousness of this disease and help to alleviate the human, economic and social burden of diabetes.

Thank you, again, for your leadership on this important global health awareness campaign. In this, and in other diabetes issues, the American Diabetes Association stands ready to support your efforts.

Sincerely,

HUNTER LIMBAUGH,
Chair, National Advocacy Committee.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 382) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 382

Whereas the World Health Organization and the International Diabetes Federation established World Diabetes Day in 1991 with the aim of coordinating diabetes advocacy worldwide;

Whereas World Diabetes Day is celebrated annually on November 14;

Whereas, on December 20, 2006, the General Assembly of the United Nations passed a landmark resolution recognizing diabetes as a chronic, debilitating, and costly disease;

Whereas the resolution designates World Diabetes Day as a United Nations Day to be observed every year starting in 2007 in order to raise global awareness of diabetes;

Whereas the theme of the 2007 United Nations World Diabetes Day campaign focuses on raising awareness of diabetes in children and adolescents, who face unique challenges when diagnosed with diabetes;

Whereas the United Nations campaign aims, among other objectives, to firmly establish the message that no child should die of diabetes;

Whereas the global diabetes epidemic has devastating effects on families, societies, and national economies;

Whereas diabetes is the 4th leading cause of death by disease in the world, and is the 6th leading cause of death in the United States;

Whereas diabetes is a leading cause of blindness, kidney failure, amputation, heart attack, and stroke;

Whereas in almost every country the incidence of diabetes is increasing, growing from an estimated 30,000,000 people worldwide in 1985 to an estimated 245,000,000 people in 2007, and to 380,000,000 by 2025, as reported by the International Diabetes Federation;

Whereas diabetes is one of the most common chronic childhood diseases;

Whereas diabetes can strike children at any age, and when diagnosed in young people the risk of developing life-threatening complications at an early age increases and life expectancy is shortened by, on average, 10 to 20 years;

Whereas new figures from the International Diabetes Federation's Diabetes Atlas suggest that more than 70,000 children develop type 1 diabetes each year and 440,000 children worldwide under the age of 14 now live with type 1 diabetes;

Whereas recent data indicate that 1 out of every 3 children born in the United States will develop diabetes during their lifetime, including 1 out of every 2 children from ethnic minority groups;

Whereas in low- and middle-income countries, many children with diabetes die because they are diagnosed late or misdiagnosed or because insulin is unaffordable, unavailable, or in short supply;

Whereas the incidence of type 2 diabetes, which was previously rare in children, is rising at alarming rates, with more than 200 children a day developing this form of diabetes;

Whereas obesity is a major contributor to type 2 diabetes;

Whereas according to the International Obesity Task Force of the International Association for the Study of Obesity, 155,000,000 school-age children worldwide are overweight, representing at least 1 out of every 10 school-age children;

Whereas at least 30,000,000 of those overweight children are classified as obese, accounting for at least 2 percent of the world's children between the ages of 5 and 17 years of age;

Whereas research has shown conclusively that type 2 diabetes can be prevented or significantly delayed through healthy weight maintenance and regular physical activity;

Whereas adopting a lifestyle high in physical activity and adopting a low-sugar, low-fat diet can successfully prevent the onset of obesity and diabetes among school-age children;

Whereas diabetes is costly, with the world estimated to spend at least $232,000,000,000 in 2007 and over $302,500,000,000 by 2025 to treat and prevent diabetes and its complications;

Whereas world treatment costs for diabetes are growing more quickly than the world population;

Whereas diabetes threatens to subvert global economic advancement by both straining government budgets worldwide (with the cost of diabetes-related disability payments, pensions, social and medical service costs, and lost revenue) and burdening private health insurers and employers with spiraling health care costs;

Whereas by 2025 the largest increases in diabetes prevalence will take place in developing countries, whose economies are less able to support increased expenditures to provide for those with the disease and engage in effective prevention efforts; and

Whereas the economic impact of diabetes threatens to undermine the achievement of the United Nation's Millennium Development Goals for developing countries: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of World Diabetes Day.

ORDERS FOR THURSDAY, NOVEMBER 15, 2007

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, November 15; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour deemed expired, the time for the 2 leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each and the time equally divided and controlled, with Senator FEINGOLD recognized first for up to 15 minutes; that then the Republicans control the next 30 minutes; that following that time, the majority control the final 15 minutes of morning business; that at the close of morning business, the Senate then resume consideration of H.R. 2419, the farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. As a reminder to Members, cloture was filed on the Harkin substitute amendment on H.R. 2419. All germane amendments must be timely filed by 1 p.m. tomorrow; however, Members do not need to refile any germane amendments already filed.

ORDER FOR ADJOURNMENT

Mr. DURBIN. I now ask that following the remarks of Senator DOLE, the Senate stand adjourned under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Pending the arrival of Senator DOLE, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUNGER AND NUTRITION

Mrs. DOLE. Mr. President, in America—the land of prosperity and plenty, some people have the misconception that hunger plagues only faraway, undeveloped nations. The reality is that hunger is a silent enemy lurking within 1 in 10 U.S. households.

In my home State of North Carolina alone, nearly 1 million of our 8.8 million residents are struggling with food insecurity issues. In recent years, once-thriving North Carolina towns have been economically crippled by the shutting of textile mills and furniture factories. People have lost their jobs and sometimes their ability to put food on the table.

I know this scenario is not unique to North Carolina, as many American manufacturing jobs have moved overseas. While many folks are finding new employment, these days a steady income does not necessarily provide for three square meals a day. Hunger and food insecurity are far too prevalent, but I think Washington Post columnist David Broder hit the nail on the head when he wrote:

> America has some problems that defy solution. This one does not. It just needs caring people and a caring government, working together.

I certainly agree. The battle to end hunger in our country is a campaign that cannot be won in months or even a few years, but it is a victory within reach.

To this end, I strongly support what the nutrition title of the farm bill strives to accomplish. I commend my colleagues on the Senate Agriculture Committee for putting together a package that helps address the hunger and nutrition needs of Americans of all ages. For example, with regard to the Food Stamp Program, this bill seeks to responsibly address concerns of fraud, waste, and abuse in the system and help ensure that it serves those who truly need assistance.

I am also pleased that the nutrition title expands the Fresh Fruit and Vegetable Program to all 50 States. This program encourages healthy eating habits in schoolchildren and helps combat childhood obesity. According to a recent Duke University report, in the last 25 years, the rate of obesity has doubled for children ages 6 to 11, and has tripled for teens.

Today, about 10 percent of 2- to 5-year-olds and 15 percent of 6- to 19-year-olds are overweight. In North Carolina, where childhood obesity rates have been higher than national averages, I am very proud that nearly 1.4 million children are enrolled this school year in the Fresh Fruit and Vegetable Program. This certainly is a positive way to help combat the childhood obesity problem.

Furthermore, I am pleased this bill will allow schools participating in the School Lunch Program to use geographic preference when purchasing fruits and vegetables. This is especially good news in North Carolina where our farmers produce a wide variety of nutritious fruits and vegetables.

I also welcome a provision in the nutrition title that makes permanent the exclusion of combat zone pay from eligibility determinations in the Food and Nutrition Program. More than 157,700 servicemembers from North Carolina have deployed to Iraq and Afghanistan, and their families, who are sacrificing greatly, should not become ineligible because the head of household receives extra income for serving in harm's way.

Additionally, I am pleased that the nutrition title expands the use of electronic benefit transfer at farmers' markets. As in other States, in North Carolina's rural areas the poverty rate tends to be higher, and there is limited access to grocery stores that participate in the Food and Nutrition Program. Our State prides itself on having some of the finest farmers' markets around, and allowing the use of EBT will provide needier individuals access to these healthy, homegrown foods.

Likewise, this bill also increases funding for the Senior Farmers' Market Nutrition Program, which helps low-income seniors, and it continues and extends the Commodity Supplemental Food Program to more low-income individuals.

While I am encouraged by these hunger and nutrition components, there is still more we can and should accomplish in this farm bill to help those in need.

One area where I have focused my efforts is gleaning, where excess crops that would otherwise be thrown out are taken from farms, packinghouses, and warehouses, and distributed to the needy.

It is staggering—really staggering—that each year in this country 96 billion pounds of good, nutritious food, including that at the farm and retail level, is left over or thrown away. Gleaning helps eliminate this waste. It helps the farmer because he does not have to haul off or plow under crops that do not meet exact specifications of grocery chains. And it certainly helps the hungry by giving them nutritious, fresh foods.

Last month, in Harnett County, NC, I gleaned sweet potatoes with volunteers from the hunger relief organization the Society of St. Andrew. One of the single largest concerns for groups such as this wonderful organization is transportation—how to actually get food from the farm, for example, to those in need. According to the Society of St. Andrew, the increase in fuel costs has made food transport particularly challenging. They say today it costs 30 percent more to hire a truck to move food than it did 2 years ago.

To help address this problem, I am putting forward my bill, the Hunger Relief Trucking Tax Credit, as an amendment to this legislation. My measure would change the Tax Code to give transportation companies tax incentives for volunteering trucks to transfer gleaned food. Specifically, my bill would create a 25-cent tax credit for each mile that food is transported for hunger relief efforts by a donated truck and driver. This bill would provide a little extra encouragement for trucking companies to donate space in their vehicles to help more food reach more hungry people.

Additionally, I am proud to join my colleague Senator LAUTENBERG as a cosponsor of an amendment that helps fight hunger in our communities by combining food rescue with job training, thus teaching unemployed and homeless adults the skills needed to work in the food service industry.

The FEED Program, which stands for Food Employment Empowerment and Development, will support community kitchens around the country with much needed resources to help collect rescued food and provide meals to the hungry. Successful FEED-type programs already exist. For example, in Charlotte, NC, the Community Culinary School recruits students from social service agencies, homeless shelters, halfway houses, and work release programs. And just around the corner from the U.S. Capitol, students are hard at work in the DC Central Kitchen's culinary job training class. This is a model program, which began in 1990, and it is always, to me, a great privilege to visit the kitchen and meet with the individuals who have faced adversity but are now on track for a career in the food service industry.

While I do have a number of concerns about the farm bill and its impact on North Carolina agriculture, I welcome this bill's hunger and nutrition focus. Particularly with Thanksgiving just 1 week away, let us remember our 35 million fellow Americans who are struggling to have enough to eat. With the addition of the Hunger Relief Trucking Tax Credit and the FEED Program provision, this farm bill can go even further to responsibly lend a helping hand to those in need.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:17 p.m., adjourned until Thursday, November 15, 2007, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, November 14, 2007*

The House met at 10 a.m.

Deacon Bob Little, St. Helena Catholic Church, St. Helena, California, offered the following prayer:

Heavenly Father, we thank You for the beginning of this new day. Be fully with us today. Open our eyes that we might see goodness in what we do here in this room. Open our ears that we may hear the will of all Your people. Open our hearts that we might be compassionate in all that we do. Share with us Your wisdom, O Lord, that we may know the right decisions to make. Share with us Your strength, O Lord, that we might resist that which draws us away from good and fair judgment.

We humbly ask You to strengthen our courage and resolve to stand up for those issues we know to be just. We ask You, Father, to protect and watch over those who are today in harm's way that we might continue to do our work. Console the families of those heroes, domestic and abroad, who sacrifice their very lives that we might be free. For that freedom and Your love we are truly grateful.

Thank You, Father, for the gift of responsibility that You give to each of us as leaders of this great Nation.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PENCE. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PENCE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. GUTIERREZ) come forward and lead the House in the Pledge of Allegiance.

Mr. GUTIERREZ led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

GOVERNOR PERDUE OF GEORGIA PRAYS FOR RAIN

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. This morning, the Washington Times has a story about the Governor of Georgia, Sonny Perdue, praying for rain. The Governor said, and I quote, "It's time to appeal to Him who can and will make a difference."

I find that ironic, coming from the Governor of the State of Georgia, a State that has no realistic plan about how it's going to use its water resources, has no understanding of what the demands are for the work that they have in place right now.

The good Lord might say, Sonny, why did you have a huge artificial snow mountain so people can ski in Georgia in the middle of the summer in the middle of a drought?

"I believe in miracles," one minister said. Perhaps that would be one solution.

But maybe it's time for people to respect and carefully use what God has given them. The good Lord does help those who help themselves.

SECURITY AT O'HARE AIRPORT

(Mr. ROSKAM asked and was given permission to address the House for 1 minute.)

Mr. ROSKAM. Madam Speaker, I rise this morning to address a new development surrounding our Nation's airports. I represent Illinois' Sixth Congressional District, which is the home of Chicago O'Hare International Airport. O'Hare is the world's second busiest airport, and a week ago agents from the Immigration and Customs Enforcement Unit, a division of Homeland Security known as ICE, as well as Cook County sheriffs deputies, raided warehouses and secured areas at O'Hare, arresting over 27 alleged illegal aliens who had received fraudulent identification badges from a local employment agency. These illegal individuals had access to the tarmac, to cargo, as well as other secure areas putting them in direct contact with aircraft.

That is why I am an original cosponsor of legislation introduced by my friend and colleague, Mr. KIRK from Illinois.

It gives authority for any airport Federal security director to designate airport areas that he or she certifies as a critical area for transportation security as a special security zone. Once an area at an airport is declared a security zone, it is off-limits to illegal aliens.

Once an area at an airport is declared a "special security zone" only the airport's Federal Security Director can issue security badges to these zones.

This legislation also states that only U.S. Nationals who have been cleared by Basic Pilot Program verification system can be given security access badges to these zones.

We must be tough when it comes to airport security because it is our first line in defense here at home against terrorists who want to kill more Americans.

I ask my fellow colleague in the House to join me in securing our airports and cosponsor this vital piece of legislation.

OUR IMMIGRATION POLICY

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. Madam Speaker, more than 21,000 foreign-born men and women currently serve on active duty, willing to die in defense of our Nation. U.S. Navy Second Class Petty Officer Eduardo Gonzalez is one of these brave men, a naturalized U.S. citizen who has served two tours in the gulf region. Despite his valiant service, Eduardo Gonzalez faces the deportation of his wife Mildred. At age 5, she was brought here from Guatemala. Now, in addition to confronting enemies from abroad, Gonzalez must confront a threat at home, losing the wife and mother of their 2-year-old child.

In his testimony before the Immigration Subcommittee, Gonzalez stated: As a citizen of the United States of America, it makes me wonder, if I can die for my country, then why am I not allowed to just be with my family?

Like Petty Officer Gonzalez, immigrant soldiers fight with vigor and valor to protect the American Dream. All of those who serve, regardless of country of origin, are recognized as American heroes. As heroes, they deserve an immigration policy worthy of their sacrifices and nothing less.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

KNOW WHO WORKS AT O'HARE

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, you do not need a valid Social Security number to get a job at America's busiest airport. Recently, Federal inspectors reported that screeners at O'Hare Airport also missed 60 percent of all bomb test kits designed to test the screeners. The Justice Department then found three dozen illegal aliens using expired airport security badges. Authorities had no idea who the real identity was of workers with direct access to civil aircraft. This is not the way to run America's busiest airport.

Later today, Representatives ROSKAM, BIGGERT, and I will introduce legislation creating Federal security zones where only badged and approved United States citizens can work next to an aircraft. Everyone at the airport Federal security zone will have a background check and have a valid, real Social Security number.

You would think the Transportation Security Agency would know who is working at American airports. Our bill would help implement that commonsense solution.

IN HONOR OF PFC MATTHEW T. SPAULDING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, I rise today to recognize a brave American who is serving our country with distinction. Private First Class Matthew T. Spaulding of Bluffton, South Carolina, was a recent recipient of the Army's Bronze Star with Valor for his heroic actions in Afghanistan. The former Bluffton High School quarterback has been deployed since January as an Army medic.

On June 9th, PFC Spaulding was on patrol with his unit when their vehicle was struck by an improvised explosive device. Suffering several wounds himself, Spaulding was able to come to the aid of one of his comrades who was severely injured. Through his quick and selfless action in the face of danger, Spaulding was able to save his fellow soldier's life.

The Bronze Star with Valor is awarded to a soldier who has performed an act of heroism in combat. It is the fourth highest combat medal awarded to members of the armed services.

I am grateful for PFC Spaulding's service, and for all the brave men and women who are fighting to protect our freedoms around the world.

In conclusion, God bless our troops, and we will never forget September 11th.

□ 1015

SCHIP AND CITIZENSHIP DOCUMENTATION

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, today I rise to urge my colleagues to support a strong reauthorization of the SCHIP program that prevents additional loss of health care access to U.S. citizen children.

Medicaid citizenship documentation created by the Deficit Reduction Act has caused citizen children to lose access to health care. Low-income white and black U.S. citizen children, not Latino citizens, are disproportionately affected. Documentation requirements are extremely burdensome to low-income families who often lack the resources to pay for that documentation.

In Alabama, Kansas and Virginia, Medicaid enrollment declined by a larger percentage among white and black children than among Latino children who were U.S. citizens.

The Inspector General at the Department of Health and Human Services and the past administrator of CMS concurred that there is no substantial evidence that undocumented immigrants are committing fraud in order to receive Medicaid.

Citizenship documentation, as implemented, is a flawed policy based on inaccurate assumptions that adversely affect our children's health.

I urge my colleagues to allow that we enforce a good SCHIP program. Take care of those 10 million children.

FREE TO MOVE ABOUT THE COUNTRY-ILLEGALLY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, it is illegal to drive a vehicle without a legal driver's license. Illegals, who aren't even supposed to be here, broke the law to get here, and they break it every day by staying here.

Some States pander to illegals and encourage them to stay. Seven States: Hawaii, Maine, Michigan, Oregon, New Mexico, Utah and Washington, issue legal driver's licenses to illegals. These illegals then can use the driver's license to travel to other States, set up credit, obtain free social services, and in some States that don't verify citizenship, use these licenses to vote. Thus, these States encourage illegals to stay here. This is an absurd policy that gives the same recognition status to illegals that should be reserved only to citizens and legal immigrants.

We need stricter requirements for driver's licenses, not more lax enforcement. The 9/11 terrorists used fake driver's licenses to "move about the country freely." So States that promote violation of Federal immigration policy by issuing these driver's licenses to illegals should lose Federal transportation highway funds.

Millions for border security, not one cent to highways for illegals.

And that's just the way it is.

DEACON BOB LITTLE

(Mr. THOMPSON of California asked and was given permission to address the House for 1 minute.)

Mr. THOMPSON of California. Madam Speaker, I'm honored that Deacon Bob Little, from my home parish and hometown of St. Helena, is serving as today's guest chaplain.

Deacon Little has had a lifetime of exemplary service to our country. He's a 26-year veteran of the Air Force, achieved the rank of major, and served in Vietnam, Panama and eastern Saudi Arabia.

He's also served the community in Napa County. He was a deputy sheriff for 12 years and an elementary school science and physical education teacher.

He later came to work at the St. Helena Catholic Church. After 5 years of training, he was ordained as deacon.

Among the many services he provides the residents of our community, he also travels throughout Northern California as a military bugler for the funerals of fallen soldiers.

Deacon Little is a distinguished American citizen and important community leader, and I thank him for his service to our country and for the prayer that he led today.

FUNDING OUR VETERANS

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Madam Speaker, this is day 45, that is, 45 days so far that our veterans have not had the use of the increased funding for their benefits and health care. That's $18.5 million a day not able to be used.

This bill has been done for months and the President has already agreed to sign it. Now Veterans Day has come and gone, and the Democrat leadership continues to delay this bill.

I am calling on the Speaker to not adjourn for Thanksgiving until this bill has been sent to the President. And I call on all Americans to contact their Representatives and tell the Democratic leadership to send a clean Veterans appropriation bill to the President now.

How can we celebrate a holiday with our families, knowing that there are benefits our veterans don't have access to simply because of our inaction.

LABOR-HHS-EDUCATION APPROPRIATIONS BILL

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, the Labor-HHS-Education appropriations bill passed by Congress reinvests in our Nation's future in a fiscally responsible way, and it is fully paid for with no deficit spending.

The President vetoed this bill because he apparently believes that a better course of action would be to deliver massive cuts in critical domestic priorities, such as funding community health centers and medical research grants through the National Institutes of Health.

The Labor-HHS-Education bill vetoed by the President strengthens education by training 51,000 more teachers, and helps 173,000 more dislocated workers with job training and employment.

And again, unlike the budget-busting funding bills that were passed by previous Congresses and signed by this President, this bill is fully paid for and does not add one penny to the Federal deficit.

Madam Speaker, we must override the President's veto and pass this fiscally responsible bill.

DENIAL, RETREAT AND DEFEAT IN IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, the tide is turning in Iraq. As The Washington Post noted just last week, the number of attacks against U.S. soldiers has fallen to levels not seen since before February of 2006, the bombing of a Shiia shrine in Samara that touched off waves of sectarian killing.

The death toll of American troops in October fell to 39, the lowest level since March of 2006. Prime Minister Nouri al-Maliki announced this last Sunday that Sunni-Shiia violence in Baghdad was down more than 75 percent in the last year.

But sadly, today the House of Representatives will bring an Iraq supplemental bridge fund that once again brings the same tired language mandating withdrawal from Iraq.

It seems, Madam Speaker, the Democrats are adding denial to their agenda of retreat and defeat in Iraq. Now is not the time to micromanage a widening success in Iraq. Let's give the American soldiers the resources they need to get the job done, see freedom win, and come home safe.

AN OUNCE OF PREVENTION

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Madam Speaker, an ounce of prevention is worth a pound of cure. And SCHIP is prevention, as well as an important investment in our children and the future of our country.

If we don't make an adequate investment now to provide access to health care for our children, we will pay for it later. When is the White House going to get it?

And it must include all children. So let's not agree with the Republicans to put up barriers to doing that. Democrats opposed citizen documentation in Medicaid and we must oppose it now. It will hurt poor children and children who are racial and ethnic minorities, the children who need it most.

The anti-immigrant rhetoric that is raising its ugly head in this body is hurting our country. We must not let it hurt our children.

Not covering all poor legal immigrant children and requiring excess documentation is un-American. Let's end this today with SCHIP, and let's pass a bill that moves us closer to full coverage and to being the better country we ought to be.

CONGRATULATING MAJOR LES BRAUNNS, ARKANSAS STATE POLICE

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, I rise today to offer my congratulations to one of my constituents who's dedicated his adult life toward protecting the men and women of Arkansas.

I rise to congratulate Les Braunns of Springdale on his promotion to the rank of major in the Arkansas State Police. A 28-year veteran trooper, Major Braunns was most recently the commanding officer of Troop L, where he earned the respect and friendship of the men he commanded.

According to the men of Troop L, Major Braunns always led his men by example, and led his men from the front, never asking a trooper to perform a task he was unwilling to perform himself.

His men pointed to the most recent example of his leadership from an incident in July when the Hell's Angels descended on my district for their annual get-together. Then Captain Braunns marched into a group of 300 and told them, "You can police yourselves, or we can do it for you." The State police kept their word and so did the Hell's Angels.

I congratulate Major Braunns on his promotion, and I thank him and appreciate all that he's done for the State of Arkansas.

VETERANS GUARANTEED BONUS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Madam Speaker, this weekend, communities throughout our Nation honored the brave men and women who have defended our Nation in previous wars, as well as those who are serving in Iraq and Afghanistan. While parades, speeches and ceremonies are important, I believe it is more important for the U.S. Government to properly care for and honor our veterans.

Recently, the Department of Defense has instituted a new policy on bonuses, which does not provide servicemembers with their full enlistment bonus, reenlistment or other bonuses if they are wounded while in combat and cannot return to duty. This means that combat wounded veterans who are discharged from the military because of their serious injuries will not receive their full bonus. This policy is unacceptable and disgraceful. It is unbelievable that the men and women who have sacrificed so much for our Nation are being shortchanged and denied the bonuses they were promised by their government.

Congressman JASON ALTMIRE has legislation to correct this inequity, but we should not have to rely on legislation. I call upon the Commander in Chief, President Bush, to reverse this policy immediately. We have a letter going to the President asking him to terminate this policy and ensure all outstanding bonuses be paid promptly.

GENERAL BOB LIVINGSTON

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, it's that time of year when we begin to make plans to travel to be with our families for Thanksgiving, so I want to recognize those American military men and women fighting overseas who will be unable to go home for Thanksgiving.

Specifically, I'd like to recognize General Bob Livingston, who is currently serving with South Carolina's very own 218th National Guard Brigade currently serving in Afghanistan.

General Livingston sent an American flag to his wife, Barbara, who put it into my hands to thank me for supporting their mission. I've never been more honored and never received anything more symbolic of true patriotism.

Our U.S. soldiers are making the sacrifice away from their families during these holidays. They're always serving to protect our freedom and our safety.

My wish during this time is that our citizens offer a salute to these brave soldiers for the loyalty and honor they have had in America and for their courage to fight for freedom.

218th, Fit to Fight.

HONORING FOREIGN-BORN SOLDIERS

(Mr. GRIJALVA asked and was given permission to address the House for 1 minute.)

Mr. GRIJALVA. Madam Speaker, I rise today also to honor the soldiers and veterans that sacrifice so much for this Nation. And this week in which we celebrated Veterans Day, it is an appropriate and necessary time to reflect on that sacrifice. And in the Congress that often feels the need to scapegoat or debase immigrants, this body often forgets how immigrants enrich our lives.

I rise today to take a special moment to thank those foreign-born noncitizens who are serving in this war and have served in wars past. In this current war, there are approximately 21,000 noncitizens in uniform. No other war has produced anywhere near as many posthumous citizens as this one.

Madam Speaker, I ask you and all my colleagues to work toward civility, solutions and humanity when we talk about immigration. Please do not play politics with the lives of current and future immigrants and their family members, like me, who are only a generation removed from the experience.

□ 1030

WELCOME HOME MINNESOTA GUARD

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute.)

Mrs. BACHMANN. Madam Speaker, today America and our allies in Iraq are breathing a collective sigh of relief as we continue to receive successful report after successful report of al Qaeda's demise in Iraq.

We continue to pray for a complete end to hostilities, but today we pause to thank America's brave military members and also their family members.

Just recently, 168 brave men and women returned from the famous Red Bulls to Minnesota. They were deployed for 13 months, and we thank them for their sacrifice.

The happy news is that not one of the 168 returned home with serious injury. Everyone was able to walk out and meet their loved ones.

It seems every generation has to learn the lessons of freedom. Freedom is precious, Madam Speaker, and we thank those today who secured our freedom and the freedom of our allies.

IMMIGRATION

(Mrs. NAPOLITANO asked and was given permission to address the House for 1 minute.)

Mrs. NAPOLITANO. Madam Speaker, since 1886 immigrants to the United States have passed the Statue of Liberty, which has inscribed, "Give me your tired, your poor, your huddled masses." Why is it that now, when those huddled masses happen to be brown, the golden door of freedom is being slammed shut?

Immigrants contribute to the economy. They are free thinkers. They are hard-driven workers who strive for success, not only for themselves and their community but for their families. They come to this country because America is a beacon of hope for them. They are looking for a better life, just like every immigrant since the Pilgrims landed at Plymouth Rock.

So why do some amongst us feel it necessary to place every obstacle possible in their path, to launch bigoted assaults on them, to wrongly blame those who work the hardest at the worst jobs for the ills of all of our society?

Immigrants are the history of the United States. They are our past, they are our present, and I must not rest until we recognize they are part of the future of this great country.

FUNDING THE TROOPS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Well, here we go again.

Instead of getting down to business and tending to the people's business, the majority wants to play a political game. So to do it, they are going to tie temporary funds for our men and women serving in Iraq and Afghanistan to a timetable for withdrawal. No amendments can be offered. Once again, the leadership of the House is set to embark on a legislative gamble to force the hand of U.S. military leadership. This is their 41st Iraq vote.

But the suspense comes. Will the Houses of Congress, the President, and the American people take their bluff? I think it is very highly unlikely.

The Democrat leadership seems content to write legislation that they know is going to fail. Now, why would you write something you know is going to fail?

Let's get past this. Let's give up the games. Let's take care of the people's business. Let's pass clean legislation to ensure the safety of our troops.

JEC IRAQ WAR REPORT

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Madam Speaker, by every measure the war in Iraq has cost Americans far too much, whether it's lives lost, dollars spent, or our reputation tarnished around the world.

House Democrats plan to send the President a smaller war funding bill than the one he requested but one with a bigger message: Start bringing our troops home now.

Without a change in course, the Congressional Budget Office has estimated that Federal spending on the war could reach $2.4 trillion by 2017. A new report from the Joint Economic Committee finds that when you add in the "hidden costs" of the war, such as higher oil prices, interest payments, and helping to take care of our wounded veterans, the total economic costs will rise by over $1 trillion to $3.5 trillion.

It's time for a new direction in Iraq.

IMMIGRATION

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, like many other of my colleagues who spoke right before, who told stories about how the lack of immigration reform has affected many families, Madam Speaker, the time for Congress to pass immigration reform is long overdue.

Our system is broken. Our country is less safe. Families are torn apart. And people are living in fear. For the Hispanic Caucus, this is an issue that is personal to a lot of us. Our communities should not be a punching bag for the vocal few. It's time to stop this hateful rhetoric that serves only to divide us and bully the vulnerable.

Children should not be torn apart from their mothers. We have been asked to stand against what are American values of family, providing a chance to do better.

America is a Nation of immigrants, not just from Mexico and Latin America but from Canada, Asia, Europe, and Africa. Immigration is not an Hispanic issue; it's an American issue. It's an American issue.

We want to work together to create a real plan to combat hateful and often racist rhetoric that affects all of us. I ask my colleagues to do the right thing and not the political easy thing and to support real immigration reform.

URGING SUPPORT FOR H.R. 4102, STOP OUTSOURCING SECURITY ACT

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Today the New York Times reports that at least 14 of the 17 shootings from the September 16 Blackwater incident in Iraq were unjustified and violated deadly force rules.

Even though the FBI concluded that Blackwater, a for-profit contractor, used excessive force, there is no guarantee that anyone will be punished for these killings.

On Monday, the front page of the New York Times ran a story titled "Security Guard Fires From Convoy, Killing Iraqi Driver." The shooter was an employee of DynCorp, and the victim an Iraqi taxi driver. The details of the incident are still unclear, but one thing is certain. The problem of trigger-happy contractors isn't confined to one company; it applies to all private security contractors.

The longer we wait to fix this problem, the worse the situation is going to get for the Iraqis and for our troops. I urge my colleagues to cosponsor the Stop Outsourcing Security Act, H.R. 4102, to phase out unaccountable private security contractors before they do any more damage.

CAUTIONING SENIORS REGARDING PRIVATE MEDICARE INSURANCE OPTIONS

(Ms. CASTOR asked and was given permission to address the House for 1 minute.)

Ms. CASTOR. Madam Speaker, the Medicare open enrollment period begins tomorrow, November 15, and runs through the end of the year. Across the country, private HMOs have placed large newspaper ads and are running TV ads to convince seniors to sign up for their private Medicare insurance.

I am here to advise seniors to be very cautious. These private HMO insurance salesmen are on the streets and are oftentimes luring our seniors into private Medicare coverage that they do not need. If they leave traditional Medicare and sign up for a private HMO, oftentimes they will lose access to their doctor.

Be very cautious. Sons and daughters, grandkids across America, help your parents and grandparents sort through this myriad of options under private Medicare. In Florida, you can seek independent advice from the Department of Elder Affairs and the SHINE Volunteers. Seek independent advice and be very cautious with these private Medicare options.

WARNING AGAINST IMMEDIATE WITHDRAWAL FROM IRAQ

(Mr. BAIRD asked and was given permission to address the House for 1 minute.)

Mr. BAIRD. My colleagues, as someone who opposed the invasion of Iraq and believes it was one of the most egregious mistakes in the history of this country, I rise today to implore you to not make a mistake today by demanding that we begin an immediate withdrawal.

The facts on the ground are that the situation is improving in Iraq. Courageous Americans have given their lives and time away from their families to make that happen. Hundreds of thousands of Iraqis have died in a conflict that we created. We have a chance now to try to improve the situation.

Progress is being made. Do not let anyone today say it is not. Violence is down. Political leaders are reaching out across the aisle. Shias are meeting with Sunnis. Sunnis are meeting with Shias. They need more time to succeed, and an insecure situation will undermine the progress, not further it.

We need to have more time to debate this resolution today. We need to take the good parts of it, keep those in, but abandon this requirement for an immediate withdrawal.

There is a big difference between 1 year, which this measure says we have to be out in, or a 10-year horizon. We should find the nuance now that we can agree on.

DEMOCRATS CONTINUE TO FIGHT FOR A CHANGE OF DIRECTION IN IRAQ

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, 2007 has been the deadliest year for American troops in Iraq. No doubt that a change of direction is needed, but President Bush refuses to change course. He envisions a world where our troops will still be on the ground in Iraq 10 years from now.

This Democratic Congress rejects such a plan. And this week we will once again consider legislation that will require President Bush to redeploy our troops out of Iraq while providing our troops in harm's way with the resources that they need.

President Bush has asked Congress for an additional $200 billion for Iraq. This House will instead vote on a $50 billion package that will require the immediate start of the redeployment of U.S. forces out of Iraq. The legislation sets a goal of having nearly every troop out of Iraq by the end of next year. That is a significant change in the course of the war, and it is a change that will finally hold Iraq accountable for its future course.

Madam Speaker, this Congress will continue to fight to change President Bush's 10-year, trillion-dollar war. We are committed to bringing our troops home soon, repairing the readiness of our military, and refocusing our efforts to fight terrorism around the world.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1429, IMPROVING HEAD START FOR SCHOOL READINESS ACT OF 2007

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 813 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 813

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Madam Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 813.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Madam Speaker, House Resolution 813 provides for consideration of the conference report for H.R. 1429, the Improving Head Start for School Readiness Act of 2007. This is the standard rule for a conference report. It waives all points of order against the conference report and against its consideration. It also provides that the conference report shall be considered as read.

Madam Speaker, for over 40 years Head Start has served as the premier educational and developmental program for America's children, more than 20 million American children and their families. Head Start works. Head Start works because it is a well-researched, comprehensive initiative that combines all of the children's educational needs, their health care needs, and it requires parental involvement. Years later, after 4 decades of Head Start, the research shows that children that participate in Head Start are more likely to graduate from high school than their peers.

Head Start is a comprehensive approach to child health nutrition and learning, and it is one of our best tools in the struggle to close the achievement gap. The achievement gap for children in poverty in America must be tackled, and Head Start tackles the achievement gap through cognitive social and emotional child development, each of which is a key contributor to entering elementary school ready to succeed.

Today, 20 percent of America's 12 million children under the age of 6 unfortunately live in poverty. We know that a family's income level greatly affects their child's access to educational opportunities. The reality of poverty for so many American children in poverty is tied to their low success rates in schools.

But in America, family income simply should not impede a child's educational opportunities, and this is where Head Start comes in to level the playing field. Back home in Florida in my community in the Tampa Bay area, over 5,300 children are served by Head Start. But we've got thousands of children that are eligible and are on the waiting list. Why are they on the waiting list? Because previous Congresses have failed to properly support our Head Start kids, and this White House has flat-lined budgets over the years; so our kids merely have been treading water.

□ 1045

There have been no improvements or increases in funding since 2003. And with inflation, it has been very difficult to maintain the well-known, high-quality elements in Head Start. But the good news is that this Congress will change that today and make the smartest investment in our country's future workforce. And the research statistics bear repeating; children that participate in Head Start are more likely to graduate from high school.

We're going to put more children on a path to success today when we pass this bill and this rule. We're going to improve teacher and classroom quality. We're going to strengthen the focus on school readiness. We're going to expand access so children that are on the waiting list can enter Head Start classrooms. We're going to strengthen those all-important comprehensive services of health care and nutrition. We're going to increase the number of children in early Head Start because the research also shows that it is critical for child brain development that they have interaction by the age of 3, when their brains are developing. We're going to focus on allowing more homeless children to enroll and do a better job for children who are just learning English.

This year marks 4 decades of success for this holistic wraparound initiative that empowers all of us. These children are eager and ready to learn if we give them the tools.

The administration's slow-motion cuts to Head Start will now be reversed because this Congress, in a bipartisan way, but led by Democrats, is committed to raising strong and healthy children, and Head Start prepares our children to succeed in school and in life.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank my friend the gentlewoman from Florida (Ms. CASTOR) for the time, and I yield myself such time as I may consume.

It's important for the future of our children that they develop the skills and receive the education necessary to make them a success later in life. Unfortunately, many children begin their education without a proper foundation, putting them at a disadvantage that has long-term effects on their education. We must do all we can so that low-income children do not begin their education at a disadvantage, and that is why Head Start was created.

In order to give the children the proper foundation they need to begin their education, the Head Start program provides comprehensive early child development services to about 900,000 children from low-income families. These services prepare children to enter kindergarten with a proper educational foundation for their continued educational success to hopefully break the chain of poverty. The underlying bipartisan conference report builds on the success of the program and alleviates some of its shortcomings.

The bill authorizes over $7 billion in fiscal year 2008. For fiscal year 2009, it authorizes a 4.1 percent increase. And for fiscal year 2010, there's an additional 4.5 percent increase.

It is important that the children in Head Start receive the best education possible. There are several provisions in the conference report that will help with that goal. First, the legislation seeks to ensure that a greater number of early Head Start teachers are better trained and educated in early childhood development, with a focus on infant toddler development, no later than September 30, 2012. Additionally, the conference report requires that at least 50 percent of Head Start teachers nationwide in center-based programs have a baccalaureate or advanced degree in early childhood education or related field by September 30, 2013.

Madam Speaker, competition encourages better quality. As recommended by a 2005 GAO study, this legislation seeks to increase competition among Head Start grantees to help weed out poor performers and foster stronger programs.

There is also a need for greater oversight of the program grantees. This legislation requires Head Start agencies to create a formal structure of program governance for assessing the quality of services received by the Head Start children and families, and for making decisions related to program design and implementation.

The bill also seeks greater transparency and disclosure regarding how Head Start funds are spent. This will help prevent abuse and further ensure that Federal Head Start funds reach the disadvantaged children that they are meant to reach.

The conference report kept the House's unanimously passed motion to instruct language limiting the compensation of a Head Start employee to Executive Level II, which equals $168,000. This is to prevent Head Start employees from receiving excessive salaries and bonuses, like in some past experiences.

With regard to a child's eligibility in a Head Start program, the conference report allows Head Start agencies to serve children whose parents earn 130 percent above the poverty level. The conference report caps the amount of participants that can be served at the increased level to 35 percent of all participants, and only if the agency can prove that they are serving all eligible participants at the poverty level.

Other important provisions included in the conference report are to continue the eligibility of faith-based organizations as Head Start agencies. Head Start has a proud history of inclusion of faith-based organizations. Approximately 80 grantees have religious affiliations.

With regard to our children's safety, the conference report requires background checks for those who transport children to Head Start centers.

I wish to thank both Chairman MILLER and Ranking Member MCKEON for their bipartisan work on this important legislation. This important legislation goes to show, Madam Speaker, that when we are willing to work together and compromise, we can bring forth good legislation with bipartisan support.

I urge my colleagues to support the conference report, which I believe is instrumental to the educational success of many children.

At this time, Madam Speaker, I reserve the balance of my time.

Ms. CASTOR. Madam Speaker, at this time I am very pleased to yield 3 minutes to the gentlewoman from California, a member of the Education and Labor Committee and an outspoken advocate for America's kids, Ms. WOOLSEY.

Ms. WOOLSEY. Madam Speaker, today we're going to reauthorize Head Start and reaffirm, through this conference report, our commitment to this very, very valuable program.

When I came here 15 years ago, I was insisting that my married children make me a grandmother, and they told me it was just none of my business. But since then, I now have 5 grandchildren among my 4 families of young adults, and all of my grandchildren go to preschool. And they are lucky because they have working parents who are professionals who can pick out very good schools for them and make sure, the oldest child is 7½, and he's the only one in school, he is a second grader, but ensure that when my grandchildren enter grade school, elementary school, that they know what's going on. I mean, I'm telling you, I can't believe it. These kids read, they write, they know their numbers, they know their alphabet, they can play Monopoly, and they aren't even in kindergarten yet. That's what every kid in America deserves, and that's what Head Start does.

Head Start evens the playing field so that the fortunate children in my family aren't the only ones that enter elementary school having read books, having understood that you sit down in a classroom, that you have social needs that you have to learn to deal with when you're a young person and you're going to be dealing with other young people in a classroom situation.

I feel so fortunate, but I also feel so thankful that in a very bipartisan way, under the chairmanship of Mr. MILLER and the good leadership of Mr. MCKEON, we were able to pass legislation that will finally bring to this floor a Head Start bill.

We need to increase the Head Start funding, of course. We aren't covering every eligible child in the United States, and we must do that over time. It's hard to do when you're spending $1.5 trillion in Iraq. But we must get our priorities in order, and one of our top priorities must be our children. Our children are 25 percent of our population, but guess what? They are 100 percent of our future.

We must support programs like Head Start that ensure that our future, when we become really old people and these young people are running our world and running our Congress, they know what they're doing.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my pleasure to yield such time as he may consume to the distinguished ranking member of the Rules Committee, Mr. DREIER.

Mr. DREIER. Madam Speaker, I rise in strong support of this conference report, and I want to join in commending first the managers on both sides of the aisle, our friends from Florida, Ms. CASTOR and Mr. DIAZ-BALART, and of course Mr. MILLER, Mr. MCKEON, and Mr. CASTLE, and all those who have been involved.

The Head Start program is a very important program. It has proved to be successful. And I'm pleased that we have a measure that is going to, I believe, become law and ensure that we are able, as we look towards preparing children for that very critical K–12 education, which we all know is facing very serious challenges, the Head Start program can help as they launch into that challenge.

Madam Speaker, I want to take my time, and Mr. DIAZ-BALART and I were just talking about an op-ed piece that was written by the former staff director of the Committee on Rules, Don Wolfensberger, and it got a response in today's Roll Call that I think is a very important one. And I think that, in light of the fact that we're debating rules here, this is a debate on the rule, and we've seen some real challenges when it has come to ensuring that the American people have their right to be heard here on the House floor. I think that I will share an article. And at this time, I would like to insert this article into the RECORD, Mr. WOLFensberger's op-ed piece.

[From Roll Call, Nov. 12, 2007]

MINORITY'S MOTION TO RECOMMIT SHOULD NOT BE CURTAILED

(By Don Wolfensberger)

It is the height of political arrogance for the majority party in the House of Representatives to dictate which minority party motions are legitimate and which are not. Yet that is exactly what the Democratic leadership is threatening through possible House rules changes governing the motion to recommit.

The motion to recommit a bill to committee with instructions to amend it was originally used primarily as a majority party device to make last-minute, minor corrections before final passage. All that changed in 1909 when Speaker Joe Cannon (R-Ill.) temporarily headed off a bipartisan effort to amend House rules and remove him as chairman and a member of the Rules Committee. Cannon recognized conservative Democratic Rep. John Fitzgerald (N.Y.) to offer a substitute amendment that, among other things, guaranteed the minority a final opportunity to get a vote on its position using the motion to recommit with instructions. (Cannon would still be booted from Rules in a bipartisan revolt the following year.)

The minority's right was slowly chipped away when Democrats last ran the House. Beginning in the early 1980s, Democratic Speakers and thëir Rules Committee majority minions used an obscure 1934 precedent to justify not only limiting the contents of the minority's instructions but also eventually denying them the right to offer any instructions. Republicans fiercely fought these limits at every turn and vowed that if they came to power the minority's right to offer its alternative in a motion to recommit with instructions would be fully restored. They fulfilled that promise upon taking control of the House in January 1995, and the Democratic minority enjoyed the right unimpeded over the 12 years of Republican control.

Nothing in the guaranteed right limits the minority to a motion that immediately adopts an amendment—the "forthwith" motion. The minority also may move to send a bill physically back to committee with instructions to hold more hearings, conduct a study or make specified changes in the legislation. This latter device, to recommit with instructions to report back an amendment "promptly" (instead of "forthwith") has been unnerving Democratic leaders every time Republicans have used it to raise politically sensitive issues. In two instances the majority withdrew bills from the floor rather than risk having them sent back to committee.

The most recent example was the leadership's decision to pull the Foreign Intelligence Surveillance Act amendments in the face of a likely GOP motion to recommit with instructions to "promptly" report back an amendment to exempt from FISA court coverage any surveillance of al-Qaida or other terrorist groups.

Democratic Majority Leader Steny Hoyer (Md.) argues that such motions are offered simply for "political purposes" rather than for the "substantive purposes" of "trying to change policy." At the same time he concedes that Democrats used such tactics when they were in the minority. The only apparent difference is that Republicans have had a higher success rate with their recommit motions (though the only ones to succeed so far have been "forthwith" motions).

The majority is attempting to impose its notion that the only "legitimate" role of the minority party is to offer substantive policy alternatives in their recommit motions for instant incorporation in a bill. One way Democrats might try to enforce this concept is to only allow the minority to offer "forthwith" motions to recommit so that legislation can move immediately to final passage after the motion is voted. This "amend it now or forever hold your peace" approach overlooks one important role of an opposition party, and that is to oppose.

Opposing legislation does not carry with it the obligation to offer responsible policy alternatives that conform to the majority's timetable for passing a bill (especially when the minority is being blocked from offering any amendments on a record-breaking 35 percent of major bills). Opposition may include not only trying to defeat a bill, but also to slow it down, including sending it back to a committee for more work.

Yes, a straight motion to recommit without instructions would accomplish this same purpose. But who is to say that the minority should not be able to score its own political points by sending a bill back to committee with a message attached? After all, the majority routinely gets plenty of PR mileage out of reporting and passing bills on its political agenda. To assert that the minority is playing politics with its motions to recommit while the majority is somehow above such things in advancing its bills is laughable.

The difference, the majority would have us believe, is that it is achieving a serious public policy purpose for the betterment of humankind while the minority is merely engaging in "cheap shot" political tricks with no redeeming social value. That may be true at times, but the minority should be allowed to stand or fall on public and media perceptions of its actions—whether they be seen as foolish or heroic. The majority also will stand or fall on public perceptions of the quality of its legislative enactments and may well look just as foolish if well-intentioned bills produce bad results.

At a time when Congressional Democrats are under heavy fire and record low public approval ratings for a lackluster performance (including their inability to put even one of the 12 regular appropriations bills on the president's desk over a month after the start of the fiscal year), they would do well to spend more time honing their governance skills and less trying to control minority party behavior.

This paper, Roll Call, which we all get around here on the Hill, has been very critical of whichever party has been in control. I will say that when we were in the majority, this paper was often very critical of us. And today they have an editorial. Again, this is not Republicans speaking. It's not Republicans whining. It's not Republicans claiming that their rights are being trampled on. This is from the editorial page of today's Roll Call, and the editorial is entitled as follows, Madam Speaker, it's entitled "Let 'Em Move."

"Embarrassed though House Democratic leaders may be by Republican success in proposing, and, often, passing politically loaded motions to recommit, it would be an outrage for the majority to limit the minority's right to do so.

"Despite promises to manage the House on a more open basis than Republicans did during their 12-year rule, Democrats have been every bit as authoritarian, prohibiting any floor amendments, for instance, at more than double the rate of the previous Congress." I'm going to repeat that, Madam Speaker, "more than double the rate of the previous Congress," the number of closed rules that they've had. "Motions to recommit legislation to committees with instructions on how to alter it are often the only opportunity the minority has to affect the legislative process.

"When they actually win a majority on the House floor, because a number of Democrats vote with Republicans, they constitute a huge embarrassment to Democratic leaders. This has happened 21 times this year, versus practically never during Republican rule, and each time Republicans have crowed that Speaker NANCY PELOSI and her team 'have lost control of the floor.'" And let me remind you, Madam Speaker, I am simply reading from the editorial page of today's Roll Call.

They go on to say, "Democratic leaders routinely fume at the practice, as when House Majority Leader STENY HOYER accused the GOP of using the motion 'for political purposes, not substantive purposes . . . not to change policy, but to try to construct difficult political votes for Members,' meaning potentially vulnerable Democrats.

□ 1100

"As Roll Call reported last month, Democrats are searching for ways to change House rules to limit the minority's right to propose motions to recommit. They have done so before, so far without success—once, because Republicans halted proceedings on the House floor to protest the attempt. We suggest that Democrats just drop the idea and learn to live with the GOP motions as a legitimate part of legislative work in a democracy.

"It's certainly true that many of the Republican motions have been politically designed, especially repeated motions to deny government benefits to illegal immigrants. Any Democrat who cast a vote against the measure, even if government aid was already barred by law, might well fear that it would be used by a potential opponent in a political commercial.

"At the same time, many of the GOP motions have been substantive and have gained majority support because they contained popular ideas or posed politically difficult choices." Roll Call goes on to write, "Examples include a ban on Federal funding to colleges that prohibit military recruiting on campus and an increase in funding for missile defense."

Madam Speaker, this Roll Call editorial reads, "On two occasions, GOP motions were so threatening to the Democrats' purposes that they actually pulled legislation on terrorist wiretapping and voting rights for the District of Columbia.

"Rather than limit one of the minority's few rights to affect legislation, we suggest that Democrats expand those rights by allowing Republicans to offer amendments on the floor. Would some of them be 'purely political'? Of course. But more open and democratic debate also might produce better policy and reduce partisan rancor."

Now, again, Madam Speaker, those are not my words. Those are the words of the editorial board of the Roll Call as printed in today's paper. I want to say again, this paper was often critical of us when we were in the majority, and they have now, I believe, been right on target in pointing to the fact that the notion of trying to deny the American people their opportunity to be heard through this motion to recommit would be a horrible thing. I believe the Democratic majority, Madam Speaker, should, in fact, follow this encouragement from Roll Call and allow more amendments to be made in order.

I also want to say that I will join with my friend when he seeks to defeat the previous question on this rule so for the 11th time, we will be seeking to bring assistance to our veterans to the floor. This is Veterans Week. We marked Veterans Day Monday. I will say that it is absolutely imperative that any Member of the House who wants to ensure that we have the resources necessary for our veterans should vote "no" on the previous question so that we can, in fact, get that assistance that they so desperately need.

Ms. CASTOR. Madam Speaker, I always enjoy hearing the ranking member from the Rules Committee, because 1 year ago, the American people demanded a new direction, to make America safer, to help restore the American Dream, to restore accountability and fiscal responsibility to the people's government. This 110th Congress has brought new faces, new energy and a steadfast commitment to a new direction.

In January, the first female Speaker of the House in American history gaveled open the Congress in honor of America's children, and we will keep that commitment today by acting on the Head Start bill in this rule.

Mr. DREIER. Madam Speaker, will the gentlewoman yield?

Ms. CASTOR. I yield to the gentleman from California.

Mr. DREIER. I would simply say to my friend, I joined in heralding the selection of my fellow Californian, Ms. PELOSI, as the first woman, the first Italian American Speaker of the House of Representatives. It was a great day for this institution. I should say she was the first Californian as well. But I will say this, the record that was outlined in today's Roll Call is one which can't be denied by either the Members of the majority or the minority.

I thank my friend for yielding.

Ms. CASTOR. I am happy to debate the record of this Congress under Democratic leadership. The Congress is focused on a new direction, first, to make America safer. We have already taken action to implement the 9/11 Commission recommendations to protect America from terrorism. This Congress has passed the largest veterans health care funding increase in the history of the VA. We have adopted energy security legislation that will reduce the threat of global climate change. We continue to hold the White House accountable for this unending war in Iraq.

In addition, this Congress is restoring the American Dream because now the law of the land is the largest college age expansion since the GI Bill in 1944, where we raised the Pell Grant and we cut the interest rate on student loans. It has been this Congress, and this is important if you are keeping track of the record of this Congress, it was this Congress that raised the minimum wage for millions of Americans. We have also adopted an innovation agenda promoting 21st century jobs in a global economy. We have sent aid to the gulf coast for Hurricanes Katrina and Rita and for the millions of Americans that continue to struggle day to day with the impact of those disasters. And we are fighting for health care, to expand health care to 10 million more American children.

Madam Speaker, we have also adopted a widely acclaimed and landmark lobby and ethics reform bill. And it has been this Congress that has returned to financial sanity and fiscal responsibility by adhering to pay-as-you-go discipline, no new deficit spending.

So I am very pleased to debate the record of this Congress on the floor of the House. We will work in a bipartisan way to build consensus. More than two-thirds of this legislation has passed in a bipartisan manner. We will strive to find common ground where we can, like here on the Head Start bill. But where we cannot, we will stand our ground, like on the Iraq bill that we will bring later today.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, the record brought out today by the Roll Call editorial, that I am very pleased, by the way, that our ranking member brought forth and read into the RECORD, I think is important for a number of reasons.

Again, I was also here when the distinguished Speaker was elected in January. I recall the promises at that time and during the campaign, the electoral campaign that preceded that ceremony in January. The promises were, and I am sure they will be recalled, to have a more open process, a more transparent House. So the reason why I think it is most appropriate now to bring out the record that Roll Call in an editorial has outlined is that instead of seeing, during this year, this first year of this Congress, a more open process, a more transparent process, a more democratic process, what we have seen is a more than doubling of the closed rules, of the gag rules, if you will, the gag rules that don't permit any amendments on legislation.

Since we are discussing the rule, by the way, on legislation that is an example of bipartisanship, the Head Start program is one that has been supported from its inception in a bipartisan manner, but we are discussing the rule, the means to debate this legislation, the procedure, if you will, to debate the legislation, I think it's appropriate to bring out the more than doubling by a majority that promised more transparency and more democracy in the running of the House, a more than doubling of gag rules that prohibit debate, that prohibit any amendments for debate. So I think that is appropriate to bring forth. And I commend Roll Call that, yes, was very critical when we were in the majority of many of the things that happened at that time. But a doubling, more than doubling of the impropriety, of the gag rules by a majority that promised more transparency is not only important to bring out but I think it is most unfortunate.

At this time, Madam Speaker, I would like to yield 3 minutes to a distinguished colleague who has worked so much on this legislation in an admirable way, as he has on many issues of great importance to the American people, Mr. CASTLE of Delaware.

Mr. CASTLE. I would like to thank the gentleman from Florida for yielding, and I apologize for returning to such a mundane subject as the rule before us, but that is what I am here to do.

I do rise in support of this rule, and I would like to thank Chairman MILLER along with Mr. McKEON and Mr. KILDEE, as well as their staffs, for the work they have done over the last several Congresses to strengthen and improve the Head Start program.

Since 1965, the Head Start program has given economically disadvantaged children access to the same educational, health, nutritional, social and other services that were enjoyed by their more affluent peers. The goal of the program was, as it remains today, to provide children a solid foundation that will prepare them for success in school and later in life. As the centerpiece of the Federal Government's efforts to support quality early childhood education for our Nation's most disadvantaged youth, Head Start has served nearly 20 million low-income children and their families. Currently, Head Start serves over 900,000 children every day and has over 1,600 grantees across the United States. In my home State of Delaware, Head Start programs serve over 2,000 children with over 800 additional 3- and 4-year-olds receiving assistance through State Government funding.

Although we can agree on the need for Head Start and its successes, we must also recognize that the Head Start program is capable of producing even greater results for our children. Students who attend Head Start programs do start school more prepared than those with similar backgrounds who do not attend Head Start. Head Start students continue, however, to enter kindergarten well below national norms in school readiness. By moving to close the school readiness gap, the bipartisan Improving Head Start for School Readiness Act will improve results for almost a million Head Start students across the Nation.

I believe strongly in the Head Start program, particularly because of how the program helps children later in their academic lives. Despite the positive reputation of Head Start overall, however, there have been reports which have unfortunately uncovered the fact that some individuals have taken advantage of the taxpayer dollars that fund the program to line their own pockets. Along with the expertise of the Government Accountability Office and through reforms made in this bill, changes will be made to avoid these issues in the future. I feel this is the right step to take for the benefit of the program, and I thank everyone for finding what I hope will be a resolution to the pockets of abuse.

As I said at the outset, Head Start is an important and very popular program. The importance of early childhood education and services cannot be overstated. I believe strongly that the reforms sought with this bill will go a long way to institute needed reforms to an already successful program.

I support passage of this rule and the conference report to H.R. 1429.

Ms. CASTOR. Madam Speaker, at this time, I am pleased to continue the debate on this important rule, the bipartisan Head Start conference report, by recognizing for 1 minute a member of the Education and Labor Committee, my good friend and colleague from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the gentlewoman from Florida for yielding.

I want to commend Chairman MILLER, Mr. McKEON, Mr. KILDEE and Mr. CASTLE on their impressive work on this truly bipartisan legislation. This conference report is proof positive that in spite of the rancor evident this morning, when we put our minds to it and work together, we can, in fact, get things done in this Congress.

Head Start offers comprehensive early childhood development services to our Nation's neediest children. These comprehensive services are key to the program's success. Head Start engages parents and the community in students' lives and provides important nutritional, health and social services.

Studies show that children who enroll in Head Start excel academically, they have fewer health problems, and adapt better both socially and emotionally. I am proud to say that over 9,600 children are enrolled in the program in Iowa.

I grew up in poverty, and I know firsthand how important programs like Head Start are to low-income families. I urge my colleagues to support this conference report and this rule, and I hope it will be quickly signed into law.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my privilege at this time to yield 3 minutes to the distinguished ranking member of the Education Committee, Mr. McKEON of California.

Mr. McKEON. I thank the gentleman for yielding, and I am pleased to rise in support of the rule on the conference report for the Improving Head Start for School Readiness Act. This rule will allow the House to give final endorsement to a bill that will strengthen and improve the Head Start early childhood education program.

I would like to begin by recognizing members of the Education and Labor Committee for their efforts to produce this bipartisan conference report. Representatives CASTLE and KILDEE, along with Chairman MILLER and our staffs, have done great work to strengthen and improve this critical program.

In more than 50,000 Head Start classrooms around the Nation, nearly 1 million disadvantaged children are being given the tools and resources to help put them on a path to success which is a win-win for the country.

We have spent a great deal of time this year working to strengthen the No Child Left Behind Act. That law is, at its most basic level, about closing the achievement gap in our Nation's schools. However, the gaps between disadvantaged students and their peers do not begin in elementary school. That's why we have Head Start. This program is designed to help close the readiness gap in children before they ever enroll in school. The health, developmental and educational services offered through this program truly do give a head start to those children than they otherwise enter school already lagging behind.

□ 1115

Some studies have shown that children enrolled in Head Start do make progress, but there's significant work yet to be done in closing that readiness gap. I also believe it's critical to strengthen the financial controls in Head Start so that we can prevent the types of waste, fraud and abuse that have been uncovered over the past 5 years. Republicans acted aggressively to root out cases of financial abuse and mismanagement. We sought the expertise of the Government Accountability Office to identify weaknesses in the financial control network of the program. Through this bill, we will institute structural changes to prevent future breaches in the program's trust.

Our committee has been working to strengthen and reform this program going on 5 years, and I believe that dedication has paid off. Certainly this bill is not perfect, but on issues where there were disagreements, I am pleased that we have forged compromises. Head Start is a good program, capable of achieving even greater results. With this bill, I believe we can make that happen.

Madam Speaker, I appreciate the opportunity to speak on behalf of this rule, and I look forward to House passage of this conference report so it can go to the President for his signature.

Ms. CASTOR. Madam Speaker, I am the last speaker for our side, so I will reserve the balance of my time until the gentleman from Florida has made his closing remarks.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I will be asking for a "no" vote on the previous question so that we can amend this rule and move toward passing a conference report on the bipartisan Military Construction and Veterans Affairs appropriations act. The House passed this veterans affairs and military funding bill on June 15 by a vote of 409–2, with the Senate following suit and naming conferees on September 6. Unfortunately, the majority leadership in the House has refused to move the Military Construction and Veterans Affairs appropriations bill. They have even refused to name conferees.

Why has the majority decided to hold off on moving this bill that has such bipartisan support? Well, according to several publications, including Roll Call, the majority intends to hold off sending appropriations bills to President Bush so that they can use an upcoming anticipated veto, actually, the veto of the Labor-HHS appropriations bill, to serve as "an extension of their successful public relations campaign on the SCHIP program." Fortunately, that purely political move failed last week when the Senate removed the Military Construction and Veterans Affairs appropriations bill from the Labor-HHS bill.

Recently the Republican leader, Mr. BOEHNER, took a step toward naming House Republican conferees. Now the Speaker must follow suit and take the steps necessary to ensure that work can begin on writing the final veterans funding bill that can be enacted into law.

Madam Speaker, every day that the majority chooses not to act on this bill, our Nation's veterans lose $18.5 million. Our veterans deserve better than that; they deserve better than partisan gamesmanship holding back their funding. I urge my colleagues to help move this important legislation and oppose the previous question.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Ms. CASTOR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, by passing the Improving Head Start for School Readiness Act of 2007 and this rule, we will build on the great success of Head Start for America's hardworking families. I would like to salute the chairman of the Education and Labor Committee, GEORGE MILLER; subcommittee Chair, DALE KILDEE; the ranking member, Mr. MCKEON; and Congressman CASTLE from the committee, and all the committee members from Education and Labor for their wonderful work on this Head Start bill.

I would also like to thank the parents across America who are struggling to provide all that they can for their children. We are on their side. This Democratic Congress is charting a new direction with wise investments in education and health care for our kids, which are certain to pay dividends in the years to come.

Madam Speaker, this is an important day for America because Congress is going to keep the promise that it made four decades ago to children who are born with the same potential but, because of their life circumstances, are in need of a little extra attention, health care, nutrition and the guiding hand of a knowledgeable and talented teacher, which together provides them with a true "head start." I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 813 OFFERED BY MR. DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 813, if ordered; motion to suspend the rules on H. Res. 812; motion to suspend the rules on H.R. 3320; motion to suspend the rules on H. Res. 811.

The vote was taken by electronic device, and there were—yeas 224, nays 190, not voting 18, as follows:

[Roll No. 1086]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Carson
Cubin
Davis, Tom
Doyle
Garrett (NJ)
Hastert
Hayes
Jefferson
Johnson (IL)
Larsen (WA)
Marchant
McMorris Rodgers
Moore (WI)
Oberstar
Paul
Sessions
Sestak
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 3 minutes remain in this vote.

☐ 1145

Mr. PETRI changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SYMPATHY AND PLEDGING SUPPORT FOR VICTIMS OF FLOODING IN SOUTHERN MEXICO

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 812, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

REGARDING TIME FOR VOTING

Mr. HOYER. Madam Speaker, I made this announcement some 10 days ago or a week ago, and we frankly didn't follow it very well, but I want to take another try.

On both sides of the aisle, you have correctly expressed concern about how long our votes are taking. There are times when votes take a longer time, we have Members down at the White House, we are just going to finish a committee markup, they are voting, or something like that. We understand that.

Madam Speaker, I would like everybody to hear this, because you are going to be angry with me. You are going to be angry with me today.

There were some 140 votes cast by the time the time ran out on this vote. That meant there were some 280 people who had not voted after 15 minutes. This vote took 25 minutes, give or take. Both sides of the aisle and the committee chairmen who are in a markup and it takes so long to get back to the markup, and we have witnesses standing there, both sides had this problem.

So I am asking you for your cooperation. Look at the clock, and when the clock hits 5 minutes left, come over here. Don't look at how many Members have not voted and think to yourself because there are so many Members that haven't voted, we're going to call the roll.

I want to say to my side, I am not going to, frankly, want to lose votes. You don't want to lose votes. They didn't want to lose votes when they were in charge. I didn't blame them. Either side. But don't take the position that they will wait for as long as they need to wait, because that is inconsiderate to every Member who comes here in a timely fashion and then has to wait because somebody else doesn't.

Now, I will tell you this: I am an offender. I am not pointing a finger. If I am pointing a finger at you, I'm pointing 4 fingers at me. I have in the last week, so I could get up here and pontificate, tried to make sure that I got here on time. But I haven't been getting here on time. I have done the same thing as you. That's why I know you do it. Look at that.

So I am asking all of us to try to work together so that when the bell is rung and the roll is called, you are here on time. We will keep these votes in the vicinity of 17 minutes, and some of you are going to miss votes.

Let me clarify so you understand. The Speaker's position articulated at the beginning of the session, if you are in the well with a card in your hand, you will be allowed to vote. But if somebody yells in the back of the room "one more," if somebody is walking through the door, I do not guarantee you that you will be able to vote. We are going to call the vote.

Thank you very much.

Mr. ABERCROMBIE. Madam Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. I don't think anybody is going to argue with you, Mr. Majority Leader, but that means that you have got to do something about the elevators. I mean it. I'm not kidding. If you are going to make it work, if you are going to make the 15 minutes work, we have to have people in the elevators or the doorkeepers or somebody keeping everybody out of the elevators.

Mr. HOYER. Reclaiming my time, ladies and gentlemen, if the elevators are slow, you leave with 10 minutes remaining on the vote. You be here.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The Clerk will re-report the title of the next question on which proceedings now resume.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 812, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 1087]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Carson
Cubin
Davis, Tom
Doyle
Hastert
Johnson (IL)
Oberstar
Paul
Sessions
Sestak
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

☐ 1157

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORT FOR THE MUSEUM OF THE HISTORY OF POLISH JEWS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3320, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the bill, H.R. 3320.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 13, not voting 12, as follows:

[Roll No. 1088]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—13

Broun (GA)
Campbell (CA)
Conaway
Culberson
Davis (KY)
Duncan
Flake
Garrett (NJ)
Hall (TX)
Hensarling
Rohrabacher
Shadegg
Wamp

NOT VOTING—12

Carson
Cubin
Davis, Tom
Doyle
Hastert
Johnson (IL)
Oberstar
Paul
Sessions
Sestak
Slaughter
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining on this vote.

□ 1206

Messrs. HALL of Texas and GARRETT of New Jersey changed their vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote 1088. Had I been present, I would have voted "yea" on rollcall No. 1088.

MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE AUGUSTUS FREEMAN (GUS) HAWKINS OF CALIFORNIA

(Mr. STARK asked and was given permission to address the House for 1 minute.)

Mr. STARK. Madam Speaker, it is often as the dean of the California delegation a sad duty to report the passing of a colleague, but I have to say today that I want to announce and celebrate with you the life of a distinguished former colleague who died last Saturday at 100 years of age. Augustus Freeman Hawkins had a 28-year career in this body, and I just briefly want to celebrate with you the accomplishments of this gentleman.

Gus, as we all knew him, was born in Shreveport, Louisiana on August 31, 1907, about the same time my dad was born in California. He moved to Los Angeles. He was elected to the State assembly in 1935. He was elected to Congress in 1962, and served here 28 years.

During that 28-year service, he chaired the House Administration Committee, he chaired the Committee on Education and Labor, a whole host of joint committees, Printing, the Library Committee, and decided not to run for reelection in 1990. But among his many accomplishments, and Gus authored more than 300 State and Federal laws in his career, but what he will be most known for, I think, is authoring title VII of the Civil Rights Act which created the Equal Opportunity Employment Commission.

He was a founding member of the Congressional Black Caucus. He sponsored and was noted and will be remembered most perhaps for the Humphrey-Hawkins Full Employment Act that he sponsored with Senator Hubert Humphrey of Minnesota at that time.

I just want to pay tribute to one of the great careers of one of our great colleagues.

I yield to the gentleman from California.

Mr. LEWIS of California. I appreciate very much my colleague yielding, and I rise also to pay tribute to one of the great Americans who provided a level of leadership in terms of public policy in this House like few have and most would want to be.

Gus was a wonderful friend over time, and his best roommate, a guy by the name of Frank Baca served us in and around the Vatican for some years, a wonderful guy as well. They lived a short distance from our house. My bride and I used to walk in the park and run into Gus often. The conversations were about the House first, briefly, but then from there the fact that the best thing about this place, if we will let it, it is a place where people of great difference can become very dear and warm friends.

Gus Hawkins was one of the great Americans to ever serve in the Congress. While he has passed, it is a tribute to America that we can have men and women in the House of Representatives of the style and class of Gus Hawkins.

I appreciate my colleague yielding.

Mr. STARK. I am glad to yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman, and I thank him for taking this time.

As one who had the honor of serving under Gus Hawkins when he was Chair of the Education and Labor Committee, I would just like to say to my colleague that this was a man of great vision for young people, for students, and for working families. I knew Gus long before I came to the Congress. I knew him as a young man when he and my father served together in the State legislature and they were engaged in the great civil rights battles at that time, the great battles over education and school quality. Gus died when he was 100, but he was thinking about things 120 years from now because that's the way he always was.

Gus was always looking over the horizon for new opportunities and new ideas and new ways of doing things. He was a great pioneer, but he was also a great visionary and he honored us with his service in this body.

I thank the gentleman for taking this time.

Mr. STARK. I would like to yield, if I may, to the gentlewoman from California who now represents the district that our friend Gus Hawkins represented.

Ms. WATERS. Thank you very much.

I would like to join with the head of our delegation, Representative STARK, and others, in paying tribute to an extraordinary man.

Gus Hawkins was one of the most profound public policymakers that ever served in this House. You heard PETE STARK allude to some of that legislation. That legislation has been good for America, it's been good for African Americans, it's been good for this House.

I am so proud that when Gus Hawkins decided that he was not going to stand for reelection in 1990, he called me and he said, "I'm calling you first because I believe that you would do well representing this district by serving as a Member of Congress." And so I have tried to live up to his legacy.

Gus Hawkins, however, was very, very strong. He understood how government works. He was understated. He got along with everybody. He made a lot of friends in this House. And people responded to him in a terrific manner.

And so I am standing here in great sympathy and in pain, because I know that we wanted to get him up here one more time when we focused on the Hawkins-Humphrey Act with BARNEY FRANK in the Financial Services Committee. We were not able to do that. And so all that we can do now is honor him with this tribute and say, "Rest well, Gus."

I would request a moment of silence, please, before we resume our schedule.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will resume.

There was no objection.

CONDEMNING THE NOVEMBER 6, 2007, TERRORIST BOMBING IN AFGHANISTAN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 811, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 811.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 1089]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter

Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Baker
Carson
Cubin
Davis, Tom
Dicks
Doyle
Hastert
Issa
Johnson (IL)
Oberstar
Olver
Paul
Sessions
Weller

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Mr. FEENEY changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately earlier today, November 14, 2007, I was unable to cast my votes and wish the Record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 1086 on ordering the Previous Question on H. Res. 813, providing for consideration of the conference report to accompany H.R. 1429, I would have voted "nay."

Had I been present for rollcall No. 1087 on the motion to suspend the rules and agree to H. Res. 812, Expressing sympathy and pledging to support the victims of the devastating flooding in southern Mexico, I would have voted "aye."

Had I been present for rollcall No. 1088 on the motion to suspend the rules and pass H.R. 3320, Support for the Museum of the History of Polish Jews Act, I would have voted "aye."

Had I been present for rollcall No. 1089 on the motion to suspend the rules and agree to H. Res. 811, Condemning the November 6, 2007, terrorist bombing in Afghanistan and expressing condolences to the people of Afghanistan and the members of the Wolesi Jirga, I would have voted "aye."

CONFERENCE REPORT ON H.R. 1429, IMPROVING HEAD START FOR SCHOOL READINESS ACT OF 2007

Mr. KILDEE. Mr. Speaker, pursuant to House Resolution 813, I call up the conference report on the bill (H.R. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SERRANO). Pursuant to House Resolution 813, the conference report is considered read.

(For conference report and statement, see proceedings of the House of November 9, 2007, at page 30775.)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'm pleased to be here today to reauthorize Head Start. And I know that everyone agrees that it has been far too long since we have authorized the Head Start Act.

Head Start has served millions of our most vulnerable children and families well for 42 years. More recently, Early Head Start has done the same for infants and toddlers.

These are our country's premiere early childhood programs, Mr. Speaker. Head Start works, and this bill will make it work even better.

Nothing is more critical to a child's success than a great teacher, and this bill will ensure that by 2013, half of Head Start teachers nationwide will have bachelor's degrees. This will improve professional development so that teachers can keep up with the best practices in early childhood education.

The bill increases funding for Early Head Start so that children will receive comprehensive services during the most critical stages of brain development.

Mr. Speaker, our predecessors 42 years ago initiated Head Start even before we realized, as we do today, that early and regular stimulation was critical to the very physical development of the brain.

Head Start requires the Secretary to update early learning standards using the best science, and puts an end to the ill-advised National Reporting System.

It authorizes significant increases in resources so that we can expand access. And I want to work with our friends on the Appropriations Committee to do just that.

It enhances the quality of Head Start boards, while maintaining a shared governance structure that empowers parents.

And it is especially important to me that the bill prioritizes significant resources for Indian and migrant and seasonal Head Start programs, both to expand existing programs and create new programs, so that these children, whose communities face such terrific challenges, can grow up to help their communities overcome those challenges.

In closing, Mr. Speaker, I want to thank Chairman MILLER and Senator KENNEDY, Senator DODD, Ranking Members McKEON and CASTLE, and Senator ENZI and Senator ALEXANDER, my staff and theirs, and all the conferees and their staffs for their hard work. I especially want to thank Lloyd Horwich, who has worked so hard with me to produce this bill.

We do our best work in this Congress when we work in a bipartisan way, and we do our best work, especially in education, when we work in a bipartisan way. It's been my pleasure through the years to have the advantage of working with Mr. McKEON from California. We've grown to really commit ourselves to education and we trust one another and like one another, which is very important.

I was privileged, Mr. Speaker, to introduce this bill in March with Chairman MILLER, Governor CASTLE, Mr. McKEON and many others, and look forward to its becoming law very soon.

I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Since 1965, the Head Start program has been instrumental in our efforts to close the gap between disadvantaged children and their peers. This program provides health, developmental and educational services to low-income and at-risk children before they enroll in school in order to help close the readiness gap. Head Start helps establish a foundation for these children's future success.

This conference report is the product of a bipartisan collaboration and compromise. I'd like to thank Chairman MILLER, along with Mr. CASTLE and Mr. KILDEE. And I appreciate Mr. KILDEE's words, and I appreciate the opportunity I've had to get to know him and work with him closely over the years. I thank them for their work to strengthen and improve Head Start.

I'd also like to acknowledge the staff on both sides for their instrumental role in developing this legislation. Their work was critical to producing such a strong, widely supported measure. On my staff, I'd like to recognize Kirsten Duncan, along with Susan Ross and James Bergeron, for their tireless efforts on this legislation.

Studies have shown that children enrolled in Head Start do make some progress. We also know that even greater results are possible.

With this in mind, the Improving Head Start for School Readiness Act will strengthen Head Start's academic standards by emphasizing cognitive development and the results of scientifically valid research in topics critical to children's school readiness. The conference report will improve teacher quality by ensuring a greater number of Head Start teachers have degrees and are adequately trained in early childhood development, particularly in teaching the fundamentals.

Despite the many successes of the Head Start program, it's reputation has, unfortunately, been marred in recent years by instances of financial abuse and mismanagement. In communities across the country, we've heard reports of taxpayer dollars being squandered. A March 2005 report from the Government Accountability Office warned the financial control system in the Head Start program is flawed and failing to prevent multimillion dollar financial abuses that cheat poor children, taxpayers and law-abiding Head Start operators.

This conference report builds on efforts of Republicans in the 109th Congress to address weaknesses in the Head Start financial control system in order to better protect taxpayers and ensure funds are being used to help prepare disadvantaged children for school.

I'm particularly pleased that the conference report includes strong protections to ensure Head Start dollars are not used to pay excessive salaries to program executives. The House voted unanimously last week to instruct conferees to include clear, unambiguous protections in this area. Thanks to that vote, we were able to visit the negotiations and agree to even stronger language.

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Mr. Speaker, the Improving Head Start for School Readiness Act is a solid reauthorization bill built on bipartisan collaboration. Head Start is a good program capable of achieving even greater results, and the bill before us will help achieve that goal.

I support passage of this conference report so we can send the bill to the President.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker I yield 3 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank my colleague.

Mr. Speaker, we must acknowledge that America's continued success will not be ensured unless we equip the leaders of tomorrow with the tools they need today. This means cultivating not just the most privileged and brightest students but the students who grow up with disadvantages. We must nurture the potential of all our children from the very beginning of their lives. We don't have one mind to waste or one citizen to waste. We need everyone to have the greatest ability and preparation to live productive, meaningful lives in our society.

For a million students, Head Start is the answer. For those who work hard but remain stuck just above the poverty level, the reauthorization of this program will give their children a chance to soar. I am proud to say that just as we did by increasing the minimum wage, doubling college assistance, and providing health care to uninsured children, this Congress continues to put working families first.

With nine in 10 Americans reporting no increase in income the last 6 years, cynicism has replaced hope for too many. We are in a position to restore faith in the future. And as we pass the reins of our Nation to future generations, we must invest in that future by guaranteeing every child a chance to succeed.

I know that in my hometown of Louisville, Kentucky, thousands and thousands of young children have gotten adequate preparation for schooling that they might not otherwise have gotten because of the wonderful training they received in Head Start. It is not just a head start; it is a very strong foundation to success in education and success in whatever careers our young children may select.

So I'm proud to stand here in the House of Representatives, the people's House, and urge my colleagues to support a program which will help ensure that the people we represent are able to enjoy the prosperity and the happiness that our Founding Fathers hoped they would have.

With that, I urge my colleagues to join me in supporting Head Start and begin restoring faith in the future for millions of American families.

Mr. McKEON. Mr. Speaker, I am happy now to yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), the ranking member on the subcommittee and at the same time thank him for the key role he played in getting this legislation to this point.

Mr. CASTLE. I thank the distinguished gentleman from California for yielding and for his work on this legislation.

I do rise to ask my colleague to support this bipartisan conference report before us today. Like almost every other Member of this body, I believe strongly in the benefits of this program. I trust that the conference report on H.R. 1429, the Improving Head Start for School Readiness Act, will improve Head Start by emphasizing that every child, regardless of his or her economic status, should have the best possible chance to succeed.

As Mr. McKEON stated, this report is a byproduct of bipartisan collaboration and compromise. I would also like to thank Chairman MILLER, along with Mr. KILDEE and Mr. McKEON, as well as the committee staff for their work on Head Start. I see Ms. WOOLSEY in the room. I have worked with her on this issue before, too, and thank her.

This legislation builds upon efforts made in the past several Congresses to address weaknesses in the Head Start program and improves upon language contained in the bill to help make the program even stronger. Specifically, this report preserves and enhances the vital role of parents in ensuring the success of Head Start by establishing both a governing body and a policy council, each with specific detailed responsibilities. This conference report also maintains the current income eligibility requirement to provide services to those who need them the most. Additionally, this legislation ensures that curriculum and other materials used in Head Start classrooms are based on the principles of scientific research and scientifically valid research. Equally important, this conference agreement ensures that a greater number of Head Start teachers are adequately trained and educated in early childhood development, and that applies to Early Head Start as well. Finally, consistent with the motion to instruct I introduced last week, this conference agreement limits the compensation of a Head Start employee to Executive Level II, that of an Assistant Secretary, currently $168,000.

Mr. Speaker, the Improving Head Start for School Readiness Act builds upon the success of the Head Start program and will assist in having the program achieve even greater results. I urge my colleagues to support the passage of this conference report.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank the gentleman from Michigan for yielding and I also want to commend him for introducing this legislation, H.R. 1429, the Head Start for School Readiness Act.

I applaud the leaders in both Chambers for crafting such a strong bill that builds on the accomplishments of Head Start and promotes the success of young children. It is clear from this product that you and your staffs have toiled long and hard to strengthen the quality of the Head Start program, and I say to you, well done.

Foremost, let me thank you for maintaining the role of parents in governing Head Start. For more than 40 years, one of the most unique and important aspects of the Head Start program has been its emphasis on parental involvement. I worked actively with Mr. SOUDER and Mr. PAYNE, along with 88 other Members of the House, to advocate for maintaining this hallmark of equal responsibility for parents in governing Head Start.

I am also pleased that the bill strikes a balance between the House and Senate versions on the issue of program eligibility. In high cost-of-living areas such as Chicago, low-income families can lose access to this critical child development program not due to lack of need but because we fail to adequately consider the cost of living when calculating the poverty level. The conference report grants local programs flexibility in opening the eligibility while also requiring them to demonstrate the need.

I am especially grateful that the final report includes so many issues near and dear to me, such as recruiting minority male teachers, emphasizing children's social and emotional well-being, recognition of the expanding role of grandparents and kinship care-givers in children's lives, incorporating the best practices from the field of home visitation into the Early Head Start program, and increasing funds for salaries and education for Head Start teachers.

Finally, in addition, I am very pleased that this bipartisan bill preserves the anti-discrimination history of Head Start advocated so ardently by the Head Start and religious communities. Federal funds are not meant to support discrimination of any type, and I applaud the Members on both sides for maintaining this fundamental commitment to justice and fairness.

This bill expands access, improves teacher quality, expands accountability, and strengthens school readiness. I am proud to be a member of the Education Committee and proud to serve in a Congress that will pass this bill into law.

Mr. McKEON. Mr. Speaker, I am pleased to yield 6 minutes at this time to the gentleman from Indiana, a member of the committee (Mr. SOUDER).

Mr. SOUDER. I thank our distinguished ranking member.

I am very supportive of this bill, but I want to share some vague uncomfortability with what I think is potentially happening here in Head Start, and I think it's very important to clarify for this administration and for future administrations what this bill is intended to do and not intended to do.

From the time the Republicans took over in Congress, I remember then Subcommittee Chairman Frank Riggs had a number of hearings talking about the lack of an academic focus to Head Start. There was a big debate about what the original role was, but it was supposed to certainly prepare kids who didn't have the same opportunities for their ability to be prepared when they started school.

But there's a reason that Head Start, while it was in the old Department of HEW, didn't move with the Department of Education and stayed with HHS. If it was intended to be merely another education program run by educational bureaucrats, run the same way that every other education program was run, it would be over in the Department of Education. It wouldn't have been a grassroots Head Start program with parent councils that voted and participated and ran it. It would have been part of a pre-K program or a kindergarten program run by the public schools. Increasingly, we see this pressure where the public schools are trying to take over the Head Start program.

The original origins of the Head Start movement came out of the sixties. Saul Alinsky was an organizer in Chicago. The populist movement and the community action organizations led to a wave of saying, we need programs where local low-income groups are empowered to make their own decisions. What this meant many times was it didn't exactly meet the professional goals or standards of where the public schools thought it should be, necessarily where the professionals in Washington thought it should be, but they were engaged at the community level, participating in a way that we have tried to reach in kindergarten and public schools forever. We can't get low-income parents engaged. It's one of the biggest challenges we have. Yet in the Head Start program, they were engaged all over the country, whether it was rural low income, urban low income. And then when you talk to those parents, you say, What's it like when you go to school? Well, they don't really want us at the public school. There they want us to do fundraisers or they want us to come to back-to-school night. But participating in the governance, participating in the organizations was different.

Now, we had wide support in this body, 91 Members, including Mr. DAVIS and Congresswomen LORETTA SANCHEZ and MAXINE WATERS, myself and RIC KELLER and many conservatives on the right, who share the concept of empowerment. None of us want malfeasance in office or funding problems, people who aren't accounting. All of us would like to see more professional development. All of us would like to see quantified goals. But in this drift towards trying to use the word "professional" all the time, we need to make sure that that doesn't lead to an exclusionary concept that basically says, okay, now really the white middle class is going to take over and run this program like we would like it run.

The fact is when you get groups of parents and give them votes, they're going to make some judgment mistakes. We need to have accountability. I am for accountability. We need to have measurement. We need to empower those people. But this can't be a typical takeover project, because I believe that the major reason Head Start has, in fact, worked in communities across the country is it's engaged with the people at the grassroots level. And sometimes when we use some of the language here, what we really mean is we're going to take it away from these people because they're not quite as skilled and that we don't quite trust their judgments as much.

Now, I appreciate that there was a strong compromise to the side of parents in the conference committee, that, in fact, the language keeping the voting powers to the parents is still there. And it still says that in any major decision, they get a vote. It still says that when there is a conflict with the other people who are governing this, it has to be resolved. There was an additional clause added that seemed to potentially demean the parent councils, where it says "meaningful consultation and collaboration." Now, that was originally going to replace the vote just like we saw in HIDTAs, the High Intensity Drug Trafficking Areas, where we tried to have the Federal Government, initially in the proposal of the Bush administration, take voting power away from sheriffs and local police chiefs and use the same words "meaningful consultation and collaboration." That is usually a code word for we're going to pat you on the head and invite you to an occasional meeting but not put you in the decision power.

What's great about this bill is we left the voting power there and no future administration or this one should mistake that the parents still have the voting power. Any meaningful decision, they have a right to have a vote, and there has to be a resolution with the policy councils. This additional language that was Senate language is supplemental and did not alter the policy council. Of course, parent councils should be a meaningful consultation and collaboration, not just as a "term" but real meaningful consultation. They should also have the vote.

I want to thank the leadership on the Democratic side and the Republican side in the House and Senate in leaving the real vote to parents. It was a huge victory, a grassroots, bipartisan, liberal-conservative victory that should stand and hopefully will not be undone by administrative interpretation.

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Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I rise today in strong support of H.R. 1429, the Improving Head Start Act.

I represent part of Suffolk County, New York, where over 20 Head Start and three Early Head Start centers have been serving the community since 1966. I am also proud to say that my wife's first teaching job was as a Head Start teacher, and that she remains today an early childhood teacher.

Parents, teachers, and many of my colleagues can all agree that Head Start is one of our Nation's most prominent and successful early education programs. This bill continues to build on Head Start's success by ensuring that kids are prepared for school, by improving teacher and classroom quality, strengthening the focus on school readiness, increasing accountability, and boosting coordination.

Research has found that children who attend Head Start enter school better prepared than their low-income peers who do not attend the program, and that children who do attend Head Start make significant learning gains.

If we are serious about achieving the goals set forth by NCLB, then passing Head Start reauthorization is a down payment on achieving these goals.

I was proud to offer an amendment during the Education and Labor Committee's consideration of this bill to allow Head Start programs to use up to 10 percent of their quality improvement funds for transportation costs. This amendment was in response to concerns brought to me by my constituents, as many Head Start programs are being forced to choose between providing transportation to children or sacrificing the quality of their program. This is a decision that no Head Start program should have to make.

With this amendment, and with so many other worthwhile improvements to Head Start, I strongly encourage my colleagues to support this balanced reauthorization for the benefit of our children and future generations of Americans.

Mr. MCKEON. Mr. Speaker, may I inquire as to the time we have left, please.

The SPEAKER pro tempore. The gentleman from California has 19 minutes. The gentleman from Michigan has 18½ minutes.

Mr. KILDEE. Mr. Speaker, I yield now 3 minutes to the gentlelady from California, a member of the committee and a very active worker on this bill, Ms. WOOLSEY.

Ms. WOOLSEY. I want to thank Chairman KILDEE and Chairman MILLER and Ranking Member MCKEON, who was the Chair when we were working on this, and Ranking Member CASTLE for a bipartisan success. We can be proud of ourselves today.

Anyone who has been around small children knows that they're sponges for information, they just sop it up if you make it available to them. And it's widely accepted that early childhood education is absolutely critical to their development and directly tied to their success when they get into school, elementary school, and their ongoing future. So getting children in a structured classroom environment earlier in their young lives provides a critical window of opportunity.

Head Start provides our Nation's poorest children with a quality start that puts them on a level playing field with others when they start elementary school. No matter where a child comes from or what his or her background is, Head Start provides an equal opportunity to succeed by starting with a quality early childhood education. That's why I'm glad I'm here today as we authorize Head Start, reaffirming our commitment to this valuable program.

This bill expands access to Head Start, it improves teacher and classroom quality, and it strengthens the services children and their families receive when they enroll in the program.

The administration, however, can and should do better when it comes to funding. Too many eligible children are still denied an opportunity to participate in a Head Start program because there isn't enough funds. Well, if this administration wasn't spending $500 billion in Iraq, we would have the necessary resources to increase funding to allow for program improvement to give every child the Head Start experience and to increase teacher quality and salaries. It just depends on where we put our priorities.

Children are 25 percent of our population, Mr. Speaker, but they are 100 percent of our future. We must provide them with the best possible beginning to their lives. So, Mr. Speaker, I look forward to working with my colleagues to increase our Nation's commitment to education for all of our children and to ensure that Head Start remains the successful experience that it is.

Mr. MCKEON. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Ohio, the Republican leader, former chairman of our committee, Mr. BOEHNER.

Mr. BOEHNER. Mr. Speaker and my colleagues, let me thank Mr. MCKEON for yielding time and take a moment to congratulate Mr. MILLER and Mr. KILDEE, Mr. MCKEON and Mr. CASTLE, the two Republican rankers on the committee, for a job well done.

We have been at this reauthorization for a number of years, and I think that the work that is represented in this reauthorization of Head Start is very important for our Nation's children.

Those of us who have worked in the area of education for a long time know that for low-income children, having some type of early childhood development is critically important to their success. Head Start is among a number of programs, both public and private, that are out there that supply this type of early childhood development for these children. The reforms that are included in this bill I think are critically important so that Head Start can really be all that many of us want it to be.

There are some tremendous Head Start programs around the country, I have visited a number of them, but there are also some programs that don't fulfill the promise that we're making to parents and to their children of what this program could be.

We all know that if we're serious about educating all of America's kids, we will never get there unless we find a way to help low-income children get the development they need that many of us take for granted, things that happen in our homes, for those who have means, things that happen in our communities that these children are not exposed to. And so to make sure that they do have an equal chance to get a good education, that early childhood development for these 3- and 4-year-olds is very, very important.

I do want to congratulate my colleagues for the bipartisan way this bill has come together. This is a great example of what Congress can do in a bipartisan way when it chooses to.

I have been on the floor a lot this year, being critical of the fact that there was some partisan bill on the floor of the House that was going nowhere. But here is an example of Members on both sides of the aisle working together for the interests of America's low-income kids, and I just wanted to come to the floor and say, job well done.

Mr. KILDEE. Mr. Speaker, first of all, I appreciate the very kind words of the Republican leader and my former Chair on this committee. His work through the years on this bill has been very, very helpful.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself the remainder of my time.

I am pleased to be here in support of a conference report that will make Head Start even stronger. This program serves nearly 1 million underprivileged children and eases the divide between the haves and the have-nots when it comes to preparing them for kindergarten. The bipartisan support we've seen today should lend all of us confidence that the program will remain on a solid foundation for generations to come.

By reauthorizing Head Start, we're going to strengthen academic standards by emphasizing cognitive development using scientifically valid research, improve teacher quality by ensuring more Head Start teachers have degrees and are adequately trained in early childhood development, increase financial disclosure requirements by Head Start operators as custodians of Federal Head Start grants, and require local governance boards to actively oversee grantees. These are commonsense reforms that I wholeheartedly support.

I would like to join the Republican leader and my other colleagues who have spoken here today in commenting on the bipartisanship with which this bill was brought to this point. It's one that the President will sign. It's one that will bring good reforms to a good program.

I urge my colleagues to join me in supporting this conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. KILDEE. Mr. Speaker, again, I thank Mr. MCKEON, Mr. CASTLE, and all those on the other side of the aisle who have worked so hard on this bill to produce a very good bill. I also want to thank Ruth Friedman, with Chairman MILLER, for her tireless work on this bill over the last 5 years.

Mr. Speaker, America can watch this Congress at work today on this bill, Head Start, and feel good about its

Congress, and that's very important. This process in working on Head Start has shown Congress at its best, and I think we owe that to the American people. And we can feel a certain pride in having demonstrated to the American people what Congress can do. This is one of our better days, one of our better bills, and it's been a process that we've enjoyed. We've had differences. We resolved those differences. We produced a very good bill.

And people do make a difference. People in this Congress make a difference. And I want to especially, again, commend my friend, my colleague, Mr. McKEON from California, who has worked tirelessly on this bill. This bill is better because of his input.

Ms. MATSUI. Mr. Speaker, I rise today in strong support of the Improving Head Start Act of 2007 Conference Report.

In 1964, President Lyndon Johnson laid out his domestic agenda, one that made Americans reevaluate what it means to be a Great Society. We learned much from that time in our Nation's rich history: That we must all fight together for civil rights, for equality, for peace and security, against poverty, and for future generations.

One year later, the Head Start program began as a product of Lyndon Johnson's vision of a Great Society. Now, over 40 years later, Head Start is truly one of our Nation's most successful programs.

Head Start takes a holistic approach to ensuring that our country's most at-risk children are educated and healthy. Kids who are vibrant and in school are put on a path to success. The program provides grants to local public and private agencies to offer comprehensive child development services to disadvantaged children and families.

I want to thank Chairman MILLER and Chairman KILDEE and all of the conferees for their important work on this conference agreement.

I am glad to see that this agreement authorizes 7.35 billion dollars for the program. Unfortunately, a number of residents in my hometown of Sacramento are eligible for enrollment in Head Start, but are currently on a waiting list because the program does not have enough funds. This funding authorization will help correct this urgent problem. It will help put Head Start back on track to ensuring that all eligible children will be able to participate in the program.

Also important is the expansion of the Early Head Start program. This program serves low-income youth from birth to age 3. It puts special focus on helping preschoolers develop the early reading and math skills they need to be successful in school. It recognizes that starting our children's education early is crucial to their long-term achievement.

The Conference Report also includes an increase in income eligibility. This is especially important in California due to my State's high cost-of-living. I want to thank the conferees for recognizing the growing needs in communities across the Nation by increasing income eligibility.

Study after study confirms that early education is the key to success later in life. And I am glad that Leadership has made educating our children a priority. With passage of this bill today, the 110th Congress indeed becomes the Children's Congress.

Mr. Speaker, no child should be without early education. The Head Start program provides access to education for all of our children, regardless of their parents' economic status.

As Lyndon Johnson said, "The purpose of protecting the life of our Nation and preserving the liberty of our citizens is to pursue the happiness of our people. Our success in that pursuit is the test of our success as a Nation."

I believe that reauthorizing the Head Start program reaffirms our commitment to the Great Society that Lyndon Johnson envisioned. I am proud to support the rule and the Head Start Improvement Act.

Mr. GEORGE MILLER of California. Mr. Speaker, more than 40 years ago, we recognized that poverty was robbing millions of children of the opportunity to do well in school and succeed in life.

As a Nation, we made a decision to help poor children reach school age ready to succeed by creating the Head Start early childhood program.

In the last 4 decades, it has helped nearly 25 million children by providing them with high-quality, comprehensive education, health, and nutrition services.

Head Start remains a cornerstone in this country's efforts to help all children learn, to combat poverty, and to provide all Americans with the opportunity to meet their fullest potential.

We know that Head Start works. Research shows that not only do Head Start students make important educational gains while they attend the program, they also continue to gain ground after they leave Head Start.

Research shows that by the end of kindergarten, Head Start graduates are "essentially at national norms in early reading and writing" and have further narrowed the achievement gap in vocabulary, general knowledge and early math.

In other words, Head Start is doing what we expect and demand that it should do—help prepare children to succeed in school and in life.

We also know that there are ways we can improve Head Start.

That is why I am so pleased to be here today with a bipartisan conference report to reauthorize and reinvigorate Head Start.

This bipartisan legislation improves teacher and classroom quality, expands access to Head Start for more children, improves comprehensive services that help children and their families, and ensures that taxpayer dollars only fund Head Start centers that are well-run and high quality.

First, this legislation builds on Head Start's success by integrating the best available science on child development to inform classroom instruction.

Each year we learn more and more about how children's brains develop. This legislation ensures that we improve teacher quality and update classroom practices based on what the research tells us.

It requires the Secretary of Health and Human Services to re-evaluate and update early learning standards and use of assessments with the best available science, including a forthcoming study from the National Academy of Sciences.

And it terminates further use of an inappropriate and ineffective testing regime for 4-year-olds. This wasteful testing regime cost taxpayers over $25 million dollars, it took up valuable classroom time and hasn't been useful for improving program quality.

Of course, Head Start is much more than an educational program. Head Start provides health, nutrition and parent education services in addition to a strong educational curriculum.

The conference report recognizes this by also strengthening Head Start's role in meeting these important needs of the children it serves.

This legislation takes important steps to ensure that Head Start centers are well-run and effectively managed. This will ensure that taxpayer dollars are used wisely and that every Head Start center is high quality.

The report allows the Secretary of Health and Human Services to more quickly take funding away from bad programs. It requires that new and detailed fiscal management protocols be included in program reviews.

Finally, the legislation also expands access to Head Start in many important ways.

Expansion of Early Head Start is prioritized so more infants and toddlers can attend Head Start during the years their brains are growing the fastest.

And expansion of Migrant and Indian programs is prioritized so more of these children can have access to this important program.

Mr. Speaker, before I close, I'd like to take a minute to thank Congressman McKEON, Chairman KILDEE, Congressman CASTLE, Chairman KENNEDY, Senator ENZI, Senator DODD, and Senator ALEXANDER for their hard work in getting us to this point.

I'd also like to thank the staff for their work and expertise.

In particular, I'd like to thank Liz King and Jean Harmann with Legislative Counsel; Lloyd Horwich with Mr. KILDEE; James Bergeron, Susan Ross, Kirsten Duncan, and Jessica Gross with Mr. McKEON and Mr. CASTLE; Roberto Rodriguez and David Johns with Senator KENNEDY; Catherine Hildum with Senator DODD; Lindsay Hunsicker and Beth Buehlmann with Senator ENZI; David Cleary and Sara Rittling with Senator ALEXANDER; and from my own staff—Lamont Ivey, Molly Carter, Kate Scully, Stephanie Moore, and Ruth Friedman.

This bill will build on Head Start's past successes to create an even stronger program to provide Head Start children with a better future.

I am pleased that we are about to send this legislation to the President for his signature.

I thank my colleagues for their efforts.

Mr. EHLERS. Mr. Speaker, I rise in support of the Head Start conference report and I thank Representatives McKEON, CASTLE, MILLER and KILDEE for their work on producing an agreement with the Senate.

For several years, I have worked to improve Head Start's academic and Migrant and Seasonal Head Start provisions.

For thousands of children, Head Start serves as their first formal learning experience. Three- and four-year-olds are open to learning about the world around them, and they should be presented with a wide range of early academic concepts. I am very pleased that this conference agreement includes provisions to ensure that these children are exposed to math and science. I certainly do not intend for Head Start to teach "rocket science," but rather for its teachers to equip Head Start preschoolers with the extremely basic concepts of math and science. Perhaps it will spark the imagination of some kids, and lay the foundation for them to become rocket scientists many years later.

With regard to Migrant and Seasonal Head Start, I joined with Representatives GRIJALVA, HINOJOSA and SANCHEZ in securing a 5 percent funding floor for Migrant and Seasonal Head Start in the House version of the bill. For far too long, funding for Migrant and Seasonal Head Start has lacked parity with other Head Start programs. I am disappointed that the conference report abandoned the House- and Senate-passed 5 percent floor, but I recognize the difficulty conferees had in finding a workable formula. I hope that Members will join me in supporting funding for Migrant and Seasonal Head Start in the future since it is a sorely needed program for workers of our fields and their children.

I urge Members to support the conference report.

Mr. MARKEY. Mr. Speaker, I rise in support of this conference report.

Let me start by commending the chairman of the subcommittee, the distinguished gentleman from Michigan, Mr. KILDEE, and the chairman of the full committee, the gentleman from California, Mr. MILLER for their work on this bill. I offer my thanks to the House and Senate conferees for bringing forth this important piece of legislation today.

In 1965, with a great deal of hard work, Head Start was created. It soon became a "legislative Lamborghini" of social programs, going from 0 to 561,000 thousand participants in only a few months. In the 42 years since its inception, Head Start has become the educational foundation for more than 20 million American children.

Education serves as both a ladder of opportunity and an investment in our future. Our Nation's security, economy, and position in the world all depend on the success of our education system. We must take advantage of this opportunity to fund our future.

Head Start and Early Head Start are linchpins in the effort to prepare our country's most disadvantaged children to succeed in school and life. Many studies indicate that children enrolled in Head Start make significant progress in closing the readiness gap to their more advantaged peers as they enter kindergarten.

The congressionally mandated impact study recently published its results, which noted that after less than 1 year in the program, children in Head Start had narrowed the readiness gap by 45 percent in reading skills and 28 percent in writing skills. This momentum continues well beyond the ages of 3, 4, and 5, as another large academic study has noted that Head Start graduates continue to mount academic gains well after leaving the program.

The bill we see before us today helps to raise the academic standards of American children and ensures that every child in our country has an equal opportunity to a high quality education. It aims to improve teacher quality by requiring a greater number of Head Start teachers to have a bachelor's degree and be adequately trained in early childhood development. This is clearly good news for the children that will be participating in Head Start in the future.

On multiple occasions, the President has advocated that all 3- and 4-year-old participants in Head Start should take standardized tests to assess their improvement. For President Bush, No Child Left Behind means no child left untested. I am happy that this conference report terminates the further use of the National Reporting System, an inappropriate, ineffective, and expensive testing regime.

This conference report notes that Head Start is not without the opportunity for evaluation, however, and there is strengthened program accountability at the Federal, regional, and local levels included in the legislation. The report also requires the U.S. Department of Health and Human Services to initiate classroom evaluations, thereby ensuring optimal teacher-child interactions.

We have known for some time that when children are not provided high-quality day care and early childhood services, once in school, their academic achievement and limited language proficiencies become cumulatively worse over time, over grade levels, and across all subject areas. By passing this conference report, we build on the past 42 years of success for this program and help ensure that both Head Start children as well as our Nation as a whole have a brighter tomorrow.

Mr. BOUSTANY. Mr. Speaker, I supported this measure as a member of the conference committee that drafted the final version of the bill. I'm proud to have served on the committee of House and Senate leaders that negotiated the final version of this legislation. This important bill will help prepare Louisiana's neediest children for kindergarten by improving their access to medical, nutritional, and educational services.

Mr. GENE GREEN of Texas. Mr. Speaker, Head Start is a critical part of this country's effort to combat the effects of poverty and ensure that all of our children have the opportunity and skills they need to thrive.

Since its creation in 1965, it has proven to be our most valuable school readiness program in the history of this country—especially, now that we know more about the importance of early-childhood education.

Study after study demonstrates that by age 6, a child's capacity to learn is largely formed, and time after time, we have seen reports that prove students who attend Head Start perform better than those who don't.

By doing this, Head Start is helping to close the achievement gap between students of differing socio-economic status across our country, and helping the children in our communities by providing opportunities that they might not otherwise have.

Additionally, people often forget the wonderful things that this program does for the parents.

The key to Head Start's approach is its level of actively involving parents and the community in all aspects of the program—and this reauthorization would further this goal.

Parents are a child's first teachers, and Head Start helps build and foster a person's parenting skills in various ways.

Parents are also urged to improve their literacy skills, obtain adult basic education, and make their homes a place where reading is part of everyday life.

Head Start also tackles a wide range of poverty issues through its family and community partnerships, including: Substance abuse, violence, HIV, homelessness, single-parent households, inadequate child care, unemployment, and numerous other stressors that challenge families' resources.

This program is clearly instrumental to our country.

The Improving Head Start for School Readiness Act of 2007 will reinvigorate Head Start and help more children arrive at kindergarten ready to succeed.

I urge my colleagues to support this report.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in strong support of the Improving Head Start for School Readiness Act, to strengthen and expand Head Start programs across the country.

Last Spring, we held a National Summit on America's Children here at the Capitol. We heard from leading experts on child development and neuroscience, who emphasized the vital importance of early childhood education. Early interventions can dramatically increase a child's chances for future success.

Head Start is based on this idea and it works. For more than 40 years, it has been helping to close the achievement gap and teach our children that they can succeed, regardless of background or family income. More than 20 million children and families have benefited from its services. With this bill today, we will open the door to more children to enter both Head Start and Early Head Start and will ensure that they are better prepared for kindergarten and elementary school.

Today's bill also recognizes the importance of early childhood educators, targeting new funding to improve teacher salaries and professional development. It ensures that teachers are highly qualified and able to meet the needs of children with disabilities and improves accountability for Head Start programs.

I also urge my colleagues to support the funding necessary to continue Head Start's success. Last week, we sent the President a bill increasing Head Start funding by 2.2 percent to simply help it keep pace with inflation. The President vetoed this funding. I encourage my colleagues to vote to override the President's veto to prevent Head Start program closures and ensure that children get the services they were promised.

I thank Chairman MILLER, Chairman KILDEE, and the Conference Committee for putting together this bipartisan piece of legislation, and urge its passage today.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in strong support of the conference report on H.R. 1429, the Head Start for School Readiness Act.

As a member of the Education and Workforce Committee for 6 years, I was pleased to have the opportunity to work on this important issue. While visiting Head Start centers in the

Fourth District, I was able to see firsthand the difference Head Start makes to children and families. In addition, the Federal Reserve Bank of Minneapolis published a study in 2004 showing that investment in early education has a rate of return of 12 percent. Even with all the evidence showing the social, educational and economic value of this program, the Republican-controlled Congress was unable to pass an acceptable bill.

Thanks to the hard work of Chairman MILLER and Speaker PELOSI, the bill before us today is a bipartisan, bicameral agreement that does what earlier reauthorization bills did not—it focuses on preparing children for school. This agreement includes an increased emphasis on teacher quality and compensation, maintains parent involvement in the governing structure of Head Start, and increases coordination with other early childhood programs. It also maintains Head Start's commitment to comprehensive services and places greater emphasis on identification of child and family mental health needs.

H.R. 1429 terminates the inappropriate high stakes testing system for Head Start students implemented by the Bush Administration and replaces it with best practices for early learning. It also strengthens monitoring of Head Start programs, allows quicker action against failing or fraudulent programs and rejects a proposal to allow discrimination in hiring with Head Start funds.

Congress still faces the critical issue of providing enough resources to Head Start to serve all the children who are eligible to participate. The Head Start for School Readiness Act authorizes increased funding, as well as some flexibility in funding, to allow more children to access this important education. As a member of the Appropriations Committee, I will continue to work towards improving our investment in children, families and communities.

I am pleased to vote in support of H.R. 1429 because this bill will make a real difference in the lives of children and families, and for our economy. I urge all my colleagues to support this investment in our future.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of the conference report on H.R. 1429, the Improving Head Start for School Readiness Act. This bipartisan legislation provides services to one of our most vulnerable populations—children from low-income families. By passing this measure today, over 900,000 disadvantaged children ages 3 to 5—including over 3,000 in Rhode Island—will have access to health services, the necessary tools to enter kindergarten, and a foundation for their success later in life.

Studies show that low-income children often lack the richness of books in the home, proper nutrition, or access to a continuum of health services. For over 40 years, Head Start has provided comprehensive early childhood development services to low-income children, with strong emphasis on the involvement of families and the local community. H.R. 1429 would increase funding for quality improvements to Head Start and requires that by 2013 at least half of Head Start teachers nationwide have at least a baccalaureate degree in early childhood education.

Today, half of the children enrolled in Head Start are from working poor families. For this reason, I am pleased that this conference agreement increases the income eligibility to 130 percent of the poverty level so that families struggling with work and childcare will have another option. I also believe that stopping the program's National Reporting System is essential until proper testing methods for these young children are carefully developed. H.R. 1429 also establishes a set of procedures to improve accountability in the Head Start program, which will lead to improvements for all those served by Head Start.

Earlier in the year, H.R. 1429 passed both the House and the Senate with overwhelming support. I am proud that the 110th Congress is on the verge of passing this conference report after nearly a decade of failing to reauthorize Head Start. For all the children who benefit from this program, I look forward to sending this bill to the President for his signature.

Mr. EMANUEL. Mr. Speaker, I rise today in support of the conference report for H.R. 1429, the Improving Head Start for School Readiness Act. Since 1965, Head Start has provided 22 million American children with the education and health and social services to lead productive lives. It is the most successful school readiness program in the Nation and has always enjoyed bipartisan support.

Today, we are continuing this tradition by passing strong bipartisan legislation to reauthorize this vital program. In fact, this legislation marks the first time in almost a decade that Congress has reauthorized Head Start.

The Improving Head Start for School Readiness Act will invest in America's future by providing children and their teachers with the resources they need to take advantage of the opportunities that the Head Start program has offered America's youth for over 40 years.

In addition to providing additional resources for increasing teachers' salaries and State Advisory Councils, this reauthorization will expand the reach of both Head Start and Early Head Start by providing greater funding and flexibility. The increases in funding will enable tens of thousands more children to have access to the program. H.R. 1429 will also improve Head Start by providing the Secretary of Health and Human Services and local teams with tools to hold teachers and programs accountable and requires the implementation of best practices for family service workers. Head Start has served America's children well since 1965, and this legislation will expand the reach and ability of this program to positively impact lives across the country.

I want to thank Chairman MILLER for his dedication to Head Start and to education in general. Head Start is an investment in America's future. Thanks to Head Start, we can give our children the best start possible so they can lead productive lives and grow up to be outstanding citizens. I am proud to support these efforts to continue the legacy of Head Start, and I urge all of my colleagues to join me in voting for H.R. 1429.

Mr. AL GREEN of Texas. Mr. Speaker, I am proud to support the Conference Report on H.R. 1429, the Improving Head Start for School Readiness Act of 2007. This bipartisan legislation takes significant steps to strengthen the Head Start program so that children will be better prepared and ready to succeed when they begin kindergarten. H.R. 1429 increases funds targeted at improving teacher quality and provides additional support for the program's extensive monitoring process and the comprehensive services offered to the students' families. In addition, it expands access to Head Start for more children, increases coordination efforts with State and local programs, and eliminates any further development of the controversial and ineffective National Reporting System.

For over 40 years, the Head Start program has worked to break the cycle of poverty by providing access to early childhood education for low-income children and families. In the House budget for FY 2008, the State of Texas is estimated to receive approximately $490 million in Head Start funding which will go towards providing services for over 68,000 students. Since it first began in 1965, the program has served more than 20 million children, and it continues to play a major role in our Nation's efforts to close the achievement gap, reduce poverty, and ensure that all Americans have the opportunity to succeed.

Studies have shown that students with a high quality pre-Kindergarten education enjoy greater success in academics as well as their overall lives. The Head Start program goes a long way in addressing educational inequity by aiding low income children in their social and cognitive development. I am a firm supporter of this program and the lifelong benefits it provides. It is only by addressing this critical need that we will be able to ensure a better future for all our Nation's children.

Mr. CONYERS. Mr. Speaker, Head Start has been the premiere early childhood education program in the United States since 1965. Since that time, it has benefited 20 million children and families and has become one of the cornerstones of this country's efforts to close the achievement gap, combat poverty, and provide all Americans with the opportunity to thrive. By passing the conference report to H.R. 1429, the Improving Head Start for School Readiness Act of 2007, we will reinvigorate Head Start and help more children arrive at kindergarten ready to succeed.

The fact is that quality education and early engagement, from both parents and teachers, are essential for our kids' success. Recent findings from the congressionally mandated impact study found that after less than 1 year, Head Start narrowed the achievement gap by 45 percent in pre-reading skills and 28 percent in prewriting skills. Another large study found that Head Start graduates continue to gain ground after they leave the program. Furthermore, Head Start graduates are less likely to need special education services, to be left back a grade or to get into trouble with the law. They are more likely to go on to college and to have professional careers.

This bipartisan reauthorization improves teacher and classroom quality, strengthens Head Start's focus on school readiness, expands access to Head Start for more children, ensures that centers are well-run, boosts coordination between Head Start and State and local programs, and improves comprehensive services that help children by helping their families.

I commend and thank Congressmen KILDEE, CASTLE, and Chairman MILLER for their leadership on this critical legislation. Head Start has proven itself as a strong and effective program. The growth and success of millions of American children and families is living proof. We have a responsibility to embrace their success, support it, and strengthen it for years to come. I know that my colleagues will join me in sending this critical reauthorization to ensure the Head Start program meets its full potential.

Mr. ETHERIDGE. Mr. Speaker, as the only former State superintendent of schools serving in Congress, I have devoted my life to the well-being and development of children, and I strongly support Head Start. I rise in support of H.R. 1429, the Head Start for School Readiness Act.

In the global economy of the 21st century, lifelong learning is the pathway to the American Dream, and for many of our Nation's children, learning begins with Head Start. Over 20,000 children in North Carolina get prepared for school in Head Start or Early Head Start.

This act takes and builds on the success of Head Start, expanding and enhancing this fundamental initiative that has served over 20 million children and families nationwide since 1965. H.R. 1429 extends the benefits of Head Start to more of our Nation's low-income children, and raises the bar so that we can attract highly qualified Head Start providers through performance accountability, greater compensation, and higher standards.

Research continues to show that the first few years of a child's life are critical to a child's mental development: Their brains grow exponentially and learning patterns are set. We must invest in these youngsters so that they may take full advantage of one of the premier education systems in the world by ensuring their school-readiness by age 5. Head Start successfully provides the stepping stones to lifelong learning.

This act provides the parents and children of our country an additional 4 years of this vital service, guaranteeing a 20 percent increase in funding by 2012. Education is the best investment we can make for our children, grandchildren, country, and world.

Mr. Speaker, H.R. 1429 updates, improves, and expands the successful services of Head Start. I commend Chairman MILLER for his leadership on this bipartisan legislation, and I urge my colleagues to join me in voting to pass it.

Mr. HOLT. Mr. Speaker, I rise in support of the conference report for H.R. 1429, the Improving Head Start Act, and I am proud to be a cosponsor of H.R. 1429. I would like to thank Chairman MILLER for producing a bipartisan product of high quality. For almost 40 years, Head Start has assisted low-income preschool children and their families, establishing a comprehensive early-learning environment and addressing a variety of social and medical needs. The program has provided services to over 20 million children and their families since its inception in 1965. Currently, over 900,000 children are enrolled in almost 2,600 local Head Start programs. Children with disabilities make up 10 percent of Head Start Children. However, less then 50 percent of eligible preschoolers are served by Head Start and 2 percent of eligible infants and toddlers are served in Early Head Start.

In my district, Head Start has been a tremendous success, with over 1,000 children enrolled in 18 programs. The majority of these children, about three-quarters, are from families with incomes below the Federal poverty line.

Head Start's comprehensive medical and social services provide important benefits to these children. In my central New Jersey district, 91 percent of Head Start children have received basic primary health care and 84 percent have a continuous, accessible source of dental care. The program has also provided mental health services to over 200 children and assisted almost 150 children with disabilities.

Today's bill provides greater flexibility to serve children whose family income is just above the Federal poverty line, up to 130 percent of the poverty line, while ensuring that serving the neediest children remains the program's top priority.

The conference report authorizes total funding of $7.99 billion for fiscal year 2010 allowing tens of thousands more children access to the program. This bill addresses a number of problems that have been identified. For example, the bill prioritizes expansion for Early Head Start, which serves children from birth to age 3, so more children can receive Head Start during the critical development years when their brains are growing the fastest. The conference report ensures more participation of homeless children by removing barriers to their enrollment. The bill enhances opportunities for children with disabilities to participate in Head Start programs.

I am also pleased to report that the bill continues to improve the already improving Head Start teacher qualifications. The bill increases teacher qualifications so that 50 percent of teachers nationwide must have a BA in early childhood education or a related field by 2013.

Mr. Speaker, I have seen the effects of Head Start in my district. Children in Head Start in my district are more likely to receive necessary medical services than other low-income children. They are nearly three times as likely as other low-income children to receive basic medical care and 6 times as likely to receive dental care. This bill will allow these benefits to be expanded and improved. I ask my colleagues to vote for this important legislation.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KILDEE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the conference report will be followed by 5-minute votes on motions to suspend the rules with regard to H.R. 3845 and H.R. 719.

The vote was taken by electronic device, and there were—yeas 381, nays 36, not voting 15, as follows:

[Roll No. 1090]

YEAS—381

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter

Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz

Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt

Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—36

Akin
Barrett (SC)
Broun (GA)
Burton (IN)
Campbell (CA)
Coble
Culberson
Doolittle
Duncan
Flake
Foxx
Franks (AZ)

Garrett (NJ)
Hensarling
Inglis (SC)
Johnson, Sam
Jordan
Lamborn
Mack
Marchant
McHenry
Miller (FL)
Miller, Gary
Neugebauer

Pence
Poe
Price (GA)
Rohrabacher
Royce
Sali
Shadegg
Stearns
Tancredo
Walberg
Weldon (FL)
Westmoreland

NOT VOTING—15

Boustany
Carson
Cubin
Davis, Tom
Diaz-Balart, M.

Doyle
Hastert
Jindal
Mitchell
Oberstar

Paul
Platts
Roybal-Allard
Sessions
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 5 minutes remaining in this vote.

☐ 1317

Messrs. POE and HENSARLING changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PLATTS. Mr. Speaker, on rollcall No. 1090, I was inadvertently absent from the floor at the time the Head Start for School Readiness Act [H.R. 1429] was voted. Had I been present, I would have vote in favor of said Act.

Mr. BOUSTANY. Mr. Speaker, I was unavoidably detained during rollcall vote No. 1090 on H.R. 1429, the Improving Head Start Act. I supported this measure as a member of the conference committee that drafted the final version of the bill and if I had been able to vote, I would have voted "aye."

PROTECT OUR CHILDREN ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3845, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) that the House suspend the rules and pass the bill, H.R. 3845, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 15, as follows:

[Roll No. 1091]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler

Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest

Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg

Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick

Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays

Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Broun (GA)
Flake

NOT VOTING—15

Brown-Waite, Ginny
Carson
Cubin
Davis, Tom
Diaz-Balart, M.

Doyle
Hastert
Jindal
Lewis (CA)
McCollum (MN)
Oberstar

Paul
Roybal-Allard
Sessions
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 3 minutes remaining in this vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1324

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

KIDS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 719, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 719, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 1092]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Carson
Cubin
Davis, Tom
Diaz-Balart, M.
Doyle
Hastert
Jindal
Oberstar
Paul
Sessions
Simpson
Spratt
Sullivan
Tancredo
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 3 minutes remaining in this vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 1 minute is left in this vote.

□ 1331

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A Bill to authorize additional appropriations for supervision of Internet access by sex offenders convicted under Federal law, and for other purposes.".

A motion to reconsider was laid on the table.

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO CORRECT THE ENROLLMENT OF H.R. 1429

Mr. KILDEE. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 258) and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

H. CON. RES. 258

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 1429), An Act to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes, the Clerk of the House of Representatives shall correct the bill by striking subsection (m)(1) of section 640 of the Head Start Act, as added by section 6(g) of the bill, and inserting the following:

"(1) to implement policies and procedures to ensure that homeless children are identified and prioritized for enrollment;".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 817 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 817

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 817 under section 2 of H. Res. 491 because the resolution contains a waiver of all points of order against the conference report and its consideration.

The SPEAKER pro tempore (Mr. WEINER). The gentleman from Arizona makes a point of order that the resolution violates section 2 of House Resolution 491.

Such a point of order made under that resolution shall be disposed of by the question of consideration under the same terms as specified in clause 9(b) of rule XXI.

The gentleman from Arizona and a Member opposed, the gentleman from New York, each will control 10 minutes of debate on the question of consideration.

After that debate, the Chair will put the question of consideration, to wit: "Will the House now consider the resolution?"

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Speaker.

And while the Speaker of the House is actually in the Chamber, I want to read a quote from March of this year. In March of this year, the Speaker of the House said, "Before Members vote on a bill, there should be an appropriate time for people to read it. That should be a matter of public record. If there is an earmark that can stand the scrutiny, then that transparency will give the opportunity for it to be there."

Let me just ask, if I can, the representative from the Rules Committee, don't we have a rule that says that we are not to consider a bill or a rule until 24 hours after the bill is actually out there? I would yield to the gentleman to answer.

My understanding is that this bill was posted on the Web last night at just after 7 o'clock, yet here we are at 1:35 already considering the rule. I think that is important, because when you look at the bill, we didn't just get it on the Internet where it would be searchable, where we could find things in it. We got a PDF file that is not searchable.

When you look at the bill itself, you find complete sections that have been X'd out, or little insertions with little notations here that are barely legible. You have another big insertion here of an entire page. Again, there are little insertions there within the insertion. You have within it "3 percent" stricken. It says "4 percent" now. To what?

This is really difficult to wade through. And when we don't even get 24 hours? I mean, 24 hours, frankly, is far from sufficient to consider a bill that is 531 pages long. Then when you consider the bill itself is not searchable, it was given in a PDF file, and then you also have 141 pages of earmarks that are part of the report. That is not a searchable index, either. It is just given. You can wade through it.

The earmarks that are air-dropped into the conference report are supposed to be asterisked. You can see some of those. We identified 21. But is that all there is? We're not sure. But when you look through that list of earmarks that were air-dropped in, you have to be suspicious of why in the world we waited until now to air-drop these earmarks in when nobody can challenge them.

Keep in mind, this is a point of order against consideration of the rule. Because the majority has chosen to waive the rule against points of order on the bill, we can't challenge any of the earmarks in the bill, so we have 21 earmarks air-dropped into the bill at the last minute that we have no ability to challenge.

You might think that, well, if they were air-dropped into the bill, then they certainly must be vital spending, vital projects, that we just couldn't do during the regular consideration of the bill.

I will read a couple of them and you can make your own decisions on whether or not this was vital spending, something that couldn't wait, something that was so important that you had to, at the last minute, in the last 24 hours, include it in where nobody could see it.

One is for $200,000 for the Intergenerational Research Center in Atlanta, Georgia, for a community center. The Intergenerational Research Center, Inc., Atlanta, Georgia, for a community center. This is part of the Economic Development Initiative.

Another one: Waynesburg College Center for Economic Development in Pennsylvania for a multipurpose facility. That is $300,000 there.

Tell me, please, somebody tell me, what was so vital here that we had to violate the rules that we have had in the House to insert this at the last minute, when nobody has the ability to challenge it?

With that, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

I would like to point out to my friend and colleague from Arizona that this point of order is about whether or not to consider this rule, and ultimately to consider a measure that invests in our Nation's vital transportation infrastructure and housing program at a time when we desperately need it so much in this country. In fact, I would say it is simply an effort to try to kill this conference report, and on a faulty premise at that.

Every single earmark in this conference report has been properly disclosed in conformance with the House rules. The blanket waiver against consideration of the conference report did not include a waiver of either clause 9 or rule XXI of House Resolution 491.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Well, we've waived other requirements as well here. What this point of order is about is transparency. Again, we got this bill last night, less than 24 hours ago. It has always been the understanding you would have at least 24 hours, and we are violating that even.

When you look at the bill itself, here I found another page, section 409, we're not sure what was there, because it is now gone. It is gone from the bill. It is very difficult to go through a bill that is 534 pages that is not even searchable and wade through the earmarks.

The gentleman mentioned this is vital spending we have to get done. Let me give you an example of some of what is in the bill itself. $150,000 for the Atlanta Botanical Gardens in Atlanta, Georgia. $275,000 for the Berkshire Music Hall in Pittsfield, Massachusetts.

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

Let me clear up this issue here about the time requirements. The rules of the House say there shall be a 72-hour, or 3-day layover on these bills. That was waived. That was waived by the majority party. Then as a courtesy in their "new directions," they say it should be at least 24 hours. So here they are even waiving a promise of a waiving of a rule of 3 days.

So I wanted to clarify that. It is supposed to be 3 days, that is the premise from which we start, and then we come down to a promise of 24 hours. They are even waiving that promise.

Mr. FLAKE. I thank the gentleman for that clarification.

Let me get back to this list of these vital projects that we somehow have to rush through here. There is $400,000 for the Bel Alton High School Alumni Association in Bel Alton, Maryland. Again, $400,000 for the Bel Alton High School Alumni Association. Why in the world is this in the bill at all? Is it any wonder that somebody wants to move this bill through quickly and without following the rules?

☐ 1345

$500,000 for the Los Angeles Fire Museum in Bellflower, California; two earmarks totaling $300,000 to revitalize downtown Clearwater, Florida; $150,000 for the Edmunds Arts Center in Edmunds, Washington; $100,000 for Cooters Pond Park in Prattville, Alabama; $100,000 for the reuse of the

Coca-Cola Bottling Plant in Romney, West Virginia; $100,000 for the Crystal Lake Art Center in Frankfort, Michigan; $750,000 to the Detroit Science Center in Detroit, Michigan; and $300,000 to the Houston, Zoo in Houston, Texas.

Again, this is just a tiny sliver of the 141 pages of earmarks in the bill, more than 1,000 of them. And again, 21 air-dropped earmarks that we have never seen before, never had the ability to challenge on the House floor for such vital things as the Grand Teton National Park Pathway System in Wyoming. This may be a good project, but it should receive the scrutiny it deserves, not air-dropped into a report that we are given less than 24 hours to consider, that we have no ability, none, to amend out.

Or $500,000 for Park Street Streetscape Improvement in Alameda, California. Why in the world was this that vital where we had to violate our own rules to bring this to the floor and hide these earmarks where they don't see the light of day?

Mr. ARCURI. Mr. Speaker, I continue to reserve my time.

Mr. FLAKE. Mr. Speaker, I yield 1 minute to Mr. CAMPBELL from California.

Mr. CAMPBELL of California. Let's talk about what is really going on here. If somebody is an alcoholic, they understand they shouldn't drink. What they will do oftentimes is they will ask their friends to help them, you know, come in the house. Make sure I don't have any alcohol here. Keep me honest. Make sure I don't do this.

This Congress is drunk on earmarks. The majority party has said, well, we want to get better. We want to stop drinking. We want to stop doing these bad earmarks, so we set up a point of order on the bill so we can stop this.

But it is the equivalent of the alcoholic saying, I want you to help me, Mr. Speaker, and I want you to come check my house to make sure that I don't have any alcohol, but then locking the door so you can't go in and you can't look. That is what the majority party is doing here.

They say we have this point of order on earmarks, but we are waiving it. We are going to bury them in the bill so you can't see. The majority here in this Congress is not serious about controlling earmarks, and they should be, because of the ones that the gentleman from Arizona read, and whether it is teaching people how to play golf in the defense budget or monuments, to me, whatever it is. We have budget problems, we all agree. We disagree on how to take care of them. But one thing we must do is stop these earmarks, and the majority is not doing that.

Mr. FLAKE. I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER).

The SPEAKER pro tempore (Mr. WEINER). The gentleman yields the balance of his time to the gentleman from Ohio.

Mr. FLAKE. How much time remains on this side?

The SPEAKER pro tempore. I did the math for you, sir; 1 minute remains.

Mr. FLAKE. I am glad to yield 30 seconds to the gentleman from Ohio.

Mr. BOEHNER. I appreciate my colleague for yielding. This is exactly what the American people are disgusted with. We can't balance the budget. We can't send the President appropriation bills that are within the budget. This bill is some $3.5 billion over the President's request. But having said that, we have all of these projects that didn't go through the House, didn't go through the Senate, that got air-dropped into a conference. And we wonder why the American people look at us like our heads have been cut off.

There is nobody in my district who would ever vote for any of these projects that got air-dropped into this bill. And we have this process, this point of consideration on these earmarks, on consideration of this bill, in exactly the time when we are supposed to have a better look at what these earmarks are.

All we have are these brief descriptions, if you can find them in the bill, because this bill should not be up on this floor until tonight. It is one thing to waive the 3-day rule, but the 24-hour rule, most Members believe, is almost sacrosanct. And yet, not even 24 hours after the bill was filed, it is on the floor of the House. Members don't know what is in it. That is why this point of order that we fought for this summer was put into effect.

I would urge my colleagues to vote for the gentleman's point of order to stop consideration of this bill so we have a chance to look and see what else is in here that we haven't seen, because this place is out of control.

Mr. FLAKE. In my remaining 30 seconds, let me just say, in January when we passed transparency rules on earmarks, I was the first one to compliment the majority on what they had done. We put some decent rules into play. But rules are only as good as your willingness to enforce them. And we have seen a pattern over the past several months culminating in this kind of thing, breaking the rules so we can bring a bill to the floor with 21 air-dropped earmarks into it where we are simply not following our own rules.

This institution deserves better than this. I plead with my colleagues to vote to stop this bill from moving forward until we can actually see what's in it.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Rules Committee.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my colleague on the Rules Committee for yielding to me.

I think my friend from Arizona raises issues, and sometimes it is not clear with reference to earmarks. I don't recall hearing too many people argue about the earmarks that the President of the United States has within the prerogative of the President. Two-thirds of Federal spending is nondiscretionary. And in a budget the size of ours, which is $2.9 trillion, that means discretionary funds in this particular budget are about $935 billion.

What they fail to do in their point of order or that we hear in the Rules Committee is to say to the general public that the name of the Member requesting the earmark exists, the name and address of the intended recipient, and if there is no specifically intended recipient, the intended location of the activity, the purpose of such earmark, a certification that the Member or spouse has no financial interest in such congressional earmark, and it requires the House Appropriations Committee to make open for public inspection approved earmarks.

Now each of these earmarks has an asterisk and each of these earmarks is easily identifiable. Clearly, there are things that people disagree with as to whether or not in the particular constituency that that constituency is going to benefit.

Democrats cut in half the number of earmarks. I believe my friend from Arizona knows that when this measure was sent to the Senate, the Senate increased the number of earmarks that are here. But I don't care whether you call it earmark, toe mark, arm mark, elbow mark, whatever it is, it is something that benefits the American people. And in a budget that has $2 trillion in it, we can find some reason for us to control that as opposed to the executive branch.

Mr. ARCURI. Mr. Speaker, we must consider this conference report which provides funding for our Nation's priorities. For example, Community Development Block Grants to provide communities with funds to assist low and moderate-income persons; housing for the elderly, disabled, and homeless veterans; foreclosure mitigation and reconstruction of the Minnesota bridge and the repair of aging bridges throughout our Nation that is desperately needed.

Mr. Speaker, the fact of the matter is that the new House Democratic majority has implemented the most honest and open earmark rule in the history of the United States House of Representatives. But don't take my word for it. A few weeks ago, Ryan Alexander, president of Taxpayers for Commonsense, was quoted in CQ Weekly as saying, "The House has given us more information than we have ever had before on earmarks, and they deserve credit for that."

I am troubled with the analogy given by my colleague from California comparing it to a drinking problem. I would say the comparison, considering the way the Republicans abused the process, would be to a person who started a fire, then called the fire department, and when the fire department came and put out the fire, they then turned around and criticized the fire department for the way that the fire was put out.

That is the situation that they have. They abused the earmarks when they were in control of the House, and now they are critical of our majority when we attempt to fix it. It is important to remember which side actually abused the earmark process and who actually stepped up to the plate to reform the system and provide transparency.

We didn't wait until 2 months before the election. We responded to the people's call for more openness on the first day of Congress. It seems quite clear to me that the minority is more concerned with obstructionism, while we are focused on actually meeting the needs of our constituents and the people in this country.

This question of consideration is the result of an unwarranted point of order against our rule. A "no" vote will prevent consideration of a critical package that has strong House and Senate bipartisan support.

So despite whatever roadblock the other side tries to use to block this bill, we will stand up for housing and we will stand up for the critical infrastructure upon which our economy depends. We must consider this rule and we must pass this conference report today.

I urge my colleagues to vote "yes" to consider this rule.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the question of consideration will be followed by a 5-minute vote on approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 197, nays 186, not voting 49, as follows:

[Roll No. 1093]

YEAS—197

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clay
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Lipinski
Loebsack
Lofgren, Zoe
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—49

Barton (TX)
Bishop (GA)
Blunt
Boucher
Brown, Corrine
Butterfield
Buyer
Carson
Clarke
Cleaver
Clyburn
Conyers
Cubin
Davis, Tom
Delahunt
Diaz-Balart, M.
Doyle
Hastert
Jefferson
Jindal
Johnson (GA)
Langevin
Levin
Lewis (GA)
Lowey
Lynch
Meeks (NY)
Moore (WI)
Moran (VA)
Oberstar
Paul
Payne
Rangel
Rush
Scott (GA)
Sessions
Shays
Smith (NJ)
Taylor
Turner
Udall (CO)
Waters
Watson
Watt
Waxman
Weller
Wilson (NM)
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining on this vote.

☐ 1414

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. TURNER. Mr. Speaker, on rollcall No. 1093, I was inadvertently detained. Had I been present, I would have voted "nay."

Mr. SHAYS. Mr. Speaker, on November 14, 2007, I was participating in an Oversight and Government Reform Committee hearing and inadvertently missed 1 recorded vote.

I take my voting responsibility very seriously. Had I been present, I would have voted "no" on recorded vote number 1093.

PERSONAL EXPLANATION

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, on Wednesday, November 14, 2007, I was unavoidably detained and thus I missed rollcall votes No. 1090 through 1093. Had I been present, I would have voted in the following manner:

On rollcall vote NO. 1090, on Adoption of the Conference Report on H.R. 1429, the Head Start for School Readiness Act, I would have voted "aye."

On rollcall vote No. 1091, on H.R. 3845, the PROTECT Our Children Act of 2007, I would have voted "aye."

On rollcall vote No. 1092, on H.R. 719, the KIDS Act of 2007, I would have voted "aye."

On rollcall vote No. 1093, on H. Res. 817, Providing for consideration of the conference report on H.R. 3074, Departments of Transportation, and Housing and Urban Development and Related Agencies Appropriations for FY 2008, I would have voted "nay."

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 181, answered "present" 2, not voting 28, as follows:

[Roll No. 1094]

YEAS—221

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Buchanan
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dingell
Doggett
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gerlach
Gillibrand
Gonzalez
Goodlatte
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Hastings (FL)
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Shuster
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sullivan
Sutton
Tanner
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Woolsey
Wu
Wynn
Yarmuth

NAYS—181

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Goode
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hensarling
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Gohmert
Tancredo

NOT VOTING—28

Brown, Corrine
Carson
Cubin
Davis, Tom
Dicks
Doyle
Feeney
Gutierrez
Harman
Hastert
Hayes
Jindal
Kanjorski
Kaptur
Knollenberg
Levin
Linder
McCrery
Oberstar
Paul
Rush
Schiff
Serrano
Sessions
Udall (CO)
Weller
Wilson (NM)
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining on this vote.

□ 1420

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 1093 and 1094 I was unavoidably detained. Had I been present, I would have voted "nay" on both votes.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. The gentleman from New York (Mr. ARCURI) is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of this rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to extend their remarks on House Resolution 817.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, House Resolution 817 provides for consideration of the conference report to accompany H.R. 3074, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

I want to thank the distinguished chairman of the Appropriations Committee and the ranking member for bringing a conference report to the floor that makes critical investment in our Nation's transportation infrastructure at levels guaranteed in SAFETEA-LU.

The conference report also rejects the administration's proposed funding cuts to the Federal Aviation Administration's Airport Improvement Program, highway programs, and critical housing and community development programs.

The conference report provides $151 million more than current funding for the FAA, $765 million more than the President's request for FAA Airport Improvement Program, which provides grants for airport planning, construction and development.

Recipients of AIP funds such as Griffiss Park Airfield in my upstate New York district have benefited greatly from this program. Over the last few years, AIP funds have helped Griffiss continue to fully develop as a regional aviation facility, become the new home for the Oneida County Airport, create long-term regional economic growth for a region seeking to attract new investment.

The conference report also maintains our commitment to keeping our airways safe by providing $7 billion for air traffic organization, including $16 million to hire more than 1,400 new air traffic controllers to replenish the work force as the rate of retiring air traffic controllers continues to grow, and provides critical funding to hire and train more safety inspectors and for other aviation safety activities.

Mr. Speaker, this conference report provides $3.5 billion more than current levels for the Transportation Department. These additional funds will provide for much needed investments in our Nation's highways, road construction and repair, and transportation safety.

This conference report boosts funding for the Federal Transit Administration by providing $227 million more than the President's request for mass transit programs. Local transit authorities, such as the Central New York Regional Transit Authority and Centro in my district, will now be able to expand their hybrid bus fleet and continue to provide low-cost, convenient, clean and energy-efficient transportation services to commuters in both upstate New York and in New York City.

This conference report also increases funding for the Housing and Urban Development Department by $3.1 billion above the President's request.

The President's budget request sought to eliminate funding for the HOPE VI program, but I am so pleased that this legislation will maintain our commitment to providing affordable housing for the many disadvantaged individuals across our country, individuals that still struggle daily to meet their family's needs, even while working full-time jobs.

In 2003, the City of Utica, New York was the recipient of an $11.5 million HOPE VI grant for revitalization of a local residential community. This grant has allowed for significant improvements in safety and greater access to service and facilities for its residents. It would be a shame if similar communities around the country were unable to reap the benefits of the HOPE VI program.

The conference report restores funding for the Community Development Block Grant program, which this administration has cut since 2001 by nearly 35 percent. This conference report provides $922 million more than the President's request for CDBG grants, which allow local governments in cities such as Utica, Rome and Auburn, New York to provide critical service to revitalize neighborhoods, promote economic development and improve quality of life for those starved of financial resources.

Localities across my upstate New York district rely on CDBG funds to support vital redevelopment efforts that improve housing, assist local businesses, and offer services that promote safety and reduce crime. CDBG funds have been used by the City of Utica to prepare sites like those in the Corn Hill area for new housing construction by demolishing existing structures, replacing antiquated sewer lines, planting trees, constructing new sidewalks and curbs and paving streets, improving the quality of life for all the citizens of that city.

CDBG funds have been used in the City of Auburn to provide small business assistance loans to help new businesses make it through their first critical year of start-up, retain their employees, and grow their business. CDBG funds are also used by Auburn to support after-school programs, child care subsidies, and even counseling for children in crisis.

In the City of Rome, these funds are also used to assist new small businesses and also to assist low- to moderate-income persons make needed health and safety improvements to their homes, such as helping seniors with the installation of ramps and railings that allow them to remain living in their homes, and helping people deal with emergencies like failure and roof collapse. These are important parts of this bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, there are, I'm certain, very important programs that are funded by the legislation being brought forth today. And without any doubt, the Transportation and HUD appropriations bill is one of the most important appropriations bills that we face and we consider and we pass every year.

What is unfortunate is that it has been brought forth, it has been brought to this floor by the majority in a manner that is consistent with a pattern that is most unfortunate, objectionable.

As a matter of fact, that pattern, another aspect of that pattern is the subject of an editorial today by a newspaper that analyzes and informs on a daily basis with regard to this Congress. The newspaper is called Roll Call, and it has an editorial today about another aspect of the pattern that is most unfortunate and that we're seeing with the way in which this, albeit, very important piece of legislation is being brought forth today. Because it wasn't until, and we'll talk a little bit about the other aspect of the pattern that is the object of the Roll Call editorial in a minute. But with regard to this legislation, it was publicly available at 7 p.m., approximately, last night for the first time.

□ 1430

By the way, not in a very accessible way, in a format that's not very accessible: it was put online. There was no way to look at all of the legislation in that manner, in the format in which it was made available around 7 p.m. last night.

Now, Mr. Speaker, in the rules of the House, there is a requirement that before an appropriations bill is considered by this House, 3 days, 72 hours, must pass. That rule was waived by the majority in the Rules Committee last night.

Now, in addition to that rule, there is a custom and a custom that is repeatedly made reference to. As a matter of fact, it's not only custom, but in the promises made by the new majority in a document during the campaign the last election, the new majority in a document entitled "A New Direction for America," they talked about that at the very least, if not 3 days for an appropriations bill to be able to be considered by the membership before it is brought forth that there should be at least 24 hours. I read from the document "A New Direction for America": "Members should have at least 24 hours to examine bill and conference reports texts prior to floor consideration."

So not only do we not have the 3 days because that's waived by the rule, it's a rule but it was waived by the majority of the Rules Committee, which is what we saw last night, but, in addition, not even the 24 hours now for Members to be able to look at the legislation that is before them. Most unfortunate. It violates the promise of the majority in addition to what I would say is an elemental required fairness for this process to work.

Now, I talked about the pattern. It's not just the lack of 24-hour notice; it's a pattern. Let's look at Roll Call today. They talk about the fact that there have been multiple threats by the majority to restrict something that hasn't been restricted since 1822, and that is one of the few legislative means, procedural means by which the minority can seek to amend legislation, and it's called, Mr. Speaker, the motion to recommit. And that hasn't been restricted since 1822. The majority has repeatedly now during this year, the first year of this Congress, this year that is already coming to an end, it's talked about that it wants to restrict that right that the minority has, one of the few vehicles that the minority has had since 1822 to try to amend legislation.

Roll Call, a newspaper, Mr. Speaker, that covers what we do here, observes us very carefully, has an editorial in today's edition: "Despite promises to manage the House on a more open basis than Republicans did during their 12-year rule," Roll Call says today in an editorial, "Democrats have prohibited any floor amendments at more than double the rate of the previous Congress."

And then Roll Call goes on to ask the Democrats not to do what they have threatened to do, and that is restrict the procedural vehicle that has been available and unrestricted since 1822, the motion to recommit. So note, Mr. Speaker, the pattern.

Now, I wish, I really wish, because of the importance of the programs funded by this legislation that we could discuss those programs. But when we are seeing this pattern of unfairness, of constant tightening, restricting the legislative process despite, and in contrast to, the promises made by the majority included in this "A New Direction for America" where they said, well, if we're not going to give 3 days, which is what the rules require, because sometimes we might have to waive that in the interest of time, then at least 24 hours. So, no, this legislation, the first time it was posted was 7 p.m. That's when it could be seen.

By the way, I am informed by people who are a lot more expert than I am at the format by which the legislation was posted at 7 p.m. that at 7 p.m. with that format, the details of the legislation could not be accessed. So really, Mr. Speaker, what we are talking about is a lot less than even that time if we wouldn't have come to the floor until 7 p.m., which is what the New Direction for America promised, the majority repeatedly promised, and which would have been elementally fair in addition to in compliance with the promise of the majority.

Mr. Speaker, at this time I would ask my friend, and he is my friend, Mr. ARCURI from New York, how many speakers he has wishing to speak.

Mr. ARCURI. I have no other speakers.

MOTION TO ADJOURN

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 150, nays 244, not voting 38, as follows:

[Roll No. 1095]

YEAS—150

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boustany
Brady (TX)
Broun (GA)
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCaul (TX)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Murphy, Tim
Musgrave
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Rangel
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (TX)
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NAYS—244

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Capps
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McGovern
McHugh
McIntyre
McNerney
McNulty
Meeks (NY)
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Regula
Reyes
Richardson
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—38

Baker
Capuano
Cardoza
Carson
Cubin
Davis, Tom
Doyle
Hastert
Higgins
Jindal
Levin
McCarthy (CA)
McCollum (MN)
McDermott
McMorris Rodgers
Meek (FL)
Melancon
Moran (VA)
Neugebauer
Nunes
Oberstar
Paul
Pence
Poe
Radanovich
Roskam
Ruppersberger
Sessions
Smith (WA)
Souder
Tierney
Udall (CO)
Weldon (FL)
Weller
Wexler
Whitfield
Wilson (OH)
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is less than 1½ minutes remaining.

☐ 1456

Messrs. BRALEY of Iowa, ROTHMAN and HINCHEY, and Mrs. LOWEY, Mrs. JONES of Ohio and Mrs. MYRICK changed their vote from "yea" to "nay."

Messrs. TURNER and BARTLETT of Maryland changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 1095, I was unable to vote due to medical reasons. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking for a "no" vote on the previous question so that we can amend this rule and move toward passing a conference report on the bipartisan Military Construction-Veterans Affairs Appropriations Act.

The House passed the veterans and military funding bill on June 15 by a vote of 409-2, with the Senate following suit and naming conferees on September 6. Unfortunately, the majority leadership in the House has refused to move the Military Construction-Veterans Affairs Appropriations Act. They have even refused to name conferees.

Now, the question that is begged, Mr. Speaker, is why has the majority decided to hold off on moving this bill that obviously has such bipartisan support. Well, according to several publications, including this one, Roll Call, the majority intends to hold off sending appropriations bills to President Bush so that they can use the veto of the Labor-HHS appropriations bill to serve as "an extension of their successful public relations campaign on the SCHIP program."

Mr. DREIER. Will the gentleman yield for one moment?

Mr. LINCOLN DIAZ-BALART of Florida. Yes, I will yield to my distinguished friend.

Mr. DREIER. Was that quote that my friend provided something that was written by Republican staff members? Where exactly did that come from?

Mr. LINCOLN DIAZ-BALART of Florida. Roll Call.

Mr. DREIER. Oh, okay. I thank my friend for yielding.

Mr. LINCOLN DIAZ-BALART of Florida. Reclaiming my time, fortunately that purely political move, Mr. Speaker, failed last week when the Senate removed the Military Construction-Veterans Affairs bill from the Labor-HHS bill.

Recently, Mr. Speaker, the Republican leader, Mr. BOEHNER, took a step toward naming House Republican conferees. Now the distinguished Speaker must follow suit and take the steps necessary to ensure that work can begin on writing the final veterans funding bill that can be enacted into law.

Mr. Speaker, every day that the majority chooses not to act on this bill, veterans lose $18.5 million. Our veterans deserve better than partisan gamesmanship holding back their funding.

I urge my colleagues to help move this important legislation and oppose the previous question.

Mr. DREIER. Will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I will yield to my friend.

□ 1500

Mr. DREIER. I thank my friend for yielding.

I would just like to ask him to clarify one more time before we vote on this issue, I think this is going to be the 11th time we have had an opportunity to vote on this.

I have just been reminded by our crack Rules Committee staff that this is, in fact, the 12th time that this House has had the opportunity to vote on this issue. I guess the second or third time in Veterans Week. We have just marked the date on which we honor our Nation's veterans, and this House has repeatedly, repeatedly denied us the opportunity to move ahead and get the very much-needed assistance to our Nation's veterans. I think that this vote is going to be critically important in our quest to move that effort forward.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend. I think that it is critically important that we get this legislation passed as soon as possible and sent to the President. It is the 12th time that we have attempted in this House to get this bill sent to the President. Mr. Speaker, obviously this is critically important legislation, a critically important moment. And so I urge my colleagues to help move the important veterans legislation along by opposing the previous question.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. ARCURI. I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, if the American people have just heard the last colloquy between my two colleagues, perhaps they wouldn't have understood that when my two colleagues were in the majority in this House, for 12 years, the last time they passed a Veterans appropriation bill on time wasn't in 2005, 2004, no, not in 2003 either, not in 2002, not in 2001. You have to go back to 1996 to find when they passed an appropriations bill for veterans on time.

I can understand why the gentleman wouldn't want the facts to get out to the people who might have just watched him on television have a colloquy that was not factual in explaining the fact that when he was chairman of the Rules Committee, it was 11 years ago when they last passed a Veterans appropriation bill on time.

Mr. Speaker, let me also point out they forgot conveniently, perhaps convenient political memory here, they forgot conveniently to explain to the people listening that under the Democratic leadership we have passed $8.1 billion of increase in veterans funding this year, most of that going to veterans health care, the largest in the history of America.

One final point, Mr. Speaker. The two gentlemen also forgot to make one other point, and that is that as they chastise this Congress as being a little over 1 month late in passing the Veterans bill, even though we have already passed an $8.1 billion increase, they forgot to tell the American people that last year they didn't pass the VA bill in October, not in November, not in December. In fact, they adjourned the Congress for their Christmas holiday without passing the Veterans appropriation bill.

PARLIAMENTARY INQUIRY

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I have a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state it.

Mr. LINCOLN DIAZ-BALART of Florida. My parliamentary inquiry is as follows: When I asked the gentleman if he had any further speakers before yielding back the reminder of our time, I was informed that he did not. Is it correct for the gentleman to say that he has no further speakers, and then after, based on that statement, I yield back our time, he yields to someone else in contradiction to what he has told me?

Is that appropriate, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from New York is free to yield his time as he sees fit.

Mr. LINCOLN DIAZ-BALART of Florida. Is that appropriate, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. ARCURI. Thank you, Mr. Speaker.

I would also point out that the gentleman from Florida indicated that he had no further speakers, and he recognized the gentleman from California.

Mr. LINCOLN DIAZ-BALART of Florida. I didn't recognize. I yielded. No. No.

The SPEAKER pro tempore. The gentleman from New York controls the time, and the gentleman is recognized.

Mr. ARCURI. Thank you, Mr. Speaker.

Additionally, I would like to point out that whenever anybody makes factually incorrect statements on the floor, I am going to yield to my colleagues to make sure that the record is made clear, and that is why I yielded to Mr. EDWARDS on that point.

Mr. Speaker, this bill, the Transportation-HUD appropriations bill, like very few other things that we as a body deal with, deals and helps and touches many, many millions of Americans, whether it is CDBG money that goes to help the elderly make a senior center more accessible, or whether it is fixing our roads that thousands of commuters travel on every day, it is a bill that is critically important. All we have heard from the other side of the aisle are procedural reasons why we shouldn't go forward. That is what the American people are tired of. They are tired of the process, the procedure. They want action. They want things accomplished.

During the break, I had an opportunity to talk to my friend and colleague from Wisconsin, Representative KAGEN, and he made a good point. He said, you know, while we spend billions of dollars in Iraq, and no one talks about it, we hear all kinds of complaints when we try to spend millions of dollars domestically on programs that help Americans, needy Americans, people that need it most.

Mr. Speaker, that's why we need to pass this rule. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 817 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 2. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—ayes 221, noes 195, not voting 16, as follows:

[Roll No. 1096]

AYES—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David

Davis, Tom
Deal (GA)
Dent
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Cannon
Carson
Cleaver
Cubin
Doyle
Hastert
Jindal
Levin
Oberstar
Paul
Ruppersberger
Sessions
Towns
Udall (CO)
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining on this vote. Members are further reminded to stay in the Chamber. There are votes immediately following this one.

☐ 1526

Mr. PEARCE changed his vote from "aye" to "no."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 1096, I was unable to vote due to medical reasons. Had I been present, I would have voted "yea."

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I move to reconsider the vote on the previous question.

THE SPEAKER pro tempore. Did the gentleman cast a vote on the prevailing side?

Mr. LINCOLN DIAZ-BALART. Mr. Speaker, yes, I did.

MOTION TO TABLE OFFERED BY MR. ARCURI

Mr. ARCURI. Mr. Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 196, not voting 15, as follows:

[Roll No. 1097]

AYES—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Carson
Cubin
Doyle
Hastert
Jindal
Levin
Oberstar
Paul
Reyes
Ruppersberger
Ryan (OH)
Sessions
Udall (CO)
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining to vote.

☐ 1534

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 1097, I was unable to vote due to medical reasons. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 194, not voting 14, as follows:

[Roll No. 1098]

AYES—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Carson
Cubin
Doyle
Granger
Hastert
Jindal
Levin
Oberstar
Paul
Ruppersberger
Sessions
Udall (CO)
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded they have less than 2 minutes remaining on this vote.

□ 1540

So the resolution was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 1098, I was unable to vote due to medical reasons. Had I been present, I would have voted "yea."

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I move to reconsider the vote on the resolution.

The SPEAKER pro tempore. Did the gentleman cast his vote on the prevailing side?

Mr. LINCOLN DIAZ-BALART of Florida. Yes, I did.

MOTION TO TABLE OFFERED BY MR. ARCURI

Mr. ARCURI. Mr. Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 194, not voting 25, as follows:

[Roll No. 1099]

AYES—213

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)

Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Bean
Berman
Blackburn
Carnahan
Carson
Cubin
Cuellar
Dicks
Doyle
Gutierrez
Issa
Jindal
Levin
Linder
Moore (KS)
Murphy (CT)
Oberstar
Paul
Ruppersberger
Sessions
Sires
Taylor
Udall (CO)
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote).

□ 1547

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 1099, I was unable to vote due to medical reasons. Had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. OLVER. Mr. Speaker, pursuant to House Resolution 817, I call up the conference report on the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 817, the conference report is considered read.

(For conference report and statement, see proceedings of the House of November 13, 2007, at page 31047.)

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. OLVER) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. OLVER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 3074.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. OLVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on H.R. 3074. Before I explain the contents of the conference report, however, I would like to thank my ranking member, the gentleman from Michigan, JOE KNOLLENBERG, for his great help in crafting a well-balanced Transportation and Housing bill. JOE and I have put together a strong bipartisan bill that will help address the Nation's important transportation and housing needs.

I think JOE and I have been a good team and I look forward to working closely with him again next year. I would also like to thank the staff on both sides of the aisle for all of their hard work. On the minority side, Dena Baron and Dave Gibbons and Jeff Goff. And on the majority side, Kate Hallahan, our clerk; Cheryle Tucker; David Napoliello; Laura Hogshead; Alex Gillen; Mark Fedor and Bob Letteney. They performed well under stress and trying circumstances, and without their dedication we would not be here today debating this bill.

Mr. Speaker, Members can and should be proud of this bill because it provides critical investments in our Nation's transportation and housing infrastructure, and does so within a fiscally sound manner and within our conference allocation.

Unlike some other issues we debate in Congress, transportation and housing have a long history of bipartisanship, and I hope we can continue in that spirit of bipartisanship today.

At their core, both transportation and housing have a direct impact on the people we represent. All of us are affected by congestion on our roads, travel delays in our airports, and the lack of dependable public transportation. We also all benefit from community development investments and the availability of affordable housing in our communities. This bill in so many ways affects each and every one of us.

Let me briefly explain some of the highlights of the conference report.

For the first time in 13 years, our bill includes $75 million for the Veterans Affairs Supported Housing program, commonly known as VASH, to provide roughly 10,000 housing vouchers and supportive services to homeless veterans.

While we do not know the exact number of homeless veterans, the Veterans Administration has estimated that there were as many as 196,000 during a point-in-time count just last year. Surely we can all agree that 10,000 homeless veterans are 10,000 too many homeless veterans. Even one homeless veteran is a homeless veteran too many.

We have also included $30 million for about 4,000 new housing vouchers for the disabled, the first new housing vouchers for the disabled in 5 years. The need for housing for the disabled has been well documented, with average housing rents rising much faster than a disabled person's monthly supplemental security income, SSI.

Secondly, the bill provides $250 million to help with the current foreclosure crisis. We have included $200 million over the President's request for the Neighborhood Reinvestment Corporation, a recognized national intermediary between lenders and homeowners, to help individuals and families forestall foreclosure and keep their homes. A separate $50 million is provided for HUD's housing counseling program to help new potential home buyers avoid future foreclosures.

According to the Mortgage Bankers Association, the second quarter of this year saw the highest percentage of mortgages go into foreclosure since 1972. Many of those foreclosures and delinquencies are due to the proliferation of subprime and other adjustable-rate loans. With 2 million subprime mortgages expected to reset over the next 18 months, the number of homeowners facing delinquency is staggering in many parts of the country.

The funds included in this bill for foreclosure counseling is the first major Federal investment into this growing crisis. The President has stated on a number of occasions that he wants to help solve this problem. If he is serious, he would sign this bill into law and help many tens of thousands of families receive the help they need to manage their finances and the refinancing of their mortgage so they can keep their homes.

In addition, the bill also makes significant investment in our transportation infrastructure. The Minnesota bridge tragedy put a national spotlight in the State, on the state of America's transportation infrastructure, especially with the number of lives lost in that tragedy. More than 20,000 out of some 100,000-plus bridges on the national highway system are characterized as "structurally deficient" or "functionally obsolete." Traffic on these bridges is over 190 million trips per day.

The conference report includes an additional billion dollars over the President's request for the bridge program as a downpayment to help States fix their long list of substandard bridges; $195 million is specifically included for the I-35 bridge in Minnesota, which alone carried 140,000 passenger vehicles per day. And that sum will make Minnesota whole for the full replacement of that Interstate 35 bridge in Minneapolis.

Those are the new initiatives, but there are numerous other positive transportation and housing investments in this bill. The bill honors the highway guarantees which were set in the authorization bill in 2005, the SAFETEA–LU authorizing bill which was brought forward by the now minority just 2 years ago. That guarantee provides a record level of investment in transit as well. This funding will improve the Nation's transportation and infrastructure and is expected to create close to 80,000 new jobs between highways and transit.

The bill also provides $1.375 billion for Amtrak, plus an additional $75 million for a new intercity passenger rail program to create a faster, safer, and more reliable intercity passenger rail system. That $75 million was requested by the President.

We have included $3.5 billion for the Airport Improvement Program, the same as last year, for critical airport safety capacity and security upgrades.

We have also provided almost $3.8 billion for Community Development Block Grants, the extremely popular CDBG program, which is $100 million above fiscal year 2007 but still $400 million below the fiscal year 2001 level. It is estimated that every dollar of community block grant funding leverages $3 in private investment for critical community and economic development priorities in over a thousand localities around the country.

The bill restores housing for the elderly and disabled to last year's level. And finally, we have provided enough funding to ensure that no one that has a section 8 tenant or project-based housing voucher will lose that voucher in this fiscal 2008 year.

Mr. Speaker, transportation and housing is not a Republican, not a Democratic issue. A broad consensus exists affirming the great needs for transportation and infrastructure investment and affordable housing nationwide. As such, this budget should be above partisan politics and should be passed and signed into law. I urge my colleagues on both sides of the aisle to adopt the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague, Chairman OLVER, has already detailed many of the aspects of the fiscal year 2008 conference report. I am pleased to say that I will support the conference report. The conference report has much to commend. I want to thank JOHN OLVER; JOHN and JOE I guess is what it amounts to. But we have worked together very hard on this, along with the staffs on both sides, and I commend him for working with us to bring this product forward.

We meet the majority of the transportation funding guarantee as mandated by SAFETEA–LU, plus included some wise legislative provisions such as raising the airline pilot mandatory retirement age to 65 and prohibiting towing on Federal roads in Texas.

We didn't go overboard on funding Amtrak and kept the reforms we put in place 2 years ago in hopes of bringing the railroad into the modern age. One unfortunate point I would like to make is one of the Transit New Starts Project, a project for the Chicago area's commuter rail, Metra, the UP West Line, was inadvertently not included in the bill. It was funded in the House bill, and in the negotiations all sides supported conference funding, and I am very hopeful we can work a little magic to get that included.

In housing, we provided more than $100 million for about 11,000 new incremental vouchers for 3 of our most vulnerable populations: Veterans, including those returning from Iraq who might face homelessness without rental assistance; nonelderly disabled individuals, the so-called Frelinghuysen vouchers; and vouchers to keep families together when facing homelessness rather than forcing the children into foster homes.

Further, the bill insists that these vouchers retain their use and purpose upon turnover when the current individuals and families no longer need them.

The vouchers for veterans are important and will certainly be welcomed throughout Michigan as well as the rest of the country. I want to note the intent here is not just for HUD to administer these vouchers, but for HUD and VA to work together so that the full array of eligible services are coordinated and administered jointly.

☐ 1600

Along that same line, I strongly support a new demonstration in the homeless program to avoid forcing children through the trauma of homeless shelters by rapidly rehousing these families in secure rental units and providing the care and training in that setting, rather than through the shelter plus care process. We need to be sure, however, that in doing so we do not end up subsidizing drug or other illegal activity.

I want to also express my appreciation for the provision in the bill that waives the Medicaid cap on income and allows citizens in Michigan to voluntarily pay more and still receive rental assistance. This has made a tremendous difference in my district, and the new statewide provision will apply to all Michigan residents. Obviously, it is available for consideration in other states, too.

As many of my colleagues know, Michigan has been facing a severe credit crunch due to defaults and foreclosures resulting from the subprime lending boom a few years ago. The resets are around the corner and the problem may well get worse for Michigan before it gets better. But no one wants to see foreclosure, not the homeowner, not the banks, and certainly not the Federal Government which has insured many of these loans.

As a result and through extensive collaboration with my colleague, Chairman OLVER, and our Senate counterparts, we included a provision that I am sure will go a long way towards stemming if not reversing the trend in the home mortgage market. We have included $200 million in new funds for intensive and extensive loan foreclosure mitigation guidance plus counseling and targeted funds to those areas which are facing the largest threat of foreclosure.

We have ensured that the funds will be in the hands of the expert counselors and State housing finance agencies before the loan resets dates hit homeowners who will find it difficult to meet the higher payments. We have not placed the funds in HUD, or created a financial handout for mortgage companies or homeowners. Instead, we are using the Neighborhood Reinvestment Corporation, which is in itself expert and has a network of expert loan counselors throughout the country. As a federally chartered corporation, they will be able to avoid the many delaying regulatory hurdles that would result if funded through HUD, but still must meet all the requirements to ensure the integrity of the funds provided to expert counseling agencies. I firmly believe that Michigan will benefit greatly from the one-time funding being provided in this bill to help at-risk homeowners get through this difficult period.

Having said that, there are clearly areas in the bill that could and should be reduced in funding or for which funding should be allocated.

All of us have heard about the shortfall that HUD now faces in meeting contracts with longstanding low-income assistance providers under the project-based section 8 program. While better than the Senate bill, let's face it, we did not solve the problem. We only delayed the date at which the crisis will occur. Yet at the same time, the voucher program has $300 million in excess funds based on the new methodology instituted by the majority as part of the 2007 continuing resolution. Apparently the majority does not trust their new methodology that much, yet those funds could have further reduced the shortfall that HUD faces with project owners under the project-based program, or reduced the cost of the bill itself.

Furthermore, the Department continues to receive funds for a long list of small boutique and duplicative programs, all of which could be eliminated as the administration requested without harming any of the program.

Finally, I want to emphasize that there are no new air-dropped earmarks from the House minority.

I want to thank my colleague and chairman, Chairman OLVER, for his work on this bill. I have to say he was most fair. This was a very inclusive conference and, because of his cooperation and the highlights of the bill, I will be voting "yes" on passage of the conference report.

I reserve the balance of my time

Mr. OLVER. Mr. Speaker, I yield at this time 3 minutes to the vice chairman of the subcommittee, Mr. PASTOR from Arizona.

Mr. PASTOR. I thank my chairman, JOHN OLVER, for recognizing me.

First of all, I want to congratulate Chairman OLVER and Ranking Member KNOLLENBERG for the fine work they have done on this bill. It is quite an accomplishment. If you look at last year, we were not able to conference the bill and here we are talking about a bill that has been conferenced with the Senate. Both the chairman and the ranking member have talked about some of the programs that have been given additional funding, but I would like to talk about a few that this bill starts a new initiative.

One is a program that the railroad administrator spoke to us about at one of our hearings, and that is the ability of the Federal Railroad Administration being able to provide grants to have intercity connection by rail. And in Arizona, it is a program that we are looking forward to see implemented. As you may know, Arizona is growing very quickly, and the 2 metro areas, the Phoenix metro area and the Tucson metro area, in a very short time are going to be growing into each other, and there is a great need to connect them because the freeway that connects them today is no longer efficient. So by applying for these grants, hopefully we will be able to connect 90 percent of the Arizona population with a rail.

With the possibility of that connection, then there is a possibility that Arizona may be connected with Amtrak. So it is an initiative that this conference bill brings forward that those of us in Arizona are very happy to see implemented, especially in this city-to-city rail connection.

For those of us who were local elected officials, I am very happy to report that CDBG is in this bill and will receive additional money, so local officials can use these monies to develop the social infrastructure that is needed in many of our locations that do not have the economic development activity that other parts of the city has.

The other initiative I want to talk about is one that you will begin to see cooperation with the Federal Transit Authority and HUD. As the transit lines are being developed, there are initiatives in this bill that will encourage the development of affordable housing and development of small businesses along the transit line. This is something that, again, those of us who have transit lines that are being developed, that with these initiatives we can develop affordable housing, because many of the people who will be on the transit lines are people that will be going to work and in many cases need to have the affordable housing that the transit line will bring it.

I congratulate both the chairman and the ranking member for this fine bill, and I ask for its passage.

Mr. KNOLLENBERG. Mr. Speaker, I continue to reserve the balance of my time.

Mr. OLVER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio, MARCY KAPTUR, a senior member of our subcommittee and someone who has been very much involved in planning for communities over the years.

Ms. KAPTUR. I thank the chairman very much for the time, Chairman OLVER and Ranking Member KNOLLENBERG, for just a fantastic effort on this conference report. Let me say I rise in full support.

There are so many programs in it, such as our community development block grant program which helps over 1,180 communities across this country. We have been able to provide $3.79 billion in this bill, which is still, though responsible, $400 million less than we spent as a country in 2001, with many of our cities finding revenues on the decline or stuck because of the condition of the economy. So I know many of our mayors will welcome this.

I rise especially to point to the programs dealing with housing counseling, $250 million in this bill through the Neighborhood Reinvestment Corporation, dollars to be disbursed within the next 60 days to help parts of the country that are just suffering so greatly because of the home mortgage foreclosure crisis.

There is no more important form of savings that any American family can have than their home. What has been happening across our country is we not only have a negative savings rate, but now we have a $1 trillion housing crisis in which hundreds of thousands of people have lost their homes or are about to lose their homes. This $250 million that is included in this bill that will go through the Neighborhood Reinvestment Corporation for counseling will help to try to allow some of these families to retain their homes as these mortgages are reset.

Frankly, I have been so disappointed in HUD's just sitting on the dime. As FEMA sat on the dime as people drowned in Louisiana, we've got people drowning all across this country because they're losing their homes and there's been no action. So we hope that this housing effort will make a big difference in helping them to be able to maintain their largest form of savings.

Finally, Mr. Speaker, I wanted to mention the program for housing for special populations in this bill. There is a total of 7,500 vouchers for homeless veterans that are living in missions across this country, that are in our jails, that are on the streets. Surely we can do better than this as the American people. There are also 4,000 vouchers in the bill for the nonelderly disabled and another 4,000 vouchers for families with children, where children are separated from their families because the families have no housing. Ask yourself the question, how well will that child perform in school when their home situation is so uncertain that they don't even know where they're going to stay at night?

I think that this bill provides some important stimulus to the housing sector, and the funding that we have provided is certainly not enough in view of what we are facing as an economy as funds are drained away from our communities as a result of this subprime lending crisis, but at least we have done something in this bill to recognize that there ought to be dispatch in the subprime lending market, and if HUD can't do a very good job of it, then let's let the Neighborhood Reinvestment Corporation try to deal with these families that are dropping off the edge. I know that our mayors and those involved in housing for special populations will see this bill as a step forward.

I compliment the chairman of the committee and the ranking member for moving this legislation.

Mr. OLVER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER) who has been very helpful with thoughts and suggestions about how transportation and housing should fit together in the planning of communities.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I deeply appreciate the work that the subcommittee has done. This is not just about spending money; it's about spending money right.

It is important that resources are being focused to being able to "fix it first," to be able to deal with the fraying of our Nation's infrastructure. As the gentleman pointed out, there are 100 million trips on tens of thousands of substandard bridges across the country.

There is an important step in this legislation to have more robust funding for Amtrak. We have avoided the problems of past sessions where we have come through here to have an ideological battle fought about how somehow the United States should be the only country in the world without government-supported rail passenger service. Given skyrocketing oil prices and congestion in our highways, people understand that that is a prescription for disaster. I appreciate the hard work of the committee coming forward with a proposal to help put a floor underneath the rail passenger infrastructure, not making a difference just for Arizona but throughout the country.

I appreciate looking at the big picture. The committee's willingness to look at how land use, housing, and transportation fit together to coax maximum advantage out of those investments is very, very important.

□ 1615

I hope that we can continue to work with the subcommittee, with the whole Appropriations Committee, with the authorizing committees to be able to get more out of these investments.

Last but not least, it should be pointed out that this will be the last budget that we'll be able to have with the transportation funding at this level. The refusal of the administration to work with us to increase transportation investment in the last Congress resulted in a reauthorization level that is higher than the trust fund can support. We're going to be running out of money here in a couple of months. That means that the task of the subcommittee will be extraordinarily difficult, given the slow payout rate of transportation funding. It means you're going to have to cut probably four times the amount of the deficit this next year, and it's going to be even greater in subsequent years. So I'm hopeful that, working with the subcommittee dealing with appropriations and with Ways and Means, with the authorizers, we can come forward to make sure that we don't lose the opportunity to make the right investments in transportation and housing, because these are going to help us with greenhouse gases. These are going to help us with economic development, with energy efficiency. It's a tall order ahead of us, but I appreciate the foundation that the subcommittee has laid, and look forward to working with them.

Mr. KNOLLENBERG. Mr. Speaker, I continue to reserve the balance of my time.

Mr. OLVER. Mr. Speaker, I would like, at this point, to enter into the RECORD a couple of letters which we have from public organizations. One is Americans for Transportation Mobility. And this is an organization which is an umbrella of the American Public Transportation Association; the American Road and Transportation Builders Association; the Associated Equipment Distributors; the Associated Equipment Manufacturers; Associated General Contractors; American Society of Civil Engineers; International Union of Operating Engineers; Laborers International Union of North America; the National Asphalt Pavement Association; National Construction Alliance; National Stone, Sand and Gravel Association; and the U.S. Chamber of Commerce, who are cosigners on this letter of support for H.R. 3074.

And I have, secondly, a letter from the American Association of State Highway and Transportation Officials, commonly known as AASHTO. I think every one of us who has ever worked at the State levels of public funding, as well as the national levels, understands what AASHTO is. And this is a letter of support signed by the executive director of AASHTO, also in support of the conference report on H.R. 3074. And I offer that for inclusion in the RECORD.

AMERICANS FOR
TRANSPORTATION MOBILITY,
Washington, DC, November 14, 2007.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The Americans for Transportation Mobility (ATM) Coalition strongly urges you to support the conference report for H.R. 3074, the "Transportation Housing and Urban Development, and Related Agencies Appropriations Act, 2008."

H.R. 3074 honors the commitments to capital investment in highway and public transportation infrastructure made by Congress in the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and will not increase the federal budget deficit. Although H.R. 3074 under-funds public transportation by $81 million, the ATM Coalition still feels strongly that this conference report should pass as a stand alone measure in order to maintain and improve the nation's highway and public transportation systems in fiscal year 2008.

America's transportation system is being stretched beyond its capacity. Both public and private usage of highways, transit, and aviation systems are increasing at rates far outpacing infrastructure investment. A decaying surface transportation system costs the U.S. economy $78 billion annually in lost time and fuel while congestion adds significant pollution to the air, and substandard roads claim thousands of lives every year.

As representatives of over 400 major users and providers of the nation's surface transportation infrastructure network including the business and labor communities, our unique coalition is dedicated to ensuring the global competitiveness, economic prosperity and the American way of life by promoting investment in transportation infrastructure. SAFETEA-LU provided record levels of investment in highways and transit programs by ensuring that revenues flowing into the Highway Trust Fund are only used for their intended purpose: fixing and maintaining the nation's transportation infrastructure. By passing the H.R. 3074 conference report, Congress will maintain its commitment to a safe, efficient and competitive transportation system.

Sincerely,
Americans for Transportation Mobility.

AMERICAN ASSOCIATION OF STATE
HIGHWAY AND TRANSPORTATION
OFFICIALS,
Washington, DC, November 14, 2007.

Hon. DAVID OBEY,
Chairman, Committee on Appropriations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As the House begins consideration of the Conference report on the Housing and Transportation Appropriations, H.R. 3074, I wish to advise you the American Association of State Highway and Transportation Officials (AASHTO) and its 50 State members strongly support and urge that the legislation be passed as submitted.

The Nation's transportation system is the foundation of our economy. If investments are delayed it will impact the economy and add to increased costs because States will not have the full funding that would be available given the guaranteed spending provisions of SAFETEA-LU. Given the timing of the construction season it is also of immediate importance that the bill be passed promptly.

Sincerely,
JOHN HORSLEY,
Executive Director.

At this point, I would like to yield 7 minutes to the chairman of the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I'd like to make a few observations about the White House comments on this bill, because we are told that the White House intends to veto this bill.

Let me point out some facts about this bill. This bill spends about $105 billion, all told. Much has been made in the debate this morning or this afternoon about earmarks in this bill. Earmarks are about 1 percent of all of the funds that are provided in this bill, around $1.2 billion.

For reference, last year, the appropriation, or rather the transportation authorization bill included about $20 billion in earmarks. I didn't see the President talking about vetoing that bill. I find it quaint that he now purports to be upset because this bill contains 1/20 the earmark level of bills that he has previously signed.

I would also note that the President objects to the elimination of the deep cuts which this bill contains for the Community Development Block Grant and for housing programs. There is no individual in this country who is a greater beneficiary of taxpayer-subsidized housing than the President of the United States. He lives in that big white house on Pennsylvania Avenue. He doesn't have to worry about having a driver's license to drive on the roads in this country because he has nice chauffeurs and nice limousines which are transported everywhere around the country. He has lots of people in the kitchen to prepare any meal that he wants prepared. If he wants to have a relaxing weekend, he can go out to Camp David, and he can take a helicopter so he doesn't have to worry about beating the traffic. And yet, this President objects to the fact that we are trying to do a mite more than his budget does for low-income housing in this country.

Section 8 housing, he's very unhappy about the fact that we've increased funding for that. It just seems to me that this is one case of the pot calling the kettle black if the President objects to that kind of funding.

When we first started putting together appropriation bills, Mr. Speaker, I asked each of the subcommittee Chairs to disregard the year-to-year arguments that we've usually had in this place, and I asked all of the chairmen and chairwomen to ask themselves: What is this country going to look like in 5 and 10 years? And in the case of this bill, how many more cars are there going to be on the road? How much more pressure are we going to have for our rail traffic, both passenger and transport, or freight?

I asked people to look at what the expanded population would mean in terms of added demand for housing for the elderly, as well as low-income housing. And then I asked the Chairs to try to prepare a bill which would get us to where we needed to be over a 5- or 10-year period in order to meet those challenges. And that is essentially what this bill tries to do with very limited available funds.

Now, this bill contains about $5 billion increase in funding above the President's level. That's about 2 weeks of what we spend in Iraq. I make no apology for it. I wish it were more. No country can have an efficient economy if it doesn't have an efficient transportation system and if it doesn't have modern infrastructure. This is one of the bills that tries to meet those demands.

So the President, if he wants, can invent a disagreement with the Congress and veto the bill if he wants. But I think the American people will recognize, the American taxpayer will recognize, while they may not agree with every choice made in the bill, that this is a far more reasonable response to the future needs of the country than is the President's very pinched view of the investment needs that we have here at home.

So I would urge support to this bill on both sides of the aisle. It's been put together on a bipartisan basis. To my knowledge, every single Republican on the subcommittee signed the conference report. I think that there is not really very much in terms of policy which would recommend a "no" vote on this bill. And I urge Members to recognize that we've got an obligation to deal with the needs of the least visible people in our society, the least powerful, and the least well connected. This is one of the bills that tries to do that.

I urge an "aye" vote for the bill.

Mr. KNOLLENBERG. Mr. Speaker, I want to yield as much time as he may wish to consume to the gentleman who is the ranking member of the full committee, Mr. LEWIS from California.

Mr. LEWIS of California. I appreciate very much my colleague yielding. And before making the remarks I have in mind, I want to extend my congratulations to the chairman and the ranking member for a very thoughtful effort to put together a very reasonable bill, while it is a bit over the funding levels of the President, and as a result of that I'll probably vote against it.

I had not planned to speak on this bill, for I had an understanding from the other side that maybe neither the chairman or the ranking member would spend too much time speaking.

I must say that some years ago it was my privilege to chair this subcommittee, and I took that responsibility very, very seriously. I know that the chairman of the committee has been very frustrated with me this year as I've suggested, more than one time, that the solution on the other side to every problem, it seems, is to throw more money at it.

And the chairman just was wringing his hands a bit about the section 8 funding in this bill and suggesting we certainly should be doing a better job.

Well, let me say, Mr. Speaker, we absolutely should be doing a better job.

And back then, when I had a chance to chair this subcommittee, I spent some time with then-Secretary Henry, under a different administration than this one, and he and I went to section 8 housing circumstances and both wrung our hands with some frustration about the way many of those housing authorities are operating and the way they're using the money that we send out there to help the poorest of the poor have a chance for reasonable housing.

We found that there were some serious questions to be raised, and that led to a thing called the Housing Fraud Initiative. And we gave extra money to the Inspector General of the Housing Authority, and the Inspector General went around the country, and, indeed, found serious problems in any number of housing authorities about the way the money was being spent that supposedly was designed for the poorest of the poor.

It is not a fact that those housing authorities automatically respond in a way that would reflect the best use of our money. And if that's an illustration, indeed, the chairman has made my point. We don't solve problems by just throwing money, especially if we're not willing to follow the money and see if it's getting to the people we pretend to want to help in the first place.

Mr. OLVER. Mr. Speaker, I yield myself such time as I may consume.

I hesitate to get involved between my chairman and my big ranking member here, but since they've gotten into it and the ranking member has made the comment that every suggestion that we make is to throw money at the problem, I just wanted to point out that the President has actually indicated that he will veto this legislation. It provides $3 billion more in budget authority than he requested in the original budget.

And I'd like to remind people on both sides of the aisle that in each of the last 6 years, each of the last 6 years, the President, rightly, signed transportation and housing budgets into law that were above his initial request. The irony here is that in fiscal year 2003, the President signed into law the transportation and housing budgets that were over $9 billion above his request. Ours is 3, on budget authority. And in fiscal 2004 it was $4.2 billion above his request, and in fiscal 2006 it was $7 billion above the President's request.

□ 1630

And he did that at times, he signed those bills, without a whimper, without any objection, when the deficits, the budget deficits, were much larger than they are today. This bill is a responsible piece of legislation, and I hope that it will be adopted.

Mr. Speaker, I would like to yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), who is the authorizing Chair for the housing portion of this legislation.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Prior to my speaking, Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. WEINER). The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. Are we debating the Defense appropriations bill here?

The SPEAKER pro tempore. We are debating the conference report on H.R. 3074.

Mr. FRANK of Massachusetts. Is the subject matter of that HUD or Defense?

The SPEAKER pro tempore. The Clerk has reported the title of the bill. Would the gentleman like it to be restated?

Mr. FRANK of Massachusetts. Yes.

The SPEAKER pro tempore. The Clerk will re-report the title of the bill.

The Clerk read the title of the bill.

Mr. FRANK of Massachusetts. I thank you, Mr. Speaker.

I was confused, Mr. Speaker, because I had to go up to the Rules Committee and I came back and I heard the gentleman from California saying stop throwing money at the problem, that's not the way to solve the problem. And when I think about what we're throwing money at, I assumed we were talking about the Defense bill and Iraq and reconstruction, because so much money has been thrown at that, none of us can keep track of it. Then it turns out he's talking about a relatively small increase in CDBG. I certainly agree we should not solve problems by throwing money at them. That, however, led me to think we must be talking about the bill that spends so much more money than anything else and that has had more documented waste and abuse and fraud, the Defense bill and the Iraq spending, than all the other appropriations bills put together.

As to this bill, now that I know what we're talking about, not to be taken for granted on the floor of this House, I want to be congratulate the gentleman from Massachusetts for doing an excellent job with the limited resources he was given, far too limited.

There is an increase in here for the Community Development Block Grant program. The President apparently wanted to continue his path of reducing Community Development Block Grants, having them be lower than they were years ago when he came into office. In fact, that is a very important program for our municipalities, and I am very pleased to see that it is not being reduced.

As to section 8, every year when the Republicans were in power, we would approach the point when we were running out of section 8s. And as a member of the committee that has the authorization role here, we would hear from Members, Democratic and Republican, about the importance of keeping this going. Now, I agree it should be improved. And what we have done here in this House, we began something last year but we finished it this year and sent it to the Senate. We passed a bill we called SEVRA, the Section 8 Voucher Reform Act. So, yes, we think there should be reform. This House has passed on a bipartisan basis, support from everybody in the authorizing committee, a bill to improve it. So we are trying to make things better. And I guarantee you that you will not find anywhere under HUD, and I know a lot about that department, anything like the wanton expenditure waste that we have seen in Iraq and elsewhere.

What the gentleman from Massachusetts has done in the housing area is sensibly to respond to important needs. I particularly want to say earlier this year, the Secretary of HUD, Secretary Jackson, asked me to meet with a group called ADAPT. These are people who represent people with disabilities. They were concerned about the availability of section 8 vouchers for people with disabilities, particularly those who may have been turned away from public housing projects. In response to that, in collaboration, the bill we have today increases that pool of vouchers. Now, they're not earmarked for that group, and we will have further conversations about how to deal with that, but there are additional vouchers here that the Secretary of HUD came to me and said, look, will you listen to this group and try to respond? And these are vouchers that respond to their needs.

I thank the gentleman from Massachusetts. I wish he was able to throw money at the problem. I wish we had a set of priorities in this country that were more respectful of genuine human needs. But given the limited resources he has, he and his subcommittee have done an excellent job.

Mr. KNOLLENBERG. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, the gentleman that just spoke talked about how the committee had done so well with such limited resources and makes it sound like this is positively a skinflint bill, that we're just making do with what we have.

The truth is we are well over the President's budget that he submitted. Let me just give people a flavor for what's in this bill. This is just a slice of the 150 pages of earmarks, more than 1,000 earmarks that were in this bill, 21 of them air-dropped last night that we had no idea were here until today, but here is just an example of some of them in the House-passed version:

There is $100,000 for the Crystal Lake Art Center in Frankfort, Michigan; $750,000 to the Detroit Science Center in Detroit, Michigan; $300,000 for the Houston zoo; $200,000 for the Huntsville Museum of Art in Huntsville, Alabama; $100,000 for the Los Angeles Fashion District in Los Angeles, California; $150,000 for the Louis Armstrong House Museum in Flushing, New York; $50,000 for the National Mule and Packers Museum in Bishop, California; $150,000 to the Renaissance Art Center, Inc., in Rupert, Idaho; $200,000 to the Fruitvale Cultural and Performing Arts Center in Oakland, California; $100,000 for the 1924 Vaudeville Theater in Plattsburgh, New York; $200,000 for the Hunting and Fishing Museum of Pennsylvania; $100,000 for the Lincoln Museum in Hodgenville, Kentucky.

Mr. OLVER. Mr. Speaker, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Massachusetts.

Mr. OLVER. I thank the gentleman for yielding.

I would just point out that every one that you have recited, and I have listened to probably 18 or 20 of them along the way, every one of them was in the legislation as it passed the House of Representatives.

Mr. FLAKE. That is correct.

Mr. OLVER. They were not air-dropped, as has been suggested.

Mr. FLAKE. No. These were all in the House version, the House version that we had just a couple of days to digest, and we were only able to offer in reality few amendments in keeping with the comity of the House.

This shouldn't substitute for real vetting or real scrutiny when you have earmarks like this. And particularly, I didn't mention and I could read the 21 air-dropped earmarks, the ones that were put in last night that because the majority has waived the rules, we have no ability to actually challenge. We don't know if these earmarks are meritorious or not because they were air-dropped in last night. I'm reading these that were in the House-passed version of the bill.

Let me read through a few more and maybe this will clarify it: $150,000 for the Atlanta Botanical Gardens in Atlanta, Georgia; $275,000 for the Berkshire Music Hall in Pittsfield, Massachusetts; $400,000 to the Bel Alton High School Alumni Association in Maryland; $500,000 for the Los Angeles County Fire Museum in Bellflower, California.

The SPEAKER pro tempore. The Chair will advise Members that the gentleman from Massachusetts has 1 minute remaining. The gentleman from Michigan has 18 minutes remaining.

Mr. OLVER. Mr. Speaker, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Speaker, I reserve the balance of my time.

MOTION TO ADJOURN

Mr. FLAKE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FLAKE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 154, nays 252, not voting 26, as follows:

[Roll No. 1100]

YEAS—154

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rangel
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Young (AK)
Young (FL)

NAYS—252

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Capps
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Regula
Reyes
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—26

Baird
Bono
Capuano
Carson
Cubin
Delahunt
Dingell
Doyle
Gilchrest
Gutierrez
Hunter
Jindal
Levin
Mack
McCollum (MN)
Murphy, Tim
Oberstar
Paul
Ruppersberger
Rush
Sessions
Waters
Watson
Weller
Wilson (NM)
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 1½ minutes remaining on this vote.

☐ 1700

Messrs. PALLONE, MELANCON, POE, REYES, DAVIS of Virginia, TIERNEY and PAYNE and Ms. BERKLEY changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 1100, had I been present, I would have voted "yea."

Stated against:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 1100, I was unable to vote due to medical reasons. Had I been present, I would have voted "nay."

Mr. POE. Mr. Speaker, on rollcall No. 1100, had I been present, I would have voted "nay."

CONFERENCE REPORT ON H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. The gentleman from Massachusetts has 1 minute remaining. The gentleman from Michigan has 18 minutes remaining.

The Chair recognizes the gentleman from Massachusetts.

Mr. OLVER. Mr. Speaker, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Speaker, I yield back the balance of my time.

Mr. OLVER. Mr. Speaker, at this time I would like to enter into the RECORD two more letters, which I have in hand now, one from The United States Conference of Mayors, the National Association of Counties, the National Associations of Local Housing Finance Agencies, the Association for County Community and Economic Development, and the National Community Development Association in support of the conference report on H.R. 3074. And also, the second letter from the U.S. Chamber of Commerce urging support of the conference report for H.R. 3074, signed by the executive director of the U.S. Chamber.

NOVEMBER 14, 2007.

Hon. JOHN W. OLVER,
Chair, Subcommittee on Transportation, Housing And Urban Development and Related Agencies, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CHAIRMAN OLVER: The undersigned organizations of local elected and appointed officials urge passage of the conference report on H.R. 3074 that provides funding of transportation and housing programs at $105.6 billion. Housing and community development is a major challenge. Local government officials know that decent, safe, affordable housing is at the core of family stability and strong neighborhoods. Your bill will assist us in achieving affordable housing and community development goals.

H.R. 3074 provides funding for the Community Development Block Grant (CDBG), HOME Investment Partnerships Program, Public Housing, Section 8, Homeless, and other housing and community development programs. As you know, more than 260 mayors signed a letter calling for increased funding for the CDBG program. HOME continues to be an effective affordable housing program having assisted the development and rehabilitation of nearly 900,000 affordable homes for very low and moderate-income families. These are just two examples of effective programs. Virtually every housing and community development program in your bill can be cited as having an exemplary record.

We urge the House to pass the conference report to the bill, H.R. 3074.

Sincerely,

The United States Conference of Mayors; National Association of Counties; National Associations of Local Housing Finance Agencies; National Association for County Community and Economic Development; and National Community Development Association.

NOVEMBER 13, 2007.

To: The Members of the U.S. House of Representatives:

The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of ever size, sector, and region, strongly urges you to support the conference report for H.R. 3074, the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008." This bill provides the necessary funding to ensure that the U.S. transportation system is the safest and most efficient in the world.

The business community depends on a safe and reliable transportation system to remain competitive and efficient. The nation's transportation system is the foundation of the nation's economy. If the investments necessary to maintain this foundation are not made, the U.S. economy win suffer. The inadequate surface transportation system costs the economy $63 billion annually in lost time and fuel.

H.R. 3074 addresses the enormous demands of the nation's transportation infrastructure system by providing funding for the highway and transit programs authorized by Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which President Bush signed into law two years ago as well as funding for the Federal Aviation Administration to improve the safety, performance and capacity of the nation's aviation system.

While the Chamber strongly supports passage of H.R. 3074, it is important to note that the Chamber is disappointed that H.R. 3074 under-funds public transportation by $81 million. These investments are vital to the safety of our system and the health of the nation's economy. It is imperative that commitments made under SAFETEA-LU be maintained as is required by law.

For these reasons, the Chamber urges you to support the conference report for H.R. 3074 and may consider using votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

Ms. WATSON. Mr. Speaker, the conference report on H.R. 3074 provides critical funding for construction of new roads, repairs, and overall improvements to our Nation's infrastructure. The legislation also provides needed funding for housing vouchers and new vouchers for veterans and disabled and low-income families.

Mr. CONYERS. Mr. Speaker, when it comes to passing a funding bill that has a positive economic impact on our Nation, none is more important than the fiscal year appropriation for the Departments of Transportation, Treasury, and Housing and Urban Development.

America's transportation system is being stretched beyond its capacity. Both public and private usage of highways, transit, and aviation systems are increasing at rates far outpacing infrastructure investment. A decaying surface transportation system costs the U.S. economy $78 billion annually in lost time and fuel while congestion adds significant pollution to the air, and substandard roads claim thousands of lives every year.

By investing $40 billion in the Nation's highway system for construction of new roads, repairs and improvements and $1 billion to address deficient bridges across America, H.R. 3074 honors the commitments to capital investment in highway and public transportation infrastructure made by Congress in the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) and will not increase the Federal budget deficit.

This bill also addresses many of our Nation's pressing housing needs, at a time when we are facing a housing crisis that has directly impacted millions of American homeowners and millions more as the effects have rippled through the U.S. and world economy. National estimates indicate that as many as 2.5 million mortgages will reset to higher interest rates in the near future.

The fiscal year 2008 appropriation for the Department of Housing and Urban Development also addresses the plight of homeless veterans. According to the National Coalition for Homeless Veterans, one out of every three homeless men who is sleeping in a doorway, alley or box in our cities and rural communities has put on a uniform and served this country. By providing $75 million in housing vouchers to homeless veterans, we are beginning to address this problem by providing safe, affordable, permanent housing access to 7,500 of our homeless veterans.

Another housing program strongly supported by my constituents that this bill funds is the Section 8 Project Based Vouchers. If passed the conference report will allocate $6.4 billion, $405 million above 2007 and $568 million above the President's request, to provide affordable housing to 1.3 million low- and very low-income families and individuals, two-thirds of whom are elderly or disabled.

When we pass this bill today and send it to the President, the House of Representatives will be addressing the important challenges of keeping our Nation's transportation system safe and strong, ensuring that every American has adequate shelter, and doing so in a way that strengthens the economy.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this conference report for the Transportation, Housing and Urban Development Appropriations for 2008.

The funding provided in the conference report helps enhance our national transportation system at a critical time. Our transportation system is extended beyond its capacity. Public and private use of highways, transit, and aviation systems are growing far beyond the current level of investment.

I am particularly pleased the agreement provides funds for a number of important projects not just in my own district but throughout Colorado. Our State faces a number of transportation challenges as a result of rapid expansion in the northwest Denver sububs and mountain and resort communities. Without the passage of this conference report, critical transportation and infrastructure needs for Colorado and the Nation will continue to be shortchanged.

I am committed to continue working with the rest of the Colorado delegation, local communities, the Transportation Committee and the administration to secure essential Federal funding to get people and goods from one place to another with a focus on transit and other transportation alternatives, and improving current modes of Colorado's transportation network.

The report also includes a number of important provisions with national implications.

The United States and Colorado are facing a housing crisis that has caused dire impacts to millions of homeowners. Very often a home purchase represents the largest single investment that individuals and families will make in their lifetimes. Homeownership is a cornerstone of the American Dream, and Congress needs to treat it as a top priority. I am pleased the report provides additional funding for counseling assistance for at-risk homeowners. Funding in the bill will assist thousands of borrowers with mortgage changes and restructuring to help them keep their homes.

I am also pleased the report makes changes to inequities in the retirement age of U.S. pilots. Like the Senate bill, the report raises the mandatory retirement age for pilots to 65, with certain exceptions. I supported similar provisions that passed the House in the reauthorization of the Federal Aviation Administration. We must take urgent action to ensure that more competent pilots are not lost.

Mr. Speaker this legislation is far from perfect but by passing the conference report, Congress will maintain its commitment to a safe, efficient and competitive transportation system that will fuel job creation. I urge its passage today.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of this final FY 08 Transportation-HUB Appropriations Conference Report for the key infrastructure investments it makes and the housing support it provides.

In the aftermath of the 1–35 bridge collapse in Minneapolis this summer, it should be clear to every American that we can no longer afford the Bush Administration's policy of deferring needed maintenance to our nation's infrastructure—or shrink from the infrastructure investments necessary for the safe and vibrant America we are committed to building in the 21th century.

That's why this bill invests $40.2 billion to improve and maintain our Nation's highways, including an additional $1 billion to ensure the safety of our bridges. Additionally, we allocate $9.65 billion to the Federal Transit Administration for capital improvements to our commuter and light rail systems in order to encourage the use of mass transit, alleviate traffic congestion and reduce pollution. We wisely reject President Bush's effort to bankrupt Amtrak and instead provide $1.45 billion to support our national rail system and the 24 million passengers it serves. And we provide $3.5 billion for vital airport modernization initiatives designed to expand airport capacity, make critical safety improvements and expand noise mitigation efforts.

On the housing front, we fund 15,500 new vouchers for vulnerable populations like low-income families, homeless veterans and the disabled. We spend $145 million—or $29 million over the President's request—to protect children from lead poisoning. We invest $3.79 billion in the Community Development Block Grant, CDBG program to revitalize neighborhoods across the nation. And we allocate $200 million to the Neighborhood Reinvestment Corporation for its work counseling the estimated 2.5 million homeowners at risk of foreclosure as a consequence of the ongoing subprime mortgage crisis.

Mr. Speaker, I am pleased to support this conference report.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to support H.R. 3074, the FY08 Transportation and Housing and Urban Development Appropriations Bill, but to voice my concerns over the lack of a provision omitted from the final conference report.

The Conference Report before us today addresses many of the problems facing Americans today. It helps to provide affordable housing for those Americans who need it most and modernizes our transportation infrastructure to enhance safety on our Nation's roads, our railways, and airplanes. This legislation also works to ensure the viability of mass transit operations throughout the Nation, all of which are necessary to reduce traffic congestion, lessen our dependence on foreign oil, and reduce our contribution to global warming. This is a strong, essential bill, and I will be supporting its passage, but I would like to express one concern I have with the conference report.

As a way to provide Federal housing assistance to tribal members in a way that recognizes self-determination and self-government, Congress enacted the Native American Housing Assistance and Self-Determination Act and as part of it, the Indian Housing Block Grant, IHBG, program. This program provides an allocation of funds on a formula to help tribes address their housing needs. Beginning in 2000, the Census allowed respondents to claim that they are American Indian Alaska Native in combination with other racial groups, or AIAN only. In response, HUD shifted the basis for the needs portion of the IHBG distribution from single-race to multi-race.

This unilateral decision by HUD to change its distribution formula has adversely impacted many of our Nation's tribes, as there was a large shift in funding among NAHASDA recipients. Compounded with the little to no funding increases that Native American housing programs have received in the past several years, tribes and their housing entities have been left without the resources they need to provide housing services for their members. This year's House passed T–HUD appropriations bill recognized that this change has adversely impacted many Native American tribes. Additionally, it directed the GAO to conduct a study to analyze the impact of these funding changes and report its findings to Congress. Unfortunately, the Conference Report removed the language requiring the study.

One of the greatest challenges facing Native Americans is the lack of sufficient housing. Approximately 40 percent of on-reservation housing is considered inadequate—often overcrowded and lacking basic facilities, such as electricity and plumbing. The study requested by the House only asked the GAO to study the impact of funding changes on the housing needs of tribal communities, and I do not see how this study could do anything but help. We must have all information possible as we continue to address the need for adequate housing on tribal lands.

Mr. OLVER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. LEWIS of California. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LEWIS of California moves to recommit the conference report on the bill, H.R. 3074, to the committee of conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 182, nays 231, not voting 19, as follows:

[Roll No. 1101]

YEAS—182

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—231

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall

Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—19

Bono
Carson
Cubin
Doyle
Gutierrez
Hunter
Jackson-Lee (TX)
Jindal
Keller
Langevin
Levin
Mack
Miller (NC)
Oberstar
Paul
Ruppersberger
Sessions
Watson
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining on this vote.

□ 1718

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 1101, I was unable to vote due to medical reasons. Had I been present, I would have voted "nay."

Ms. JACKSON-LEE of Texas. Mr. Speaker, on the previous motion to recommit vote, in light of the new extraordinary and difficult and strenuous voting time, I was unavoidably delayed in an Iraq briefing. If I was present, I would have voted "nay" on the motion to recommit on the Transportation-HUD appropriations bill.

Mr. LANGEVIN. Mr. Speaker, during the previous vote on the motion to recommit, number 1101 on H.R. 3074, I was unavoidably detained and I missed that vote. I would like the record to show that I would have voted "nay."

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 270, nays 147, not voting 15, as follows:

[Roll No. 1102]

YEAS—270

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—147

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
English (PA)
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shimkus
Simpson
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOT VOTING—15

Bishop (UT)
Bono
Carson
Cubin
Doyle
Gutierrez
Jindal
Levin
Mack
Oberstar
Paul
Ruppersberger
Sessions
Watson
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (during the vote). Members are advised they now have less than 2 minutes remaining in which to cast their vote.

□ 1725

Mr. TURNER changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 1102, I was unable to vote due to medical reasons. Had I been present, I would have voted "yea."

Ms. WATSON. Mr. Speaker, this afternoon I was unavoidably detained and could not cast my vote for H.R. 3074, on agreeing to the Conference Report for the Departments of Transportation, and Housing, and Urban Development and Related Agencies Appropriations for FY 2008.

Had I been able to cast my vote, I would have voted "yea" for H.R. 3074.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 258. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of H.R. 1429.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the 2 Houses on the amendment of the Senate to the bill (H.R. 1429) "An Act to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.".

PROVIDING FOR CONSIDERATION OF H.R. 4156, ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008

Mr. McGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up H. Res. 818 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 818

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4156) making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 4156 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1730

The SPEAKER pro tempore (Mr. TIERNEY). The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

I yield myself 6 minutes.

GENERAL LEAVE

I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 818.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, House Resolution 818 provides for consideration of H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations Act of 2008. The rule provides 2 hours of debate and provides for one motion to recommit.

Mr. Speaker, the war in Iraq has gone on for nearly 5 years. Thousands of our brave men and women have lost their lives. Many more thousands have returned home with injuries so severe that they will require a lifetime of medical treatments.

We have spent hundreds of billions of dollars on the war, virtually none of it paid for, almost all of it on our national credit card. That means that the bill will be paid for not by us, but by our kids and our grandkids.

The war has diminished our standing in the world. It has distracted us from the war in Afghanistan, the very place where those responsible for 9/11 are now regrouping. And it has put incredible strain on the readiness of our Armed Forces.

The President of the United States and many of my Republican friends have argued fiercely over the years for a blank check. They want no strings, no conditions, no benchmarks, no end dates, no accountability, no nothing.

Today, they will tell us that the President's strategy is working; that the recent decrease in deaths and casualties in certain areas of Iraq prove it, and, therefore, we should provide yet another blank check.

Mr. Speaker, let me caution my friends about declaring "mission accomplished" yet again. While all of us pray that the violence continues to subside, we should also appreciate history enough to know that lulls in intense violence are not always permanent. Let me also state that the current levels of violence in Iraq are still unacceptably high.

As Joe Christoff of the Government Accountability Office recently testified, this recent reduction in violence should be put into the proper context as it coincides with increased sectarian cleansing and a massive refugee displacement. Let me quote:

"You know, we look at the attack data going down, but it's not taking into consideration that there might be fewer attacks because you have ethnically cleansed neighborhoods, particularly in the Baghdad area. It's produced 2.2 million refugees that have left, and it's produced 2 million internally displaced persons within the country as well."

Mr. Speaker, we must remember that the justification for the surge and the justification for the Bush military strategy in Iraq has always been to foster Iraqi political reconciliation. And there is precious little evidence of any such thing.

Over 10 months ago, President Bush said, "A successful strategy for Iraq goes beyond military operations. Ordinary Iraqi citizens must see that military operations are accompanied by visible improvements in their neighborhoods and communities. So America will hold the Iraqi Government to the benchmarks it has announced."

But, Mr. Speaker, as the GAO reported last month, "Iraq has not yet advanced key legislation on equitably sharing oil revenues and holding provincial elections. In addition, sectarian influences within Iraqi ministries continue while militia influences divide the loyalties of Iraqi security forces."

Mr. Speaker, the Maliki government continues to be corrupt, inept and without the support of the vast majority of the Iraqi people. When will the Bush administration live up to its word and hold the Iraqi Government accountable for its actions, or inaction?

The fundamental crisis facing Iraq remains the same: The inability of Sunni, Shiites and Kurds to agree to set aside their sectarian divisions and live in peace. As long as we remain there indefinitely, Mr. Speaker, there is no incentive for anything to change.

Mr. Speaker, our soldiers have already given so much to create an opportunity for the Iraqi Government, an opportunity that that government has squandered. So, today, we are saying we want a different course. We reject the President's vision of an endless war that will cost more lives and bankrupt our Nation.

Today, we will vote on a bill that requires the redeployment of U.S. troops from Iraq to begin within 30 days of enactment, with a target for completion of December 15, 2008. It would prohibit the deployment of U.S. troops to Iraq who are not fully trained and equipped. And it changes the mission of our forces.

It also extends to all government agencies and personnel the limitations in the Army Field Manual on permissible interrogation techniques, which means that torture will be absolutely banned, and anyone who engages in such practices will be committing a crime under U.S. law, no ands, ifs or buts.

Mr. Speaker, it is no longer acceptable for Congress to simply write yet another blank check. It is not acceptable for the President to simply run out the clock and hand this problem off to his successor.

This is a war that George Bush started, and this is a war that he needs to end. For the sake of our troops, for the sake of our country, we need to support this legislation. Enough is enough.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and I rise to express my appreciation to my friend from Worcester for yielding me the customary 30 minutes.

Mr. Speaker, as I listened to my long-time Rules Committee colleague, the gentleman from Worcester, I am reminded of a great speech that was delivered last Friday. Last Friday, our very distinguished colleague, the Senator from Connecticut, JOE LIEBERMAN, in an address, said something that I think encapsulates exactly what we just heard from my very good friend.

Senator LIEBERMAN, in speaking of the Democratic Party, and he is now an independent Democrat, sometimes I see him listed as a Democrat, I know he organizes with the Democrats, he is listed as an independent as well, he said, "The Democrats are emotionally invested in a narrative of defeat."

Mr. Speaker, I have got to say as I listened to the words of my colleague from Worcester, I can't help but think that Senator LIEBERMAN was right on target when he used that language, "emotionally invested in a narrative of defeat." I was so struck with that when I heard it that I committed it to memory, and I think, again, it really takes on exactly what we have just heard.

It comes as no surprise that I rise in very, very strong, vigorous opposition to this rule and the underlying legislation as well. We have had 40 votes on Iraq policy, and today's bill brings us to vote No. 41. Not one, Mr. Speaker, not one of the withdrawal bills went through the normal legislative process. Not one, not one of these 41 measures is the product of a committee markup. Not one got its own hearing. Not one has been brought up under an even slightly open process, allowing for amendment, and consequently not allowing for any kind of real debate.

Mr. Speaker, most telling of all, not one has been enacted into law.

Now, we all know that the Democrats control both the House and the Senate, and still they cannot produce a single legislative victory on Iraq. Not once, not twice, not 10 times. Forty times. Mr. Speaker, 40 times we have gone through the motions of their failed, bankrupt strategy. I can't recall a more naked display of demagoguery.

Now we come to vote No. 41. It has all the hallmarks of the Democratic majority's work: no deliberation, no gesture towards bipartisanship, and no hope of being enacted.

But there is something different about the vote this time, and that is context. We are considering this vote in a much different context than we have the 40 previous votes that we have addressed on this. In fact, our colleague in the Senate, JOHNNY ISAKSON, Senator ISAKSON, said this debate was understandable in May. He said in July, it was questionable. He said now it is absolutely ridiculous.

For many months, the situation in Iraq has been very bleak. While there were many promising signs of progress, the turnaround in al Anbar province most notably, the overall picture was one of great challenges and struggles. I have argued repeatedly that a precipitous withdrawal would only create more challenges, and, Mr. Speaker, I have highlighted the signs of progress amid the struggles all along.

But today, the tide is turning in Iraq. We are seeing far more than pockets of success, as my friend has said. We are seeing a dramatic shift in the landscape. It began in al Anbar, as I have said. The Sunni sheiks there turned on al Qaeda, joined with the largely Shiite Iraqi army and with coalition forces, and reclaimed the province. Ramadi, its capital, the city that we have all heard of described as the most dangerous city in the world just a year ago, hasn't had an attack in 3 months. The city and the province are rebuilding. They are constructing small business centers so that the entrepreneurial spirit of Iraqis can flourish once again.

A delegation, including the Anbar governor, the Ramadi mayor, several prominent religious leaders and Ahmed Abu Risha, the brother of Sheik Sattar Abu Risha, the father of the Sunni Awakening, was just here in Washington a couple of weeks ago. They came here, Mr. Speaker, to spend several days receiving training in institution building, good governance, transparency and the rule of law.

Mr. Speaker, these are Anbar's political, business and religious leaders, not coming here to seek security assistance, not seeking military assistance. They have achieved security in al Anbar. Now what they want, Mr. Speaker, is help from us in their quest to build a democracy. But, most important of all, they are serving as a model for the rest of Iraq.

Prior to their trip, they participated with Shiite leaders in a summit in Karbala. Sheiks from Karbala and Najaf, Iraq's two holiest cities for Shiite Muslims, reached out to their Sunni brothers in Anbar and asked for their help in combating al Qaeda. This comes at a time when Sunni and Shiite leaders in Baghdad are reaching out to each other to begin the process of reconciliation as well.

Baghdad's notorious Adhamiya neighborhood that we have heard so much about, formerly the site of some of Iraq's worst sectarian violence, is now a place where Sunni and Shiite sheiks are meeting regularly to discuss how to bring their people together, just the things that my friend from Worcester said are so imperative. They are taking place at this very moment.

Now, all of this has been possible, Mr. Speaker, because of the dramatic drop in violence brought about by General Petraeus' counterinsurgency strategy. This strategy, which included the surge, has resulted in months of plummeting IED attacks, plummeting American troop deaths, plummeting Iraqi civilian deaths, and plummeting sectarian attacks.

Many of my colleagues have pointed out that this has been the deadliest year for American troops yet in Iraq, and, Mr. Speaker, I will acknowledge that this has been the deadliest year for American troops in Iraq. And it is true over the past year we have tragically seen that great number. But that does not reflect what is happening now in this post-surge world.

□ 1745

The past few months have seen the most dramatic decline in the deaths of American troops because we have had a new strategy. Mr. Speaker, we have had a new strategy, and that strategy is working. And perhaps most important for all of us, that strategy has enabled our military commanders to begin a drawdown in U.S. troop levels.

Not because of artificial timetables. Not because of the micromanagement of Members of Congress from the comfort of our offices thousands of miles away from the front lines. But by empowering our commanders on the ground, they have created a stable security situation that is allowing for both the beginnings of Iraqi reconciliation and the safe withdrawal of our troops.

Mr. Speaker, the big question for today is this: Will the dramatic improvement in Iraq prove to be a true turning point or nothing more than a lull in the war? I don't know the answer to that. Neither outcome is a foregone conclusion. Whether it is a major turning point in the war or just a lull, no one knows for sure. What we do know now will profoundly affect the future of Iraq. Will we fund our troops and empower our commanders to continue to do what is best for our long-term interests? Or will we pull the rug out from under them now at the precise moment they have achieved what we have asked of them?

As one of my friends just said to me, it seems like our friends on the other side of the aisle want defeat before we can win.

For my colleagues who would resort to the latter option out of political expediency, Mr. Speaker, let me remind them of another war our men and women are fighting. Today our troops are also battling a very real enemy in Afghanistan.

We got a terrible reminder just a few days ago of the viciousness of that fight when 6 of our counterparts, members of the Afghan Parliament, were brutally targeted in the worst attack in Afghanistan's history, and I would like to express my appreciation for the bipartisan support that my colleague, DAVID PRICE, and I offered as leaders of the House Democracy Assistance Commission.

We have been working with those parliamentarians in Afghanistan, and we are hoping to work with those in Iraq as soon as possible. And we once again express our condolences to the people of Afghanistan who have suffered the single worst attack in their nation's history when a week ago yesterday 6 parliamentarians and 44 other people were brutally murdered.

Let me also remind my colleagues that this war that we are seeing in Afghanistan is not our first war in Afghanistan. Many of us were intricately involved in their war against the Soviets in the 1980s, many Members who are still here today. And what did we do after the Soviets were defeated? We withdraw and left the Afghans to fend for themselves.

Mr. Speaker, we cannot forget that democracy is hard work. For over a decade, unfortunately, in Afghanistan we indulged in the luxury of ignoring what was going on there. And then on a sunny Tuesday 6 Septembers ago, 3,000 Americans paid a horrible price for that mistake.

Mr. Speaker, we cannot refuse to learn from history or we are doomed to repeat it. Our support for our troops in Iraq has earned us a far more stable, secure situation. And yet what does the Democratic leadership propose to do? Their bill would reward our military commanders' success by cutting them off.

It would provide constitutional protections for terrorists, while leaving our veterans, including Iraq veterans, without funding. It would force the same disastrous, shortsighted withdrawal that led to the terrorist sanctuary in Afghanistan. It would do all of this at a time when we are achieving not just pockets of success in Iraq but broad-based improvements, and at a time when Republicans have been trying every possible means to get an appropriations bill for our veterans to the President, which he will certainly sign if we can ever get it to him.

Mr. Speaker, the Democratic majority's priorities, foolhardy policies, and constitutional rights for terrorists have never been so out of whack. I suppose we can take comfort in the fact that this is all a meaningless charade that will never be enacted, because we all know this will never be enacted. But that is a hollow comfort when we consider our troops in harm's way and our veterans in need.

Mr. Speaker, it is a very cruel comfort for the families of those who have made incredible sacrifices in this war.

I often think of my good friend, Ed Blecksmith, a former marine and the father of JP Blecksmith, also a marine, who died in November 2004 just 3 years ago in the very famous battle of Fallujah. I have talked about the Blecksmith family here on the House floor many, many times. I didn't know JP, but from everything that I have read, and I have a recent article that has just come out about him, he was a very talented young man with a very bright future. He had so many opportunities before him, and he chose to be a marine because he wanted to serve as his father had done. His family proudly, but soberly, supported him. As a former marine, Ed Blecksmith knew in a very real way the cost of war. JP Blecksmith would not return to his family, having made the ultimate sacrifice.

And his father said something to me that I will never forget. He looked me in the eye and asked me to make sure that we complete his son's mission in Iraq. He has said to me on countless occasions, You must complete the mission or my son JP will have died in vain.

Mr. Speaker, it is deeply heartening to see the beginnings of victory. And no, I am not saying "mission accomplished" or anything like that because we know full well that we have difficult days ahead. But it is deeply heartening to see the beginnings of victory in Iraq, for JP's sake and for the sake of all who have paid a very dear price.

We have a profound responsibility to allow our commanders to continue on this path.

Mr. Speaker, after 41, 41 wasted efforts, I can only hope that the Democratic leadership will finally abandon empty demagoguery for substantive legislation, meaningful debate, and a quest at bipartisanship so we can work with the President to come to an agreement. Until that time, I urge my colleagues to reject this closed rule and the terribly wrongheaded policy that it seeks to shield.

[From Details, Holiday 2007]

THE FALLEN: 2ND LIEUTENANT JP BLECKSMITH, 24

(By Jeff Gordinier)

On the night before 2nd Lieutenant JP Blecksmith shipped out to Iraq, after his family took him out for dinner in Newport Beach, California, his older brother, Alex, picked up a pair of clippers and shaved JP's head. When that was done and JP looked ready for combat, Alex gave his brother a hug. Then Alex climbed into JP's green Ford Expedition and drove it north, back to the family's house in San Marino, weeping part of the way. He had a feeling. So did his parents. A premonition. They didn't talk about it much, but two months later, in November 2004, when JP joined a wave of U.S. Marines roaring into the city of Fallujah as part of Operation Phantom Fury, the feeling intensified.

On the night of November 10, Blecksmith and his closest friend in Iraq, Lieutenant Sven Jensen, slept on a rooftop in Fallujah. It was, miraculously, a quiet night, and chilly. They got a decent night's sleep. They awoke just before sunrise and were amused to find a small pet bird with green wings and a yellow belly perched a couple of feet away from their faces. Jensen took a picture of the bird. There were other ones like it all over Iraq, because when U.S. troops were searching abandoned houses, they often found cages that had been left behind. The soldiers let the birds go free so they wouldn't starve to death.

Hours before, JP had sent a letter to his girlfriend, addressing it formally, as always, to "Ms. Emily M. Tait." In it he wrote, "By the time you receive this, you will know we have gone into the city. We've been preparing for it the last few days, and my guys are ready for the fight, and I'm ready to lead them. It'll be hectic, and there will be some things out of my control, but the promise of you waiting at home for me is inspiring and a relief." Now he was in the thick of it. Blecksmith and Jensen came down from the roof, ate their MREs for breakfast, and got their orders. Before the invasion the battalion commander, Colonel Patrick Malay, had given his men an analogy: "'Imagine a dirty, filthy windowpane that has not been cleaned in hundreds of years,'" he recalls saying. "That's how we looked at the city of Fallujah. Our job was to scrub the heck out of that city, and then take a squeegee and wipe it off so that it was clean and pure." Most of Fallujah was empty, and anyone left in the city was presumed to be an insurgent.

Blecksmith and the other members of the India Company of the Third Battalion, Fifth Marines Regiment, moved south through the city, with their blood types scrawled in indelible marker on the sleeves of their uniforms. The streets smelled terrible—a stubborn aroma of rotting food and bodies. Late in the day on November 11, things started to go wrong. A marine in Blecksmith's platoon, Klayton South, was shot in the mouth by an insurgent when he kicked open the door of a house. Blood gushed from his mangled teeth and tongue. The medics cut into South's throat to give him an emergency tracheotomy. (He survived. He's since had more than 40 operations to repair the damage.) "It shook the platoon up," Jensen says now, "and JP was the most in-control person I saw. He had a sector to clear, so he rallied his guys and said, 'Okay, we've got to continue clearing.'" Blecksmith's and Jensen's platoons moved off in different directions, and the two friends shot each other a glance. "I'll never forget looking at his eyes the last time I saw him," Jensen says. "He turned and he gave me almost an apprehensive look, like, Oh, s-it, we've got some s-it going on. I wanted to say 'Hey, I'll see you later.' But I didn't say anything to him."

Minutes later, Blecksmith led his platoon into a house and climbed a flight of stairs to the roof to survey the surrounding landscape. Shots came from a building across the street. Blecksmith stood up to direct the squads under his command, shouting at them to take aim at the enemy nest. He was tall, and was now visible above the protective wall. "He was up front a lot, and he made a big target, and we'd talked to him about that," Colonel Malay says. "He exposed himself consistently to enemy fire in the execution of his duties. He displayed a fearlessness to the point that we had to talk to him about the fact that nobody is bulletproof."

As Blecksmith stood on the roof, a sniper's 7.62-mm bullet found one of the places on his body where he was vulnerable. It was a spot on his left shoulder, less than an inch above the rim of his protective breastplate. The bullet sliced downward diagonally, coming to rest in his right hip, and along the way it tore through his heart. "I'm hit," Blecksmith said. He fell. He raised his head for a moment, and that was it. A Navy medic got to Blecksmith immediately, but he was already dead, and his men carried his heavy body back down the stairs. He was 24.

That night in San Marino, Alex Blecksmith came home from work and noticed that the house was dark. He opened the front door and saw his mother, Pam, sitting at the kitchen table with a couple of marines in dress blues and white gloves, and he heard the phrase "We regret to inform you . . ."

The funeral was so magnificent, so full of pageantry, that at times it was difficult for Alex to remember that the guy being buried was his brother. The Marines do it right when it comes to honoring the fallen. They do it so right that you can get swept up in the ceremony and feel as though you're watching a parade. The funeral took place at the Church of Our Saviour in San Gabriel—the church where the most celebrated of San Marino's favorite sons, General George S.

Patton, had been baptized as a baby. As the flag-draped casket was carried out of the sanctuary and into the California sun, a long, silent line of almost 2,000 people followed. There were marines and midshipmen and local firefighters in uniform. There was a 21-gun salute. Four World War II fighter planes swooped toward the cemetery in the "missing man" formation—just as they passed over the funeral, the fourth plane symbolically split from the quartet and veered into the sky. A bagpiper played a Scottish dirge. One of JP's old friends would later observe that the day, in all of its glory and pomp, made him think of Princess Diana's wedding.

As public support for the war in Iraq wavers, it's easy to forget that people like JP Blecksmith even exist. The American military is so predominantly blue-collar that we tend to assume that the sons and daughters of the rich never voluntarily die in warfare anymore. Blecksmith was born in September 1980, just weeks before his state's own Ronald Reagan was elected president, and he spent most of his youth in the small Los Angeles County town of San Marino during what felt, for many of its wealthy and conservative inhabitants, like something of a "Leave It to Beaver" golden age. To look at a photograph of him, blue-eyed and suntanned and grinning, is to understand the enduring magnetism of the word "California." He stood six foot three and weighed 225 pounds. His chest was a keg; his biceps were gourds. His biography reads as though it were scripted by a Hollywood publicist: legendary quarterback on the Flintridge Prep football team, track star, graduate of the United States Naval Academy.

His father, Ed Blecksmith, who is 64, runs an executive-recruiting firm in Los Angeles. He and Pam met in the early seventies, while both were working in the White House. Along a wall leading into their kitchen hang framed Christmas cards from Dick and Pat Nixon. "Here's a kid," Ed says, "who didn't need to do this." It's as though JP were transplanted into our world from the Eisenhower years. Somehow, in an ironic age of Jon Stewart and "South Park," the guy grew up in a kind of pre-Summer of Love bubble in which young men of strength and valor still yearned to distinguish themselves on the battlefield. He was groomed, in a sense, for something that no longer exists, at least not for guys who grow up in the wealthiest zip codes in the country. He believed in ideals of duty and sacrifice that have become, for many men, anachronistic and even unfathomable.

"I was in awe," says Peter Twist, Blecksmith's closest friend since preschool. Twist played wide receiver to Blecksmith's quarterback on the Flintridge Prep football team; a local newspaper called the duo "Fire & Ice." Blecksmith was known for being fast, composed, smart, and unflappable, and his giant arms could propel the ball a good 80 yards down the field. If he had an athletic flaw, it was that he was aware of his own flawlessness. "He had such personal confidence," says Tom Fry, a mentor to Blecksmith in high school and one of the assistant coaches on his team. "He felt that if all the stars aligned, there was nothing he couldn't do—it was JP's world." When they graduated in 1999, Twist and a couple other teammates went off to the University of Arizona, where it's safe to say the prospect of partying was on their minds, while Blecksmith opted for the rigors and restrictions of Annapolis. "I was stoked for the man" says Twist, 26, who lives in Newport Beach and works in the mortgage business. "Most of us are still trying to figure it out, but JP always had a goal."

November 11, the date on which JP Blecksmith died, was noteworthy for other reasons. It's Twist's birthday. It also happens to be the birthday of General Patton, who grew up in San Marino and holds a prominent place in the town's history. This coincidence has only bolstered the mythology of JP Blecksmith—a feeling that it was his destiny to die in combat. The Blecksmiths have a statue of Patton on a shelf in their home, and it becomes clear in conversation that Ed, a decorated Vietnam veteran himself, sees a kind of mystical link between the fate of his son and the military, triumphs of the legendary general (who was a passionate believer, it just so happens, in reincarnation).

Indeed, JP Blecksmith fit the "hero" mold in such classic, square jawed American style that a kind of cult of JP has begun to develop in San Marino. They give out awards in his name at the local schools. On the Fourth of July, San Marino hosts a JP Blecksmith 5K run. A Marine Corps training center in Pasadena has been christened Blecksmith Hall. On a hot Sunday morning this past August, Alex parked his brother's Expedition in the cemetery and walked across the grass to the pale granite stone that says JAMES PATRICK BLECKSMITH. An elderly man wandered over to the headstone, hand in hand with a grade-school kid who had a blond Mohawk, and told Alex, "I never met JP, but I go by here and show my grandson his grave"

THREE YEARS AFTER BLECKSMITH'S death, his bedroom still looks the way it did when he left for Annapolis in 1999. There's a Green Bay Packers poster over the bed, a dense forest of athletic trophies, toy race cars lined up on the dresser. "This is all his stuff from Iraq that they sent over," Alex says, looking down at a cardboard box on the floor. "We haven't gone through it, really."

Ed Blecksmith walks into the bedroom, and within a few seconds his voice is cracking and his blue eyes are growing wet. "It's still tough," he says. "You see all these pictures and things . . ." He insists on sitting down in front of the TV downstairs and watching DVD footage of that magnificent funeral, fighting back a sob at the moment when one of the eulogists, a Navy SEAL, describes JP as having been "the best of the best." Ed has some Fox News footage, too. In it, you can see JP speaking to his men hours before the battle in Fallujah, and that's where you get a brief glimpse of the regular guy behind the mythology. Because there stands JP, in fatigues and a floppy Boonie hat, holding a map, telling his marines to "expect everything you can possibly imagine." When he looks at the camera for a moment, he's smiling.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 20 seconds.

Mr. Speaker, the gentleman from California mischaracterized my position and what I am invested in. I am invested in what is best for this country, Mr. DREIER. And I am invested in what is best for our troops. And I am opposed to this Bush policy of an endless war, and I think it would be a mistake for this Congress to give this President another blank check.

This is not a meaningful charade, Mr. DREIER. Those of us who are arguing for this legislation want to bring this war to an end.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me time.

Mr. Speaker, today's debate is not about political calculation. It is not about public appearance or ready-made slogans. It is not about approval ratings or polls.

Today's debate is about the very future of this country that each one of us loves so dearly. It is a fork in the road. It is a rare opportunity for each of us to chart the course of the Nation we serve by casting a single vote.

Today we can vote for the status quo in Iraq or we can vote for change. For me, this choice is simple. I will vote for change.

The war in Iraq has divided our country for nearly 5 years, longer than our participation in World War II. Its monetary cost has already reached dizzying heights. Measured in casualties lost, lives forever altered, the toll of this war is truly staggering.

That is why we must transcend politics and party loyalty when we vote today. An issue of this magnitude requires each one of us as Members of Congress to vote based on our conscience and obligation to represent our constituents.

Mr. Speaker, on this issue my conscience and my constituents speak loud and clear. They say, We must end this war. Bring our troops home and work to restore our international reputation.

I stand here today in support of this rule and the underlying legislation because it accomplishes each of these three goals:

Within 30 days of enactment, it requires an immediate and orderly redeployment of our military from Iraq. No more delays, Mr. Speaker.

With today's bill, Congress stands with the American people in demanding a swift and responsible conclusion to military engagement in Iraq.

I also support this legislation because of what it does in the long term. It recognizes that we have a moral and strategic obligation to help rebuild Iraq, to avoid leaving a country in shambles.

The legislation before us today requires a comprehensive, diplomatic, political, and economic strategy for Iraq. We must work with our international partners to bring stability to Iraq, and this legislation does so. A renewed commitment to diplomacy is not only the right thing to do to fulfill our commitment to the Iraqi people, it also begins restoring our Nation's standing in the world.

I urge all of my colleagues to stand with the American people by voting for the bill before us today. This legislation takes a strong step forward in ending this long and costly war. In doing so, it is worthy of this House, worthy of the constituents we all serve, and worthy of the sacrifices of our soldiers and their families.

Mr. DREIER. Mr. Speaker, as I prepare to yield 4 minutes to my distinguished friend from Redlands, I would simply say that my friend from Worcester never mentioned the word "victory" in his analysis.

Mr. Speaker, I yield 5 minutes to the distinguished ranking member of the Appropriations Committee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TIERNEY). The Chair advises all Members that prefatory remarks before yielding time will be deducted from their time.

Mr. LEWIS of California. I appreciate the Speaker's help in this matter, but in the meantime, I appreciate my colleague yielding.

Mr. Speaker, the wheels have finally come off the appropriations process. One need only to look at the sorry state of affairs in which we find ourselves as we address these appropriations bills.

Earlier today, the House passed a Transportation-HUD appropriations conference report that is $3 billion over the budget request. The President has said he will veto this legislation.

Tomorrow the House will vote to sustain the President's veto on a bloated Labor-HHS bill that is $10 billion over the budget request. That will essentially send the bill back to the drawing board.

And if that is not enough, consider this. It is now 3 days after Veterans Day and there is still no sign of the majority moving to considered the MilCon-VA bill, a freestanding bill identical to the MilCon-VA conference report that was removed from the Labor-HHS conference report by a point of order in the Senate, by the way, in the other body.

That bill was introduced by Congressman WICKER this week. This legislation, which the President said he would sign, could be brought to the House floor today. It now appears that a Democrat majority has no intent of bringing this legislation to the floor before Thanksgiving.

The appropriations process this year has been reduced to what Shakespeare might refer to as "a tale full of sound and fury, signifying nothing."

For all of the time and energy put into these bills this year by Members and our overworked, highly professional staff, the end result thus far is all sound and fury and very little to show for it.

That leads us to the legislation we are now considering, the so-called bridge fund. Frankly, that legislation is so ill-conceived and damaging to our troops, I hardly know where to begin.

First, let me say that we learned that this bill would be considered by the Rules Committee while we were waiting for the Rules Committee hearing on the THUD conference report to begin last night. I was given no notice whatsoever, nor was I provided any opportunity to testify. It is a sad state of affairs when the ranking member of the Appropriations Committee isn't even given the courtesy of paper notice to testify on legislation as important as this. I can't imagine the wails and screaming I would have heard last year if the ranking member had been put in that position.

The House is being asked to consider a funding bill that reflects the priorities of Speaker PELOSI and a deeply divided, extremely left-leaning Democratic Caucus. It attempts to bridge these widening divisions over the war in Iraq through providing funding only on the condition that troops are withdrawn beginning 30 days after the bill's enactment.

□ 1800

Our troops are badly in need of funding to continue their mission, but this legislation ties the hands of our Commander in Chief during a time of war, places military decisions in the hands of the politicians, and micromanages our combatant commanders in whom we place the ultimate responsibility for prosecuting military actions.

If the majority's goal is to end the war or withdraw our troops, then that should be addressed in separate legislation. The majority cannot have it both ways, pretending on the one hand to support our troops while on the other hand undercutting our ability to prosecute their mission.

Men and women of good conscience can disagree about the war in Iraq, but on one thing we must all agree: Our men and women in uniform must continue to receive our unqualified support and the resources they need to complete their mission successfully.

By appeasing the wishes of the Out of Iraq Caucus, the Democrat majority has chosen to place partisan politics above the lives and well-being of our troops in harm's way. This action is reckless and irresponsible. There is absolutely no reason why a clean bridge fund could not have been included within the DOD conference report which the President signed yesterday. Again, the Democrat majority chose to place politics ahead of our troops.

My colleagues, consider carefully the consequences of our actions here today. Passage of the bridge fund legislation in its present form will signal to the insurgents and terrorists that the United States doesn't have the political will to continue supporting the fledgling Iraqi democracy. Al Qaeda and other enemies of freedom will simply lay in wait until our troops are withdrawn. And with the collapse of this fragile democracy, our efforts, and the sacrifices of our troops, will have been for nothing.

There is no question that the President will veto this bill. In the meantime, our troops will face the uncertainty resulting from the majority's mixed signals and lack of a clear commitment.

I urge my colleagues to support our troops and oppose this legislation.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin, the chairman of the Appropriations Committee (Mr. OBEY).

Mr. OBEY. Mr. Speaker, the last person in the world I will take lectures from on the appropriations process is the gentleman from California. The fact is that when he was the chairman of the Appropriations Committee last year, they never bothered to send any veterans health care legislation to the President at all. They simply, after the election, shut down the Congress and went home without sending one dime to veterans.

Mr. LEWIS of California. Would my colleague yield?

Mr. OBEY. No, I will not. You've had your time.

Mr. Speaker, I would appreciate not being interrupted. It's a technique which they use on that side of the aisle time after time. I hope it comes out of their time, not mine.

The fact is that they never bothered to send a dime to the needy veterans of the country. And so it was only after the Democrats took control of the House that we added $3.4 billion to the veterans health care budget and sent it to the President, and then later in the year in the regular bill, we have added $3.6 billion more. So I will be happy to compare the record of this party with his party any time on the issue of veterans health care.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from California has 9 minutes remaining. The gentleman from Massachusetts has 19½ minutes remaining.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in support of the rule and the bill because I believe it does two critical and important things.

First, it provides $50 billion to finance military withdrawal from Iraq, to be completed by the end of next year. I voted against the beginning of the war, and I have consistently tried to end America's involvement in the war. Saddam Hussein is gone, there were no weapons of mass destruction, and there was no Iraqi involvement with al Qaeda or with 9/11. Al Qaeda in Iraq is now in shatters and subject to attack by both Shiites and Sunnis and poses no ongoing threat to the United States. We have no stake in the Iraqi civil war, and it is time to end our occupation.

I signed a letter to the President back in July with over 60 of my colleagues vowing not to support any more money for the war in Iraq unless it was for the protection and redeployment of our troops. I believe this bill is consistent with that commitment. The time has come to end the war, and the money we provide should be used only for that purpose.

The second critical thing this bill does is to end torture by the United States Government. By including in this bill the American Anti-Torture Act, which was introduced by Representative DELAHUNT and myself, we are saying, once and for all, no more torture. The law now requires the Department of Defense to follow the Army Field Manual, which bars torture or cruel and inhuman procedures such as waterboarding. This bill extends these limits to every U.S. government agency, including the CIA, and ensures a single, uniform, baseline standard for all interrogations of people under U.S. control. In short, that means no more waterboarding, no more clever wordplay, no more evasive answers, and no more uncertainty with regard to what is allowed and what is not allowed. It is time to restore the honor of the United States and to force the administration to act in a manner consistent with the Constitution.

When this bill is passed, the President could have two options: He could sign this bill and help bring the war in Iraq to a speedy end. Or he could veto the bill, in which case he will have to explain why he is denying funds for the troops. But we will not vote for further funding without a requirement to withdraw the troops as in this bill.

Mr. Speaker, let's end this war and let's end torture. I urge my colleagues to support this bill.

Mr. DREIER. Mr. Speaker, I am happy to yield 5 minutes to my very good friend from Columbus, Indiana (Mr. PENCE), a hardworking member of the Committee on Foreign Affairs.

Mr. PENCE. I thank the gentleman for yielding.

I rise in opposition to the rule and the bill.

The tide is turning in Iraq, Mr. Speaker, but nothing changes on Capitol Hill. Here we go again. Another Democrat plan for redeployment from Iraq, tying some $50 billion in necessary combat funds to a Democrat plan for withdrawal.

With unambiguous evidence of progress on the ground in Iraq, the Democrats in Congress seem to have added denial to their agenda of retreat and defeat. And the evidence of our progress is unambiguous.

I have seen many different Iraqs in my five trips, some hopeful, some not hopeful. But the news coming out of Iraq just in recent days from independent and official sources is encouraging.

U.S. military fatalities are down sharply: 101 Americans lost their lives in uniform in June; 39 in October. Iraqi civilian deaths are down sharply: 1,791 casualties in August; 750 in October. Mortar rocket attacks by insurgents in October were the lowest since February 2006. Iraqi officials say they plan to reduce checkpoints, ease curfews, and open some roads around Baghdad because of the improving security situation. And this weekend, the government of Prime Minister Nouri al-Maliki said that sectarian violence between Shia and Sunni in the neighborhoods of Baghdad has declined by more than 75 percent in the last 12 months. And yet here we are again, another plan for retreat and defeat in Iraq.

And it is not just the official sources that say we have made progress. The Associated Press just reported, "Twilight brings traffic jams to the main shopping district of this once affluent corner of Baghdad, and hundreds of people stroll past well-stocked vegetable stands, bakeries, and butcher shops."

The Washington Post recently wrote, "The number of attacks against U.S. soldiers has fallen to levels not seen since before the February 2006 bombing of a Shia shrine in Samarra that touched off waves of sectarian killing."

And the New York Times noted just last week, "'American forces have routed al Qaeda in Mesopotamia, the Iraqi militant network from every neighborhood in Baghdad,' a top general reported today, 'allowing American troops involved in the surge to depart as planned.'"

I urge my colleagues to reject again this Democrat plan for withdrawal as a part of the supplemental appropriations bill, but I urge my countrymen to give our soldiers a chance. Freedom and stability are beginning to take hold in Iraq. We cannot lose faith in ourselves or in our fighting men and women.

It would be Winston Churchill who exhorted his own people as follows: "Nothing can save England if she will not save herself. If we lose faith in ourselves, in our capacity to guide and govern, if we lose our will to live, then indeed our story is told. If, while on all sides foreign nations are every day asserting a more aggressive and militant nationalism by arms and trade, we remain paralyzed by our own theoretical doctrines or plunged into the stupor of after-war exhaustion, then indeed all the croakers predict will come true and our ruin will be swift and final." So said the man who saved western civilization.

To my countrymen and to my colleagues, I say again: Reject this legislation, give our soldiers in a widening and undeniable success in Iraq a chance, and we will all, Republicans and Democrats, celebrate some day a free and democratic Iraq that will be a legacy for our children and our grandchildren for generations to come.

Mr. McGOVERN. Mr. Speaker, I yield myself 15 seconds.

The gentleman says give the Iraqi Government a chance. We are on our fifth year, Mr. Speaker. Three American soldiers lost their lives in Iraq yesterday, bringing the total to 3,858 deaths. I think we have given them more than a chance.

Mr. Speaker, at this point I would like to yield 3 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentleman for the time.

All of us in this Chamber and in this Nation support our troops. They have fought bravely, with love of this great country uppermost in their hearts. They have done all that we have asked them to do. They have done their job well. And now in this Congress, Mr. Speaker, we must do ours.

The President has indicated that he thinks this war will continue for another decade. But, Mr. Speaker, we must not concede to a 10-year war. Over 3,850 brave American lives have been lost; 163 Ohio soldiers have been killed; more than 28,000 of our Nation's finest have been wounded. The year 2007 has been the deadliest year for U.S. troops since this war began 4½ years ago.

Our troops have been stretched woefully thin, exposing this Nation to greater risk, not less. We have already spent over $450 billion on the war in Iraq. The nonpartisan Congressional Budget Office has estimated that the President's war policies could cost $2.4 trillion in the next decade. And the President insists in getting that money that it come with no strings, no oversight, no accountability, no questions asked. And, in return, he offers to the American people and to our brave troops no end in sight. It is time for a new direction. We must not proceed further down the road to a 10-year war.

This bill requires a transition in the mission of U.S. forces in Iraq from combat to force and diplomatic protection. It provides for targeted counterterrorism operations. And this bill prohibits deployment to Iraq of troops who are not fully equipped and fully trained. It prohibits the use of torture, as described in the Army Field Manual. And it changes direction from the 10-year war plan being offered by the President toward a responsible plan redeploying our troops, while providing our troops with the resources they need.

When I visited Iraq, I saw some of the hardships and the obstacles our troops face, and I also saw the commitment and dedication in each of those men and women. They truly took my breath away. They deserve a policy that is worthy of their commitment and their sacrifice.

The bill before us today gives our troops the support, the equipment, the training they need to responsibly redeploy. It repairs the readiness of our military and refocuses our efforts on fighting terrorism around the world.

Last November, people across the Nation cast their ballots seeking a change in direction. After more than 4 years and countless taxpayer dollars, this Congress has a responsibility to tell this President that the status quo is not acceptable. It's time to bring a responsible end to the war in Iraq and to focus on fighting terrorism and protecting the Nation.

□ 1815

Mr. DREIER. Mr. Speaker, I yield myself 1 minute.

I will say to my colleagues that it's very interesting to listen to this debate, because as we've proceeded, I have yet to hear the word "victory" come from the other side of the aisle at all. I have yet to hear anyone interested in trying to build a democracy.

Now, we saw three elections take place in Iraq, as we all know, with a 70 percent voter turnout.

We know that there are problems there. My friend from Worcester correctly said that we have problems with corruption in government in Iraq. We've had corruption problems in this country as well. But the fact of the matter is we have seen dramatic improvement. There is no doubt about the fact that we've seen improvement.

And I've got to say, Mr. Speaker, that we continue to hear this term "redeployment." That means one thing. It doesn't mean victory. It doesn't mean build a democracy. It means withdraw and lose. And I will tell you, Mr. Speaker, we are determined to ensure that that doesn't happen.

I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, some refer to this as a bridge fund connecting monies from one year to the next to finance this Iraq war.

A bridge is built to overcome an obstacle, and the obstacle here is George Bush. Granting this President 50 billion more dollars without reasonable restrictions to end this war is just building another bridge to nowhere.

Today, instead, we use this funding to build a bridge that brings our troops home by beginning a safe, orderly, phased redeployment from Iraq.

The President can no longer defy our Constitution as the sole "decider." America has decided that he's wrong, dead wrong, too many deaths wrong, and it's elected representatives in this Congress are now declaring "no more blank checks."

Despite the sacrifices of our troops in this deadliest year of the war, this surge has failed completely to achieve its purpose of political progress. "Retreat," you say; you've had a 5-year retreat from political reality. Progress, you say; not in Iraq, not in political reconciliation; progress, perhaps only in your self-defeating propaganda as you repeatedly waved your "mission accomplished" banner.

The continued cost of this war in hemorrhaged blood and $3 billion of taxpayer money every week is not acceptable or sustainable.

Mr. President, no more "cut-and-run". We will not cut these reasonable restrictions from this legislation, and we will not run from your veto threat.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TIERNEY). All Members are advised to address their remarks to the Chair.

Mr. DREIER. Mr. Speaker, I yield myself 15 seconds, and I do so to say I still have yet to hear the term "victory" come from the other side of the aisle. I still have yet to hear anyone talk about the notion of building a democracy in Iraq so that self-determination and the rule of law and the building of democratic institutions can, in fact, have a chance to succeed. And there is no recognition of the fact that we have seen a tremendous number of reduction in IED attacks, and the number of overall attacks has dropped dramatically.

I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in support of this bill to change the mission of the United States Armed Forces in Iraq and undertake their redeployment. It is time to set a real plan to end this war, fought courageously by our troops on the ground, but recklessly mismanaged by our administration at home.

2007 has been the deadliest year for American troops since the start of the war in Iraq; 860 U.S. casualties since January. And almost 1 year after the President announced a so-called surge, the Iraqi Government has made no progress toward political reconciliation and is nowhere near taking responsibility for security in all of its provinces.

Without any progress or end in sight, the cost of the war continues to rise. The recent Joint Economic Committee report estimates the cost of the war at $1.3 trillion from 2002 to 2008; yet just this week the President vetoed critical funds for education, job training and health care, and, yes, he vetoed the children's health care bill.

With its latest $200 billion request for wars in Iraq and Afghanistan, the administration has asked for a total of $800 billion, all paid for with the government's credit card.

Mr. Speaker, with this bill we put forth a plan and a clear path toward change. We require the start of the redeployment of U.S. forces within 30 days of enactment, with a goal for completion of redeployment by December 15, 2008.

It prohibits the deployment of U.S. troops to Iraq who are not fully trained and fully equipped, and changes the mission of U.S. forces in Iraq to diplomatic and force protection, targeted counterterrorism operations, and limited support to Iraqi security forces. And notably, the bill prohibits torture once and for all.

We provide $50 billion to meet the immediate needs of the troops in Iraq and Afghanistan and defer consideration of the remainder of the President's request.

The President and his stubborn Republican allies in the Congress have acted recklessly in Iraq and with our Nation's standing in the world. And the American people pay the price. Our young men and women are paying the price.

The Bush administration rushed to war and never had an exit strategy. If we, in the Congress, do not provide one, who will?

Mr. DREIER. Mr. Speaker, I've still not heard the term "victory" or "building democracy."

I would inquire of the Chair, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 3¾ minutes remaining. The gentleman from Massachusetts has 10¼ minutes remaining.

Mr. DREIER. I think at this juncture I might reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, let me yield myself 30 seconds.

Mr. Speaker, I and everybody in this Chamber, hopefully, wants to see democracy flourish in Iraq. But the fact of the matter is that the status quo isn't producing that. And maybe, just maybe, the corrupt and inept Maliki government will get its act together if it finally realizes that we won't be there forever, that this will not be an endless war.

Our troops have sacrificed enough. They have sacrificed enough.

Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, the American people get it. Over 50 percent of the American people believe that we should now begin a reduction of our troops.

As I listened here on the floor of the house, and I listened to my good friends on the other side of the aisle claiming the me-me's and the I-I's, I hear no one talking about victory.

Victory in what sense? So that we can pound our chests and brag about what this Congress and this President has done?

We're talking about lives here. We're talking about lives. And I am sick and tired of listening to people bragging about who can claim a victory.

Well, my belief is that the soldiers on the battlefield, the most deadliest year that we've ever had, 2006, we buried more than we could ever imagine. Those soldiers have already claimed victory. They took Fallujah. They took Baghdad.

And my concern is why have we not championed the victory of those soldiers? Why haven't we welcomed them home, given them accolades because they have been victorious?

Someone on the other side has not read this bill. This bill allows for a redeployment in an orderly manner, and it demands that the President use these dollars to redeploy.

I am not going to trample on the graves of dead soldiers and continue a war that has no end. That government has the ability in Iraq to diplomatically deal with democracy. We have died so they can deal with democracy.

It is time to end this war now and to bring our soldiers home with the dignity and victory they deserve.

Right now, in the Nation's hospitals, we are seeing the results of his victory. We are seeing soldiers with brain injury, soldiers with no limbs. And we have a broken health care system that can't even address the question of those soldiers with posttraumatic stress brain injury and otherwise.

My voice is gone, but I am tired of this question of victory because I believe, and I have a bill, and I ask my good friend from California to join it, the Military Success Act of 2007 that chronicles the victories of our soldiers.

We can bring them home with dignity. I am not going to tolerate one more dead body. And it is time to end this war and end it now.

Mr. Speaker, I rise today in support of H.R. 4156, introduced by my colleague, Mr. OBEY. I would like to thank him for his ongoing leadership as chairman of the Committee on Appropriations, and on this important issue in particular.

The legislation we are considering today provides our troops with the resources they need, but it does not give the President the blank check he has asked for to fund an endless combat operation in Iraq. Instead of his additional $200 billion, we are considering a $50 billion package, which institutes a redeployment timeline, as well as other critical directives designed to transition our role in Iraq and bring our troops home.

Madam Speaker, the funds provided by this legislation are, crucially, tied to a requirement for the immediate start of the redeployment of U.S. forces. It sets December 15, 2008, as the target date for the completion of the redeployment, and requires redeployment to begin within 30 days of enactment.

As lawmakers continue to debate U.S. policy in Iraq, our heroic young men and women continue to willingly sacrifice life and limb on the battlefield. Our troops in Iraq did everything we asked them to do. We sent them overseas to fight an army; they are now caught in the midst of an insurgent civil war and continuing political upheaval. The United States will not and should not permanently prop up the Iraqi Government and military. U.S. military involvement in Iraq will come to an end, and, when U.S. forces leave, the responsibility for securing their nation will fall to Iraqis themselves. However, whether or not my colleagues agree that the time has come to withdraw our American forces from Iraq, I believe that all of us in Congress should be of one accord that our troops deserve our sincere thanks and congratulations.

For this reason, I extremely please to have worked with the Democratic leadership to include language recognizing the extraordinary achievements of our men and women in uniform. Paragraph 2 of Title I reads, "the performance of United States military personnel in Iraq and Afghanistan should be commended, their courage and sacrifice have been exceptional, and when they come home, their service should be recognized appropriately." I believe that the inclusion of this language makes it clear that we are proud of the accomplishments of our troops, and we look forward to commending them as they return safely home.

I also worked with the Leadership to include the language in Paragraph 3 of Title 1. This paragraph reads, "the primary purpose of funds made available by this Act should be to transition the mission of United States Armed Forces in Iraq and undertake their redeployment, and not to extend or prolong the war." This language makes explicit that this legislation is providing funding for the safe and responsible redeployment of our troops, not for the continuation of combat operations.

This legislation protects our troops, by providing them with the funding they need to safely and successfully redeploy from Iraq. It also prohibits the deployment of forces to Iraq who are not fully trained and fully equipped. In addition, this legislation includes an extension to all U.S. Government agencies and personnel of the current prohibition in the Army Field Manual against the use of certain interrogation techniques.

Mr. Speaker, this bill contains important language that changes the mission of U.S. forces in Iraq to diplomatic and force protection, targeted counterterrorism operations, and limited support to Iraqi security forces. I firmly believe that we must make diplomacy and statecraft tools of the first, rather than the last, resort. We must seek constructive engagement with Iraq, its neighbors, and the rest of the international community, as we work to bring resolution to this calamitous conflict that has already gone on far too long.

Because of my deeply held belief that we must commend our military for their exemplary performance and success in Iraq, I have introduced legislation, H.R. 4020, with the support of a number of my colleagues, entitled the "Military Success in Iraq Commemoration Act of 2007." This legislation recognizes the extraordinary performance of the Armed Forces in achieving the military objectives of the United States in Iraq, encourages the President to issue a proclamation calling upon the people of the United States to observe a national day of celebration commemorating the military success of American troops in Iraq, and provides other affirmative and tangible expressions of appreciation from a grateful Nation to all veterans of the war in Iraq.

Mr. Speaker, we have already expended 3,500 American lives and $400 billion in taxpayer dollars in Iraq. We have occupied the country for over 4 years. And our President continues to push a strategy devoid of clear direction and visible targets, while rejecting congressional calls to solidify an exit strategy.

Last November, the American people clearly stated that they did not want to see an endless conflict in Iraq; they went to the polls and elected a new, Democratic Congress to lead our Nation out of Iraq. I am proud to be a member of the Congressional class that listens and adheres to the will of the American people, as we did when both houses of Congress approved Iraq Supplemental bills that instituted a timetable for U.S. withdrawal. We need a new direction, because we owe our brave, fighting men and women so much more. Washington made a mistake in going to war. It is time for politicians to admit that mistake and fix it before any more lives are lost.

This Congress will not, as the previous, Republican, Congress did, continue to rubber stamp what we believe to be an ill-conceived war. As we continue to receive reports on the situation in Iraq, it is important that we continue to look forward, to the future of Iraq beyond a U.S. military occupation.

Despite the multitude of mistakes perpetrated by President Bush and former Defense Secretary Rumsfeld, our troops have achieved a military success in ousting Saddam Hussein and assisting the Iraqis in administering a democratic election and electing a democratic government. However, only the Iraqi government can secure a lasting peace. Time and time again, the Iraqi government has demonstrated an inability to deliver on the political benchmarks that they themselves agreed were essential to achieving national reconciliation. Continuing to put the lives of our soldiers and our national treasury in the hands of what by most informed accounts, even by members of the Bush Administration, is an ineffective central Iraqi government is irresponsible and contrary to the wishes of the overwhelming majority of the American people.

Our Nation has already paid a heavy price in Iraq. Over 3,810 American soldiers have died. In addition, more than 27,660 have been wounded in the Iraq war since it began in March 2003. June, July, and August have marked the bloodiest months yet in the conflict, and U.S. casualties in Iraq are 62 percent higher this year than at this time in 2006. This misguided, mismanaged, and misrepresented war has claimed too many lives of our brave servicemen; its depth, breadth, and scope are without precedent in American history. In addition, the United States is spending an estimated $10 billion per month in Iraq. This $10 billion a month translates into $329,670,330 per day, $13,736,264 per hour, $228,938 per minute, and $3,816 per second.

For this huge sum of money, we could have repaired the more than 70,000 bridges across America rated structurally deficient, $188 billion, potentially averting the tragedy that occurred August 1 in Minneapolis, Minnesota. We could have rebuilt the levees in New Orleans, $50 billion, protecting that city from future away. They deserve a policy that is worthy of their commitment and their sacrifice.

The bill before us today gives our troops the support, the equipment, the training they need to responsibly redeploy. It repairs the readiness of our military and refocuses our efforts on fighting terrorism around the world.

Last November, people across the Nation cast their ballots seeking a change in direction. After more than 4 years and countless taxpayer dollars, this Congress has a responsibility to tell this President that the status quo is not acceptable. It's time to bring a responsible end to the war in Iraq and to focus on fighting terrorism and protecting the Nation.

□ 1815

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Now, we saw three elections take place in Iraq, as we all know, with a 70 percent voter turnout.

We know that there are problems there. My friend from Worcester correctly said that we have problems with corruption in government in Iraq. We've had corruption problems in this country as well. But the fact of the matter is we have seen dramatic improvement. There is no doubt about the fact that we've seen improvement.

And I've got to say, Mr. Speaker, that we continue to hear this term "redeployment." That means one thing. It doesn't mean victory. It doesn't mean build a democracy. It means withdraw and lose. And I will tell you, Mr. Speaker, we are determined to ensure that that doesn't happen.

I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, some refer to this as a bridge fund connecting monies from one year to the next to finance this Iraq war.

A bridge is built to overcome an obstacle, and the obstacle here is George Bush. Granting this President 50 billion more dollars without reasonable restrictions to end this war is just building another bridge to nowhere.

Today, instead, we use this funding to build a bridge that brings our troops home by beginning a safe, orderly, phased redeployment from Iraq.

The President can no longer defy our Constitution as the sole "decider." America has decided that he's wrong, dead wrong, too many deaths wrong, and it's elected representatives in this Congress are now declaring "no more blank checks."

Despite the sacrifices of our troops in this deadliest year of the war, this surge has failed completely to achieve its purpose of political progress. "Retreat," you say; you've had a 5-year retreat from political reality. Progress, you say; not in Iraq, not in political reconciliation; progress, perhaps only in your self-defeating propaganda as you repeatedly waved your "mission accomplished" banner.

The continued cost of this war in hemorrhaged blood and $3 billion of taxpayer money every week is not acceptable or sustainable.

Mr. President, no more "cut-and-run". We will not cut these reasonable restrictions from this legislation, and we will not run from your veto threat.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TIERNEY). All Members are advised to address their remarks to the Chair.

Mr. DREIER. Mr. Speaker, I yield myself 15 seconds, and I do so to say I still have yet to hear the term "victory" come from the other side of the aisle. I still have yet to hear anyone talk about the notion of building a democracy in Iraq so that self-determination and the rule of law and the building of democratic institutions can, in fact, have a chance to succeed. And there is no recognition of the fact that we have seen a tremendous number of reduction in IED attacks, and the number of overall attacks has dropped dramatically.

I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in support of this bill to change the mission of the United States Armed Forces in Iraq and undertake their redeployment. It is time to set a real plan to end this war, fought courageously by our troops on the ground, but recklessly mismanaged by our administration at home.

2007 has been the deadliest year for American troops since the start of the war in Iraq; 860 U.S. casualties since January. And almost 1 year after the President announced a so-called surge, the Iraqi Government has made no progress toward political reconciliation and is nowhere near taking responsibility for security in all of its provinces.

Without any progress or end in sight, the cost of the war continues to rise. The recent Joint Economic Committee report estimates the cost of the war at $1.3 trillion from 2002 to 2008; yet just this week the President vetoed critical funds for education, job training and health care, and, yes, he vetoed the children's health care bill.

With its latest $200 billion request for wars in Iraq and Afghanistan, the administration has asked for a total of $800 billion, all paid for with the government's credit card.

Mr. Speaker, with this bill we put forth a plan and a clear path toward change. We require the start of the redeployment of U.S. forces within 30 days of enactment, with a goal for completion of redeployment by December 15, 2008.

It prohibits the deployment of U.S. troops to Iraq who are not fully trained and fully equipped, and changes the mission of U.S. forces in Iraq to diplomatic and force protection, targeted counterterrorism operations, and limited support to Iraqi security forces. And notably, the bill prohibits torture once and for all.

We provide $50 billion to meet the immediate needs of the troops in Iraq and Afghanistan and defer consideration of the remainder of the President's request.

The President and his stubborn Republican allies in the Congress have acted recklessly in Iraq and with our Nation's standing in the world. And the American people pay the price. Our young men and women are paying the price.

The Bush administration rushed to war and never had an exit strategy. If we, in the Congress, do not provide one, who will?

Mr. DREIER. Mr. Speaker, I've still not heard the term "victory" or "building democracy."

I would inquire of the Chair, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 3¾ minutes remaining. The gentleman from Massachusetts has 10¼ minutes remaining.

Mr. DREIER. I think at this juncture I might reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, let me yield myself 30 seconds.

Mr. Speaker, I and everybody in this Chamber, hopefully, wants to see democracy flourish in Iraq. But the fact of the matter is that the status quo isn't producing that. And maybe, just maybe, the corrupt and inept Maliki government will get its act together if it finally realizes that we won't be there forever, that this will not be an endless war.

Our troops have sacrificed enough. They have sacrificed enough.

Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, the American people get it. Over 50 percent of the American people believe that we should now begin a reduction of our troops.

As I listened here on the floor of the house, and I listened to my good friends on the other side of the aisle claiming the me-me's and the I-I's, I hear no one talking about victory.

Victory in what sense? So that we can pound our chests and brag about what this Congress and this President has done?

We're talking about lives here. We're talking about lives. And I am sick and tired of listening to people bragging about who can claim a victory.

Well, my belief is that the soldiers on the battlefield, the most deadliest year that we've ever had, 2006, we buried more than we could ever imagine. Those soldiers have already claimed victory. They took Fallujah. They took Baghdad.

And my concern is why have we not championed the victory of those soldiers? Why haven't we welcomed them home, given them accolades because they have been victorious?

Someone on the other side has not read this bill. This bill allows for a redeployment in an orderly manner, and it demands that the President use these dollars to redeploy.

I am not going to trample on the graves of dead soldiers and continue a war that has no end. That government has the ability in Iraq to diplomatically deal with democracy. We have died so they can deal with democracy.

It is time to end this war now and to bring our soldiers home with the dignity and victory they deserve.

Right now, in the Nation's hospitals, we are seeing the results of his victory. We are seeing soldiers with brain injury, soldiers with no limbs. And we have a broken health care system that can't even address the question of those soldiers with posttraumatic stress brain injury and otherwise.

My voice is gone, but I am tired of this question of victory because I believe, and I have a bill, and I ask my good friend from California to join it, the Military Success Act of 2007 that chronicles the victories of our soldiers.

We can bring them home with dignity. I am not going to tolerate one more dead body. And it is time to end this war and end it now.

Mr. Speaker, I rise today in support of H.R. 4156, introduced by my colleague, Mr. OBEY. I would like to thank him for his ongoing leadership as chairman of the Committee on Appropriations, and on this important issue in particular.

The legislation we are considering today provides our troops with the resources they need, but it does not give the President the blank check he has asked for to fund an endless combat operation in Iraq. Instead of his additional $200 billion, we are considering a $50 billion package, which institutes a redeployment timeline, as well as other critical directives designed to transition our role in Iraq and bring our troops home.

Madam Speaker, the funds provided by this legislation are, crucially, tied to a requirement for the immediate start of the redeployment of U.S. forces. It sets December 15, 2008, as the target date for the completion of the redeployment, and requires redeployment to begin within 30 days of enactment.

As lawmakers continue to debate U.S. policy in Iraq, our heroic young men and women continue to willingly sacrifice life and limb on the battlefield. Our troops in Iraq did everything we asked them to do. We sent them overseas to fight an army; they are now caught in the midst of an insurgent civil war and continuing political upheaval. The United States will not and should not permanently prop up the Iraqi Government and military. U.S. military involvement in Iraq will come to an end, and, when U.S. forces leave, the responsibility for securing their nation will fall to Iraqis themselves. However, whether or not my colleagues agree that the time has come to withdraw our American forces from Iraq, I believe that all of us in Congress should be of one accord that our troops deserve our sincere thanks and congratulations.

For this reason, I extremely please to have worked with the Democratic leadership to include language recognizing the extraordinary achievements of our men and women in uniform. Paragraph 2 of Title I reads, "the performance of United States military personnel in Iraq and Afghanistan should be commended, their courage and sacrifice have been exceptional, and when they come home, their service should be recognized appropriately." I believe that the inclusion of this language makes it clear that we are proud of the accomplishments of our troops, and we look forward to commending them as they return safely home.

I also worked with the Leadership to include the language in Paragraph 3 of Title 1. This paragraph reads, "the primary purpose of funds made available by this Act should be to transition the mission of United States Armed Forces in Iraq and undertake their redeployment, and not to extend or prolong the war." This language makes explicit that this legislation is providing funding for the safe and responsible redeployment of our troops, not for the continuation of combat operations.

This legislation protects our troops, by providing them with the funding they need to safely and successfully redeploy from Iraq. It also prohibits the deployment of forces to Iraq who are not fully trained and fully equipped. In addition, this legislation includes an extension to all U.S. Government agencies and personnel of the current prohibition in the Army Field Manual against the use of certain interrogation techniques.

Mr. Speaker, this bill contains important language that changes the mission of U.S. forces in Iraq to diplomatic and force protection, targeted counterterrorism operations, and limited support to Iraqi security forces. I firmly believe that we must make diplomacy and statecraft tools of the first, rather than the last, resort. We must seek constructive engagement with Iraq, its neighbors, and the rest of the international community, as we work to bring resolution to this calamitous conflict that has already gone on far too long.

Because of my deeply held belief that we must commend our military for their exemplary performance and success in Iraq, I have introduced legislation, H.R. 4020, with the support of a number of my colleagues, entitled the "Military Success in Iraq Commemoration Act of 2007." This legislation recognizes the extraordinary performance of the Armed Forces in achieving the military objectives of the United States in Iraq, encourages the President to issue a proclamation calling upon the people of the United States to observe a national day of celebration commemorating the military success of American troops in Iraq, and provides other affirmative and tangible expressions of appreciation from a grateful Nation to all veterans of the war in Iraq.

Mr. Speaker, we have already expended 3,500 American lives and $400 billion in taxpayer dollars in Iraq. We have occupied the country for over 4 years. And our President continues to push a strategy devoid of clear direction and visible targets, while rejecting congressional calls to solidify an exit strategy.

Last November, the American people clearly stated that they did not want to see an endless conflict in Iraq; they went to the polls and elected a new, Democratic Congress to lead our Nation out of Iraq. I am proud to be a member of the Congressional class that listens and adheres to the will of the American people, as we did when both houses of Congress approved Iraq Supplemental bills that instituted a timetable for U.S. withdrawal. We need a new direction, because we owe our brave, fighting men and women so much more. Washington made a mistake in going to war. It is time for politicians to admit that mistake and fix it before any more lives are lost.

This Congress will not, as the previous, Republican, Congress did, continue to rubber stamp what we believe to be an ill-conceived war. As we continue to receive reports on the situation in Iraq, it is important that we continue to look forward, to the future of Iraq beyond a U.S. military occupation.

Despite the multitude of mistakes perpetrated by President Bush and former Defense Secretary Rumsfeld, our troops have achieved a military success in ousting Saddam Hussein and assisting the Iraqis in administering a democratic election and electing a democratic government. However, only the Iraqi government can secure a lasting peace. Time and time again, the Iraqi government has demonstrated an inability to deliver on the political benchmarks that they themselves agreed were essential to achieving national reconciliation. Continuing to put the lives of our soldiers and our national treasury in the hands of what by most informed accounts, even by members of the Bush Administration, is an ineffective central Iraqi government is irresponsible and contrary to the wishes of the overwhelming majority of the American people.

Our Nation has already paid a heavy price in Iraq. Over 3,810 American soldiers have died. In addition, more than 27,660 have been wounded in the Iraq war since it began in March 2003. June, July, and August have marked the bloodiest months yet in the conflict, and U.S. casualties in Iraq are 62 percent higher this year than at this time in 2006. This misguided, mismanaged, and misrepresented war has claimed too many lives of our brave servicemen; its depth, breadth, and scope are without precedent in American history. In addition, the United States is spending an estimated $10 billion per month in Iraq. This $10 billion a month translates into $329,670,330 per day, $13,736,264 per hour, $228,938 per minute, and $3,816 per second.

For this huge sum of money, we could have repaired the more than 70,000 bridges across America rated structurally deficient, $188 billion, potentially averting the tragedy that occurred August 1 in Minneapolis, Minnesota. We could have rebuilt the levees in New Orleans, $50 billion, protecting that city from future hurricanes that could bring Katrina-like destruction upon the city. We could have provided all U.S. public safety officials with interoperable communication equipment, $10 billion, allowing them to effectively communicate in the event of an emergency, and we could have paid for screening all air cargo on passenger planes for the next 10 years, $3.6 billion. And, we could have enrolled 1.4 million additional children in Head Start programs, $10 billion. Instead of funding increased death and destruction in Iraq, we could have spent hard-earned taxpayer dollars on important progress here at home.

The Foreign Affairs Committee, of which I am proud to be a member, has recently heard a string of reports from military and civilian officials about the political, military, social, and economic situation in Iraq. Two weeks ago, the Government Accountability Office, GAO, informed the Congress that the Iraqi government has met only 3 of the 18 legislative, economic, and security benchmarks. Despite the surge, despite increasing U.S. military involvement, the Iraqi Government has not made substantial progress toward stabilizing their country.

President Bush rationalized his surge, over opposition by myself and other House Democrats, by arguing it would give the Iraqi government "the breathing space it needs to make progress in other critical areas," bringing about reconciliation between warring factions, Sunni and Shia. However, non-partisan assessments, such as last week's GAO report, have illustrated that escalating U.S. military involvement in Iraq is instead hindering that nation's ability to move beyond the devastation of war and death, to build a successful new government, and to create a stable and secure environment. In the 7 months since the surge began, increased American military presence has not been able to end the relentless cycles of sectarian violence that continue to plague Iraq. Nor have larger numbers of U.S. troops been successful in unifying and strengthening the Iraqi Government.

Instead, the security situation continues to deteriorate. Sectarian violence remains high, and even the Bush administration has noted the unsatisfactory progress toward political reconciliation. The Sunni-led insurgency continues, with insurgents conducting increasingly complex and well-coordinated attacks. The August 2007 National Intelligence Estimate cited ongoing violence, stating, "the level of overall violence, including attacks on and casualties among civilians, remain high; Iraq's sectarian groups remain unreconciled." The report went on to note that al-Qaeda in Iraq, AQI, "retains the ability to conduct high-profile attacks," and "Iraqi political leaders remain unable to govern effectively."

The ever-increasing sectarian violence is causing immense daily challenges for Iraqis. Millions have been displaced, and an Iraqi Red Crescent Organization has reported an increase of nearly 630,000 internally displaced persons from February 2007 to July 2007. The same organization predicts an additional 80,000 to 100,000 persons are displaced each month. The UN High Commissioner for Refugees has estimated that 1.8 million Iraqis are now refugees, with an additional 40,000 to 50,000 fleeing to neighboring countries each month. Iraq has become a humanitarian disaster, and one that continues to get worse every day.

The United States military is a skilled and highly proficient organization, and where there are large numbers of U.S. troops, it is unsurprising that we see fewer incidents of violence. However, it is our responsibility to take a longer-term view. The United States will not and should not permanently prop up the Iraqi Government and military. U.S. military involvement in Iraq will come to an end, and, when U.S. forces leave, the responsibility for securing their nation will fall to Iraqis themselves. And so far, we have not seen a demonstrated commitment by the Iraqi Government.

In addition, evidence suggests that not only is increased U.S. military presence in Iraq not making that nation more secure, it may also be threatening our national security by damaging our ability to respond to real threats to our own homeland. The recently released video by Osama bin Laden serves to illustrate that President Bush has not caught this international outlaw, nor brought him to justice. Instead, he has diverted us from the real war on terror to the war of his choice in Iraq.

The former Chairman and Vice Chairman of the 9/11 Commission, Thomas H. Kean and Lee H. Hamilton, share this view. In a recent op-ed, Kean and Hamilton note that our own actions have contributed to a rise of radicalization and rage in the Muslim world. Kean and Hamilton write that "no conflict drains more time, attention, blood, treasure, and support from our worldwide counterterrorism efforts than the war in Iraq. It has become a powerful recruiting and training tool for al-Qaeda."

Our troops in Iraq did everything we asked them to do. We sent them overseas to fight an army; they are now caught in the midst of an insurgent civil war and political upheaval. I have, for some time now, advocated for congressional legislation declaring a military victory in Iraq, and recognizing the success of our military. Our brave troops have completed the task we set for them; it is time now to bring them home. Our next steps should not be a continuing escalation of military involvement, but instead a diplomatic surge.

Democrats in Congress will not continue to rubber stamp the President's ill-conceived war effort. Last November, the American people spoke loudly and clearly, demanding a new direction to U.S. foreign policy, and we here in Congress are committed to seeing that change be brought about. We are working to see the extensive funds currently being spent to sustain the war in Iraq go to important domestic programs and to securing our homeland against real and imminent threats.

President Bush and Vice President CHENEY have been given numerous chances and ample time by the American people and the Congress to straighten out the mess in Iraq. They have failed. It is pure fantasy to imagine that President Bush's military surge has created the necessary safety and security to meet economic, legislative, and security benchmarks. It is time for a new strategy, a new plan that will encourage Iraqis to take charge of their own destiny, seek constructive and sustained regional engagement, and substitute the ill-advised military surge for a thoughtful diplomatic one. It is time to be realistic and pragmatic, to recognize that our troops achieved what they were initially sent in for and that continued U.S. military engagement is not bringing about the desired results.

Mr. Speaker, this legislation provides our brave soldiers in Iraq with the resources they need, while requiring that the President begin to redeploy our troops. It keeps our soldiers safe, and it keeps our Nation safe. By bringing an end to this conflict, this Democratic Congress is making significant strides forward toward protecting and securing America.

I strongly urge all my colleagues to join me in supporting today's legislation, and in giving the troops the resources they need to safely redeploy from Iraq.

Mr. DREIER. Mr. Speaker, I yield myself 15 seconds.

I'm very sorry that my friend wouldn't yield so that we could engage in debate. And I will say, victory means ensuring that our children don't face the threat of another terrorist attack like what we saw on September 11. We know that Iraq is the central point for al Qaeda, and I am absolutely determined to ensure that we achieve victory.

There have been tremendous achievements when it comes to democracy building. We can't ignore that. But we want to bring our troops home as soon as possible.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I want to thank the gentleman for yielding. And I also want to associate myself with the words of the lady from Texas who just spoke.

Mr. Speaker, I rise today in support of the rule and the bill. To date, President Bush has asked us for a total of $804 billion for fighting the wars in Iraq and Afghanistan. Yesterday, the Joint Economic Committee, the committee on which I sit, concluded in a report that the real economic cost of these wars is $1.6 trillion. However, there are numerous hidden costs that could potentially bring the grand total to $3.5 trillion.

In response to the President's failing new strategy in Iraq and wasteful spending, Congress has chosen instead to ensure strict accountability. We have heard the American people and have chosen to exercise fiscal responsibility by considering this vitally important legislation.

Namely, the bill limits funding in the amount of $50 billion, in comparison to the President's original supplemental request of $196.4 billion, to continue our military operations in Iraq, while ensuring that the responsible and strategic redeployment of our forces begins no later than 30 days from the date of enactment.

It also provides troops with the resources needed for continued protection from improvised explosive devices.

I urge my colleagues on both sides of the aisle to exercise their responsibility to the American people, to over

3,800 brave soldiers, 71 from Maryland who have died and who have paid the ultimate price, and to more than 2.3 million Iraqis who have fled their homes, by supporting the rule and voting in favor of this legislation.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, this is about whether or not we continue to fund the worst foreign policy fiasco in American history.

This is not about al Qaeda. In fact, if we had gone after al Qaeda when we had the opportunity, they wouldn't have been able to strengthen themselves in Pakistan and Afghanistan. But we've been diverted over to Iraq, where al Qaeda didn't even exist until our invasion gave them a recruitment tool and rallying cry.

And sure there's less violence in Baghdad, but the reason is because the Shiia have ethnically cleansed much of Baghdad. When we started, 60 percent of Baghdad was Sunni. Now, almost 80 percent of Baghdad is Shiia.

And the reason there's less violence in al-Anbar province is because the Sunni warlords have taken it upon themselves to drive out the al Qaeda insurgents.

Our military generals have told us this war does not lend itself to a military victory. The most we can do is to step up our diplomatic efforts.

But the fact is that we are supporting a government that doesn't deserve our support. It is not representative of the people of Iraq. It is endemically corrupt. And the reality is that when we look back and ask ourselves what have we accomplished, we are going to look at a government which is far more loyal to Iran than it is to the United States. That's what we've done, to empower our enemies.

We've created chaos throughout the Middle East. And isn't it time now to have a plan to start withdrawing our troops, to tell our military families that they have sacrificed as much as we could possibly expect of them?

But the reality is that this policy has never been worthy of the sacrifice of our soldiers and their military families.

□ 1830

And if you really believed in what you're doing in this war, you would support Mr. OBEY's attempt to pay for it. Not one dime of this war has been paid for. It's all been borrowed, borrowed from our children and our grandchildren. They deserve better and this bill is the best thing we can do for them right now.

Mr. McGOVERN. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Massachusetts has 4 minutes remaining. The gentleman from California has 3½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Let me just first say this has been an interesting debate and I do think that victory, a dramatic reduction in the number of attacks, the fact that reconciliation is, in fact, taking place in Baghdad is something that cannot be ignored.

Mr. Speaker, earlier today, before the House voted for the 12th time to allow the House to go to conference with the Senate on the Veterans Affairs funding bill, the gentleman from Florida (Mr. DIAZ-BALART) and I had a brief colloquy after which a Member on the other side of the aisle claimed that we had misrepresented the facts about this Congress's track record on getting the Veterans Affairs appropriations measure signed into law.

Well, I take this as akin to being accused of lying. Here is what we said, and, Mr. Speaker, I will say it again: The House passed the Veterans and Military Construction funding bill on June 15, 2007, by a vote of 409-2, with the Senate following suit and naming conferees on September 6. Unfortunately, the majority leadership of the House has refused to move the Military Construction and Veterans Affairs appropriations act to conference and has refused to name conferees.

So whether the majority likes it or not, that is a fact. Now, the gentleman from Texas (Mr. EDWARDS) and the gentleman from New York said that we were misrepresenting the facts. How is this so? For 68 days, Mr. Speaker, the message from the Senate requesting a conference has languished at the Speaker's desk without action. How is this fact disputable? Just look at the calendar and count the days between September 7 and today, and you'll come up with 68. Every day the Democrats choose not to act to move this bill forward, our Nation's veterans lose $18.5 million.

Those are the facts surrounding this bill in this Congress. The gentleman from Texas went on earlier to malign Republicans for what we did or didn't do concerning veterans funding over the last 12 years, which begs the question, what does the last 12 years have to do with this year? Are Democrats trying to use past Congresses' shortcomings as excuses for their own failed policy? Otherwise, how is this even relevant?

I am sure that the gentleman from Worcester would stand up and attempt to deflect this plea by criticizing Republicans, just as his colleagues before him, and touting the increases in funding for our veterans provided by this Congress which all but two Members of this body voted for. The sad fact is that this Congress hasn't provided the funding that the gentleman has espoused. Why is that? That's because not one dime will flow from the Treasury to the Department of Veterans Affairs until the Military Construction and Veterans Affairs appropriations bill is signed into law, and in order to do so, this House has to go to conference with the Senate and send a bill down to the President to sign. So let's finally get that process started.

Mr. Speaker, anyone who is concerned about funding for our veterans must join us in voting against the previous question so that I can amend the rule and we can go to conference with the Senate on this much-needed and far-delayed funding measure.

I ask unanimous consent to have the text of the amendment and extraneous material appear in the CONGRESSIONAL RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time.

Mr. McGOVERN. Mr. Speaker, let me go back to the subject that we are debating here today, and that is the war in Iraq. Mr. Speaker, we have been fighting this war for nearly 5 years. That's longer than we fought World War II. My friends on the other side of the aisle have said over and over and over, just give the Iraqi Government a chance. Well, Mr. Speaker, after 5 years, I say, give me a break.

It is not us, not any of us in this Chamber who are in harm's way. But we have sent thousands and thousands and thousands of our fellow citizens to battle in Iraq. They are in harm's way. They wake up tomorrow in a situation where they are refereeing a civil war, and that, Mr. Speaker, in my opinion, is wrong.

My friends on the other side of the aisle talk about al Qaeda. Well, we're all worried about al Qaeda, too. That's why we wish we were doing the job in Afghanistan better. That's why we wish we weren't so diverted from that mission in Iraq that we could actually have better results in Afghanistan than we're having right now. We are worried, Mr. Speaker, about the fact that al Qaeda is regrouping in Afghanistan, is regrouping in Pakistan. That should be a worry to every single Member in this Chamber. And yet we are stretched so thin, we are so preoccupied in Iraq that we have lost sight of what our central mission needs to be.

Mr. Speaker, victory is what is in the best interest of the American people. And this war in Iraq has not only diminished our standing in the world, it has spread our troops so thin that we can't complete missions like the one that we need to be completing in Afghanistan.

Mr. Speaker, too often in this place we talk about numbers instead of the people behind those numbers. Yesterday, as I mentioned earlier, another three American soldiers lost their lives in Iraq, bringing the total to 3,858. Also yesterday, Mr. Speaker, CBS News reported that there is an epidemic of suicide among our soldiers and our veterans. Thousands and thousands of these men and women have taken their own lives. For too many, the war does not end when they return home. And behind each one of those numbers is a devastated family, a heartbroken father, a new widow, a child without a father. Mr. Speaker, we will be paying for this war for a very long, long time.

Now, my friends on the other side of the aisle say we all want the war to end, we all want our troops to come home. Well, I say to my friends, here is your chance. You have a voice. Use it. You have a vote. Use it. You have the opportunity to change the direction of this policy. You have the opportunity to force the Iraqi Government to live up to its promises. You have the opportunity to finally, finally, honor the will of the American people and to safely redeploy our troops. I ask my friends to seize that opportunity and to support this bill.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 818 OFFERED BY MR. DREIER OF CALIFORNIA

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. MCGOVERN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 818, if ordered; and the motion to suspend the rules on H.R. 4120.

The vote was taken by electronic device, and there were—yeas 209, nays 185, not voting 38, as follows:

[Roll No. 1103]

YEAS—209

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin

Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sestak
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—38

Bono
Boozman
Burgess
Carney
Carson
Cleaver
Costa
Cubin
Cuellar
Davis (AL)
Doyle
Ellison
Feeney
Gordon
Holden
Jefferson
Jindal
Johnson (GA)
King (IA)
Knollenberg
Levin
Lowey
Mack
McHugh
Meeks (NY)
Murphy, Tim
Murtha
Oberstar
Paul
Ruppersberger
Schakowsky
Sessions
Tancredo
Tiberi
Towns
Welch (VT)
Weller
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. SOLIS) (during the vote). Members are advised there are 5 minutes remaining in this vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1856

Mrs. DRAKE, Mrs. BLACKBURN and Mr. KINGSTON changed their vote from "yea" to "nay."

Ms. CLARKE changed her vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 1103, I was unable to vote for medical reasons. Had I been present, I would have voted "yea."

Stated against:

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 1103, had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. TIERNEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 190, not voting 23, as follows:

[Roll No. 1104]

YEAS—219

Ackerman
Altmire
Andrews
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sestak
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—23

Abercrombie
Allen
Bachus
Bilirakis
Bono
Carson
Cubin
Davis, David
Deal (GA)
Doyle
Gingrey
Hastert
Jindal
Jones (OH)
Levin
Mack
McCrery
Oberstar
Paul
Ruppersberger
Sessions
Weller
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1902

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 1104, I was unable to vote for medical reasons. Had I been present, I would have voted "yea."

Stated against:

Mr. GINGREY. Mr. Speaker, on rollcall No. 1104, I was unavoidably detained. Had I been present, I would have voted "nay."

EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

The SPEAKER pro tempore (Mr. TIERNEY). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4120, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 4120.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 1105]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Boehner
Bono
Carson
Cubin
DeFazio
Doggett
Doyle
Gutierrez
Hill
Jindal
Levin
Lewis (CA)
Mack
Marshall
McCrery
Myrick
Oberstar
Paul
Ruppersberger
Sessions
Stark
Weller
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1909

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 1105, I was unable to vote for medical reasons. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. LEVIN. Mr. Speaker, I was unavoidably absent during rollcall votes 1093 through 1105. Had I been present, I would have voted "yea" on rollcall 1093, "yea" on rollcall 1094, "nay" on rollcall 1095, "yea" on rollcall 1096, "yea" on rollcall 1097, "yea" on rollcall 1098, "yea" on rollcall 1099, "nay" on rollcall 1100, "nay" on rollcall 1101, "yea" on rollcall 1102, "yea" on rollcall 1103, "yea" on rollcall 1104, and "yea" on rollcall 1105.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3773, RESTORE ACT OF 2007

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–449) on the resolution (H. Res. 824) providing for further consideration of the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3915, MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2007

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–450) on the resolution (H. Res. 825) providing for consideration of the bill (H.R. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 818, I call up the bill (H.R. 4156) making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—POLICY ON REDEPLOYMENT AND CONDUCT OF OPERATIONS IN IRAQ

SEC. 101. It is the sense of the Congress that—

(1) the war in Iraq should end as safely and quickly as possible and our troops should be brought home;

(2) the performance of United States military personnel in Iraq and Afghanistan should be commended, their courage and sacrifice have been exceptional, and when they come home, their service should be recognized appropriately; and

(3) the primary purpose of funds made available by this Act should be to transition the mission of United States Armed Forces in Iraq and undertake their redeployment, and not to extend or prolong the war.

SEC. 102. (a) No person in the custody or under the effective control of the United States Government shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual FM2-22.3 Human Intelligence Collector Operations.

(b) Subsection (a) shall not apply with respect to any person in the custody or under the effective control of the United States Government pursuant to a criminal law or immigration law of the United States. Nothing in this section shall be construed to affect the rights under the United States Constitution of any person in the custody or under the physical jurisdiction of the United States.

SEC. 103. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984)—

(1) section 2340A of title 18, United States Code;

(2) section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 104. (a) The Congress finds that United States military units should not enter into combat unless they are fully capable of performing their assigned mission. The Congress further finds that this is the policy of the Department of Defense.

(b) None of the funds appropriated or otherwise made available by this Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives at least 15 days in advance of the deployment that the unit is "fully mission capable".

(c) For the purposes of subsection (b) the term "fully mission capable" means capable of performing a unit's assigned mission to the prescribed standards under the conditions expected in the theater of operation, consistent with the guidelines set forth in the Department of Defense's Defense Readiness Reporting System.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives that the deployment to Iraq of a unit that is not assessed fully mission capable is required for reasons of national security and by submitting along with a certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

SEC. 105. (a) Notwithstanding any other provision of law, funds appropriated or otherwise made available by this Act are available immediately for obligation to plan and execute a safe and orderly redeployment of United States Armed Forces from Iraq.

(b) Within 30 days after enactment of this Act, the President shall commence an immediate and orderly redeployment of United States Armed Forces from Iraq, which shall be implemented as part of the comprehensive regional stability plan described in subsection (g). The President shall endeavor to begin such redeployment with units of the Armed Forces that have been deployed in excess of 365 days, except to the extent those units are needed to provide for the safe withdrawal of other units of the Armed Forces or to protect United States and Coalition personnel and infrastructure.

(c) The reduction in United States Armed Forces required by this section shall be implemented in conjunction with a comprehensive diplomatic, political and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(d) The goal for the completion of the transition of United States Armed Forces to a limited presence and missions as described in subsection (e) shall be a date that is not later than December 15, 2008.

(e) After the conclusion of the reduction and transition of United States Armed Forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States diplomatic facilities, United States Armed Forces, and American citizens.

(2) Conducting limited training, equipping, and providing logistical and intelligence support to the Iraqi Security forces.

(3) Engaging in targeted counterterrorism operations against al-Qaeda, al-Qaeda affiliated groups, and other terrorist organizations in Iraq.

(f) Not later than February 1, 2008, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) The current plan for and the status of the reduction of United States Armed Forces in Iraq and the transition of the Armed Forces in Iraq to a limited presence whose missions do not exceed the missions specified in subsection (e), including the associated force reductions and adjustments and expectations with respect to timelines and the force levels anticipated to perform those missions.

(2) A comprehensive current description of efforts to prepare for the reduction and transition of United States Armed Forces in Iraq in accordance with this section and to limit any destabilizing consequences of such reduction and transition, including a description of efforts to work with the United Nations and countries in the region toward that objective.

(g) Not later than February 15, 2008, the President shall submit to the Congress in classified and unclassified form a comprehensive regional stability plan for the Middle East, which shall include a military, diplomatic, political and economic strategy that provides for the national security interests of the United States in the region and for the engagement of targeted counterterrorism operations. The plan shall include a detailed description of the projected United States military force presence in and around the Middle East region for the 5-year period beginning on October 1, 2008.

SEC. 106. The amounts appropriated by this Act are sufficient to fully meet the immediate needs of the United States Armed Forces deployed to Iraq. Congressional consideration of additional funding shall be deferred until the first report required by section 105(f) is submitted to the Congress.

TITLE II—SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $713,700,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $95,624,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $56,050,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $138,037,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $27,429,490,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $2,071,560,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $2,429,323,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $3,582,560,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $1,330,540,000, of which not to exceed

$333,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $61,223,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $47,500,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $26,157,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $8,069,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $378,381,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $34,422,000.

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", $500,000,000: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $500,000,000: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding, and to provide training, reintegration, education and employment programs for concerned local citizens, former militia members and detainees and former detainees: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For "Iraq Freedom Fund", $3,168,000,000, to remain available for transfer only to support operations in Iraq and to fight terrorism: *Provided*, the Secretary of Defense and the Director of National Intelligence shall, no fewer than 30 days prior to making transfers under this authority, notify the Committees on Appropriations in writing of the details of any such transfer made for intelligence activities: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $1,638,500,000, to remain available until September 30, 2010: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on explosive devices, and details on the execution of this Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $302,200,000, to remain available until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $1,574,217,000, to remain available until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $154,000,000, to remain available until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,976,100,000, to remain available until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $25,300,000, to remain available until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $88,281,000, to remain available until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $729,232,000, to remain available until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $147,800,000, to remain available until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $42,125,000, to remain available until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $102,588,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $649,001,000; of which $599,001,000 shall be for operation and maintenance; and of which $50,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009, only for peer reviewed research on traumatic brain injury and psychological health, including post-traumatic stress disorder.

GENERAL PROVISIONS

SEC. 201. Appropriations provided in this Act are available for obligation until September 30, 2008, unless otherwise provided in this Act.

(TRANSFER OF FUNDS)

SEC. 202. (a) Upon a determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this Act.

(b) The Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section.

(c) The authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2008, except for the fourth proviso.

SEC. 203. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 204. None of the funds provided in this Act may be used to finance programs or activities denied by the Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program unless such program or project must be undertaken immediately in the interest of national security and after written prior notification to the congressional defense committees.

SEC. 205. (a) From funds made available for operation and maintenance in this Act to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 206. (a) During fiscal year 2008, funds available in this Act to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to Coalition forces supporting military and stability operations in Iraq and Afghanistan.

(b) The Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 207. (a) Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, Afghanistan Security Forces Fund, or Iraq Security Forces Fund, and executed in direct support of the Global War on Terror only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded.

(b) For purposes of this section, the term "supervision and administration costs" includes all in-house Government costs.

SEC. 208. Each amount appropriated or otherwise provided in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 209. (a) Not later than January 15, 2008 and every 90 days thereafter through the end of fiscal year 2008, the Secretary of Defense shall set forth in a report to the Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq, together with a notional timetable for achieving these goals.

(c) The report shall include, at a minimum, the following specific provisions:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition to Provincial Iraqi Control (PIC).

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently, without any support from Coalition forces;

(ii) capable of conducting counterinsurgency operations with the support of United States or Coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The amount and type of support provided by Coalition forces to the Iraqi Security forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security forces under the Provincial Iraqi Control (PIC) process.

(I) The estimated total number of Iraqi battalions needed for the Iraqi Security forces to perform duties now being undertaken by Coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(J) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(K) The number of United States and Coalition advisors needed to support the Iraqi Security forces and associated ministries.

(L) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2008.

SEC. 210. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 211. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

SEC. 212. During the current fiscal year, appropriations made available to the Department of Defense for operation and maintenance in this Act may, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of Combatant Command engaged in contingency operations overseas, be used to purchase items having an investment item cost of not more than $500,000.

SEC. 213. Section 3303(c) of Public Law 110–28 shall apply to funds appropriated in this Act.

This Act may be cited as the "Orderly and Responsible Iraq Redeployment Appropriations Act, 2008".

The SPEAKER pro tempore. Pursuant to House Resolution 818, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 1 hour.

Mr. LEWIS of California. Mr. Speaker, because of unusual circumstances, I would choose at the floor well to yield control of the time to the former chairman of the committee, the ranking member of the Defense Subcommittee, BILL YOUNG of Florida.

The SPEAKER pro tempore. The gentleman from Florida will be recognized.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, we hear so many voices in this country and in this Chamber who are willing to fight to the last drop of someone else's blood. Those of us who are supporting this resolution today are being accused of being for "precipitous withdrawal." I hardly think that seeing this war continue for another 14 months constitutes precipitous withdrawal.

Mr. Speaker, it is 56 months since the United States first launched its attack against Iraq. It is 4½ years since the President appeared before his "Mission Accomplished" banner on that carrier. It is almost 5 years since the administration ignored the advice of General Shinseki. It is 2½ years since Vice President CHENEY said that he thought the insurgency was in its last throes. Since that time, we have had 3,800 Americans killed and 28,000 wounded. We have had 8,000 Iraqi military personal killed and 38,000 civilians killed. We have had 4 million Iraqis displaced. 2.3 million of them have been displaced internally in the country. One and a half million have fled to Syria, 1 million to other countries. Not a pretty picture.

This war is the most colossal blunder in modern U.S. history. It is a mistake that has shattered our influence in the region, and it has made the one country in the region that we did not want to see strengthened, Iran, it has made them infinitely stronger in that region. We are in the process of borrowing $600 billion and we are not having the guts to pay the bill ourselves.

There is no sense of shared sacrifice in this country. The only families being asked to sacrifice are military families and they're being asked to sacrifice again and again and again and again. We aren't even willing to tax ourselves to pay for the cost of this war, so we're shoving off the cost to our kids. Shame on every one of us for making that decision.

In November, the public tried to send two messages to this Congress. The first was that they wanted a change in policy in Iraq. The second is that they wanted a change in domestic policy. And yet after blowing $600 billion in Iraq, after signing a Defense bill which adds $39 billion to spending levels over last year, the President has yesterday blocked our efforts to add $6 billion to pay for investments in education, health and medical research here at home.

□ 1915

The President is telling the American people, "Forget what message you think you sent in November in the election." He is stiffing the American people. He is saying, "Forget what message you thought you were sending to Washington; I am the 'Great Decider' and we are going to do things my way." That is what we are getting out of the White House. Instead of compromise and instead of searching for common ground, the President is making clear that he prefers to govern through confrontation, he prefers to go it alone, with one-third support in the country and one-third support in the Congress.

The same is true in Iraq. This is the same President who decided to go it alone, with almost no allies, who decided to go it alone when it came to evaluating intelligence, ignoring the caution alerts that were sent by the State Department intelligence people and the CIA analysts. He bulldozed through. When Baker-Hamilton was produced to offer an opportunity for change, the President simply used that as an opportunity to say "full steam ahead, no change in course", and he has deepened and intensified our involvement in Iraq.

At home, he insists that Congress cuts 50 percent out of vocational education; he insists that we cut 1,100 grants out of medical research at the National Institutes of Health; he insists that we cut rural health programs by 54 percent; he insists that we cut low-income heating assistance programs by 18 percent; he insists that we cut financial support for programs under No Child Left Behind that he mandated in the first place. He insists that we cut all of that, and yet he demands $200 billion more for Iraq. I say enough is enough.

He gave a speech to the American people which was designed for the purpose of public deception, in my view, because it was designed to leave the impression that the President intended to reduce steadily our troop commitment in Iraq, when in reality it was intended to assure that 6 months from now we have the same number of troops we have there that we had 6 months ago.

Mr. Speaker, the President is asking for $200 billion more, and as chairman of the Appropriations Committee, I announced that I had no intention of providing that money, but I made it clear I'd be happy to provide it all, provided that the President would recognize that we needed a policy change and would get on board with the determination to have a goal of removing our troops from combat operations by the end of next year. That is hardly precipitous.

So what this measure does, instead of giving the President $200 billion to continue the war, it gives him $50 billion to shut the war down. Instead of having troops there for the next 10 years, as the President indicated in his speech, we want to have them out by December of 2008. It requires redeployment to begin in 60 days, and it ends the authority for any agency of the United States Government whatsoever to engage in torture.

We are mired, Mr. Speaker, in Iraq because of the self-important illusions of hopeless romantics in the administration. We hear tell these days that the President talks a lot about Teddy Roosevelt and Winston Churchill. If that is the case, he is harboring dangerous illusions. He ought to heed the advice of a statesman 80 years ago who wrote the following. I will read excerpts from this letter.

"I am deeply concerned about Iraq. The task you have given me is becoming really impossible. Incompetent Arab officials are disturbing some of the provinces and failing to collect revenue. We overpaid on last year's account, which it is almost certain Iraq will not be able to pay this year, thus entailing a supplementary estimate. . . I have had to maintain troops in Mosul all through the year in consequence of the Angora quarrel. This has upset the program of relief and will certainly lead to further expenditures. . . . I do not see what political strength there is to face a disaster of any kind, and I certainly cannot believe that in any circumstances any large reinforcements would be sent . . . In my own heart, I do not see what we are getting out of it. I think we should now put definitely to the assembly the position that unless they beg us to stay, and stay on our own terms in regard to efficient control, we shall actually evacuate before the close of the financial year. I would put this issue in the most brutal way, and if they are not prepared to urge us to stay and to cooperate in every manner, I would actually clear out. . . .

"I think I must ask you for definite guidance at this stage as to what you wish and what you are prepared to do. At present, we are paying millions a year for the privilege of living on an ungrateful volcano out of which we are in no circumstances to get anything worth having."

That was the real Winston Churchill speaking in 1922 in a letter to Lloyd George. It seems to me that the President in the White House today ought to heed the words of Winston Churchill so long ago and at long last reconsider a policy change in Iraq. That is what this legislation is designed to stimulate.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the majority chairman of the committee bringing this bill before the House because we do need the money, not for our troops at home, not for the basic bill, because that basic bill was signed by the President yesterday. What we need is to make sure that our troops in the field have the equipment that they need, the force protection measures they need, the body armor that they need, the MRAPs that they need, the ammunition they need, whatever they need to take on the enemy to accomplish their mission, to protect themselves while they are doing it. So I want to speak directly to the bill rather than to the politics or the history of the political aspect of this legislation.

Fifty billion dollars is a good number. I wish it would have been a little higher because I don't think it takes us all the way to where we need to be for a supplemental next spring as far as what we are doing in Afghanistan and Iraq, but the $50 billion that is in this bill, the dollars are good. What is provided by those dollars is needed for our troops in the field. That has to be the important decision that we make tonight: Are we going to fight a political battle here on the floor while our soldiers overseas are facing the enemy of terrorism? I don't think that is what we are here for today. I think we are here to pass this bill.

The gentleman from Wisconsin mentioned a policy change; that this bill is going to bring about a policy change. There was a policy change earlier in the year. Most everybody referred to it as the surge, and many Members of this body opposed the surge. But if you listened to the briefers this afternoon in the Rayburn building, that policy change has produced a lot of very positive effects.

So there was a policy change. But, nevertheless, whether you still support the policy change or not, that is up to everybody's individual decision. Despite what your position is on the war, on the battle, you have got to be prepared to provide for the troops that are there, whether you like the fact that they are there or not. I want them home. I want them home as soon as we can get them home.

Along with Chairman MURTHA of the subcommittee, I have seen too many wounded soldiers and marines in our military hospitals. We have both attended too many funerals of our war heroes who were sent home after having lost their life on the battlefield. So I want this war over and I want our troops home as soon as we can get them home in victory; victory in a war that didn't start on September 11 and it didn't start in March of 2003 when we went into Iraq or Afghanistan. It started back in 1983, October 23 of 1983. Terrorists bombed our Marine barracks in Beirut. Those marines were there as peacekeepers, not as part of any other expeditionary force, other than to keep the peace, and 241 of our military marines and soldiers lost their lives there.

In 1993, the World Trade Center was bombed; in June of 1996, the home of the airmen in Saudi Arabia in the Khobar Towers were bombed, and 19 of our airmen lost their lives. In August of 1998, our embassies in Kenya and Tanzania were bombed by terrorists and 11 Americans lost their lives and hundreds of others were injured. In October of 2000, the USS *Cole*, on a peaceful mission off the shore of Yemen, was bombed by terrorists and 17 lives were lost. All this started before September 11, and of course I don't think anybody denies what happened to us on September 11. So this war started a long time ago, and this threat is basically the same threat that we saw starting in 1983.

I am pleased that sufficient funds are included for the Army operation and maintenance account to allow for 6 months of war operations. Other accounts would apparently allow for only 4 months of operations, however. The size of the package is secondary to the policy provisions that have been attached to the bill. Many Members have stated they cannot vote for war funding without language requiring a withdrawing from Iraq. The reality is most of them have already done that.

When we passed the Defense appropriations bill, the basic Defense appropriations bill for 2008, we provided transfer authority, large amounts of transfer authority so that if we didn't get a bridge fund passed, if we didn't get a supplemental passed, the Services could reach into their basic accounts to pay for fighting the war in Afghanistan and Iraq.

So those who voted for that bill have already voted to fund the war, whether they like it or not. That legislation has now been signed into law, so the money is there to borrow. We are going to start hearing about cuts in services at military bases here in the United States if we don't pass a supplemental or a bridge fund and the Services will have to borrow from their basic funds. We don't want that to happen. We don't want the Services to run short on anything that they have to do to provide for the security of our Nation.

So whatever your position on the war, whatever decisions are going to be made about withdrawal from Iraq, this money, this $50 billion and more will be needed in the next 6 months and it needs to be passed.

This bill was only filed last night. Some of the provisions have not been sufficiently reviewed, in my opinion.

☐ 1930

I have read this bill twice, word for word, and I am concerned about some of the sections of this bill.

Section 102 regarding interrogations says in part that "nothing in this section shall be construed to affect the rights under the United States Constitution of any person," and I will repeat, "any person in the custody or under the physical jurisdiction of the United States."

Now, to me, that means that terrorists who we capture on the battlefield, who have been killing our own American soldiers on the ground, I read that to mean that they will be given the same constitutional protections as any citizen of the United States of America. And I object to that. I don't think they deserve the protection of the Constitution.

I wonder, does that mean we have to read the terrorists their rights under the Miranda ruling? Can they be released on a technicality? Can they get out on bail? Those are protections guaranteed to American citizens. Are we going to give terrorists that same right? Well, this bill says that we are going to give terrorists that same right. Terrorists go by no rules. They do not subscribe to the Geneva Convention and they do not deserve the same protection under our Constitution that our constituents enjoy.

I think this bill needs a lot of repair work before it can become law.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Tennessee (Mr. LINCOLN DAVIS).

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, I rise on behalf of this bill and the effort by this Congress to bring accountability to the war in Iraq.

This war is in desperate need of a new direction. For nearly 5 years, our brave men and women have valiantly toed the line for this administration, and I'm proud to say that they have had great successes in their mission. We have seen a terrible dictator overthrown, tried and put to death, and in his place the people of Iraq carried out free and open elections. For all of this, we owe our soldiers and their families a debt of thanks.

But today's debate is not about the purpose of this war. We are here to make a decision on how best to bring accountability to this engagement. Today's legislation will keep soldiers on the ground to oversee diplomatic missions, protect U.S. citizens, equip and train Iraqis to stand on their own and continue to engage in targeted attacks on terrorists as we seek them out. This is a responsible strategy that worked for Eisenhower in South Korea when troops remained to oversee the DMZ after major operations had ended, and it can work for America today in Iraq.

However, I have long felt that it is time to remove our men and women from the kill zones of Iraq. Our soldiers are trained to do the job of the United States military, not the job of police-on-the-beat for the nation of Iraq. We need to redeploy our troops so they can continue to carry out the work of defending America from terrorist threats around the globe. It is time for the Iraqis to occupy their own country with their own military and police force.

This bill begins the redeployment of our combat troops, while continuing to fund initiatives for our men and women that protect them from IEDs, traumatic brain injury and more. But the days of a blank check from this Congress must come to an end. The American people deserve a new direction in Iraq, and this legislation is an important step.

I would like to add that I bristle when I hear the other side talk of "cut and run" Democrats. The legacy of the Democratic Party is one of great wartime leaders. Andrew Jackson may have done the cutting at the Battle of New Orleans, but it was Colonel Packingham who did the running. It was President Wilson who convinced the American people to take on the oppressors in the First World War. It was President Roosevelt who said "we have nothing to fear but fear itself" before leading the charge into the battlefields of Asia and Nazi Germany. And it was President Truman who ended that war by dropping a nuclear weapon.

I am a member of a Democratic Party that has never cut and run, but has been responsible with our men and women in regard to their safety and families, as well as our national security. We need a change in Iraq and a change in course. This must happen.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the very distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague from Florida for yielding.

Let me just say that the gentleman from Wisconsin, the chairman of the committee, is a Member that I know well and have great respect for, and along with the gentleman from Florida and the gentleman from Pennsylvania, they have spent over 30 years doing everything they could to support our troops. But if you think that the debate that we are having tonight is something that we have heard before, it is. Over 40 times this year, we have had votes and debates in this house on the issue of Iraq.

Let me just say that my colleague from Wisconsin is known for his famous statement about Members coming to the floor of the House posing for "holy pictures." Now, if there has ever been a case over my 17 years here in Congress of people posing for holy pictures, it is over this issue of Iraq.

When I came to the Congress in 1991 as a brand new Member, my first vote in this Chamber was on whether to go to war with the Iraqis in Kuwait. I remember coming here as a brand new Member, Members in the well of this House who had been here 30 and 40 years, tears in their eyes, talking about this being the most difficult vote they had ever cast. It was a very difficult moment for me and all of my colleagues. But we went through that, and we went through it successfully.

So when we have the issue of war debated here on the floor of the Congress, there is no issue, no issue that is more personal, no issue that is of greater significance to our country, than all of us casting our vote on sending our young men and women into battle anywhere overseas. So I understand the passion that we have on both sides of the aisle over this issue.

But I think we all have to understand that we are in Iraq for a very important reason. We went there to get rid of Saddam Hussein. I think everybody understands that. We went there to make sure that the weapons of mass destruction were gone. They are gone. Where they went, I don't think we will ever know. We went there to set up a democratically elected government, and, frankly, we have succeeded.

It was al Qaeda 3 years ago that made Iraq the central front in their war with us. We didn't start this war with al Qaeda. They did. And as the gentleman from Florida pointed out earlier, it didn't start on 9/11, it started back in the early eighties. And it persisted through the eighties and the nineties, and America and the rest of the world looked up, looked away, and just hoped the problem would go away.

Well, it didn't go away. After 3,000 of our fellow citizens died on 9/11, what was America to do? Look up, look away and just hope the problem would go away one more time? No. So we went to Iraq. But it was al Qaeda and it was Iran who have made this the central front in their war with us.

America has no choice but to succeed in our efforts in Iraq. We all know what failure in Iraq will bring. Failure in Iraq brings a destabilization of Iraq itself, a safe haven for the terrorists to operate from, a destabilization of the entire Middle East, the end of Israel as we know it, and who doesn't believe that if we leave Iraq and we leave in failure, that the terrorists don't follow us home and that we have to deal with the problem here on the streets of America?

This is not what America wants. America wants us to succeed, and it is success that we are having in Iraq. You all know the statistics. You have all seen the headlines over the last several weeks and the last several months. Our troops in Iraq are doing a marvelous job on our behalf. They are succeeding. They are training the Iraqi Army to take our place. The Iraqi Army is more out in front than ever before. The amount of violence in Iraq is down significantly. Our troops, our troops, are dying in less numbers each and every day. Why? Because we are having success there.

So we ought to thank our troops, thank our troops for the great job they are doing, because General Petraeus put forward a plan that is working.

Now, I understand that a lot of my colleagues on the other side have invested all their political capital over the course of this year in failure in Iraq. It hasn't happened, thankfully, because for the good of our Nation, not today, not tomorrow, maybe not next week, but for my kids and their kids, success in Iraq is critically important. And I think all the Members in this Chamber understand just how important success is there. We are taking on an enemy that is growing in all parts of the world, and if we are not willing to take them on in Iraq, if we are not willing to draw the line and defeat them, where will we draw the line? Where will we stand up for America, and where will we stand up for American values? Iraq is the place to do it.

The bill that we have before us goes back to the same old tired plan, the plan for failure, if you will. That is what the bill that we have before us does. It ties the hands of the administration, it ties the hands of our generals, it ties the hands of our people on the ground, and it will lead to nothing other than failure.

We have been down this path. We have been down this path all year long. And I will admit to my colleagues, we have had plenty of mistakes that have been made in Iraq. There has never been a war when there haven't been a lot of mistakes made. You can go back to the Civil War and look at all the mistakes that were made. The First World War, the Second World War, Vietnam, there were a lot of mistakes that got made in wars, and mistakes have been made in this war.

But, ladies and gentlemen, you all know that we have no choice, no choice, but to succeed, and the plan that we have before us, to fund our troops for the next 4 months, will lead to nothing other than failure.

So I am going to ask my colleagues, let's stop the political games. We all know what is going on here. It is another political stunt, another political stunt trying to trap the President, trying to trap the generals and putting handcuffs on them. Let's stop it.

I think my colleagues on both sides of the aisle want us to succeed. Instead of playing these political games, what we ought to be doing is passing this bill cleanly. And we ought to be passing the Military Quality of Life Veterans bill, because our troops are coming home. We have got 3,000 troops that have been sent out of Diyala on their way home. We are going to have troops coming home all year. And if we don't pass the Military Quality of Life Veterans bill, the benefits they are entitled to, the services we ought to be providing to those veterans coming home will not be there.

So let's vote "no" on this bill. Let's find a way this week to make sure that the veterans bill is up on this floor and passed and in the President's hands.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), the chairman of the Defense appropriations subcommittee.

Mr. MURTHA. As the gentleman from Florida said, we just passed a $459 billion bipartisan Defense appropriation bill, and it funds the troops, it funds the health care, it funds almost all the Defense Department. It does not fund the war in Iraq.

Now, when I spoke out 2 years ago, I said we need stability in the Middle East. All of us want stability in the Middle East. We can talk about Iraq, but it's not in isolation that you talk about Iraq. You have to talk about Pakistan and what's happening in Pakistan and why we haven't had an overall diplomatic success there. You can talk about Turkey, on the verge with tanks moving towards the border and might go into Kyrkystan, which would completely disrupt what is going on in Iraq.

You can talk about Iran and the policy that we have had in Iraq and how it has disappointed us with the influence that Iran has gained. When we were attacked, Iran was one of the first countries to come to the support of the United States with their concern about what had happened, their concern about al Qaeda.

What we are trying to do here today is stop torture. We do it by saying the Army Field Manual has to be the guideline for torture. If you're going to have prisoners, and I have talked to service people, Colin Powell agrees with this, Gates agrees with this, almost all the military understands if you don't have guidelines set by the Army Field Manual, it hurts our troops. It's pretty hard to argue. If you're for torture, I don't say you vote for this or you vote against this bill, but this stops torture by saying you've got to comply with the Army Field Manual.

The other thing we say in this bill is you have to have fully equipped and fully trained troops. Can anybody argue about that? Is there anybody that can say to me we shouldn't have fully trained and fully equipped troops? I don't think so.

□ 1945

The other thing, it sets a goal. And the goal is to start the redeployment out of Iraq and have them out within a year. That doesn't mean that we are going to necessarily get it, but we have to start it. At some time we have to convince the Iraqis that we need to change the direction and they are going to have to take responsibility. I think they have started that. I think we have backed off a little bit.

What we did in Vietnam was make the mistake that every time they made a mistake, we took over. In this particular case, we have to let the Iraqis continue to do their job.

Now, the government has let us down; there is no question about it. The government has not changed the policies. There has been ethnic cleansing. There have been 4 million people ethnically cleansed either by sending them out of the country or by moving them from Sunni areas into Shiite areas or vice versa.

This is one of the reasons that the military commanders have said over and over, the Iraqis are finally taking an interest. The al Qaeda has been defeated, according to what the military commanders are saying.

What is the point in us being there if al Qaeda has been defeated? I said a couple of years ago, there are only 2 or 3,000 al Qaeda, and the Iraqis know where they are and know what they have to do to take care of them.

I am convinced that this bill starts to force the Congress to have oversight. We are the board of directors, somebody said to me today. The President is the executive officer. We are the board of directors. When the board of directors sees the policies going in the wrong way, and actually, the people of the United States are the board of directors and we act for the board of directors by the people of the United States. If we think it is going the wrong way, we have to change the policy.

This is a change in policy. This holds the President accountable for the decisions he is making. It doesn't tie the commanders' hands. No torture. They are supplied with equipment and training. That is not tying the hands of the commanders. And we are starting to get them out already.

Al Qaeda has been defeated. The civil war has wound down. It is time to get us out. Let's remember, stability in the Middle East doesn't depend just on Iraq. It depends on Pakistan with nuclear weapons or the possibility of nuclear weapons. Stability depends on Iran. Stability depends on Syria. Stability depends on Turkey, our allies. We need a diplomatic effort.

As I said and the Chief of the Joint Chiefs said, we cannot win this militarily; it has to be won by the Iraqis and it has to be won diplomatically.

This helps us hold the administration accountable, and I would ask for all Members to vote for a bill that changes the direction of this Congress and this country in this effort in Iraq.

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT- 2008

(IN THOUSANDS OF DOLLARS)

	RECOMMENDED
TITLE II--SUPPLEMENTAL APPROPRIATIONS DEPARTMENT OF DEFENSE--MILITARY	
Military Personnel	
Military Personnel, Army (emergency)	713,700
Military Personnel, Navy (emergency)	95,624
Military Personnel, Marine Corps (emergency)	56,050
Military Personnel, Air Force (emergency)	138,037
Total, Military Personnel	1,003,411
Operation and Maintenance	
Operation and Maintenance, Army (emergency)	27,429,490
Operation and Maintenance, Navy (emergency)	2,071,560
Operation and Maintenance, Marine Corps (emergency)	2,429,323
Operation and Maintenance, Air Force (emergency)	3,582,560
Operation and Maintenance, Defense-Wide (emergency)	1,330,540
Operation and Maintenance, Army Reserve (emergency)	61,223
Operation and Maintenance, Navy Reserve (emergency)	47,500
Operation and Maintenance, Marine Corps Reserve (emergency)	26,157
Operation and Maintenance, Air Force Reserve (emergency)	8,089
Operation and Maintenance, Army National Guard (emergency)	378,381
Operation and Maintenance, Air National Guard (emergency)	34,422
Subtotal, Operation and Maintenance	37,399,245
Other Operation and Maintenance	
Afghanistan Security Forces Fund (emergency)	500,000
Iraq Security Forces Fund (emergency)	500,000
Iraq Freedom Fund (emergency)	3,168,000
Joint Improvised Explosive Device Defeat Fund (emerg)	
Attack the network	498,500
Defeat the Device	900,000
Train the Force	200,000
Staff and infrastructure	40,000
Total, Joint IED Defeat Fund	1,638,500
Subtotal, Other	5,806,500
Grand total, Operation and Maintenance	43,205,745

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT- 2008

(IN THOUSANDS OF DOLLARS)

	RECOMMENDED
Procurement	
Aircraft Procurement, Army (emergency)	302,200
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	1,574,217
Procurement of Ammunition, Army (emergency)	154,000
Other Procurement, Army (emergency)	1,976,100
Aircraft Procurement, Navy (emergency)	25,300
Other Procurement, Navy (emergency)	88,281
Procurement, Marine Corps (emergency)	729,232
Aircraft Procurement, Air Force (emergency)	147,800
Other Procurement, Air Force (emergency)	42,125
Procurement, Defense-Wide (emergency)	102,588
Total, Procurement	5,141,843
Defense Health Program	
Operation and maintenance (emergency)	599,001
Research, development, test and evaluation	
Traumatic brain injury and psychological health research (emergency)	50,000
Total, Defense Health Program	649,001
General Provisions	
Special transfer authority (Sec. 102) (emergency)	(4,000,000)
Total for the bill (net)	50,000,000
RECAPITULATION	
Military Personnel	1,003,411
Operation and Maintenance	37,399,245
Other Operation and Maintenance	5,806,500
Procurement	5,141,843
Defense Health Program	649,001
Total, Department of Defense	50,000,000

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT- 2008

OPERATION AND MAINTENANCE

(IN THOUSANDS OF DOLLARS)

	RECOMMENDED
OPERATION AND MAINTENANCE, ARMY	
INCREMENTAL WARTIME OPERATING COSTS	22,532,921
RESET (UNIT AND INTERMEDIATE MAINTENANCE)	3,920,014
SERVICEWIDE TRANSPORTATION	976,555
(COMMANDER'S EMERGENCY RESPONSE PROGRAM) (NA)	(500,000)
TOTAL, O&M, ARMY	27,429,490
OPERATION AND MAINTENANCE, NAVY	
INCREMENTAL WARTIME OPERATING COSTS	2,071,560
TOTAL, O&M, NAVY	2,071,560
OPERATION AND MAINTENANCE, MARINE CORPS	
INCREMENTAL WARTIME OPERATING COSTS	2,034,499
DEPOT MAINTENANCE	245,319
SERVICEWIDE TRANSPORTATION	149,505
TOTAL, O&M, MARINE CORPS	2,429,323
OPERATION AND MAINTENANCE, AIR FORCE	
OPERATING FORCES/FLYING HOURS	3,582,560
TOTAL, O&M, AIR FORCE	3,582,560
OPERATION AND MAINTENANCE, DEFENSE-WIDE	
SPECIAL OPERATIONS COMMAND	696,000
DLSA OFFICE OF MILITARY COMMISSIONS	1,540
DCSA COALITION SUPPORT	333,000
DCSA LIFT AND SUSTAIN	150,000
GLOBAL TRAIN AND EQUIP	150,000
TOTAL, O&M, DEFENSE-WIDE	1,330,540
OPERATION AND MAINTENANCE, ARMY RESERVE	
OPERATING FORCES SUPPORT	61,223
TOTAL, O&M, ARMY RESERVE	61,223
OPERATION AND MAINTENANCE, NAVY RESERVE	
MISSION AND OTHER FLIGHT OPERATIONS	38,841
INTERMEDIATE MAINTENANCE	31
MISSION AND OTHER SHIP OPERATIONS	937
COMBAT COMMUNICATIONS	2,233
COMBAT SUPPORT FORCES	5,458
TOTAL, O&M, NAVY RESERVE	47,500

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT- 2008

OPERATION AND MAINTENANCE

(IN THOUSANDS OF DOLLARS)

	RECOMMENDED
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	
BASE OPERATION SUPPORT	48
OPERATING FORCES	25,301
TRAINING SUPPORT	808
TOTAL, O&M, MARINE CORPS RESERVE	26,157
OPERATION AND MAINTENANCE, AIR FORCE RESERVE	
PRIMARY COMBAT FORCES	8,089
TOTAL, O&M, AIR FORCE RESERVE	8,089
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	
PRE-DEPLOYMENT AND POST-DEPLOYMENT TRAINING	378,381
TOTAL, O&M, ARMY NATIONAL GUARD	378,381
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	
AIRCRAFT OPERATIONS	32,274
MISSION SUPPORT OPERATIONS	2,148
TOTAL, O&M, AIR NATIONAL GUARD	34,422
RECAPITULATION	
OPERATION AND MAINTENANCE, ARMY	27,429,490
OPERATION AND MAINTENANCE, NAVY	2,071,560
OPERATION AND MAINTENANCE, MARINE CORPS	2,429,323
OPERATION AND MAINTENANCE, AIR FORCE	3,582,560
OPERATION AND MAINTENANCE, DEFENSE-WIDE	1,330,540
OPERATION AND MAINTENANCE, ARMY RESERVE	61,223
OPERATION AND MAINTENANCE, NAVY RESERVE	47,500
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	26,157
OPERATION AND MAINTENANCE, AIR FORCE RESERVE	8,089
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	378,381
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	34,422
TOTAL, OPERATION AND MAINTENANCE	37,399,245

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT- 2008

PROCUREMENT

(IN THOUSANDS OF DOLLARS)

	RECOMMENDED
SUMMARY	
ARMY	
AIRCRAFT	302,200
WEAPONS, TRACKED COMBAT VEHICLES	1,574,217
AMMUNITION	154,000
OTHER	1,976,100
TOTAL, ARMY	4,006,517
NAVY	
AIRCRAFT	25,300
OTHER	88,281
MARINE CORPS	729,232
TOTAL, NAVY	842,813
AIR FORCE	
AIRCRAFT	147,800
OTHER	42,125
TOTAL, AIR FORCE	189,925
DEFENSE-WIDE	
DEFENSE-WIDE	102,588
TOTAL PROCUREMENT	5,141,843

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT- 2008

PROCUREMENT

(IN THOUSANDS OF DOLLARS)

	RECOMMENDED
PROCUREMENT, MARINE CORPS	
LIGHT ARMORED VEHICLES (LAV)	
LAV PRODUCT IMPROVEMENT PROGRAM (PIP)	23,000
LAV RESTORATION AND MODERNIZATION (RAM)	33,600
MODIFICATION KITS	
MULTIPURPOSE TANK BLADE	2,200
TACTICAL CONCEALED VIDEO SYSTEM	400
5/4T TRUCK HMMWV (MYP)	53,482
MARINE AIR COMMAND CONTROL SYSTEM (MACCS)	29,000
INTELLIGENCE SUPPORT EQUIPMENT	
ANGEL FIRE SENSOR PACKAGE	8,000
MOTOR TRANSPORT MODIFICATIONS	
MTVR ARMOR	60,000
EOD SYSTEMS	
CREW	172,800
PHYSICAL SECURITY EQUIPMENT	
GBOSS	340,000
FIELD MEDICAL EQUIPMENT	
FAMILY OF FIELD MEDICAL EQUIPMENT	6,750
TOTAL, PROCUREMENT, MARINE CORPS	729,232
AIRCRAFT PROCUREMENT, AIR FORCE	
C-17 LAIRCM	72,000
C-5 DEFENSIVE SYSTEM INSTALLATION	11,700
TO EQUIP DEPLOYING AIRCRAFT	
F-15 ARC-210 BLOS COMMS UNR	39,700
F-16 SLOS UON	24,400
TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	147,800
OTHER PROCUREMENT, AIR FORCE	
MEDIUM TACTICAL VEHICLES	3,500
HALVORSEN LOADER	13,500
VEHICLE COUNTER SNIPER PROTECTION KITS	1,625
AIR FORCE PHYSICAL SECURITY SYSTEM	13,000
NIGHT VISION GOGGLES	2,500
REMOTE OPTICAL VIDEO ENHANCED RECEIVER (ROVER)	5,500
BLUE FORCE TRACKING (BFT)	2,500
TOTAL, OTHER PROCUREMENT, AIR FORCE	42,125
PROCUREMENT, DEFENSE-WIDE	
CV-22	52,200
C-130 MODS	6,400
SPEAR	1,000
TACTICAL COMBAT CASUALTY CARE KITS	4,964
SOF COMBAT ASSAULT RIFLE (SCAR)	4,593
AN/PVS-15A NIGHT VISION GOGGLES	1,057
MOUT RANGE CONTROL SYSTEM	3,316
GROUND MOBILITY VEHICLES	1,846
SUSPENSION UPGRADE TO TACTICAL GROUND MOBILITY VEHICLE	10,112
U-28 BLOCK 20 UPGRADE	17,100
TOTAL, PROCUREMENT, DEFENSE-WIDE	102,588

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT- 2008

PROCUREMENT

(IN THOUSANDS OF DOLLARS)

	RECOMMENDED
OTHER PROCUREMENT, ARMY	
HMMWV RECAP PROGRAM	465,000
HIGH MOBILITY MULTI-PURP WHEELED VEHICLE (HMMWV)	427,000
HEMTT EXTENDED SERVICE PROGRAM	40,000
KNIGHT FAMILY	50,000
FAMILY OF MEDIUM TACTICAL VEH (FMTV)	80,000
TACTICAL BRIDGE, FLOAT-RIBBON	21,000
FAMILY OF HEAVY TACTICAL VEHICLES (FTHV)	70,000
TACTICAL TRAILERS/DOLLY SETS	29,000
GROUND STANDOFF MINE DETECTION SYSTEM	13,000
NIGHT VISION DEVICES	45,000
NIGHT VISION THERMAL WEAPONS SIGHT	11,000
MOBILE MAINTENANCE EQUIPMENT SYSTEM	13,000
ALL TERRAIN LIFTING ARM SYSTEM	11,000
GENERATORS AND ASSOCIATED EQUIP	18,500
DIGITAL TOPOGRAPHIC SUPPORT SYSTEM (DTSS) (MIP)	6,000
CONSTRUCTION EQUIPMENT ESP	4,500
DISTRIBUTION SYSTEMS, PETROLEUM & WATER	4,500
CBRN SOLDIER PROTECTION	54,300
ITEMS LESS THAN $5.0M (TAC VEH)	4,000
FIRE SUPPORT C2 FAMILY	3,500
TRUCK, TRACTOR, LINE HAUL, M915/M916	3,200
DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEM	9,300
SAT TERM, EMUT (SPACE)	3,400
ARMY GLOBAL COMMAND AND CONTROL SYSTEM (AGCCS)	2,800
PROPHET GROUND (MIP)	4,600
ITEMS LESS THAN $5.0M (MAINT EQ)	12,100
INFORMATION SYSTEMS SECURITY PROGRAM-ISSP	1,500
RAPID EQUIPPING SOLDIER SUPPORT SYSTEMS (INCL WARLOCK)	400,000
MODIFICATION OF IN-SERVICE EQUIPMENT (OPA3)	160,000
NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	3,200
ROUGH TERRAIN CONTAINER HANDLER	3,000
ARMORED SECURITY VEHICLES (ASV)	1,500
CI HUMINT INFO MANAGEMENT SYSTEM (CHIMS) (MIP)	1,200
TOTAL, OTHER PROCUREMENT, ARMY	1,976,100
AIRCRAFT PROCUREMENT, NAVY	
GEN II MISSILE WARNING SYSTEM (COMMON ECM)	17,000
P-3 ISR UPGRADES (P-3 SERIES)	1,200
EP-3 ISR UPGRADES (EP-3 SERIES)	4,500
CH-53 AMARC (H-53 SERIES)	2,600
TOTAL, AIRCRAFT PROCUREMENT, NAVY	25,300
OTHER PROCUREMENT, NAVY	
UNMANNED AERIAL VEHICLES FOR EOD TEAMS (EOD EQPT)	37,000
BOARDING PARTY BODY ARMOR (PHYSICAL SECURITY EQPT)	3,100
EOD ROBOTS (EOD EQPT)	1,200
AIRCREW BODY ARMOR (AVIATION LIFE SUPPORT)	750
CREW (EOD EQPT)	35,400
WMD DETECTION (PHYSICAL SECURITY EQPT)	3,000
NCIS VEHICLES (PHYSICAL SECURITY VEHICLES)	900
IN THEATER AIR TRAFFIC CONTROL (ATC EQPT)	6,111
MEDICAL SUPPORT EQUIPMENT	820
TOTAL, OTHER PROCUREMENT, NAVY	88,281

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT- 2008

PROCUREMENT

(IN THOUSANDS OF DOLLARS)

	RECOMMENDED
AIRCRAFT PROCUREMENT, ARMY	
UTILITY FIXED WING F/W CARGO AIRCRAFT	5,000
UH-60M BLACKHAWK (MYP)	47,400
AH-64 MODS	113,600
CH-47 CARGO HELICOPTER MODS	120,000
COMMON GROUND EQUIPMENT	10,000
AIR TRAFFIC CONTROL	6,200
TOTAL, AIRCRAFT PROCUREMENT, ARMY	302,200
PROCUREMENT OF W&TCV, ARMY	
BRADLEY BASE SUSTAINMENT	400,000
STRYKER VEHICLE	521,000
FIST VEHICLE (MOD)	30,000
BFVS SERIES (MOD)	48,000
IMPROVED RECOVERY VEHICLE (M88 MOD)	135,000
M1 ABRAMS TANK (MOD)	200,000
ABRAMS UPGRADE PROGRAM	225,000
M249 SAW MACHINE GUN, 5.56MM (SAW)	8,700
M249 SAW MACHINE GUN MODS (GZ1290)	6,517
TOTAL, PROCUREMENT OF W&TCV, ARMY	1,574,217
PROCUREMENT OF AMMUNITION, ARMY	
40MM ALL TYPES	65,700
30MM ALL TYPES	40,000
25MM ALL TYPES	300
105MM ARTILLERY AMMUNITION ALL TYPES	10,000
MODULAR ARTILLERY CHARGE SYSTEM (MACS)	18,000
SHOULDER FIRED ROCKETS ALL TYPES	20,000
TOTAL, PROCUREMENT OF AMMUNITION, ARMY	154,000

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 15 seconds just to point out, and I agree strongly with Mr. MURTHA's statement about torture. I don't think Americans want to be known as a Nation that do torture.

But we have put prohibitions on torture in our Defense appropriations bills almost from the beginning of the war, and so we have made it very clear that we are opposed to the use of torture. We just wish the other side would go by the same rules.

I am pleased to yield 3 minutes to the distinguished gentleman from California, the former chairman of the Armed Services Committee, Mr. HUNTER.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me the time. I want to also thank everyone who works on this committee and has spent so much time over the years working to prepare our military forces to be able to handle contingencies and wars around the world. We appreciate that, and you have lots of great experience.

But let me tell you, this provision in this particular bill is terrible for the warfighters. Let me talk about a small piece of it.

You have what I call a 15-day wait, notify and hold provision. That means before any unit can go into Iraq, a 15-day period, waiting period, has to expire after you have notified the Armed Services Committees and the Defense appropriations committee that unit is "ready for battle" and meets a mission-capability standard.

Now, the problem with that is we have a war against terror in which teams, whether they are special operations teams, medivac teams, EOD teams, special fire support teams like C–130, A–6 gun ships are constantly moving across the boundaries between Iraq and the rest of the world. Some of our assets come off of carriers. Some of them come out of Incirlik, Turkey. Some from Kuwait and some of them come from other places.

This idea that before a special forces team can move across a line you must have a 15-day notify and wait period is totally unworkable.

I want to give to you what Admiral Fallon, head of the Central Command, said when we asked him what he thought about the notify and hold provision. He said, "I would ask for consideration that we not limit the flexibility of our commanders in allowing them to use forces that might be necessary to meet a situation or a mission which they might be asked to undertake. And so I would opt to allow our commanders to have the flexibility of making that decision rather than have some dictated requirement in advance."

I would say to my good friend, Mr. MURTHA, who has several times stated that the administration should listen to its generals: Every team that goes into that warfighting theater goes in because one of the battlefield commanders has requested their presence.

I can remember talking to my son when he was in the battle of Fallujah as an artillery officer and he was inside the city as a forward observer. And I asked him what the most important platforms we had out there were. He said the A6 C–130 gunship. I said, Where are they? He said, They come and they go.

Ladies and gentleman, we move firefighting teams, all types of special operations crews and teams, EOD teams, A6 C–130 gunships across those borders constantly, and to have a requirement where you are going to have to give a 15-day notification and wait before you can move that unit in is devastating to our warfighting capability.

I would ask for a "no" on this measure.

Mr. OBEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, as one who opposed the invasion of Iraq and as one who has led efforts to end the occupation of Iraq, I rise today to support the Orderly and Responsible Iraq Redeployment Appropriations Act of 2007.

First, I would like to thank Speaker PELOSI, Chairmen OBEY and MURTHA for really crafting this historic legislation that takes the first step to end the occupation of Iraq. This bill's main purpose, main purpose, is to begin to fund the end of this occupation.

This is also the very first time that this Congress will explicitly tie funding to bringing our troops home. It mandates a start date for the President to begin redeployment of our brave troops within 30 days of his signature. It also once again puts Congress on record prohibiting the establishment of permanent military bases and United States economic control of Iraqi oil and also of torture.

Mr. Speaker, this legislation is not perfect. I strongly feel that there should be additional clarity on the numbers and nature of U.S. forces that remain for protection of diplomats and training of Iraqi forces. And given the President's determination to protect his legacy by allowing the occupation to continue indefinitely, we really must be wary of providing him opportunities to prolong or extend this war.

So we made sure in this legislation that this bill explicitly states that "the primary purpose of this $5 billion should be to transition the mission, redeploy troops in Iraq, and not to extend or prolong the war."

But I am also disappointed that the end date in this legislation is a goal no later than December 2008. But hopefully, the Senate will pass this and send it to the President.

This legislation does conform to what Congresswomen WATERS, WOOLSEY and myself have been working on all year. Earlier this year, we authored the Lee amendment that stipulates funding for Iraq should be used to fully fund, fully fund, the safe and orderly redeployment of our troops from Iraq. We did this way back in March. Now, 92 Members of Congress wrote to the President to put him on notice to this effect. So I am glad this remains the main purpose of this legislation.

This legislation represents for many of us a very important step forward to end the combat operations in Iraq. Otherwise, believe you me, I would never vote for it.

Mr. Speaker, this legislation does not give the President a blank check for his occupation. It provides a down payment on redeploying our troops from Iraq and ending the occupation. It clearly says these funds are to be used to begin to end the death, the violence, and the destruction that the Bush administration has brought on Iraq, which he has brought on our brave young men and women, and our country and the world.

Mr. YOUNG of Florida. Mr. Speaker, I am pleased to yield 5 minutes to the very distinguished gentleman from New Jersey, the former vice chairman of the Defense Appropriations Subcommittee.

Mr. FRELINGHUYSEN. I rise in strong opposition to this legislation, the process that brought it here tonight, but not to the money that is badly needed for our troops in the field.

For each of the last 3 years, the Defense appropriations bill, ably led by Chairman YOUNG and Chairman MURTHA, has included a straightforward bridge fund to cover the cost of ongoing operations in Iraq and Afghanistan.

Indeed, the continuing resolution we passed last month gave our military access to the bridge funding until November 16. This funding allowed our warfighters, all volunteers, the ability to fuel their Stryker vehicles and Humvees, restock their ammunition, resupply their mess halls, power the systems that allow them to keep in touch with their families at home, and even to ship their new MRAP vehicles to the battle zone so they may be better protected from IEDs. And yes, protect their fellow soldiers and innocent Iraqis.

But bowing to antiwar sentiment, the majority leadership pointedly chose to keep this important bridge funding out of the defense bill that we approved last week.

So while our brave warfighters are hard at work in Iraq in a hellish environment, they find they have to watch their own backs from those in Washington who want to choke off funding for their missions, both military and humanitarian.

I submit that this deliberate attempt to starve our operations in Iraq threatens the very safety of those troops and the lives of hundreds of thousands of innocent Iraqis. No, Mr. Speaker, we should be sending to the President a clean bridge fund that does not tie the hands of commanders in the field and allows them to build on their undeniable successes in recent months in Iraq. Cutting money does tie their hands, limits those commanders' options, as does the setting of date certain.

My colleagues, the ill-advised process this House started last week is not without its costs. While Congress deliberately procrastinates, and some say throws roadblocks in front of our brave warriors battling violent international terrorists every day, military operations in Iraq and Afghanistan will run out of money, causing the Department of Defense to borrow from other important programs to support their operations.

I am told this process could completely drain the Army's operations and maintenance accounts by the end of next January.

In fact, it is my understanding that the Deputy Secretary of Defense has warned that the military would have to start preparing in December, next month, to close domestic military facilities, lay off civilian workers, and delay contracts if the bridge funding is not provided. This could have very damaging consequences for those communities privileged to host a military installation.

Mr. Speaker, I am also troubled that this bill requires the withdrawal of U.S. forces from Iraq and slaps restrictions on the mission of U.S. troops, again, both military and humanitarian.

This harkens back to what was recently described by the junior Senator from Connecticut as the "narrative of defeat and retreat." As Senator LIEBERMAN said yesterday, and I quote, "Rather than supporting General Petraeus and our troops in the field, antiwar advocates in Congress are instead struggling to deny or disparage their achievements, and are now acting, once again, to hold hostage the funding our troops desperately need and to order retreat by a date certain, regardless of what is happening on the ground."

I would remind my colleagues that even the Iraq Study Group warned us against setting arbitrary deadlines. We should let the troops and their commanders do their work.

I have always maintained that our brave troops' service in Iraq should be as short and as safe as possible. This legislation does nothing to advance either of these goals. I urge rejection of this bill.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on H.R. 4156.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. I yield 1 minute to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. I would say to my good friend from New Jersey, he voted for the $459 billion bill where we had a CR that fully funded the MRAPs, fully funded, $16 billion for the year. We are not holding up the MRAPs. And we provided the transportation.

□ 2000

We were very careful with this bill. The gentleman knows how careful I am in taking care of the troops. The gentleman knows how careful he is in taking care of the troops. None of us are trying to put roadblocks in the way. What we are trying to do is hold the administration accountable for what they have done. We want stability in the whole Middle East, not just in Iraq. So we have got to focus also on the future of the country. Russia is starting to come up, China is starting to come up. And in our bill, which the gentleman from New Jersey was a part of, we started to look ahead. Iraq is occupying us as well as we occupying Iraq.

So I have to say to the gentleman, I just want to make sure we keep the facts straight. We have fully funded the MRAPS, even though it's costing $150,000 per MRAP to get them overseas because of the lateness of the request.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this Iraq supplemental bridge fund. While no one is declaring victory in Iraq, the tide is turning. But nothing changes here on Capitol Hill. And here we go again, by some estimates, the 41st effort by the majority to come to this floor and force a precipitous and reckless withdrawal of forces from Iraq, another Democrat plan for redeployment from Iraq tying $50 billion in necessary combat funds for our troops to a Democrat plan for withdrawal.

With unambiguous evidence of progress on the ground filling the newspapers of America, the Democrats in Congress seem to have decided to add denial to their plan of retreat and defeat in Iraq. And the newspapers speak for themselves.

The Washington Post last week wrote, "The number of attacks against U.S. soldiers has fallen to levels not seen since before the February 2006 bombing of a Shia shrine in Samarra that touched off waves of sectarian killing." The death toll of American troops in October fell to 39, the lowest since March 2006.

And on Thursday last, The New York Times noted, "'American forces have routed al Qaeda in Mesopotamia, the Iraqi militant network, from every neighborhood in Iraq,' a top general said today, 'allowing American troops involved in the surge to depart as planned.'"

The Washington Times would say, "Responding to the good news, Speaker Pelosi has unveiled her newest legislative strategy to damage the war efforts. House Democrats this week," they wrote, "will try to enact a bill calling for immediately beginning to withdraw U.S. troops from Iraq. The surrender language will be attached to a 4-month, $50 billion funding."

"The contrast could hardly be more striking," they said. "American soldiers performing heroically and successfully, risking their lives on the battlefield in Iraq, Speaker Pelosi and the Democrat leadership by contrast look for ways to advertise American weakness to the enemy."

And I say from my heart, with great respect to the good and patriotic Americans with whom I differ on this point, I urge my colleagues to reject this Democrat plan for withdrawal. But I also urge my countrymen to give our soldiers a chance. I know things have not always gone as we had all hoped in Iraq.

In my role as the ranking member of the Middle East Subcommittee and before, I have traveled to this war-torn country five times over the last 4½ years. I have seen success and I have seen less than success. I have seen advance and I have seen failure. But today, we are seeing hope spring. Freedom and stability are beginning to take hold in Iraq. And I say from my heart, we cannot lose faith in ourselves. We cannot lose faith in freedom. We must reject this latest plan for retreat and defeat.

Mr. OBEY. I yield 2 minutes to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. I thank the gentleman for yielding.

This is almost the 250th time I have been down on this House floor to talk about Iraq in the last 2 years. I can't remember, so I say almost how many times it's been.

During that time, the American people have been demanding two things, that the Congress step up to our responsibility and bring our troops home, and that we take bold steps to face up to the President by using our power, the power of the purse, to hold him accountable for what is going on in Iraq.

Today, Speaker PELOSI is leading the House of Representatives in a bold direction. It is the first time so far that we have tied funding to redeployment. Ninety-two Members of the House have written a letter to the President demanding that no more funding for Iraq go forward without it, meaning bringing our troops home and redeployment.

This vote also leads to next year's appropriations where we can use the power of the purse and fully fund bringing our troops home in a very responsible and very timely and actually safe way.

This bill is not perfect. It is the boldest step yet, however, and we must support it. I would not support it if we were not tying the funding to responsible redeployment. I would not support it unless there was a start date for the President to begin the redeployment of our brave men and women in uniform. This bill is the beginning, but it is a bold beginning. I think we should consider everything that is in it, and then build on that for the future and get our troops home as soon as possible.

Mr. YOUNG of Florida. Mr. Speaker, I now yield 3 minutes to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, it seems like not that long ago, but it was a year or so ago, we heard repeatedly: We're losing in Iraq. We're losing in Iraq. We've got to have a policy change. We're losing in Iraq. We've got to have a policy change. And we got a policy change.

It's kind of refreshing to hear so many say we're winning, and a little bit surprising to hear we're winning, so we need a policy change. We're winning, so we need a policy change? We know if we pull out too quickly, we don't leave a stable area.

Hearing comments earlier about somebody won't listen to anyone else; they get no input. I thought they were talking about the Democratic majority. Just today on FISA, the Foreign Intelligence Surveillance Act, I'm told at 1:30 that we've got to have amendments in by 4 o'clock on a bill that we weren't even allowed to see. You want input? Let's start it right here on the floor.

I heard comments about Vietnam mistakes. The biggest mistake that history teaches us about Vietnam was that it was micromanaged from Washington. If you want documentation, go to Sam Johnson's book. After the carpet bombing finally took place and we went after and took it to them, the bombing stopped, we gave away the farm at Paris, and as the prisoners left the Hanoi Hilton, one of the leaders said, "You know, you Americans are so foolish. If you'd have kept it up another week, we would have had to unconditionally surrender." But we were micromanaged from Washington.

We show the greatest reverence for those who have given their last full measure of devotion not by pulling out before we leave a stable area, but by seeing that we finish the job and leave a stable area so they will not have died in vain.

I leave with a comment of Travis Buford's mother as we stood there by his casket in Nacogdoches, Texas at the funeral home earlier this year. I said to his mother as we stood near his coffin, "Is there anything I can do?" She gritted her teeth and she said, "Go back and tell the Congress to shut up and let the military finish their job."

Mr. OBEY. Mr. Speaker, after that very thoughtful statement, I would like to yield 1 minute to the distinguished gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Mr. Speaker, I rise tonight in support of H.R. 4156 because people in Wisconsin want their country back.

This bill supports our troops and demands the President begin to move our forces away, away from Iraq and back after our real enemies, Osama bin Laden and his followers.

Iraq will forever be President Bush's war, an unnecessary war based on lies and deceptions. His poor judgment has written perhaps the saddest chapter in our Nation's history, wearing down our military and the endless, centuries-old Iraqi civil war.

The vote today will end not the hatred between the Shiites and Sunnis, but it will redirect our efforts away from Iraq as soon as humanly possible. A "yes" vote supports our troops by protecting them from a President who does not understand reality.

People in Wisconsin have asked me to deliver their message here, here on the House floor: I want my country back. I want my country back. Tonight, we will begin to move our country in a new direction, away from Iraq and back after Osama bin Laden and his followers.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I rise tonight in strong opposition to H.R. 4156, the so-called Orderly and Responsible Iraq Redeployment Appropriations of 2008, because in fact, Mr. Speaker, the bill should be called the Disorderly and Irresponsible Iraq Redeployment Appropriations Act.

Let me be clear, Mr. Speaker. What we are debating tonight, disguised as a genuine bridge fund to sustain operations in the global war on terror, is nothing more than another defeatist measure intended to placate the Democrats' liberal base as we approach this Thanksgiving recess.

The Democratic leadership apparently has decided it's more to stand with the Out of Iraq Caucus, MoveOn.org and Code Pink than with our brave men and women in uniform. Rather than funding our soldiers' needs and delivering a decisive blow to the terrorist campaign in Iraq, the Democrats are again conditioning the funding on a date certain for withdrawal.

At a time of sustained progress by our forces, Mr. Speaker, it seems that what is great news for America and for our troops is consequently bad political news for a Democratic majority who has literally bet the farm on a defeatist agenda.

Just last weekend, Prime Minister Maliki stated that violence between Sunnis and Shias has nearly disappeared from Iraq, disappeared from Baghdad, with terrorist bombings down 77 percent.

The Washington Post reported that attacks against United States soldiers have fallen to levels not seen since the February 2006 bombing of the Shia shrine in Samarra. And an Investor's Business Daily article detailed that military analysts, including many who are opposed to the war, have concluded that the United States and its allies are on the verge of winning in Iraq. And, thankfully, United States casualties in Iraq are at their lowest level since March of 2006, Mr. Speaker. Now is not the time to risk impeding the progress we are making. Now is the time to continue building on the turnaround we have made, and to state unequivocally that we are on the verge of victory in Iraq and that we will finish the job.

Mr. Speaker, we cannot give in to the terrorists' extremist views and sinister plans for the Middle East and the world. And we certainly should not send a message to the terrorists that such a capitulation will begin in 30 days and will wrap up by December of 2008.

Mr. Speaker, I urge my colleagues to vote "no" on tying funds for our troops to a date certain withdrawal from Iraq. I urge all my colleagues to vote "no" on this dangerous bill.

Mr. Speaker, I rise today in strong opposition to H.R. 2156, the so-called "Orderly and Responsible Iraq Redeployment Appropriations of 2008." Because, in fact, this bill is a "disorderly and irresponsible Iraq Redeployment Appropriations Act."

Let me be very clear, Mr. Speaker. What we are debating today—disguised as a genuine bridge fund to sustain operations in the Global War on Terror—is nothing more than another defeatist measure intended to placate the Democrat's liberal base as we approach the Thanksgiving recess.

The Democratic leadership has decided it is more important to stand with the "Out of Iraq Caucus," MoveOn.org and Code Pink than with our brave men and women in uniform. Rather than funding our soldiers' needs and delivering a decisive blow to the terrorist campaign in Iraq, the Democrats are again conditioning the funding on a date-certain withdrawal.

At a time of sustained progress by our forces, Mr. Speaker, it seems that what is great news for America and for our troops is consequently bad political news for the Democrat majority and their defeatist agenda.

Mr. Speaker, a July New York Times editorial authored by Michael O'Hanlon and Kenneth Pollack stated "We are finally getting somewhere in Iraq, at least in military terms. . . . The soldiers and marines told us they feel that they now have a superb commander in General David Petraeus; they are confident in his strategy, they see real results, and they feel now they have the numbers needed to make a real difference."

In September, General Petraeus and Ambassador Crocker spoke optimistically about the future of Iraq citing concrete progress. Acknowledging we still had a long way to go, they recognized we had achieved tactical momentum and were building momentum toward local reconciliation. Indeed, local Iraqis were turning against extremists.

Last weekend Prime Minister al-Maliki stated that violence between Sunnis and Shi'ites has nearly disappeared from Baghdad, with terrorist bombings down 77 percent. The Washington Post reported that attacks against U.S. soldiers have fallen to levels not seen since before the February 2006 bombing of a Shi'ite shrine in Samarra. An Investor's Business Daily article detailed that military analysts—including many who are opposed to the war—have concluded that the U.S. and its allies are on the verge of winning in Iraq.

And thankfully, U.S. casualties in Iraq are at their lowest level since March 2006. Now is not the time to risk impeding the progress we are making. Now is the time to continue building on the turn-around we have made and to state unequivocally that we are on the verge of victory in Iraq, and that we will finish the job.

Mr. Speaker, let me remind my colleagues of the consequences of giving up on Iraq: the collapse of a democratic Iraqi government, likely leading to mass killings and genocide in the nation; an emboldened al-Qaeda; regional instability; Iran and Syria setting the course of Iraq's future; and Israel being pushed into the Mediterranean sea.

The stakes are too high for political posturing. Ayman al-Zawahiri has said "the Jihad in Iraq requires several incremental goals. The first stage: expel the Americans from Iraq."

Mr. Speaker, we cannot give in to their extremist views and sinister plans for the Middle East and the world. And we certainly should not send a message to the terrorists that such a capitulation will begin in 30 days and will wrap up by December of 2008.

Mr. Speaker, never have I been so glad that we've got General Petraeus leading our troops in Iraq and not the Democratic leadership of this house. I urge my colleagues to vote "no" on tying funds for our troops to a date-certain withdrawal from Iraq. I urge all of my colleagues to vote "no" on this bill.

Mr. OBEY. I yield 1 minute to the distinguished gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. I have had to listen as my colleagues on the opposite side of the aisle have made comments like, give our soldiers a chance.

This is not about our soldiers. This is about a failed policy. I think we need to go over some of the facts again, the facts that 70 percent of Americans remember but my colleagues on the opposite side of the aisle seem to have forgotten.

Number 1. There were no Iraqis on the plane that day.

Number 2. There were no weapons of mass destruction.

□ 2015

They weren't there. They were never found.

Number 3. There was no al Qaeda in Iraq before the war, so it doesn't matter if we reduce the number. There were none before the war.

Number 4. This could have been a war against terrorists, should have been a war against terrorists, not a war against the Iraqis.

Now we have almost 4,000 dead Americans. We don't even know how many dead Iraqis. It's a terrible tragedy in our Nation. And we're making decisions to spend billions of dollars in Iraq while we tell our people, sorry, we don't have money for education. Sorry, we don't have money for health care. Sorry, we don't have money to build bridges.

Bring these troops home. And this is what we are doing responsibly. We're saying "no" to the President and "yes" to the American people.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Speaker, before we vote on this measure, the American people need to know that U.S. troops in Iraq have achieved significant security gains. Violence against U.S. troops and Iraqi civilians has fallen dramatically, and forces of chaos have had their safe havens and supply lines systematically eliminated. In fact, it was recently announced that the curfew in Baghdad may soon be lifted.

Mr. Speaker, we can all agree that the goal is to end the war, but this must be done in a solicitous and strategic manner. While there is clearly military momentum in Iraq, the situation remains fragile and complex, and our work continues to be very dangerous and difficult. Establishing an arbitrary deadline for withdrawal of our troops would potentially undermine the stabilization of the country, especially in light of recent security gains.

However, I would submit that one area of potential agreement in this body involves a renewed spirit of diplomacy for the region. It is time for a diplomatic surge. The gains made possible by the steadfast competence of our troops gives rise to a new diplomatic potential in the effort to curtail regional destabilizing influences, promote political and economic progress, as well as provide for the safe and stable transition of refugees throughout the area.

The recent meeting in Istanbul, Turkey of countries neighboring Iraq, the upcoming meeting in Annapolis to further the Middle East peace process, and the United Nation's own recent reengagement in Baghdad are all positive diplomatic trends that should be aggressively supported and augmented by our efforts in this House to facilitate the rapid stabilization of Iraq, potentially empowering an even more rapid drawdown of our troops and a sustainable peace for the country.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Illinois (Mr. HARE).

Mr. HARE. Mr. Speaker, I rise in strong support of H.R. 4156.

For the last 4 years, President Bush has demanded more and more money from this Congress for the war in Iraq, draining funding from domestic priorities in the process. And this year's just no different.

True to form, in October the President casually requested an additional $200 billion to continue his failed policy.

Mr. Speaker, every time I travel back to my district, constituents plead with me to stand up to this President and end the war. Fortunately for them, the days of the rubber-stamp Congress are over. This bill before us holds the President accountable.

The bill provides only $50 billion of the President's $200 billion request, which serves to meet the immediate needs of our troops currently deployed, while the balance is dependent upon progress in Iraq.

The funding is also conditioned on the redeployment of troops from Iraq to begin within 30 days of enactment, with a target for completion by December of 2008.

Passage of this bill is the first step towards forcing a change of course in Iraq, shifting the mission from the combat forces to a comprehensive strategy.

I urge all my colleagues to vote "yes" on H.R. 4156.

Mr. YOUNG of Florida. Mr. Speaker, would you advise us as to the time available on each side?

The SPEAKER pro tempore. The gentleman from Florida has 32¼ minutes remaining. The gentleman from Wisconsin has 34 minutes remaining.

Mr. YOUNG of Florida. Mr. Speaker, I'd like to reserve my time at this point.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, leadership is about getting results. I want to thank our leadership for bringing a bill to the floor for the first time that gets results.

I've never voted for funds for this war, and I've been waiting a long time to vote for a bill that would bring our troops home.

On March 20, 2003, the United States invaded Iraq. It was a mistake then, and every day we've failed to correct this mistake costs us in cash, in credibility, and in lives. Every day we are not working to get out of Iraq, we make our Nation weaker and less safe. Every day that we do not get our troops out of Iraq is another day of mistakes.

The road out of Iraq starts with the first step. This bill is the first beginning. To start a withdrawal, this bill jump-starts that withdrawal. It starts in 30 days.

Passing this bill tonight makes clear that the U.S. House of Representatives has acted to bring our troops home, to end this war, and to put our country back on the right track. This leadership deserves your support.

Mr. YOUNG of Florida. Mr. Speaker, I continue to reserve.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, today I'm proud to join with a unified Democratic Caucus to cast my vote in support of H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations Act. This legislation marks the first time redeployment language has been attached to funding, and includes the strongest worded language to date, by stating Congress's explicit commitment to end the war in Iraq as safely and quickly as possible and bring our troops home.

The letter my colleagues LYNN WOOLSEY, BARBARA LEE and I sent to President Bush stating that we would only support funding for the redeployment of our troops has grown from 70 to 92 signatories. As the letter stated, and as the title of this legislation echoes, we choose to support our military and look out for the best interests of this country by funding an orderly and responsible redeployment from Iraq.

While this bill is far from perfect, there's a lot in this bill to be proud of. This bill requires the redeployment of U.S. troops from Iraq within 30 days. It prohibits the deployment of U.S. troops not deemed fully trained, and it effectively bans the awful practice of waterboarding by any affiliate of a U.S. agency. I applaud the shared commitment of the Democratic Members in both the House and Senate to end the war in Iraq.

I share the public's dismay at the slow pace of Congress's action to end President Bush's failed war. It is, of course, the administration, not Congress, who ultimately deserves the blame for this terrible war. Before every major debate on the Iraq war, like clockwork, President Bush fires up the propaganda machine to twist reality and obscure the facts on the ground.

Those who stand in the way of real change in Iraq must be held accountable. They must not be allowed to quietly throw wrenches in the gears of change slowly rotating within this country.

A large and growing majority of Americans now believe it was a mistake to invade Iraq and that Congress should force a change in the President's irresponsible policies.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, before us tonight is yet another Democrat plan, a plan for failure. I guess it's really not quite so much a plan as just a schedule for failure.

It seems ironic to me that when there is actually success, the Democrats are having a hard time seeing the success. And that's, perhaps, because the success that is going on in Iraq is not a big government, Washington, DC beltway kind of success. It's not the Parliament in Baghdad where the success is going on. No, it's a uniquely American and a special success. It's the success that bubbles from the hearts of the very people that are involved, from the local communities, from the streets, and particularly from the sheiks. It's the kind of thing that happened in America where local communities stood up against the biggest military power in the world and defended our declaration in the same way these sheiks now are paying a tremendous price. One, Sheik Meshin al-Jamari, he was encouraged to come back from his safe haven in Jordan. He came back to take up responsibility for his tribal area just to the east of Fallujah. And what was the cost when he turned on al Qaeda? First, his daughter was killed, then his brother shot, and then his family rounded up inside a house in Karma, and the house imploded upon their heads. And yet, that sheik is standing firm because he does have a vision for the possibility that there will one day be an Iraq where people can be free.

Our General Allen was asked by some of the Iraqis in his tribe, they said, When the British left, they left us a big skyscraper. When America leaves Iraq, will you leave a skyscraper? And General Allen said, No. We'll leave the ideas that leave you a free people. And one day there will be Iraqis who come to us and they will say, Hey, GI Joe, we believe it too. We believe that there is a God that gives inalienable rights to all people, the right to life and liberty and the pursuit of happiness, and we will also stand with you because you have that hope.

It is my hope that the Americans and the Democrats will rediscover why we have always gone to war in America, because we do believe in our battle cry from years ago that there is a God that gives basic rights to all people and that we must have the courage to stand behind those things. I hope that the Congress will vote to reject a plan of defeat.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. The war in Iraq is a disaster and it's time to bring our brave troops, the men and women who volunteered to serve their country for the right reasons but were sent to Iraq for the wrong reasons. It is time now for them to come home.

For that reason, I support this bill which, for the first time, ties funding to the responsible redeployment of our troops out of Iraq, beginning within 30 days of passage and to end in December 2008.

I'm supporting this bill for another important reason. It establishes once and for all that the United States of America does not torture people. This bill is not confused about waterboarding. Waterboarding is clearly made illegal, as well as electric shocks and mock executions and every other gruesome interrogation method that is currently prohibited in the Army Field Manual.

The American people elected the Democratic majority in this House last November because they're done with the war. They're sick and tired of losing American lives in Iraq. And they're sick and tired of losing vital programs at home to continue to finance this tragic war.

This is a vote of conscience. I urge every one of my colleagues to vote in favor of this bill.

Mr. YOUNG of Florida. Mr. Speaker, I reserve my time.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, we have heard significant discussion tonight about al Qaeda. And people seem to think that Iraq, the Iraq war was necessary in order to tackle al Qaeda. Well, that's backwards.

I can recall being out at CIA headquarters after 9/11. I can recall sitting out at CIA headquarters watching the Predator aircraft as they flew over Afghanistan, transmitting pictures back here in the search for bin Laden and al Qaeda. And I remember what those CIA people out there said, and the frustration they expressed because half of their resources were being diverted from the search for bin Laden and al Qaeda to prepare for the attack on Iraq.

It isn't that the war in Iraq was necessary to get at al Qaeda. The war in Iraq diverted us from concentrating on al Qaeda and bin Laden.

☐ 2030

And we are still suffering the consequences today.

So let's keep the facts straight. Let's keep history straight. And let's keep our heads straight. The fact is that Iraq got in the way of our effort to get at al Qaeda and we have been suffering from that fact ever since.

Mr. YOUNG of Florida. Mr. Speaker, I continue to reserve the balance of my time.

Mr. OBEY. I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Speaker of the House.

Ms. PELOSI. I thank the gentleman for yielding and appreciate his leadership in bringing this important legislation, the Orderly and Responsible Iraq Redeployment Appropriations Act.

Mr. Speaker, on Monday, America honored our veterans, something that we do every day in our hearts but which we openly celebrated on that day. I am very proud that this year we could celebrate also the biggest increase in veterans benefits in the 77-

year history of the Veterans Administration thanks to the New Direction Congress.

Yesterday, the President of the United States signed the Defense appropriations bill with the biggest increase in defense spending, made necessary because we must rebuild the capacity of our troops, which capacity has been weakened by the war in Iraq. And today, we bring before the Congress new direction legislation regarding the orderly and responsible redeployment of our troops out of Iraq.

This legislation is necessary because whatever you may have thought about the war or the conduct of the war or the origin of the war, whatever you may think about the performance of the Iraqi Government there, and I have my views on that subject, the fact is we can no longer militarily sustain the deployment in Iraq. Staying there in the manner that we are there is no longer an option.

Our troops have performed their duties magnificently, excellently, patriotically, and courageously. We owe them the deepest gratitude for their courage, their patriotism, and the sacrifices that they and their families are willing to make. But even as they tried to create and had their military successes, God bless them for that, the secure framework was established to enable the Iraqi Government to make the political change necessary to end the civil war. Well, the sacrifice of our troops was simply not met by the actions of the Iraqi Government.

How much longer should we expect our young people to risk their lives, their limbs, their families, for an Iraqi Government that is not willing to step up to the plate?

This legislation today offers something fundamentally different from what President Bush is proposing, a 10-year war, a war without end, costing trillions of dollars at the expense of our military readiness. In fact, it offers something different than this House has done before. Indeed, it provides the tools to our troops so that they can get their jobs done with the greatest respect for that job. But it also presents a strategy that will bring them home responsibly, honorably, safely, and soon.

The legislation is different because it ties the funding to a strategy for redeployment. It is different because the funding provided is for the short term so that we can measure the administration's plan, if there is such a plan, to redeploy the troops on the schedule established in this bill.

We do have a military crisis not seen since Vietnam. Equipment is wearing out and needs to be replaced. Our troops, wherever they are, are only being trained for counterinsurgency in Iraq instead of a wider training for a full range of missions that they may be called on to perform. The deployment schedule of the Bush administration is wearing down our forces, plain and simple.

The distinguished chairman of the Armed Services Committee has made this readiness issue the cornerstone of his opposition to this war in Iraq. The distinguished chairman of the appropriations subcommittee on Defense has told us over and over again that this deployment in Iraq cannot be sustained without weakening our national security, without diminishing the capacity of our armed services to meet challenges to our national security wherever they may occur. As such, this readiness crisis poses a grave threat to America's national security.

Yet under the President's plan, and this was expressed by representatives of the administration on more than one occasion, the President's plan would bring 30,000 troops, the number of troops that were sent in for the surge, that 30,000 troops would be redeployed back to the U.S. by July of 2008. So let's understand this. This means that by July of 2008, we will have the same number of troops in Iraq as we had in November of 2006 when the American people called for a new direction in Iraq. Again, we cannot afford the President's commitment in Iraq. It traps us. It traps us, and we cannot, while we are in that trap, address our readiness crisis.

This redeployment, in addition to undermining our military capacity to protect the American people, is also unsustainable financially. According to a recent report by the Joint Economic Committee, this war could end up costing American taxpayers $3 trillion. We will pay any price, as President Kennedy said, to protect the American people, but without us going into the shortcomings of this war and the President's execution of it, $3 trillion, think of the opportunity cost of that money in our readiness, in the strength of our country, in our reputation in the world.

The legislation before us is important. Again, the title of it is the Orderly and Responsible Iraq Redeployment Appropriations Act. It would begin redeployment within 30 days of enactment and have a goal of completing the redeployment by December 15, 2008. The legislation requires a transition in the mission of U.S. forces from being in combat to diplomatic and force protection, to targeted counterterrorism and limited support for the Iraqi security forces. It would prohibit the deployment of U.S. troops to Iraq who are not fully trained and fully equipped. Thank you, Mr. MURTHA, for your leadership on that subject and on this one as well and so many others. It requires that all U.S. Government agencies and personnel abide by the Army Field Manual's prohibition against torture.

The legislation that Mr. OBEY has brought to the floor, and I salute your leadership over and over again on this subject and so many others, Mr. Chairman, the House must choose between the President's plan for a 10-year war without end, no end in sight, the longer we're there, the harder it is to come out, the longer we're there, the more severely it hurts our military readiness; or a Democratic plan for responsible, honorable, safe redeployment out of Iraq and soon.

Our troops have already paid too high a price for this war: 3,850 U.S. troops killed, 28,000 injured, thousands of them permanently. That is, of course, the biggest price to pay. But the price that we are paying in our reputation in the world for us not to be able to take our rightful place as a leader in the world to make the world safer, to make the region, the Middle East, more stable, and so many other challenges that the world faces, whether it's the eradication of disease, the alleviation of poverty, the curbing of global warming, keeping peace, ending the fury of despair that contributes to the violence in the world. The countries of the world are crying out for American leadership, and at the same time they disrespect us for what is happening in Iraq.

We must act now to provide a new direction because it is clear that the President has turned a blind eye to all of this. And in addition to what I said earlier, our troops paying the biggest price, our reputation in the world, the several-trillion-dollar price tag to the taxpayer, and the cost to our readiness, despite the fact that the President has turned a blind eye to the facts of Iraq and a tin ear to the wishes of the American people to take a new direction in Iraq and bring our troops home, we must act today. I hope that our colleagues will all support this legislation because in doing so and if it is enacted into law and if this policy is pursued, we can resume our rightful place in the world. We can refocus our attention, as Mr. OBEY said earlier, on the real war on terrorism, and we can make the American people safer by rebuilding and restoring the readiness and the capacity of our military to protect the American people wherever our interests are threatened.

All of us stand here and take an oath of office by pledging to protect and defend the Constitution. In that preamble, to provide for the common defense is one of our first responsibilities. Unless we do that, protect the American people, nothing else is possible.

So let us support this legislation which helps us honor our oath of office to defend the American people and to respect the sacrifice, the courage, the patriotism of our troops to make us the home of the brave and the land of the free.

I urge a "yes" vote on this important legislation.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Missouri

(Mr. SKELTON), the distinguished chairman of the Armed Services Committee.

Mr. SKELTON. I thank the gentleman for yielding.

I rise in support of this resolution.

It's very important that we take a good look at where we are in the country of Iraq. It's important that we take a good look at the status of the United States military forces, in particular our Army, which is being stretched and strained nearly beyond recognition.

You can't help but have a great deal of pride in the young men and young women in doing the duty upon which they have been called. But it is important for us to turn the reins, give the baton over to the Iraqi forces, to the Iraqi Government. We cannot hold their hand there forever. It is important that we redeploy our forces in a responsible and reasonable manner so that their readiness is assured in case of some future challenge.

CALL OF THE HOUSE

Mr. OBEY. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1106]

ANSWERED "PRESENT"—377

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Bonner
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wynn
Yarmuth
Young (AK)
Young (FL)

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The SPEAKER pro tempore (Mr. TIERNEY). On this rollcall, 377 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. The gentleman from Florida has 29¼ minutes remaining. The gentleman from Wisconsin has 26½ minutes remaining.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute simply to explain to the House that the intention is to have one remaining speaker on each side and then proceed to the votes.

With that, I yield back the remainder of my 1 minute and invite the gentleman from Florida to close.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, throughout the evening, we have heard some very, very interesting speeches. I listened with great respect to all of them. I agreed with some, I disagreed with some, I wasn't sure about some. Nevertheless, it was a good debate at a high level. I paid special attention to the very distinguished Speaker of the House because in her opening comments, she talked about how Monday, Veterans Day, America honored our veterans. She spoke about the Veterans appropriations bill in great, glowing terms. I agree with that. It is a really good bill. It provides a lot of benefits for the veterans. There are 400,000 veterans claims backed up. That bill provided money to hire additional adjudicators to get rid of that backlog and get the veterans what they need.

The problem is that as she spoke about the importance of this bill and what a great bill it was and great bill it is, she failed to say that the House passed it on June 15, the Senate passed it in September, and here we are in November still waiting to get that bill on the House floor.

I say, Madam Speaker, let's vote on the VA appropriations bill.

I mentioned the fact that there were great speeches. But, Mr. Speaker, tonight we will not be voting or be recorded on how those speeches went, or what those speeches said, or what those speeches included. We are not going to be voting on opinions. We are not going to be voting on politics. We are going to be voting on what is in this bill. What has been said about this bill is not necessarily what is actually written in the bill. But we are going to vote for what is written in that bill. We will be held accountable for our vote on what that bill says, not on what some speaker said about it.

One of the things that I mentioned in my opening comments that I was really offended by is that this legislation gives constitutional protection to terrorists, the same constitutional protection that all of our constituents enjoy. I refer to page 3 of the bill itself, "Nothing in this section shall be construed to affect the rights under the

United States Constitution of any person in the custody or under the physical jurisdiction of the United States."

Now, that gives terrorists the same protection that your constituents have. And that's just not right. By giving them that protection, do we give them for example, do we have to read them their Miranda rights if we capture them on the battlefield? Do we have to allow them to pay bail and get out of jail or get out of detention? What kind of rights will we be giving to terrorists with just this one sentence that says they shall have rights under the Constitution? These are terrorists, Mr. Speaker. These aren't even people who are signatories to the Geneva Convention. They don't play by any rules. They do whatever they must do, and they have killed thousands and thousands of Americans, and they have killed thousands and thousands of the Muslim populations.

Now, something about this bill, on page 6 of this bill, "After the conclusion of the reduction and transition of United States Armed Forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions." Now, pay attention to this because this is what you will be allowing. For those of you that think you're getting troops out of Iraq, this is what this bill will permit. The Armed Forces in Iraq can be there for the following missions: "Protecting United States diplomatic facilities, United States Armed Forces, and American citizens." We do that now. That is one of the things that we are doing right now.

So you think you're getting out of that. This bill keeps you in that. The next paragraph, "Conducting limited training, equipment, and providing logistical and intelligence support to the Iraqi Security forces." We're doing that now. So if you think this bill is going to change anything, it doesn't because you are allowing them to stay to do the same thing that they are doing now.

The next paragraph, "Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other terrorist organizations in Iraq." Mr. Speaker, we're doing that now.

On page 12, we go to the Iraqi Security Forces Fund provided in this bill. "For the 'Iraq Security Forces Fund', $500 million, Provided, that such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multinational Security Transition Command-Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq." Mr. Speaker, we are doing that now. So if you think we're making a change here, read the bill.

It goes on to say, "Including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding, and to provide training, reintegration, education and employment programs for concerned local citizens, former militia members and detainees and former detainees." Mr. Speaker, we're doing all that now.

So this bill doesn't make very many changes if you think this gets you out of Iraq. It doesn't. If you read the bill, you will see that it doesn't. Now, these are things that we would be allowed to do under this bill. But if this bill were successful, and it will not be because I have an idea the President would veto it in its present form, we would have to do all of these same things that we are doing today but with a smaller force, a smaller force, minus the surge, for example. The change in policy that we all demanded early on came about, and it was called the "surge." The surge has had many positive effects. When you get to the point that The New York Times and the L.A. Times and the Washington Post are writing stories about the positive effects of the surge, you have to admit there is something real there in the surge. So do you want to go back and have to do all of the same things we are doing today with a smaller force? I don't think so.

We will have a motion to recommit. And if that motion to recommit is successful, we will have a bill that we can all vote for and that I believe the President would be willing to sign. So let's vote based on what is in this bill, not what the speeches say about it, not about the politics, not about the opinions, but let's actually vote on what is in this bill and let's support our troops in Iraq and Afghanistan and anywhere else in the world where they might be deployed. We owe them no less. This bill is not a good bill today. Let's vote against it tonight and vote for the motion to recommit.

□ 2115

Mr. OBEY. Mr. Speaker, has the gentleman yielded back his time?

The SPEAKER pro tempore. The gentleman has yielded back all of his time.

Mr. OBEY. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman has 26 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker and Members, I rise in strong support of the bill that is before us today. First and foremost, I want to point out that every Member on this floor, every Member knows that the brave men and women of our military have done a fantastic job, and every Member on this floor supports the brave men and women serving our country.

Mr. Speaker, too many of those brave men and women have been doing a fantastic job for way too many tours. Multiple tours. The last time I was in Iraq, I had lunch with a group of soldiers from California, one of whom was a firefighter from the North Bay in California, and he said, I used to have a house in your district, but I don't anymore. My ex-wife has it now. I said, I am sorry to hear that. He said, well, this is my fourth tour. I couldn't expect much else.

Our men and women have been put under a tremendous strain for far too long. Our military equipment has been depleted. Over $100 billion is needed to bring our military equipment up to standard. Our combat readiness has been depleted. This bill, this bill is about refocusing our area; to transition, transition our effort into force protection, diplomatic protection, counterterrorism, refocus our effort looking into the future for future problems that we may have. It's long past time to refocus our efforts; it's long past time to transition.

This bill does represent a change. We heard from the previous speaker that there wasn't much change. Mr. Speaker and Members, if there wasn't any change in this bill, we wouldn't be facing the opposition from the other side that we are facing tonight. This bill represents major change.

This bill represents a policy change that the American people are demanding. They demanded it in the November election; they demand it today. It's long past time for this transition to take place. This war can't go on forever. We know that on this side of the aisle and we know it on the other side of the aisle.

A lot of comparisons have been made tonight with Vietnam. I want to make just one. I served in Vietnam with the 173rd Airborne Brigade. I didn't do anything exceptional. I showed up; I did my job. But there came a time in past Congresses that it was known that we were going to leave Vietnam, and from the time that we knew that our colleagues, our past colleagues knew that we were going to leave Vietnam, until we actually left Vietnam, 21,000 Americans died.

They knew, our colleagues in past Congresses knew that we couldn't sustain that. We weren't going to be in Vietnam forever. They knew we had to leave. From the time they absolutely knew it on this floor until we left, 21,000 brave American men died in Vietnam. I was one of the lucky ones. I was only wounded. I lost a lot of friends. We lost a lot of fellow Americans.

We cannot make that same mistake. We know that the Iraq war cannot go on forever. We know that on both sides of the aisle. It's time for a major policy change. This bill represents that major policy change. I urge everyone to vote "aye" for the underlying bill.

Mr. SHAYS. Mr. Speaker, after my oversight trips to Iraq in July and August of 2006, I concluded we needed to encourage the Iraqi government, and specifically Prime Minister Maliki, to take stronger action to improve the situation in their country, and that the best way to do this was to set firm timelines for Iraqi security forces to replace our troops who are doing police work.

I believe a workable timeline will incentivize the Iraqis to make the hard choices necessary to ensure stability among the three primary sects—Sunnis, Shias, and Kurds. We need to motivate the Iraqis to set firm deadlines for provincial elections, reconciliation and amnesty, and a final drafting of their constitution.

During 2005, Iraqis set timelines to establish and ratify a constitution and hold national elections. They accomplished each benchmark successfully. I do not believe they would have achieved this success if we had not pushed Sunnis, Shias, and Kurds to resolve their differences and compromise in order to meet the timelines we helped set.

The United States went into Iraq on a bipartisan basis, with two-thirds of the House and three-quarters of the Senate voting to authorize the use of force. I believe we need to draw down the majority of our troops on a bipartisan basis, and have sought to achieve bipartisan solutions to improve our operations and reduce the violence.

While H.R. 4156 is by no means a perfect solution, it does propose a tight, but arguably reasonable, timeline for drawdown of troops in Iraq similar to one I proposed earlier this year. It should help bridge the gap between Republicans and Democrats on the most important issue of our time. The bill would require our commanders to begin a redeployment of our troops in harms way within a month, and set a target date of December 15, 2008, to complete the task.

For me, a better bill would have been to give Iraqis and our troops an additional six months to complete the drawdown, but given this bill sets a target date, rather than a withdrawal date, it gives needed flexibility to our military leadership.

I do not believe we have the force structure to maintain the number of troops in Iraq now, and certainly do not have the capacity to increase the force.

Our troops have performed extraordinarily well, but it is unreasonable for us to ask them to return to Iraq for a third or fourth tour. I also believe it was a significant mistake to extend their tours from 12 to 15 months and would be unconscionable to consider extending their tours beyond 15 months. Based on our military's current manpower, we will need to begin to draw down our forces by the beginning of 2008, and it would be wise to let the Iraqis know now this reduction will take place.

While I support this bill, I am disappointed the majority still has not allowed a single amendment on any Iraq-related bill. As I have said before, it is pretty arrogant to think we would criticize Iraqis for not being able to compromise and find common ground when Republicans and Democrats are unable to compromise and find common ground on the most important issue facing our Nation.

Mr. CONYERS. Mr. Speaker, I rise tonight to call for the passage of H.R. 4156, the "Orderly and Responsible Iraq Redeployment Act." The war in Iraq cannot be won through the use of military force or another troop surge. The majority of the American people do not support the war in Iraq; a recent study stated that nearly 7 in 10 Americans oppose the war. Since the war began in 2003, 3,859 brave U.S. troops have died in Iraq. In 2007 the death toll has already reached 860 soldiers who have lost their lives, making it the worst year yet for the American military in Iraq. Currently, 28,400 soldiers have been wounded in Iraq since the war began with 12,750 suffering injuries so serious they were prevented from returning to duty.

President Bush's failed Iraq policies offer a war with no end in sight. There is no progress on political reconciliation between Shiites and Sunnis in the Iraqi government. Just this week, it was reported that the U.S. effort to organize nearly 70,000 local Sunni fighters to solidify security gains in Iraq is facing severe political and logistical challenges as the central government resists in incorporating them into the Iraqi police and army. Last month, the Shiite political alliance of Prime Minister Nouri al-Maliki called the U.S. military to halt the recruitments of Sunnis.

The bill in the house tonight will require the start of the redeployment of U.S. forces within 30 days of enactment, with a goal completion of redeployment by December 15, 2008. It will require a transition in the mission of U.S. forces in Iraq from primarily combat to force protection and diplomatic protection; limited support to Iraqi security forces; and targeted counterterrorism operations. H.R. 4156 will prohibit deployment of U.S. troops to Iraq who are not fully trained and fully equipped. The legislation also calls for an extension to all U.S. Government agencies and personnel of the current prohibitions in the Army Field Manual against torture. The bill will also provide to meet the immediate need of our troops, but defers consideration of the remainder of the President's nearly $200 billion request. At the current rate of expenditure, the additional funds will last 4 months.

Many insist that American troops cannot leave Iraq until we have achieved victory; and democracy has been established. History has shown us that civil wars and insurgencies are ended only through rigorous diplomacy, economic development, and national reconciliation between former enemies; not by a troop surge and an endless war. Diplomacy works, and now more then ever is the time to implement the recommendations of the Baker Hamilton Commission, and call for a regional peace summit in the Middle East.

Let's bring all parties who are involved in the conflict to the peace table, so they can begin to resolve their differences. If international diplomacy ended the intractable conflicts in Northern Ireland, the Balkans, the conflict between Israel and Egypt, and Rwanda; then international diplomacy can work in Iraq. Once we begin the strategic withdrawal of U.S. troops out of Iraq, and show the Iraqi people we do not wish to occupy their country, then and only then can we begin the real possibility of having an effective international peace conference.

Mr. LEVIN. Mr. Speaker, the issue before the House today is straightforward. Do we think the President's Iraq policy is working so well that we should give him another $200 billion to continue it, or do we need a fundamental change in direction?

I truly believe we need to change an Iraq policy that is simply not working. From the beginning, the Bush administration has been wrong about the war in Iraq. If you set aside the administration's rhetoric, the reality is that the surge has not worked. The goal of the surge was to give the Iraqi Government breathing space to make the political decisions necessary to reduce the violence that is tearing Iraq apart. But 11 months into the troop surge, progress on political reconciliation continues to be all but nonexistent. Meanwhile, 2007 has already been the deadliest year for American troops since the start of the war in Iraq.

There is a clear choice before us. If you are satisfied with how the Bush administration has been conducting the war for the last 4½ years, you should oppose this bill. If, on the other hand, you believe the administration's strategy isn't working and want to require the President to change course, you should vote for this legislation.

Whatever small chance there is of the Iraqi factions coming together, it will not happen as long as the U.S. military commitment in Iraq remains open-ended. We need to change course.

Mr. CALVERT. Mr. Speaker, I rise today in opposition to the majority party's Iraq supplemental appropriations bill.

It is baffling that at the precise moment when the surge in Iraq is producing positive results, the majority party would like to pull the rug out from underneath our troops.

Violence is down. Sunnis in al Anbar have allied with U.S. forces against al Qaeda. Baghdad is regaining some sense of normalcy.

By no means can we declare "victory" but our troops can rightfully claim progress. Despite these positive developments, the majority party wants to withdraw our forces—as if the enemy won't follow us home.

I ask my colleagues on the other side of the aisle: are they prepared to take responsibility for the disastrous consequences of an early withdrawal?

Are they prepared to witness the chaos and destruction in Iraq?

Most importantly, are they willing to pass this responsibility on to the next generation of Americans who may be forced to finish the job we did not have the courage to complete?

My colleagues are right: we have made a significant financial and personal investment in Iraq. Let us have the courage of our convictions to see it through.

I urge my colleagues to reject this bill and pass a clean supplemental bill that provides support to those who are fighting and dying. We owe them that much.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of the Iraq Redeployment Act which sets forth a realistic strategy for the responsible redeployment of our combat troops in Iraq. The Bush Administration has requested another $200 billion dollar blank check for the war in Iraq to pursue a flawed strategy that has no end in sight and which continually puts our brave men and women in the armed services in the middle of Iraq's civil war.

The indefinite presence of American forces in Iraq has allowed the different factions there to postpone making the difficult compromises necessary to achieve stability and political reconciliation. Our intelligence community has publicly concluded that the political situation in Iraq is getting worse, not better. We cannot ask our troops to remain in Iraq when the different Iraqi factions have refused to take the steps necessary to achieve a greater stability.

We must embark on a new direction in Iraq. That's what this legislation will do. It allocates $50 billion for the purpose of beginning to responsibly redeploy our combat forces out of Iraq by the target date of December 15, 2008. The troops that would remain in Iraq beyond that date would focus on the more limited missions of training Iraqi security forces, providing logistical and intelligence support for the Iraqi security forces, and engaging in targeted counter-terrorist operations against Al-Qaeda and affiliated groups.

As the legislation states, "the primary purpose of funds made available by the Act should be to transition the mission of the United States Armed Forces in Iraq and undertake their redeployment, and not to extend or prolong the war." This bill also states that the reduction of our armed forces in Iraq "shall be implemented in conjunction with a comprehensive diplomatic, political and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq"—a strategy recommended by the bipartisan Iraq Study Group that the Administration has failed to pursue with any vigor or urgency.

This legislation also prohibits the deployment of any troops not fully equipped or trained, and extends to all U.S. Government agencies and personnel the limitations in the U.S. Army Field Manual on permissible interrogation techniques. We must send a strong message to the world that we do not support or condone torture.

We are on the wrong path in Iraq. This bill provides a much needed change in direction that will strengthen our national security, improve our position in the region and bring our men and women safely home.

Ms. HARMAN. Mr. Speaker, one need look no further than the chaos in Pakistan or the deteriorating situation in Afghanistan to understand that troop levels in Iraq cannot be maintained—and that the surge, which I have always opposed, has done nothing to achieve political stability.

Today, with this bridge funding vote, Congress signals to the White House yet again that enough is enough, that the combat mission in Iraq must end, and that we will force that change.

No one in this chamber questions the courage or commitment of our brave women and men in uniform or their willingness to tackle any challenge put before them. But we have sent them on an ill-defined mission with no apparent end point, and which consumes staggering amounts of our talent and treasure at the expense of countless other priorities.

This bill also redresses a glaring loophole in the Military Commissions Act—a bill I strongly opposed. By requiring that all U.S. Government agencies and personnel must adhere to interrogation techniques contained in the Army Field Manual, we send an unmistakable signal to the rest of the world that the United States—the world's oldest functioning democracy—does not permit cruel, inhumane and degrading practices, or torture, and complies fully with Federal law banning torture and our international obligations.

The Iraq Troop Redeployment Bill is good policy, and long overdue.

Mr. MARKEY. Mr. Speaker, I rise today in strong support of H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations Act. This bill will begin the long-overdue withdrawal of American troops from Iraq.

Yesterday, the President vetoed the Labor and Heath and Human Services-Education appropriations bill, which is the bill that provides funding for the National Institutes of Health, the Center for Disease Control, Low Income Home Energy Assistance, the Education Department, Pell Grants, and educational programs for the disadvantaged. He vetoed this bill because it contained a 2 percent increase over his request—an increase of $10 billion in a Labor HHS bill of roughly $600 billion. The President opposes even a 2 percent increase in the funding for these programs.

Meanwhile, the President has requested almost $200 billion more for his failed war in Iraq. That would make the total cost of the war in Iraq so far to over $600 billion and climbing, with no end in sight. President Bush's refusal to change course in Iraq is shocking, his failure to allow adequate rest for our soldiers between tours of duty is outrageous, and his demand for another $200 billion blank check for his war in Iraq while vetoing LIHEAP for the poor, education for disadvantaged children, Pell Grants for college students, and research into cures for life threatening disease is simply unacceptable to this House. What a misplaced set of priorities.

Instead of the blank check for an endless war, this bill requires President Bush to begin withdrawing American troops from Iraq within 30 days. Instead of unfairly sending inadequately equipped soldiers on multiple tours of duty, this bill prohibits the deployment of any troops who are not fully equipped and trained. And at the same time, this bill provides the necessary funds, in full, to our troops who are still in harm's way.

Our Republican colleagues must make a choice: will they stand with President Bush's attempt to throw more money and more young men and women into the mess in Iraq, or will they join with Democrats seeking a bipartisan agreement on redeploying American troops out of Iraq?

Mr. Speaker, I would like to specifically note a provision of this bill, which I wrote, to bar any funds in this bill from being used for the gruesome and indefensible practice of extraordinary rendition. I would like to commend and thank Chairman OBEY and Chairman MURTHA for again including this language, as they have in every defense appropriations and supplemental appropriations bill this year. Through the use of extraordinary rendition, as well as abusive interrogation techniques and extrajudicial incarceration of so-called "enemy combatants," President Bush has largely forfeited the mantel of human rights champion which the United States has carried for so long. We must reclaim the international moral high-ground if we are to cure the root causes of terrorism around the world, and we can start by banning extraordinary rendition.

Mr. Speaker, I commend Chairman OBEY for this strong and responsible bill, and urge all my colleagues to vote aye.

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations Act.

The Iraq war is a failure and it's time for our troops to come home.

This bill calls for a responsible redeployment and provides for the checks and balances Congress is authorized to impose.

The administration does not have blanket authority and America does not have a bottomless checking account.

The President's policy in Iraq has been a complete failure, and Americans are calling for this war to end.

Our troops are now trapped in the middle of someone else's civil war.

Our military presence in Iraq is not making our country any safer.

Instead, this war has taken the lives of over 3,850 soldiers, including 13 brave young men from my District alone.

From Rialto, 37-year-old Staff Sergeant Jorge A. Molina was deployed in Iraq and died in hostile fire in the Anbar province.

From Rialto, 20-year-old, Specialist Luis D. Santos was deployed in Iraq and died of injuries sustained when a makeshift bomb exploded near his Humvee during combat operations in Buritz.

From Rialto, 22-year-old, Corporal Victor A. Garcia was deployed in Iraq and died by small arms fire in Baghdad.

From Bloomington, 25-year-old, Corporal Joseph A. Blanco was deployed in Iraq and died by small arms fire in Taji after sustaining injuries from a makeshift bomb.

From Fontana, 19-year-old Lance Corporal Fernando S. Tamayo was deployed in Iraq and died while conducting combat operations in Anbar Province.

From Fontana, 24-year-old Sergeant Bryan A. Brewster was deployed in Afghanistan and died after his helicopter crashed during combat operations in Afghanistan.

From San Bernardino, 22-year-old Corporal Nicanor Alvarez was deployed in Iraq and died in the line of fire in the Anbar province.

From San Bernardino, 19-year-old Petty Officer Alex Oceguera was deployed in Afghanistan, and died when a makeshift bomb detonated near his vehicle in Wygal Valley, Afghanistan.

From San Bernardino, 24-year-old Corporal Sean Grilley was deployed in Iraq, and died after being fired on by Iraqis during operations in Karbala.

From San Bernardino, 24-year-old Specialist Timothy D. Watkins was deployed in Iraq, and died when a makeshift bomb exploded near his vehicle during operations in Ar Ramadi.

From Ontario, 21-year-old Specialist Jose R. Perez was deployed in Iraq, and died by enemy small arms fire in Ramadi.

From Ontario, 31-year-old Sergeant First Class Rudy A. Salcido was deployed in Iraq, and died when an improvised explosive device detonated near his convey vehicle in Baghdad.

These are the true faces of the war. My deepest prayers go out to their families.

These soldiers are the reason why I am so adamant about bringing our troops back home, and why we must support this bill.

The President's failed policies on the Iraqi war effort must end. We are listening to America's concerns and will not stand by and watch this continue.

We need to bring back our loved ones and put our families here at home first.

It's time for America to put her priorities in order.

This Nation is in debt, but not because of domestic spending.

President Bush refuses to sign bills to pay for schools, children's health care, and to protect our workers.

However, he comes to us asking for another $200 billion to continue funding the Iraq war.

With just one week's worth of funding for the war, my District would never again face a shortage of teachers, of nurses, or of police officers.

As a veteran, I voted against this war in 2002 because no one could convince me why we had to be there in the first place.

The President believes Iraq is making our country safer.

The truth is, it is has put us at greater risk.

Our military is stretched so thin that we are at risk of not being prepared for any future emergencies.

Mr. BLUMENAUER. Mr. Speaker, I have consistently voted against funding for this ill-conceived and miserably run war, but I reluctantly support this additional funding because it will require the beginning of a withdrawal from Iraq. It also contains important provisions to prevent torture and ensure that our troops are fully equipped and trained.

Because President Bush has done nothing to earn the trust of Congress or the American people, this funding is only for a few months, giving Congress the chance to exercise oversight and hold the President accountable to ensure that the withdrawal is actually occurring at a responsible pace.

With a veto likely, we must tell the President that Congress will not provide this $50 billion, and certainly not the entire $200 billion he's asked for, as a blank check. But I am pleased that, in this legislation, Congress is saying that we will only fund an end to this war, not its continuation. Bringing this nightmare to a quick and responsible close is my highest priority.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H.R. 4156, the "Orderly and Responsible Iraq Redeployment Appropriations Act," and I want to commend Speaker PELOSI and the Democratic leadership for bringing this bill to the Floor today.

The American people want a new direction in Iraq. By every measure, this war has cost Americans far too much—whether it's lives lost, dollars spent, or our reputation tarnished around the world.

H.R. 4156 would provide critical funding for the troops while also requiring that troops begin to redeploy from Iraq within 30 days of enactment with a goal of completion by December 15, 2008. The legislation would ensure that troops are not deployed to Iraq unless they have been fully trained and equipped. H.R. 4156 also would extend to all U.S. Government agencies and personnel the current prohibitions contained in the Army Field Manual against torture.

Just this week the Joint Economic Committee, of which I am a vice chair, released a study to examine the broader impact of the war on the American economy. So far the full economic costs of the Iraq war are about double the immense Federal budget costs that have been reported to the American people.

The Congressional Budget Office has estimated that Federal spending on the war could reach $2.4 trillion by 2017. Our JEC report finds that when you add in the "hidden costs" of the war, the total economic costs will rise by over $1 trillion to $3.5 trillion. The report reveals how we are all paying for this war one way or another—whether it's higher prices at the pump, lost business investment, rising interest payments on the debt, or fixing all the broken bodies and our stretched military.

The President has asked Congress for an additional $200 billion for Iraq, bringing the total request to $607 billion in direct expenditures since the start of the war. This is well over 10 times more than the $50 to $60 billion cost estimated by the Administration prior to the start of the war, with no end in sight from this President.

This legislation sends the President an important message: Start bringing our troops home, now.

I urge my colleagues to support this legislation.

Ms. ESHOO. Mr Speaker, I believe this legislation is the most important bill the House takes up this year because it will bring an end to the war in Iraq by bringing our troops home safely, honorably, and responsibly.

The bill mandates the start of an "immediate and orderly" withdrawal of U.S. armed forces in Iraq within 30 days after enactment. It also requires that the reduction of forces be done in conjunction with comprehensive diplomatic, political, and economic strategies involving Iraq's neighbors.

The bill provides $50 billion for the cost of redeployment, not the $196.4 billion the President has requested to keep the war going.

H.R. 4156 prohibits the use of torture on any person under U.S. custody. This is absolutely necessary because the Administration continues to defend this technique which is not sanctioned in the U.S. Army Field Manual.

The war in Iraq has taken a severe toll on our military. One and one-half million military personnel (or 30 percent of our military) have been deployed to Iraq more than once. Many of our soldiers are redeployed in less than a year. Our troops are exhausted, their equipment is shot and yet the President remains firmly committed to a Korea-like presence in Iraq for years. Our military readiness is severely threatened and our country is less safe today because of the President's ill-conceived and botched-up execution of this war.

The legislation recognizes our military readiness is at its lowest point since the Vietnam war and in order to reverse this, it requires that the President certify to Congress 15 days prior to deployment that our armed forces are "fully mission capable."

This Administration's sole focus on Iraq has left Afghanistan in an extraordinary state of vulnerability. We have seen the reemergence of the Taliban, soaring drug production, and the increase of attacks on U.S. and NATO forces. By all measures, the country is at risk of slipping away. This is a terrible and dangerous mistake. Although time is short, there is still an opportunity to defeat our enemies in Afghanistan once and for all. The President must acknowledge what's at stake and immediately take action to prevent the country from returning to what it was—a haven for international terrorism.

The President's justification for the surge was that "reducing the violence in Baghdad will help make reconciliation possible." By all accounts, including the August 2007 National Intelligence Estimate, NIE, the Iraqi government's political progress is stalled. The NIE stated that the "Iraqi Government will continue to struggle to achieve national-level political reconciliation and improved governance." The NIE goes on to state that "broadly accepted political compromises required for sustained security . . . are unlikely to emerge unless there is a fundamental shift in the factors driving Iraqi political developments." It is clear from this NIE that the Iraqi government has done little if anything to initiate political reconciliation.

The American people are demanding a new direction in Iraq. They do not want the President's 10-year war with no end in sight. In fact 68 percent of Americans oppose the war in Iraq and 60 percent support a withdrawal of our troops.

I strongly support this legislation and urge my colleagues to do so as well. We can begin a new and better chapter for America and the world by changing the policy in Iraq.

Mr. DINGELL. Mr. Speaker, I support the legislation before us today because I believe it represents a safe and responsible way to bring our troops home from Iraq. The President has had more than four years to demonstrate leadership in Iraq, but at every turn his decisions have dragged us deeper into an ethnic and sectarian crisis that the President seems incapable of solving. Eleven months ago, the bipartisan Iraq Study Group released its report, which offered a comprehensive plan to build up the Iraqi government and create the political and security stability needed to bring our troops home. Unfortunately, the President rejected this bipartisan approach and instead implemented his troop surge. As a result, 2007 was the deadliest year for our troops since the beginning of the war, and we are no closer to a political solution to the problems in Iraq than we were when the troop surge began. Because the President refuses to take responsibility for his failed strategy, I believe it is time for Congress to act.

The legislation before us today provides our troops with the funding and equipment they need to safely do their job. This includes funding for our continued efforts to provide security and support for the government of Afghanistan. However, it is a far cry from the blank check that the President requested. It requires the President to begin redeploying troops out of Iraq within 30 days of enactment, and sets a goal for total redeployment by December 15, 2008. The bill also requires the President to undertake diplomatic efforts designed to engage other regional and international actors in providing for a secure Iraq. It includes important provisions that ensure the first troops sent home are the ones who have served in Iraq the longest, and that no more troops can be sent to Iraq unless they have all of the equipment and training that they need.

I had hoped that this bill would also include funding to address the growing refugee crisis in Iraq. While I am disappointed this issue is not being addressed today, I have been assured that Congress will act soon to assist the millions of Iraqis who have been displaced because of sectarian fighting.

This legislation is not perfect, but I believe that it is worth supporting because it will require the President to do something he has so far refused to do: explain to the public how he plans to get our troops out of Iraq. In fact, this bill would make it clear to the President that he will not get one more dime from Congress until his redeployment plan has been submitted. I applaud Chairman OBEY for staying true to his pledge to send the President an Iraq spending bill with accountability and timelines built in. I urge my colleagues to support this legislation because it represents an important first step towards holding the President accountable and safely bringing our troops home from Iraq.

Mr. CASTLE. Mr. Speaker, I rise in opposition to H.R. 4156, the short-term war supplemental appropriations bill. Although I plan to oppose this bill, I am also pleased that its authors included several provisions meant to improve transparency and ensure U.S. troops are adequately trained and mission capable. Hopefully, the inclusion of these provisions signifies the beginning of real progress, and I plan to work with my colleagues to develop a unified approach to address the challenges we face in Iraq.

Our soldiers in Iraq continue to do tremendous work and it is critical that we provide them with the resources they need to improve security. Unfortunately, the bill before us today would delay important troop-protection and equipment funds requested by the Pentagon. According to Department officials, delaying these funds would also force the Pentagon to begin borrowing from its regular defense budget, which in turn could impact important operating funds for troops and military bases.

Additionally, I am concerned that this legislation would condition troop funding on the initiation of an immediate redeployment from Iraq. Although I strongly support a responsible strategy for bringing U.S. troops home, these decisions should not be mandated by Members of Congress without close consultation with our military and foreign policy leaders in the field. Furthermore, the U.S. commander in Iraq, GEN David Petraeus, has already set forth a plan to bring home a full combat brigade this month and at least five brigades by July of next year. Congress should perform strong oversight with respect to the redeployment process, but placing restrictions on our military commanders is not helpful in their efforts to achieve stability and bring troops home.

Still, I support language in the bill that would improve accountability and increase transparency by requiring regular reports on the status of the military's redeployment plans. In the same way, I support sections of the bill that would ensure military units are properly trained and prepared for deployments. Embracing a comprehensive regional security plan and prohibiting torture are also key provisions which I continue to support. In fact, I recently cosponsored legislation identical to the anti-torture provisions included in H.R. 4156.

The leaders of the U.S. Senate have already made clear that this legislation does not have the votes necessary for passage and therefore many of these important provisions will be left on the table. Therefore, I call on my colleagues to embrace the substantive areas of this bill where we can find agreement, and join me in committing to a bipartisan approach for achieving stability.

Mr. Speaker, the Bipartisan Compact on Iraq Debate, of which I am an original author, identifies the areas where Democrats and Republicans have found agreement. Let us embrace these points of agreement and move forward in supporting our troops serving in combat.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this legislation.

This bill is the opposite of a blank check for the President. The funds it will provide are those that will be needed to move toward an "immediate and orderly" redeployment of U.S. troops from Iraq.

The bill requires redeployment to begin within 30 days of its passage and sets a goal of bringing home most our soldiers from Iraq by December 15, 2008.

The bill also requires that our military's mission in Iraq shift from combat to force protection, support for Iraqi security forces, and targeted counterterrorism operations, and it prohibits the deployment of any U.S. troops to Iraq that are not already fully equipped and trained. And it extends to all U.S. Government agencies and personnel the limitations in the Army Field Manual on permissible interrogation techniques, to remove any doubt that loopholes remain for "waterboarding" or similar harsh techniques.

It's clear that we're seeing progress on the security front in Iraq—likely the result of more U.S. boots on the ground combined with an insurgency that has largely succeeded in "cleansing" Iraq's neighborhoods, driving Iraq's Sunni and Shia populations out of areas where they once lived side by side.

But when he announced the "surge" of additional troops to Iraq, President Bush promised us more than progress on the security front in Iraq.

We sent more troops to Iraq to provide "breathing space" for the Iraqi Government to move toward political reconciliation, and that hasn't even begun to happen.

In my view, there is no sustainable role for large numbers of U.S. troops to play in Iraq—whether refereeing a civil war or waiting for the Iraqi Government to decide to act within the "breathing space" our brave troops have provided and our taxpayers are paying for at $9 billion per month.

However, while this bill sends the right message—that our troops cannot remain in Iraq indefinitely—regrettably, it does not send it in the best way, because it will be supported almost exclusively by Democrats, and the President has already promised to veto it.

What we need is consensus here at home on a path forward in Iraq, and today's quick consideration of this bill doesn't bring us any closer to that goal.

I believe consensus can be found around the recommendations of the Iraq Study Group, which I introduced as legislation earlier this year, including supporting a course of escalating escalate economic development, empowerment of local government, the provision of basic services, a "surge" in regional and international diplomatic efforts, and lightening the American footprint in Iraq.

Only Democrats and Republicans working together can find the path out of Iraq. I will continue to work with colleagues on both sides of the aisle on further steps we can take to change our broader Iraq policy.

Mr. LANGEVIN. Mr. Speaker, I wish to express my support for H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations Act, which will begin the redeployment of U.S. forces out of Iraq, strengthen our military and enhance our national security. By passing this measure, the House of Representatives is, yet again, sending a clear signal to the President that we need a new course in Iraq.

Though I opposed the resolution authorizing the use of force in Iraq, I later voted for numerous supplemental appropriations bills to ensure that we provided sufficient equipment and resources for our troops. They have done an amazing job in undertaking a difficult and changing mission, and they deserve nothing but the full support of the Nation and its leaders. However, nearly 5 years after our initial invasion of Iraq, the best way to support our troops is to bring them home. In May of this year, I voted against the supplemental appropriations bill for fiscal year 2007 because it gave the President far too much authority to continue a war that had been repeatedly mismanaged by the civilian leadership at the Pentagon.

Unfortunately, 6 months later, very little has changed. The underlying causes of violence in Iraq, which are ethnic and sectarian in nature, have not been addressed. In September, the Government Accountability Office found that the Iraqi Government had met only 3 of 18 congressionally mandated benchmarks for legislative, economic, and security progress. These problems cannot be solved by U.S. military force, and we should not expect our troops to be involved in a civil war. We need to shift our forces from combat operations and redeploy them out of Iraq while we refocus our Nation's efforts on fostering a political reconciliation among Iraq's tribal, ethnic, and religious groups to end the violence.

The bill before us today provides a blueprint for ending the war and bringing our troops home. It requires the President to begin redeployment of troops immediately, with a goal of completing redeployment by December 2008. It also shifts our forces away from a combat mission to focus on force protection, counterterrorism efforts, and the training of Iraqi security forces. Furthermore, it prohibits the deployment of U.S. troops that are not deemed fully mission capable. This provision is particularly important because our men and women in uniform have faced repeated deployments with insufficient rest and training time, and we and died when an improvised explosive device detonated near his convey vehicle in Baghdad.

These are the true faces of the war. My deepest prayers go out to their families.

These soldiers are the reason why I am so adamant about bringing our troops back home, and why we must support this bill.

The President's failed policies on the Iraqi war effort must end. We are listening to America's concerns and will not stand by and watch this continue.

We need to bring back our loved ones and put our families here at home first.

It's time for America to put her priorities in order.

This Nation is in debt, but not because of domestic spending.

President Bush refuses to sign bills to pay for schools, children's health care, and to protect our workers.

However, he comes to us asking for another $200 billion to continue funding the Iraq war.

With just one week's worth of funding for the war, my District would never again face a shortage of teachers, of nurses, or of police officers.

As a veteran, I voted against this war in 2002 because no one could convince me why we had to be there in the first place.

The President believes Iraq is making our country safer.

The truth is, it is has put us at greater risk.

Our military is stretched so thin that we are at risk of not being prepared for any future emergencies.

Mr. BLUMENAUER. Mr. Speaker, I have consistently voted against funding for this ill-conceived and miserably run war, but I reluctantly support this additional funding because it will require the beginning of a withdrawal from Iraq. It also contains important provisions to prevent torture and ensure that our troops are fully equipped and trained.

Because President Bush has done nothing to earn the trust of Congress or the American people, this funding is only for a few months, giving Congress the chance to exercise oversight and hold the President accountable to ensure that the withdrawal is actually occurring at a responsible pace.

With a veto likely, we must tell the President that Congress will not provide this $50 billion, and certainly not the entire $200 billion he's asked for, as a blank check. But I am pleased that, in this legislation, Congress is saying that we will only fund an end to this war, not its continuation. Bringing this nightmare to a quick and responsible close is my highest priority.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H.R. 4156, the "Orderly and Responsible Iraq Redeployment Appropriations Act," and I want to commend Speaker PELOSI and the Democratic leadership for bringing this bill to the Floor today.

The American people want a new direction in Iraq. By every measure, this war has cost Americans far too much—whether it's lives lost, dollars spent, or our reputation tarnished around the world.

H.R. 4156 would provide critical funding for the troops while also requiring that troops begin to redeploy from Iraq within 30 days of enactment with a goal of completion by December 15, 2008. The legislation would ensure that troops are not deployed to Iraq unless they have been fully trained and equipped. H.R. 4156 also would extend to all U.S. Government agencies and personnel the current prohibitions contained in the Army Field Manual against torture.

Just this week the Joint Economic Committee, of which I am a vice chair, released a study to examine the broader impact of the war on the American economy. So far the full economic costs of the Iraq war are about double the immense Federal budget costs that have been reported to the American people.

The Congressional Budget Office has estimated that Federal spending on the war could reach $2.4 trillion by 2017. Our JEC report finds that when you add in the "hidden costs" of the war, the total economic costs will rise by over $1 trillion to $3.5 trillion. The report reveals how we are all paying for this war one way or another—whether it's higher prices at the pump, lost business investment, rising interest payments on the debt, or fixing all the broken bodies and our stretched military.

The President has asked Congress for an additional $200 billion for Iraq, bringing the total request to $607 billion in direct expenditures since the start of the war. This is well over 10 times more than the $50 to $60 billion cost estimated by the Administration prior to the start of the war, with no end in sight from this President.

This legislation sends the President an important message: Start bringing our troops home, now.

I urge my colleagues to support this legislation.

Ms. ESHOO. Mr Speaker, I believe this legislation is the most important bill the House takes up this year because it will bring an end to the war in Iraq by bringing our troops home safely, honorably, and responsibly.

The bill mandates the start of an "immediate and orderly" withdrawal of U.S. armed forces in Iraq within 30 days after enactment. It also requires that the reduction of forces be done in conjunction with comprehensive diplomatic, political, and economic strategies involving Iraq's neighbors.

The bill provides $50 billion for the cost of redeployment, not the $196.4 billion the President has requested to keep the war going.

H.R. 4156 prohibits the use of torture on any person under U.S. custody. This is absolutely necessary because the Administration continues to defend this technique which is not sanctioned in the U.S. Army Field Manual.

The war in Iraq has taken a severe toll on our military. One and one-half million military personnel (or 30 percent of our military) have been deployed to Iraq more than once. Many of our soldiers are redeployed in less than a year. Our troops are exhausted, their equipment is shot and yet the President remains firmly committed to a Korea-like presence in Iraq for years. Our military readiness is severely threatened and our country is less safe today because of the President's ill-conceived and botched-up execution of this war.

The legislation recognizes our military readiness is at its lowest point since the Vietnam war and in order to reverse this, it requires that the President certify to Congress 15 days prior to deployment that our armed forces are "fully mission capable."

This Administration's sole focus on Iraq has left Afghanistan in an extraordinary state of vulnerability. We have seen the reemergence of the Taliban, soaring drug production, and the increase of attacks on U.S. and NATO forces. By all measures, the country is at risk of slipping away. This is a terrible and dangerous mistake. Although time is short, there is still an opportunity to defeat our enemies in Afghanistan once and for all. The President must acknowledge what's at stake and immediately take action to prevent the country from returning to what it was—a haven for international terrorism.

The President's justification for the surge was that "reducing the violence in Baghdad will help make reconciliation possible." By all accounts, including the August 2007 National Intelligence Estimate, NIE, the Iraqi government's political progress is stalled. The NIE stated that the "Iraqi Government will continue to struggle to achieve national-level political reconciliation and improved governance." The NIE goes on to state that "broadly accepted political compromises required for sustained security . . . are unlikely to emerge unless there is a fundamental shift in the factors driving Iraqi political developments." It is clear from this NIE that the Iraqi government has done little if anything to initiate political reconciliation.

The American people are demanding a new direction in Iraq. They do not want the President's 10-year war with no end in sight. In fact 68 percent of Americans oppose the war in Iraq and 60 percent support a withdrawal of our troops.

I strongly support this legislation and urge my colleagues to do so as well. We can begin a new and better chapter for America and the world by changing the policy in Iraq.

Mr. DINGELL. Mr. Speaker, I support the legislation before us today because I believe it represents a safe and responsible way to bring our troops home from Iraq. The President has had more than four years to demonstrate leadership in Iraq, but at every turn his decisions have dragged us deeper into an ethnic and sectarian crisis that the President seems incapable of solving. Eleven months ago, the bipartisan Iraq Study Group released its report, which offered a comprehensive plan to build up the Iraqi government and create the political and security stability needed to bring our troops home. Unfortunately, the President rejected this bipartisan approach and instead implemented his troop surge. As a result, 2007 was the deadliest year for our troops since the beginning of the war, and we are no closer to a political solution to the problems in Iraq than we were when the troop surge began. Because the President refuses to take responsibility for his failed strategy, I believe it is time for Congress to act.

The legislation before us today provides our troops with the funding and equipment they need to safely do their job. This includes funding for our continued efforts to provide security and support for the government of Afghanistan. However, it is a far cry from the blank check that the President requested. It requires the President to begin redeploying troops out of Iraq within 30 days of enactment, and sets a goal for total redeployment by December 15, 2008. The bill also requires the President to undertake diplomatic efforts designed to engage other regional and international actors in providing for a secure Iraq. It includes important provisions that ensure the first troops sent home are the ones who have served in Iraq the longest, and that no more troops can be sent to Iraq unless they have all of the equipment and training that they need.

I had hoped that this bill would also include funding to address the growing refugee crisis in Iraq. While I am disappointed this issue is not being addressed today, I have been assured that Congress will act soon to assist the millions of Iraqis who have been displaced because of sectarian fighting.

This legislation is not perfect, but I believe that it is worth supporting because it will require the President to do something he has so far refused to do: explain to the public how he plans to get our troops out of Iraq. In fact, this bill would make it clear to the President that he will not get one more dime from Congress until his redeployment plan has been submitted. I applaud Chairman OBEY for staying true to his pledge to send the President an Iraq spending bill with accountability and timelines built in. I urge my colleagues to support this legislation because it represents an important first step towards holding the President accountable and safely bringing our troops home from Iraq.

Mr. CASTLE. Mr. Speaker, I rise in opposition to H.R. 4156, the short-term war supplemental appropriations bill. Although I plan to oppose this bill, I am also pleased that its authors included several provisions meant to improve transparency and ensure U.S. troops are adequately trained and mission capable. Hopefully, the inclusion of these provisions signifies the beginning of real progress, and I plan to work with my colleagues to develop a unified approach to address the challenges we face in Iraq.

Our soldiers in Iraq continue to do tremendous work and it is critical that we provide them with the resources they need to improve security. Unfortunately, the bill before us today would delay important troop-protection and equipment funds requested by the Pentagon. According to Department officials, delaying these funds would also force the Pentagon to begin borrowing from its regular defense budget, which in turn could impact important operating funds for troops and military bases.

Additionally, I am concerned that this legislation would condition troop funding on the initiation of an immediate redeployment from Iraq. Although I strongly support a responsible strategy for bringing U.S. troops home, these decisions should not be mandated by Members of Congress without close consultation with our military and foreign policy leaders in the field. Furthermore, the U.S. commander in Iraq, GEN David Petraeus, has already set forth a plan to bring home a full combat brigade this month and at least five brigades by July of next year. Congress should perform strong oversight with respect to the redeployment process, but placing restrictions on our military commanders is not helpful in their efforts to achieve stability and bring troops home.

Still, I support language in the bill that would improve accountability and increase transparency by requiring regular reports on the status of the military's redeployment plans. In the same way, I support sections of the bill that would ensure military units are properly trained and prepared for deployments. Embracing a comprehensive regional security plan and prohibiting torture are also key provisions which I continue to support. In fact, I recently cosponsored legislation identical to the anti-torture provisions included in H.R. 4156.

The leaders of the U.S. Senate have already made clear that this legislation does not have the votes necessary for passage and therefore many of these important provisions will be left on the table. Therefore, I call on my colleagues to embrace the substantive areas of this bill where we can find agreement, and join me in committing to a bipartisan approach for achieving stability.

Mr. Speaker, the Bipartisan Compact on Iraq Debate, of which I am an original author, identifies the areas where Democrats and Republicans have found agreement. Let us embrace these points of agreement and move forward in supporting our troops serving in combat.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this legislation.

This bill is the opposite of a blank check for the President. The funds it will provide are those that will be needed to move toward an "immediate and orderly" redeployment of U.S. troops from Iraq.

The bill requires redeployment to begin within 30 days of its passage and sets a goal of bringing home most our soldiers from Iraq by December 15, 2008.

The bill also requires that our military's mission in Iraq shift from combat to force protection, support for Iraqi security forces, and targeted counterterrorism operations, and it prohibits the deployment of any U.S. troops to Iraq that are not already fully equipped and trained. And it extends to all U.S. Government agencies and personnel the limitations in the Army Field Manual on permissible interrogation techniques, to remove any doubt that loopholes remain for "waterboarding" or similar harsh techniques.

It's clear that we're seeing progress on the security front in Iraq—likely the result of more U.S. boots on the ground combined with an insurgency that has largely succeeded in "cleansing" Iraq's neighborhoods, driving Iraq's Sunni and Shia populations out of areas where they once lived side by side.

But when he announced the "surge" of additional troops to Iraq, President Bush promised us more than progress on the security front in Iraq.

We sent more troops to Iraq to provide "breathing space" for the Iraqi Government to move toward political reconciliation, and that hasn't even begun to happen.

In my view, there is no sustainable role for large numbers of U.S. troops to play in Iraq—whether refereeing a civil war or waiting for the Iraqi Government to decide to act within the "breathing space" our brave troops have provided and our taxpayers are paying for at $9 billion per month.

However, while this bill sends the right message—that our troops cannot remain in Iraq indefinitely—regrettably, it does not send it in the best way, because it will be supported almost exclusively by Democrats, and the President has already promised to veto it.

What we need is consensus here at home on a path forward in Iraq, and today's quick consideration of this bill doesn't bring us any closer to that goal.

I believe consensus can be found around the recommendations of the Iraq Study Group, which I introduced as legislation earlier this year, including supporting a course of escalating escalate economic development, empowerment of local government, the provision of basic services, a "surge" in regional and international diplomatic efforts, and lightening the American footprint in Iraq.

Only Democrats and Republicans working together can find the path out of Iraq. I will continue to work with colleagues on both sides of the aisle on further steps we can take to change our broader Iraq policy.

Mr. LANGEVIN. Mr. Speaker, I wish to express my support for H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations Act, which will begin the redeployment of U.S. forces out of Iraq, strengthen our military and enhance our national security. By passing this measure, the House of Representatives is, yet again, sending a clear signal to the President that we need a new course in Iraq.

Though I opposed the resolution authorizing the use of force in Iraq, I later voted for numerous supplemental appropriations bills to ensure that we provided sufficient equipment and resources for our troops. They have done an amazing job in undertaking a difficult and changing mission, and they deserve nothing but the full support of the Nation and its leaders. However, nearly 5 years after our initial invasion of Iraq, the best way to support our troops is to bring them home. In May of this year, I voted against the supplemental appropriations bill for fiscal year 2007 because it gave the President far too much authority to continue a war that had been repeatedly mismanaged by the civilian leadership at the Pentagon.

Unfortunately, 6 months later, very little has changed. The underlying causes of violence in Iraq, which are ethnic and sectarian in nature, have not been addressed. In September, the Government Accountability Office found that the Iraqi Government had met only 3 of 18 congressionally mandated benchmarks for legislative, economic, and security progress. These problems cannot be solved by U.S. military force, and we should not expect our troops to be involved in a civil war. We need to shift our forces from combat operations and redeploy them out of Iraq while we refocus our Nation's efforts on fostering a political reconciliation among Iraq's tribal, ethnic, and religious groups to end the violence.

The bill before us today provides a blueprint for ending the war and bringing our troops home. It requires the President to begin redeployment of troops immediately, with a goal of completing redeployment by December 2008. It also shifts our forces away from a combat mission to focus on force protection, counterterrorism efforts, and the training of Iraqi security forces. Furthermore, it prohibits the deployment of U.S. troops that are not deemed fully mission capable. This provision is particularly important because our men and women in uniform have faced repeated deployments with insufficient rest and training time, and we must take bold steps now to prevent our military being strained to the breaking point. Our readiness levels are already dangerously low because of operations in Iraq, which endangers our national security in the event of a national disaster, a terrorist attack, or some other contingency.

H.R. 4156 recognizes that we need a new direction in Iraq and does not give the President a blank check to maintain the status quo. For that reason, President Bush has threatened to veto the measure. I am deeply disappointed that he is so out of touch with the American people and their priorities. He has requested nearly $200 million to continue operations in Iraq with absolutely no strings attached, while he ignores pressing needs here at home. On Tuesday, he vetoed the Labor-Health and Human Services-Education Appropriations Act for Fiscal Year 2008, claiming that it was too expensive. Operations in Iraq have cost a total of more than $450 billion, yet the President is unwilling to invest $10 billion in priority areas such as medical research, elementary and secondary education, Pell grants, health services to underserved populations, and heating assistance to low-income Americans.

While it is not a perfect bill, H.R. 4156 is an important step to force a fundamental shift in our Iraq policy and to bring our troops home. I would have preferred to see an earlier deadline for troop redeployment, and I have cosponsored legislation with that goal. Nevertheless, a vote for H.R. 4156 is a vote for change, and I thank my colleagues for supporting it.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 818, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. YOUNG of Florida. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. YOUNG of Florida moves to recommit the bill, H.R. 4156, to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

(1) In section 101—

(A) strike paragraph (3);

(B) in paragraph (1), insert "and" after the semicolon; and

(C) in paragraph (2), strike "; and" and insert a period.

(2) Strike sections 102, 104 and 106.

(3) In section 105—

(A) strike subsections (a) through (f); and

(B) in subsection (g), strike the subsection designation.

(4) Redesignate sections 103 and 105 as sections 102 and 103 respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida is recognized for 5 minutes in support of his motion.

Mr. YOUNG of Florida. Mr. Speaker, this motion to recommit is a simple forthwith motion. That means a vote for this motion will allow the House to immediately vote tonight on a bill that can pass the Congress and be signed into law. That means that our troops in harm's way will get the funding they need before Congress leaves town for a 2-week Thanksgiving recess.

The motion would amend the bill to strike the provisions which have nothing to do with providing for our troops and are nothing more than political gamesmanship. The motion would strip the provisions that give our enemies a complete blueprint and timeline for troop withdrawal. The motion would strip the provisions in the bill which signal to our troops and our enemies that Congress will not provide any more funding for our troops, except for withdrawal. The motion would strip the provisions in the bill that substitute politicians' judgments on troop deployment for the judgment of our military commanders in the field.

At the same time, we leave intact the $50 billion in critical funding included in the bill. We leave intact the prohibition on torture, which has been adopted previously by this Congress and Congresses before. But we strip the new provisions which could give terrorists killing our soldiers and our citizens constitutional protections under our legal system.

We modify provisions to more clearly express Congress's commitment to our troops and to bringing them home safely in victory as soon as possible. We leave intact a new requirement that the President submit to the Congress within the next 3 months a comprehensive, long-term strategy to achieve stability in the Middle East over the next 5 years.

As events of the last few months have shown, the situation on the ground has, and we all hope will, continue to improve dramatically. Congress has and will continue to debate the proper course of the war, as it should. However, we should not and cannot vote to hold troop funding hostage to that debate. The only ones hurt by that are our troops and their families.

As we go home to enjoy the holidays with our families, how can any of us look our soldiers' families in the eye and explain to them that we are withholding their funding so that we can score political points. That is just wrong. Our soldiers, sailors, marines and airmen and their families deserve more from all of us.

I urge adoption of this motion.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Who wishes to claim the time in opposition?

Mr. OBEY. Mr. Speaker, I certainly do.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, everyone knows that I have a great deal of affection for the gentleman from Florida. I think he makes as good an argument for a bad case as you can possibly find. Let me simply say that this recommittal motion is very easy to understand, which is why it ought to be defeated. It simply gives the President all the money in this bill, unconditionally. It is simply a down payment on business as usual. It simply strips the timeline from this legislation. It renews the authority for torture. It eliminates the requirement that interrogation activities follow the Army Field Manual. Outside of those problems, it's a terrific idea.

So I would simply urge a "no" vote on the motion to recommit.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. I want the Members to know I carry in my pocket the names of 18 people who have been killed from my district. Two years ago, I said this is a failed policy wrapped in illusion. I am absolutely convinced that there's more instability in the Middle East today than there was then.

This recommittal motion works against everything we are trying to do. We want a plan. We want a plan in Iraq. We want stability in the Middle East. We don't have stability. Pakistan, Afghanistan, and of course Turkey might even go into the Middle East. So when you talk about victory, you're talking about stability, which we don't have. It's absolutely essential to put a plan in place that holds the President accountable.

All this time the President has asked for things and we have given them to him. For 5 years we have said to the President of the United States, You need money, we are going to give to it you. Now we are saying we are going to have a new plan, and that plan is going to change the direction of this war, and we are going to bring those troops who fought so honorably home to their families.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time, and ask for a "no" vote.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced the noes appear to have it.

Mr. YOUNG of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 192, nays 231, not voting 10, as follows:

[Roll No. 1107]

YEAS—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—231

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Bono
Carson
Cubin
Doyle
Hastert
Jindal
Mack
Oberstar
Sessions
Weller

□ 2146

Messrs. MORAN of Kansas and LAMPSON changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 218, nays 203, answered "present" 1, not voting 11, as follows:

[Roll No. 1108]

YEAS—218

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—203

Aderholt
Akin
Alexander
Allen
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof

Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stark
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Lewis (GA)

NOT VOTING—11

Bono
Carson
Cubin
Doyle
Hastert
Jindal
Mack
Oberstar
Pearce
Sessions
Weller

☐ 2201

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. OBEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. BRALEY of Iowa). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

TIME FOR PAKISTAN TO STOP BEING A DICTATORSHIP

(Ms. ZOE LOFGREN of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ZOE LOFGREN of California. Mr. Speaker, Thirty years ago, I was in law school studying, among other things, the Constitution and deepening my passion for freedom under law. With me at Santa Clara Law School was Munir Malik. That small Jesuit institution instilled in me a sense of duty to stand for principle that led me to this House. That same sense of duty led Malik to leave behind a lucrative career as a CPA and lawyer to return to Pakistan. Last year, he was named president of Pakistan's Supreme Court Bar Association. This May, he was the target of an assassination attempt. And, this month, he was arrested by our ally. Our ally? President Musharraf. His crime? Standing up for the rule of law.

Musharraf is liberating al Qaeda members in the western territories while arresting judges and lawyers who believe in law. Pakistan is using our money to do it.

It's time for Pakistan to tell us where Malik and the other lawyers are. Time for Pakistan to set them free. Time for Pakistan to stop being a dictatorship.

I include for the RECORD a letter from the faculty at Santa Clara Law School asking for a return to the rule of law and the release of their former student.

STATEMENT BY MEMBERS OF THE FACULTY OF SANTA CLARA UNIVERSITY SCHOOL OF LAW ON GENERAL MUSHARRAF'S ABROGATION OF RULE OF LAW

We are deeply concerned about the abrogation of the Rule of Law in Pakistan. General Musharraf, in a brazen attempt to perpetuate his own rule, has used his state apparatus to disband the highest courts of the country. Thousands of lawyers, journalists, judges, human rights activists have been jailed. in many cases families have no idea of the whereabouts of the detainees.

Our own concern is particularly sparked by the arrest and detention of one of our graduates, Muneer Malik, the Immediate Past President of the Pakistani Supreme Court Bar Association. His fate is, of course, merely a small part of the overall tragedy taking place but as we know him to be a conscientious, industrious lawyer dedicated to the welfare of his country, and not in the least a threat to law and order; he symbolizes the injustice being practiced.

We, in fact, are not an organized political group. We have never before joined in a statement of this sort with each other. What brings us together in this plea is the fact that we are all professors of law who teach in the law school which graduated Mr. Malik and who share a respect for the rule of law. We deplore what has happened. We assume that many more people like him have been swept from public view. The Supreme and High Court judges have been locked in their own homes. Police have stormed into bar-association gatherings and have manhandled lawyers, some of them women, some of them septuagenarian! TV stations have been blacked out and police vans are carting off telecommunication equipment from private TV stations.

The U.S. must use all its influence and in no uncertain terms demand the restoration of the Supreme Court status quo ante Nov 2nd 2007. It must demand the immediate release of and accounting for all persons who have been jailed after the promulgation of the so-called emergency. It should be recalled that President Musharraf removed the Chief Justice once before, a short while ago, and that he was forced to rescind his order because of the pressure of world opinion. The embattled civil society in Pakistan must realize that America stands for the rule of Law and the liberty of all peoples.

Signed by:

George Alexander, Dean and Professor of Law Emeritus.

Patricia Cain, Inez Mabie Professor of Law.

Colleen Chien, Assistant Professor of Law.

Rev. Paul Goda, S.J., Professor of Law.

Allen Hammond, Phil and Bobbie San Filippo Professor of Law.

Ellen Kreitzberg Professor of Law.

Philip Jimenez Professor of Law.

Jean Love Elizabeth H. and John A. Sutro Professor of Law.

Gary Neustadter Professor of Law.

Michelle Oberman Professor of Law.

Robert Peterson Professor of Law.

Mack Player Professor of Law and Director, Center for Global Law and Policy.

Margaret Russell Professor of Law.

Catherine Sandoval Assistant Professor of Law.

Jiri Toman Professor of Law.

Gerald Uelman Professor of Law and Director, California Commission for the Fair Administration of Justice.

Stephanie Wildman Professor of Law and Director, Center for Social Justice and Public Service.

Nancy Wright Professor of Law.

Eric Wright Professor of Law.

David Yosifon Assistant Professor of Law.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRALEY). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SOUTHEASTERN DROUGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise tonight to call to the attention of Congress what is occurring in the Southeastern and Mid-Atlantic region of the United States. When you look at the statistics and look at the effects, there is only one word that can describe this drought—it is a total disaster.

This isn't a disaster like a tornado or a hurricane, where you have one big storm and it's over, or a big fire. This drought is a continuous process, and the impact adds up over time. The drought is the worst one on record in the Southeast and in my home State of North Carolina.

We know that this entire Southeast region has had about 19 inches less rainfall than we should have had this year, and some areas have received even less. You can see from this map what a large area of severe drought we now have.

The States that have been the hardest hit include Arkansas, Mississippi, Alabama, Georgia, Kentucky, Maryland, Tennessee, South Carolina, and Virginia.

In North Carolina, our Governor has ordered citizens to halt all nonessential water use. This drought has affected our farmers to an extent so great that it is now affecting our rural communities. Plants are having their production levels cut to save water. Some communities have only a few months of water supply remaining. In my district, the Second District of North Carolina, nearly the entire area has been afflicted by what is called an exceptional drought, and this is the most severe level. Farmers have been struggling all year from this truly epic weather condition.

Mr. Speaker, I am working in Congress to provide some relief. Last month, the House Agriculture Committee held a hearing to shine a spotlight on this growing disaster, and the Governor of our State, Governor Easley, testified himself as to the magnitude of this crisis.

Many of my colleagues may have seen this week that in my neighboring State of Georgia, the Governor has even called a meeting and asked for prayer. I am all for praying for rain, but, my friends, it is going to take more than prayer.

I have written a letter to the President asking for assistance. This letter was signed by 54 of my fellow colleagues here in Congress from both sides of the aisle.

Farmers are some of the most resourceful and ingeniously productive people around, but there is just so much that you can do to grow crops, raise livestock or poultry without one of the essentials of life, and that is water.

Mr. Speaker, I am here tonight to raise a greater awareness, because we all need to work together to help solve this problem. People need to realize how serious it really is.

I am concerned that some folks may think the crisis might be solved if we get just a little rain. Unfortunately, our farmers tell me the damage has already been done, and I can agree, having visited a lot of farms. Even if we had a nice soaking rain this week and next week and the week after that and the week after that, it has been said that we will need 25 inches of rain in the next 6 months just to get the water level back to where it was. We've lost our cotton, our beans, our corn, and many of the other crops, and they won't be able to grow this winter unless we get more ground water. The crop this year is now lost.

The problem today is that too many Americans think that the food that they eat comes from the grocery store. I want them to understand, that's just where they go to pick it up. That food comes from a farm. They forget that it's the farmer out in the field working every day of the year to make sure that Americans have the most bountiful and least expensive food supply in the world. It's hard work, it's a huge gamble, and for the farmers in the Southeast this year, they lost.

It's time that this Congress, Mr. Speaker, joined hands and helped these folks. They have always been there for us, and now we need to be there for them.

Our farmers in rural communities desperately need assistance. It is my hope that we can pass the relief package before this year ends and that the President will sign it and will help these farmers and their families in rural communities across the whole Southeast be back in the fields next year providing food and fiber for the American people.

WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the Joint Economic Committee of Congress reported yesterday on the hidden costs of the occupation of Iraq. We learned that the true cost so far is $1.3 trillion, or nearly double the amount the administration has been talking and has requested. And the price tag could soar to nearly $3.5 trillion if we continue on the administration's reckless course in Iraq.

The hidden financial costs of our involvement in Iraq are staggering, but yesterday we also learned that there are hidden human costs as well that are truly, truly heartbreaking.

CBS News reported last night that the suicide rate among veterans is over twice as great as the suicide rate for the general population. In 2005 alone, there were at least 6,256 suicides among veterans in the 45 States that provided data to CBS. That is an astonishing 17 suicides per day for just that one year.

Those statistics are for veterans of all wars, and they are shocking. But the statistics for veterans of Iraq and Afghanistan are even more devastating. Veterans aged 20 to 24 have the highest suicide rate of all. For these young men and women, the suicide rate is two to four times higher than the suicide rate for the general population.

And yet another report published yesterday in the Journal of the American Medical Association found that the mental health problems of Iraq veterans are much greater than previously thought. It found that Iraq veterans are more likely to report alcohol abuse, family conflicts, depression, and posttraumatic stress disorder after being home for 6 months than immediately after their return. The suicide statistics tell us that the real Iraq death toll is significantly higher than the official count of just over 3,860. And the mental health statistics tell us that the real number of wounded is much, much higher than the reported number of around 28,000.

All of this terrible news means that we can no longer sit around and do nothing about the occupation of Iraq. We must take action immediately, and we must take it in two ways.

First, America must do a much better job of meeting the physical and mental health needs of our veterans. The administration has underfunded and ignored the Veterans Administration system, leaving veterans stuck in a bureaucratic nightmare that stops them from getting the health care that they need. Congress has passed a bill that would help veterans to get care much faster. It improves conditions at VA hospitals and invests in new ways to treat physical and mental problems caused by the war. The President needs to sign that bill as soon as possible.

And, second, we must move immediately to end the occupation of Iraq and redeploy our troops. That is why I voted today for H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations Act.

While the bill is not perfect, it essentially says that funds authorized for Iraq will not be used to continue the occupation, but are to be used to achieve the safe and orderly redeployment of our troops out of Iraq.

That is what I and many others have been demanding, and that is what the American people have been asking. It is time to stop the death. It is time to stop the suffering. It is time to bring our brave troops home and do everything we can to help them and their families to rebuild their lives. Anything less is unacceptable and immoral.

□ 2215

AMERICANS ARE PRAYING FOR RAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Kansas (Mrs. BOYDA) is recognized for 5 minutes.

Mrs. BOYDA of Kansas. Mr. Speaker, tonight Americans across the Southeast are praying for rain. As drought conditions have stretched from weeks into months, residents face a stark reminder of how one of our most precious resources, water, can also be one of our most unpredictable.

The lessons of natural disaster all too familiar to the good folks back home in Kansas. In the past year, nearly every county in Kansas has suffered from disastrous conditions.

The weather has been hard on many of us, but especially on our farmers and ranchers, who depend on nature to earn their living. It's hard to find words to express their concern, their worry. Many have worked the same acreage for decades, and they've always trusted that if they treat their land right, if they plow its soil and they plant it carefully and tend it for many months, it will reward them with a crop that will earn their living.

But in so many counties, disaster conditions have slashed crop yields.

Ranchers face their own problems as animal feed prices soar.

Kansas farmers and ranchers are good hardworking people, but lately they've found that the land and the weather are betraying them. That's why it's so important that earlier this year Congress passed a critical agricultural disaster relief package. These funds helped Kansans continue to farm and ranch in spite of the ever-present threats of drought, fire and other catastrophes.

Today I urge America to come together once again to show the same compassion to our brothers and sisters in the Southeast. Farmers are finding that no matter how much they care and the effort that they devote to their land, their crops simply won't grow. These hardworking families can't make ends meet and they need a helping hand from Congress.

I urge my colleagues to remember the struggles of farmers and ranchers in the Southeast, in Kansas and across America who continue to confront the challenge of this difficult weather.

And again, we're praying tonight for the rain for the Southeast, and it looks like we might get some rain, and we are just blessed.

THE ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, H.R. 4156, the Orderly Responsible Iraq Redeployment Appropriations Act, just passed.

Let me be clear about why I voted for it. This legislation is a compromise that I hate, but it's the only way to move the agenda of the American people forward. This legislation is anything but perfect, but it does make important strides.

It requires the President to use funding to begin to redeploy U.S. soldiers out of Iraq within 30 days of enactment and sets a goal for complete redeployment by December 15, 2008.

It requires the President to implement a comprehensive diplomatic political and economic strategy to bring stability to Iraq. For the first time, the President will actually have a plan in Iraq.

It requires the President to report to Congress. It will end the secrecy that has surrounded everything about this war.

And it requires the President to accept what the rest of us know, that waterboarding is torture. It is a crime, and this bill says it's not going to be used in the interrogation of prisoners.

After World War II, we prosecuted Japanese soldiers for waterboarding U.S. prisoners of war. But the President's new Attorney General is walking around wondering about whether waterboarding is a crime.

House Republicans who voted "no" said they're willing to sacrifice the will of the American people at the altar of blind political obedience to the White House.

If Republicans in the Senate filibuster this bill, they'll be telling the American people to go away because they intend to follow the President over the cliff.

If this legislation should reach the President's desk, it just might finally force him to confront reality. But I don't expect any of that to happen.

The President intends to hand Iraq over to the next President. In the meantime, this President is waging an Iraq veto war relying on Republicans to act as mechanical robots and rubber-stamp his vote on every single Iraq policy the Democratic majority has brought forward.

The American people may not understand how badly they've been deceived and misled by this administration, but it's going to continue. Sometime next spring, the President will announce things in Iraq are going so well he'll bring home a few thousand of our troops. He'll have them arrive in the fall during the election, when Republicans are desperate to explain why they ignored the American people. He will not tell us that 100,000 soldiers will be permanently stationed in Iraq at 14 military bases the administration has so artfully called enduring bases. Of these, five are superbases: Camp Victory North, al Asad Air Base, Balad Air Base, Camp Taji, and Tallil Air Base. These are huge bases with everything from video stores to supermarkets and rental cars. They are so big that one of them, Balad, 40 miles north of Baghdad, is the second busiest airport in the world, second only to Heathrow in the amount of air traffic.

Building enduring bases stands for indefinite U.S. military involvement in Iraq, which is not something the Congress or the American people want or will stand for.

The President is running a war by veto. If we could have a vote on a no confidence motion, this war would be over. But in our democracy, the ballot box is the only vote of no confidence and, regrettably, we have another year to wait to get rid of the President.

That only reinforces the need for today's vote. If Republicans won't support something as mild as this, then the American people need to know the Republicans are stonewalling. Every time we force the debate out in the open, the American people see it for what it is.

If Republicans continue to prolong the war, the American people will take charge next November and unelect even more Republicans.

We call this legislation a bridge fund, meaning to build a way to bring our soldiers out of Iraq and home where they belong. We're trying, and we're not going to stop until the American people can declare the mission accomplished and the men and women of our Armed Forces are home.

MEN OUGHT ALWAYS TO PRAY AND NOT TO FAINT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Speaker, Luke records in his Gospel that "men ought always to pray and not to faint." That's in Luke 18:1.

I believe in the power of prayer, and I should note that the power of prayer is beheld in the One to which we pray, God Almighty.

Yesterday, my Governor, Sonny Perdue of Georgia, hosted a special prayer service at the Georgia Capitol to pray that the Lord would provide rain for our drought-ravaged State. Governor Perdue wisely recognized that a request such as this must be made to a higher power, and I commend him for his humility and wisdom in calling on God to provide what man cannot provide.

One of my favorite verses in the Bible is Jeremiah 33:3, which states "Call unto me and I will answer thee and show thee great and mighty things, which thou knowest not."

The book of Hebrews, in 14:16 states, "Let us therefore come boldly unto the throne of grace that we may obtain mercy and find grace to help in time of need."

We are a needy people, in desperate need of God's mercy and grace. Throughout Scripture, we are commanded to pray and seek God's face, not as a last resort but as the first order of business.

My home State of Georgia is facing one of the most severe droughts in its history. Our rivers and reservoirs are at record lows, and many of our communities face water shortages that could challenge their ability to meet water supply needs in the near and distant future.

The situation has gotten so bleak that the Georgia Environmental Protection Division, EPD, has declared a Level 4 drought response across the northern third of Georgia, which prohibits most types of outdoor residential water use. In fact, many nurseries and outdoor plant suppliers are going out of business because of this.

Worse yet, many forecasters are calling for a dry, mild winter that could result in serious water supply problems by spring.

I've had the privilege and honor of working with my fellow delegation members in a truly bipartisan effort to come up with practical responses, such as conservation and water management, to Georgia's water crisis. Despite our best efforts in Washington and in Georgia, there's no legislative solution to this problem. The issue at the heart of our drought problem is a severe lack of rain, and there is nothing that government can do to change that.

The Apostle Paul tells us to make our requests known to God with thanksgiving, so I gratefully acknowledge what the Lord has done for us already and boldly call upon Him to show favor on us yet again by sending rain to my beloved State of Georgia. God has not failed us before, and I'm confident He will not fail us now in our time of need.

At a time when religion has been continually forced from the public square, I want to offer my sincere thanks to Governor Perdue for his bold and faithful trust in the Almighty. His efforts helped unite hundreds of Georgians from all walks of life, leaders and citizens from varying faiths and denominations, races and ages for this prayer service.

So I join the Governor and fellow Georgians in calling out to God to provide rain from heaven, and I pray that the Lord will give wisdom and discernment to the Governor and each of us in leadership positions to address the drought and its devastating effects on our State and our citizens.

So I pray, Lord, You are sovereign and completely in control of all things, and I acknowledge Your awesome power and authority.

All things are in Your control, and nothing is too small or too great to bring before You. When you walked on the Earth in the person of our Lord Jesus Christ, You spoke and stilled the waves and calmed the winds. You spoke into the existence, the heavens and the Earth. You created man in your image, and I know you can alleviate the severe drought conditions we face in Georgia.

So Lord, I ask in the name of Jesus that you bring down rain from heaven and refresh our land, fill our reservoirs and dry lakes and streams. I pray that You will quench our parched land, and I implore You, Lord, to show mercy upon us and to see us through this difficulty and show Your awesome hand in moving nature to suit Your will and bless Your people that call upon Your name.

Thank You, Lord for all that You have done and will continue to do for us. And I pray this in the precious powerful name of our Lord and Savior, in the name of Jesus Christ I pray this. Amen.

☐ 2230

CONDEMNING VIOLENCE AGAINST PHILADELPHIA'S POLICE OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) is recognized for 5 minutes.

Ms. SCHWARTZ. Last Wednesday, I attended the funeral of one of my constituents, a 25-year veteran of the Philadelphia Police Force. His name was Officer Charles Cassidy.

Officer Cassidy was shot and killed in the line of duty on October 31, 2007. He was 54, and he left behind his wife, Judy, and their 3 children, Jody, Casey and Cody.

I would ask everyone here tonight in the House of Representatives to join me in a moment of silence for Officer Cassidy and the 62 other officers killed in the line of duty this year in our Nation.

Thank you.

The pain I witnessed at Officer Cassidy's funeral, that of his family, of his fellow officers, and the citizens of the entire region is why I rise tonight to ask my colleagues to join me in condemning the significant and deplorable wave of violence against police officers across this Nation.

In the Philadelphia Police Department alone, in the past 2 months, 5 other officers have been shot while protecting our city.

They will all survive their wounds and continue to serve the citizens of the city of Philadelphia. They are:

Officer Richard Decoatsworth on September 24, 2007, who was shot in the face with a shotgun while making a traffic stop. He survived his injuries after 5 hours of surgery. I saw him at the funeral last week.

Officer Sandra Van Hinkel on October 28, 2007, was shot in the right leg during a gunfight near a nightclub.

And Officer Marino Santiago on October 30, 2007, was shot in the shoulder while responding to a shooting that left 3 people hospitalized.

And just last night, the city was once again shocked to learn that 2 undercover narcotics officers were shot while serving a warrant at a suspect's residence on Oxford Avenue not far from my Philadelphia district office.

And last May, I stood on this floor to remember another fallen police officer, another constituent, Philadelphia Police Officer Gary Skerski.

Unfortunately, Philadelphia is not alone in this battle against violent crime. Cities big and small are coping with the threat and the reality of violent crime. So far this year across the country, 63 officers have died from gunshots.

We cannot tolerate any more of this violence against our citizens or against our police officers. We, the political and civic leadership of this country, must commit our will to tackle the wave of violence and the lack of respect for the rule of law and law enforcement.

This means bringing all the forces we have within law enforcement and also within delinquency, criminal justice, human services, probation and parole, education, employment, mental health, and drug addiction services to face the reality of what is happening and to say that this violence is no longer acceptable, that this violence must stop.

It also means that the President and this Congress must respond with action and the resources to enable Federal and local initiatives that will get illegal guns off our streets and put violent criminals behind bars.

Congress should quickly complete our work on the COPS Improvement Act and the Commerce-Justice-Science appropriations bill to help our communities and the officers who face these very real threats every day on the streets of our cities. And they need better technology, improved equipment and training, and they need more police officers on the street.

I urge my colleagues to join with me in the effort to push these bills to finalization and to do all that we can to stop this deplorable violence in our midst.

THE LIFE OF CATHERINE RORABACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to recognize the life and accomplishments of Catherine Roraback of Canaan, Connecticut. Ms. Roraback passed away on Wednesday, October 17 in Salisbury, Connecticut, and will be greatly missed by her family, by her community, and by her country.

Ms. Roraback was best known for successfully arguing the landmark case of Griswold v. Connecticut in front of the United States Supreme Court in 1965. This groundbreaking case overturned an 1849 Connecticut law that banned the use of contraception. And this historic decision established the right to privacy that exists to this day as the foundation of many of our most revered constitutional freedoms.

Ms. Roraback was the only woman in her graduating class from Yale Law School in 1948, and she quickly established a law practice dedicated to protecting the rights of those that she called the "dissenters and the dispossessed." Her groundbreaking work in the Griswold case was simply an extension of her life's work, which included the founding of the Connecticut Civil Liberties Union and serving on innumerable boards and commissions to serve her community and her State.

Mr. Speaker, Catherine Roraback was a national figure. But where she shined the brightest was at her desk in her law office in northwestern Connecticut, where she worked out of for almost her entire career. She was always a caring and fiercely intelligent adviser and advocate to her neighbors and her clients, and she was a mentor to generations of community leaders and advocates, including my friend and her cousin, State Senator Andrew Roraback, with whom I had the pleasure of serving in the State Senate for 4 years.

I had the pleasure of getting to know Ms. Roraback just a little in the last few years, and though we only got to spend a brief few moments together, I feel so blessed to have had the fleeting chance to get to know one of Connecticut's true heroes. She was an incredible woman with an incredible drive and a never erring sense of right and wrong. I was deeply honored to be her representative for the last 10 months, and I will strive every day to live according to her example.

In these very trying days, I think it's incredibly important to remember the lessons that Catherine Roraback leaves with us, the motivation that underlied her entire work as a lawyer and an advocate, because Catherine Roraback taught us that the basic rights that we enjoy every day to live and to speak freely cannot be dependent on one's lot in life. She also taught us that these rights, these precious civil liberties that we enjoy, cannot and should not be taken for granted. We must fight for them, now more than ever.

Mr. Speaker, my thoughts and prayers go out to Catherine Roraback's family, her friends, and her beloved community.

THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this afternoon we saw a varying level of discourse and debate over an enormously important and I might say singularly important issue that is facing the American public, and that is the question of the war in Iraq.

No matter how you touch the hearts and minds of Americans, whether or not they suggest that this Congress and this President is not paying enough attention to the domestic concerns, woven into the crisis of where we stand today is the conflict in Iraq.

I think Americans understand Afghanistan more than we might think they do. They know that this Nation was attacked on September 11, 2001. They know that when the Nation is attacked, the Commander in Chief, leaders of this government have the responsibility of defending the honor and the security of America. They see Afghanistan as defending that honor and that security. They know that the Taliban, Osama bin Laden, those who collaborated were the basis of the attack against the World Trade towers and other sites in this country. They know that our lives have changed because of the horrific tragedy of 9/11. And they are willing to accept that. They faced up against new laws that seem to undermine their liberties, and within reason they are willing to acknowledge that things must change. I am grateful, however, that there are those of us who understand that the greatest success of a terrorist is to cause you to terrorize yourself. So many of us have asked to modify and assess the PATRIOT Act. We are looking to redo the FISA law that deals with electronic surveillance. But mostly in debating this question, Americans understand that their lives have changed.

But the Iraq War continues to be a questioning action by this administration. All of us have tried to give respect to the basis and the reason of this direction that this government took in the fall of 2002. I, for one, was very hesitant to speak about a war for oil. I recognize that there might have been many deliberations that have occurred that might have caused this administration to make this unfortunate leap of preemptive attack.

I have come full circle now, however, and I am enormously disappointed in the thought process and the respect not given to the American people. For the American people, over 56 percent, want this war to end, want these troops to come home, want to see a troop reduction.

So this debate today was not a frivolous debate. And the leadership of the Democratic Caucus, the leadership of this Congress took great pains to try to address this in a fair and dignified manner. They worked very hard to bring a concise document that spoke to the safety and security of the troops, the respect of the troops, the acknowledgment of their hard work; but yet to insist that a plan be laid out by this administration to reduce the number of troops in Iraq while at the same time ensuring that if there are outstanding conflicts, firefights, terrorists to be fought, that we'd have the troops on the ground.

I believe that this has been the most misdirected war that history will record. I believe that it beats out the Civil War, the War of 1812, World War I, World War II, the Korean War, the Vietnam War, Persian Gulf. For any of those who opposed those wars, and I was not there for all of them, if there was any opposition for reasons that I don't know, this has to be the single most dangerous and devastating action that this Nation could have ever taken. There is no sense for it. There is no basis for it. But if there was a case that you could make, you could make the case that the military has done every single thing that it was asked to do.

So, Mr. Speaker, that is why I was moved to write the Military Success Act of 2007. It indicates that Congress recognizes that the military, in the invasion of Iraq, as authorized by a resolution given to the President in 2002, going into Baghdad was probably one of the best executed military operations in modern history, alongside of the Persian Gulf. The armed services successfully toppled the regime of Saddam Hussein.

And as I close, it lists a whole series of successes. And then it indicates that every single aspect of the 2002 resolution has been complied with. And, therefore, that means that the task of the 2002 resolution has ended. And it calls then for the troops to come home, for them to be acknowledged, for them to be given free, with no attachment, $5,000 for each returning troop from Iraq.

Mr. Speaker, this was a difficult debate, but I think and know that we made the right decision. But we could do even more. We can affirm that these troops need to come home, and we can celebrate them for the heroes that they are.

THE 30 SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. ALTMIRE) is recognized for one-half the time until midnight as the designee of the majority leader.

Mr. ALTMIRE. Mr. Speaker, thank you.

We are here tonight with part of the 30 Something Working Group, and we are going to talk about what this House has been doing this week. We are here, it's late into the evening, and we have been working throughout the day on a variety of issues, and we are going to be at work tomorrow. I wanted to talk with my colleagues tonight. And we are going to have a full house. We are going to be joined by Mr. MURPHY from Connecticut, Mr. MEEK from Florida, Ms. WASSERMAN SCHULTZ from Florida, and Mr. RYAN from Ohio. We are going to have a discussion about some of the things that this House has been doing.

We took several significant votes this week, including the vote that was just discussed on Iraq. And we are going to discuss the policy in Iraq and the vote that we took today.

I wanted to start by talking about the President's veto earlier in the week of the Labor-HHS-Education appropriations bill. Now, the President has found his veto pen, something that on appropriations bills he had not used until this Congress. And I think it's instructive to begin this debate by reminding my colleagues, as if they needed reminding, that we are talking about an administration that took office after 4 consecutive years of record surpluses, 4 consecutive years of budget surpluses, that were forecast to continue as far as the eye can see. In fact, the 10-year projection for budget surplus beginning in 2001 was more than $5 trillion of surplus over that 10-year period.

□ 2245

Well, what have we seen instead of that? We've seen 7 consecutive budget deficits in the 7 years of this administration, deficits that are forecast to continue as far as the eye can see. And instead of that $5 trillion in surplus, we've seen more than $3 trillion in deficits in just 7 years.

So, this administration that's now lecturing us on fiscal responsibility and vetoing our appropriations bills, criticizing us for spending, this administration saw more than $8 trillion flip from a projected $5 trillion surplus to $3 trillion in deficit and counting. So, that's the context of what we're talking about.

So, we sent to the President the Labor-HHS-Education appropriations bill, which includes programs like low-income energy assistance, home heating, the LIHEAP program. Now, I don't think there's anyone in this country that has not been affected by the price of oil. And home heating is something in the Northeast where I'm from in Pennsylvania, and in Connecticut where Mr. MURPHY is from, and in Ohio where Mr. RYAN is from, the price of home heating has continued to skyrocket. And we're going to get into some of the numbers, but that's one of the things that's in this bill. Well, I don't think that's excessive spending, to help people who would otherwise have their heat turned off.

We're talking about funding for community health centers. We're talking about funding for Head Start, a program for early childhood education. Is there anything more important in this country than early childhood education, making sure our children get off to a good start and begin their educational careers in a way that we're able to ensure that they get off and they're positioned to have the best start possible.

Now, what about medical research, the National Institutes of Health? That's what we're talking about in this bill, funding for medical research. Is there anyone in the country that thinks we shouldn't be spending money to find cures and treatments for debilitating diseases across the board? That's what this bill is. That's what the Labor-HHS-Education bill funds, and the President vetoed that bill. And we're going to have a vote in this House to override that veto, and it's going to be a very close vote. We were two votes shy of having a veto override majority when the bill passed the House the first time. Two votes. That's what stands between us and overriding the President's veto.

And I would remind my colleagues as well that we were able to override the President's veto just last week. This is not something that can't be done. We had a Water Resources Development Act that had not passed in 7 full years. It's supposed to be reauthorized every 2 years. Congress after Congress, in recent years, has been unable to pass that bill, so we passed it. And we faced a Presidential veto; the President vetoed it. We were able to override that veto overwhelmingly, 300-plus votes in the House; they got 79 in the other body. And what's in that bill? That's another bill that the President, and I outlined his record on fiscal responsibility and he wants to lecture us on spending, for infrastructure improvements in this country. Building levees in New Orleans, does that sound like pork? Building flood prevention infrastructure all across this country.

There were projects in that bill in almost every congressional district in the country to prevent flooding, to help the waterways infrastructure in a way that we're investing for the first time in 7 years in flood prevention infrastructure. So we overrode that veto overwhelmingly. We do have the opportunity to do it again on the Labor-HHS-Education bill. And we're going to talk more about that.

At this time, I want to yield to my colleague Mr. MURPHY from Connecticut.

Mr. MURPHY of Connecticut. I thank my friend from Pennsylvania, and I appreciate his promptness in being here as I share with him today. We trust that the other members of the 30-Somethings will join us here today, but it falls very often on the new members of the 30-Somethings to make sure that we are here to begin the sharing of good news with the American people.

And I hope there is good news, Mr. ALTMIRE. I hope that people throughout this country who see the President's veto of this incredibly important bill, and you laid out very clearly and very succinctly what the President has vetoed, what he has said no to. We're talking about health care for kids. We're talking about good schools. We're talking about Head Start, medical research, home heating assistance for the elderly. And these are the basic building blocks of a compassionate society, and the President has said, very firmly and clearly, no to those.

And as you said, we're not very far away from having the requisite number of votes here on the House floor to override that veto. And I know that's kind of inside baseball for a lot of people, whether we have two-thirds or three-fourths or whatever the percentage is that we need. But it's important because, as you said, the President has found his veto pen for the first time in his tenure in office. And I think it's important to try to figure out what's different this year than as was the case in the last previous 6 years of his Presidency? And it's kind of funny because, if you look at the record, as you said, Mr. ALTMIRE, it seems a little odd to be having lectures from this administration on fiscal responsibility because this President and the Republican Congress over the last 6 years have increased Federal spending by 50 percent, 50 percent just over 6 years. We've put $3 trillion on top of the deficit, on top of the debt that this country owes, as we've watched the President and this Congress continue to spend and continue to borrow. We've seen the amount of foreign-held debt, and you know, this is something that Mr. MEEK and Mr. RYAN have been talking about for years and years and years. We've seen the amount of foreign-held debt during that time double. This is all under a Republican-controlled Congress, both Houses, and a Republican administration. And during that entire time, the biggest piece of the budget that has exploded has been the funding for this war.

Now, those of us who paid attention when the President initially rolled out his plans to invade Iraq, his very rosy and optimistic projections of our success there and the cost of that war, well, remember that he told the American people, his administration told the Congress that he thought that this war wasn't going to cost more than $50 or $60 billion to get the job done? And also, if you remember, that the Iraqis were going to welcome the Americans as conquering heroes. Well, we know that that $50 to $60 billion was a figure of fiction, historical fiction now, Mr. ALTMIRE, because now the estimates are that this war has cost us not $50 billion, not $100 billion, not $500 billion, but $1.3 trillion. And if we look forward to the projections associated with carrying out a war for the next 10 years, as this President has told this country he's planning to do, or that his war planners intend to do, we're talking about a $3.5 trillion commitment before this is all done. Now, that is a number that is almost impossible to get our hands around. I mean, what does $3.5 trillion mean to anybody? Well, what it means is that we're going to borrow more and more and more. We are going to put our children and our grandchildren and our great-grandchildren into hock in this country.

And so, when we hear this President sitting down and telling the American people that he's going to get tough on spending, and the way he's going to do that is by denying education to kids and health care to the sick and heat to the elderly, well, during that time he and his Republican Congress have spent like drunken sailors when it comes to a very mismanaged and misguided war in Iraq, you can't help but wonder where his priorities are and where this Congress' priorities were for the last several years.

So, it's all got to be, I think, in relation, Mr. ALTMIRE, because we're making choices here, as we have for the last 6 years. We've chosen not to spend on American hospitals and American children. We've chosen not to spend to help our elderly get what they need in order to keep their house heated for the winter. And instead, we've chosen to build Iraqi buildings and Iraqi hospitals. We've chosen to put more and more troops in harm's way in a war that is making this country less safe in the long run rather than more safe. This is all about choices, and it's time that we started making some different ones.

And that's why we got sent here, Mr. ALTMIRE. We got sent here to start investing in this country, to start making sure that our priorities look to this country, to the United States of America, first. And that's what the Labor-HHS appropriations bill does. It is the foundation of that compassionate government that we all believe in. It's about medical research. It's about schools. It's about hospitals.

And I hope, as you said, that there will be enough Republicans here who will join us, and we only need a handful, so that we can reverse that and bring back some common sense to our spending priorities in this country, Mr. ALTMIRE.

Mr. ALTMIRE. I wanted to mention one other issue that was in that bill. We talked about home heating assistance. We talked about health care for children, medical research. We talked about the Head Start program, but it's the Labor-HHS-Education appropriations bill. And one of the programs that's in that bill that the President thought was excessive spending was additional 200,000 slots for job training for dislocated workers. And I can tell you, coming from western Pennsylvania where we know about dislocated workers and the need for job training and people to readapt when companies move and with the loss of manufacturing jobs, those are critically important programs that the President considers to be excessive spending. That's what we're talking about with this bill. That's what type of spending we're talking about.

Mr. MURPHY of Connecticut. Mr. ALTMIRE, if you would yield for a moment.

Mr. ALTMIRE. Yes, I would.

Mr. MURPHY of Connecticut. Really, when it comes down to it, the only thing that's different here is the party that's writing the budget. I mean, really, when you look at it over time, what's different about the last six budgets that this Congress passed that over time expanded Federal expenditures by 50 percent and the budget that we've passed, which simply reflects the fact that it costs a little bit more to heat your home if you're a senior, that it costs a little bit more to run a school than it did last year? What's different? I mean, the fact is is that it seems like it's just base partisan politics in the end, that all that really is different is that the Democrats are writing this budget this year and the Republicans were writing the last six budgets. And it is not a coincidence that over the last 6 years we saw nary a veto from this President while his party was in charge of the Congress, and now all of a sudden we have seen a flurry of vetoes on bills that reflect many of the same priorities, we think adjusted to make a little bit more sense for our communities, many of the same priorities that were reflected in the budgets for the last 6 years. And I think to a lot of us that came here to change the culture of this place, as much as we care about resetting our priorities and putting funding back into our communities, we also were sort of hoping that there was a little bit of a message sent in this election to change the partisan rancor that has really enveloped this place, and the President, by vetoing bills very similar to ones that he has signed in the past simply because a different party controls the House, I think does a disservice to the process and a disservice to the mandates that a lot of voters sent us here with, Mr. ALTMIRE.

Mr. ALTMIRE. And the last thing for context, before I turn it over to Ms. WASSERMAN SCHULTZ from Florida, you will remember, Mr. MURPHY and I both being freshman, the excitement of that first week in Congress and the things that we did that first week when we were first sworn in at the beginning of 2007. Well, perhaps the most important thing that we did was return to pay-as-you-go budget scoring, which is very simple. It's the same thing that we all do in our own checkbooks at home and the same thing every business in America has to do. It says that you have to have money on one side of the ledger if you want to spend it on the other, pay-as-you-go. If you want to decrease revenue or you want to increase spending, you have to find a way to pay for it, an offset, you have to find an offset. And every spending bill and every authorization bill that we have passed out of this House this year, every single one of them has been compliant with pay-as-you-go. It has paid for itself; it's been budget neutral.

So, the context of this debate with the President about his willingness to veto these bills and saying it's excessive spending, the American people should be aware of the fact that that's in the context of our returning to pay-as-you-go budget scoring. That's what led to the record surpluses of the 1990s that I referred to earlier. And the failure of this Congress to renew pay-as-you-go budget scoring in 2002 is what led to the record deficits that we're mired in today.

So, when you hear about the vetoes of these spending bills, please keep in mind that we're talking about bills that are compliant with pay-as-you-go budget scoring, bills that are budget neutral and that have the appropriate offsets when there are spending increases.

I would yield at this time to my good friend, Ms. WASSERMAN SCHULTZ from Florida.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. ALTMIRE. It is a pleasure again to join my colleagues in the 30-Something Working Group. And I'm so glad that our newest members of the Working Group, Mr. MURPHY and Mr. ALTMIRE, have been holding down the fort for the last little while talking about spending priorities, because that is actually the most glaring difference between the Republicans and the way they handled this institution and the Democrats and the way we are handling it.

Let's take the problem that we're facing here now that you've been talking about, and that is that the President vetoed the Labor Health and Human Services and Education appropriations bill. And I am proud to sit as a member of the Appropriations Committee with Mr. RYAN. And I can tell you that the difference in the overall spending plan that the President put forward versus our 12 bills combined amounts to $22 billion. Now, $22 billion might sound like a big number, but let's put it in context.

□ 2300

Twenty-two billion dollars is approximately what we are spending in Iraq in 2 months. That's the difference between what Democrats in Congress are proposing to spend for all 12 bills combined, the difference between the President's proposal and the Democrats' proposal. That problem underscores the fact that the President only has one spending priority, and that is the war in Iraq. The problem is that the only spending priority that matters to President Bush is the war in Iraq. It's not even the war in Iraq and Afghanistan because he has so clearly shortchanged what was going on in Afghanistan when we started, which is where the war on terror, or the pursuit of bin Laden was ongoing that we abandoned when he shifted the focus of America to the war in Iraq, that it has blocked out the sun. His spending priority, his only one, the war in Iraq, has blocked out the sun and made it impossible for us to move forward on things like education, like expanding access to health care for children, like making sure that we can pass a stem cell research bill that the vast majority of this country supports.

I will just give you an example of one of the things that resulted from the veto of the Labor-HHS bill and that is the increase in Ryan White title IV funding for AIDS programs for families. We have an explosion of AIDS in this country. We absolutely need to make sure that we get a handle on it. There hasn't been an increase in title

IV funding in years. Now that we are in charge and are making sure that we move this country in a new direction, we are focusing on the domestic priorities of Americans. Americans want us to withdraw our troops from Iraq in a responsible way and focus on things that they care about when it comes to their everyday lives. That is literally what the Labor-HHS appropriations bill does. It is an expression of our values. And our values reflect the needs of Americans when it comes to their health care, when it comes to their education, when it comes to their environment at work. And the priorities and values reflected in the Republicans' agenda is the war in Iraq.

Now, I think the American people clearly stated what their intentions were and what they wanted Congress to do last November 7, and we have repeatedly, and we did again tonight just before we came on the floor this evening for the 30-Something hour, they have repeatedly urged us in Congress to begin a responsible withdrawal of our troops, to stop sending the troops over for tour after tour, the same men and women, the same strain on their families, sending them over there without the equipment that they need, sending them over there without the proper training, with tours of duty that are beyond the appropriate length of time, stretching families, causing divorces, causing strain, psychological impact on children, but they don't care. It just doesn't matter. The President's priority is Iraq, and everyone else's opinion be damned.

I will be happy to yield to the gentleman.

Mr. RYAN of Ohio. It is not just the President. It is enough Members of Congress on the Republican side primarily that are standing by the President. They have to go to the voters next year and say, in my last term in Congress, I stood by President Bush. The thing is that when you talk about the war funding, the waste, the no-bid contracts, the Pentagon losing billions of dollars and nobody knows where it is, you don't hear our friends on the other side, Mr. Speaker, come up and pitch a fit about that. But if you want to talk about $1 billion or $2 billion more in health, education, job retraining, all of a sudden the sky is falling. All of a sudden the party that raised the debt limit five times and borrowed $3 trillion under President Bush is now concerned with a shift in funding to college education, Mr. MEEK, to community health clinics, Mr. ALTMIRE, to Head Start, to these fundamental programs that this country has stood behind. And the kicker is SCHIP, $35 billion over 5 years, and the President says that's too much spending so we can't provide health care for 10 million kids, poor kids, but we can just turn around without a blink of an eye and ask for $200 billion to keep the war going in Iraq, without any kind of deadlines or timelines or any kind of shift in the focus. That's the frustrating part.

Before I yield to my friend, I would just like to say there has been a pattern here. On September 11 or after September 11, Mr. MURPHY, it was go shopping. And then during the whole SCHIP debate, it was, well, they can go to the emergency room, these kids. Then during Katrina it was, "You're doing a good job, Brownie," consistently these flippant remarks that the President tends to make that lacks an understanding of the seriousness of some of these situations.

So it is frustrating as we are trying to make some investments into the United States of America, into this country, and the President consistently, with a small band of Republican supporters, is able to veto this, and unfortunately, we don't have enough votes in the House yet to override these vetoes.

I yield to my friend.

Mr. MEEK of Florida. Thank you so very much, Mr. RYAN, and I want to thank the Members and Mr. ALTMIRE for hosting this hour and anchoring this hour for us. It is always good to see Ms. WASSERMAN SCHULTZ. She has been busy. There are a lot of appropriations bills coming through the floor. And Mr. MURPHY has so much to offer to this 30-something.

Mr. RYAN, I appreciate the fact that you took us down Memory Lane, especially what this administration has done. Being one that pays attention to history and appreciates those that have contributed to this country, whether it be in battle or service in the military and those families that are waiting for their loved ones to come home, whether it be a son or a daughter or a sister or a brother or a mother, waiting, I think it is important for us to recognize right here in the moment, I can't help but think and reflect on the contributions of those Americans before me, the sacrifices that they have made that was just regular order that we call here in Congress, it was just another day. But these were heroes and sheroes that stood on behalf of this country and wanted to carry out the will of the American people. Sometimes we get caught up here in Washington about what we think. I think it's important to note that seven out of 10 Americans have a bad feeling about what is going on in Iraq, the direction that we are going in. This New Direction Congress has tried to steer this administration in the right direction, but I'm just going to put it on the lap of those that are in Congress. The President is not running again.

I actually got up pretty early this morning and had a chance to go down to Morning Journal and have a chance to sit there and take calls from the American people. As you know, you get a cross section of Democrats, Republicans, independents, what have you.

But I think it is very, very important for us to realize, four Republicans tonight voted in the affirmative on H.R. 4156, which is the Orderly and Responsible Iraq Redeployment Appropriations Act of 2008. I think it is important that people note that in that bill, it put forth $50 billion under the $200 billion that the President called for. And the veto that you were talking about a little earlier as it relates to the health centers, as it relates to the research that has to take place dealing with the illness that many Americans are facing, family members that have cancer right now that need that research, need those dollars. The President vetoes those dollars.

So I think it is important for the Members here on the floor and the Members that are listening to what we are saying here on the floor and the staff members that are listening and the Americans that are listening that we pay very close attention. Everyone has to be a part of this paradigm shift in Washington, DC. It just can't be the majority we have here in the House and the one majority we have in the Senate, because if we had 60 votes, Ms. WASSERMAN SCHULTZ, we would be able to move the agenda that the American people call for.

So my contribution tonight would be to, well, one, to our Republican friends on the other side of the aisle that don't allow us to have enough votes to be able to override the President, that the American people will hold them in judgment. To the Members in the Senate that feel that whatever the reason may be to not allow us to override the President, because the President is not running again, but you are, that the American people, independent, Republican, Democrat, first-time voter will let their voice be heard in 2008. That's the good thing about this whole thing, the fact that I know in this democracy that people are paying attention to what is going on.

You cannot justify, ladies and gentlemen, when you look in the face of 10 million children that have to receive health care and say that, well, it's okay for the President to veto and for me to stand by the President and not by those children, it's okay for us to continue on in a war with no accountability, and then we have the Blackwater incident, and then we have other incidents that are there. So the only thing that I am excited about is the fact that the American people are paying attention. But if it was about politics, I would just sit in my office and allow the President to do what he does and a very small majority as it relates to Republicans standing by the President because I know one day the Americans will rise up and the American spirit will rise up and we will see a different America. That is what I am praying for and I am hoping for very soon.

Mr. RYAN. I think you are 110 percent right. I think we need to remind the Members of the past. We need to make sure that we recognize those Members that were once Members of Congress but decided to follow the President, and the American people took them out of office, and as far as I am concerned, if you don't want to stand on behalf of those that sent us here, then you are making a career decision. The bottom line is we have men and women in harm's way right now.

Mr. ALTMIRE. That is a perfect segue for what I wanted to get into right now, and we are going to, I think, conclude on this topic because this is certainly the most important issue facing the country today is the war in Iraq. I think anybody would agree. What this House did today is, as the gentleman from Florida talked about, try to get a handle on this situation and try to put a plan in place where none exists today on what our mission is going to be in Iraq.

I was going to talk a little bit about what we did today in the House, what the bill said, and I will turn it over to Ms. WASSERMAN SCHULTZ to go into a little bit more detail. H.R. 4156 requires the redeployment of U.S. troops from Iraq to begin within 30 days of enactment with a target for completion of December 15, 2008. It requires transition in the mission of U.S. forces in Iraq from primarily combat to force protection and diplomatic protection, limited support to Iraqi security forces and targeted counterterrorism operations.

The bill prohibits deployment of any U.S. troops not fully equipped and trained. Is there anybody who can disagree with that? Waivable with a presidential national security certification. So it gives the President the ability to waive that requirement if he feels it is necessary. It extends to all U.S. Government agencies and personnel the limitations of the Army Field Manual on permissible interrogation techniques. That means no torture, something that this House has voted on in the past. It is in the Army manual today. It just says you have to abide by what is in the Army Field Manual as it is currently written. And finally, as we discussed, it provides $50 billion to meet the needs of the troops in Iraq and Afghanistan but defers the consideration of the remainder of the President's nearly $200 billion request.

So this is a responsible course of action. The House passed it today.

I will yield to the gentlewoman from Florida at this point to give her views on this issue.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. ALTMIRE.

Here is the bottom line. There is a dramatic and stark difference between the Republicans' priorities and the Democrats' priorities. There is one priority, and only one that you will ever hear from the other side, and that is to continue to fund the war in Iraq, continue to put our troops in harm's way, continue to have their families separated from them, continue for them to have longer and longer tours of duty, more and more strain, more and more tours of duty.

Here are our priorities. We passed the largest increase in veterans benefits in the 77-year history of the VA. We passed legislation to increase the minimum wage. We passed legislation to expand access to health care for 10 million children. We passed legislation to cut the student loan interest rate in half. The list goes on.

And what do you hear from the Republicans? Nothing. You hear, let's put more money into the war in Iraq. Let's lengthen the time that the men and women fighting on our behalf spend there. Let's send them over there for more and more tours of duty. Do you ever hear anything from that side of the aisle in terms of an agenda, in terms of getting anything done? All I hear is "no." All I hear is, "not going to do that." All I hear, again, is, "Yes, Mr. President. Whatever you say, Mr. President."

Our criticism of them, Mr. MEEK and Mr. RYAN, if you remember, in the 30-Something Working Group in the 109th was that they were the bobblehead Republicans who did nothing more than shake their head up and down and do whatever the President said. And nothing has changed. Well, guess what. A year from now, which is just about a year from now, they will be called to account just like you said, Mr. MEEK, and we will see just how many fewer Republicans there will be here that serve in this chamber, because I think the American people have had it up to here.

I would be happy to yield to the gentleman.

Mr. MURPHY of Connecticut. I just want to make a point. It is not like we are out on a limb here. We just saw a poll that came out a few days ago from CNN that shows that seven in 10 Americans oppose this war. That is the highest number, 68 percent, 70 percent of Americans oppose this war, the highest number since the war began.

□ 2315

We are seeing almost by the week, by the day, new generals, new senior retired American military officials coming out and breaking with this President. We have already seen the Iraq Study Group, we have already seen dozens of foreign policy experts come out and plead with this President. Even many of his best friends, many of his father's advisors have pleaded for a new course.

The Democrats are on the side of the American public. The Democrats are on the side of the foreign policy community on Iraq. The Democrats are on the side of an increasing number of retired military generals and officials on this issue. As you said, there is just a very loyal, very recalcitrant block of Republicans who refuse to abide by the growing will of the American public on this issue. There will be a price to be paid for this.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield. What is clear here is there is a threat of panic running through the caucus on the other side of the aisle because we are up to 16 of their incumbent Members who have decided to bail and who recognize that the ship is listing and has been listing badly and is in danger of just completely going down. There doesn't appear to be any likelihood of the ship righting itself in the near future. They aren't expected and aren't expecting to get their act together and focus on an agenda that the American people support because they have been a one-note, tunnel-vision party for far too long.

So you have 16 that have decided to retire already, with, we are sure, more to come. It's just not surprising because they do not share the priorities of everyday working families, Americans who want the Congress to focus on a new direction and not give them more of the same.

Mr. RYAN of Ohio. It's interesting, and I think you made the right point. It seems like the President has one priority, and one and only one, and that is the funding of the war. What is interesting is when you look at the Labor-HHS bill, some of the other bills we are trying to pass that increase the Pell Grants and some of the other things, we are not getting the level of support we should.

These vets need those programs. These veterans that are coming back, it's not like they are making a lot of money, many of them with their kids they are trying to send to college. So why wouldn't this apply? The vets aren't just fighting for the Defense appropriations bill that passes out of the House or the VA benefit package that passes out of the House. The veterans are fighting for America. They are fighting for a strong country that does research and development. Veterans have family members who get cancer. So they are very concerned, I would think, Mr. Speaker, with investments at NIH to continue cancer research. They have kids that may need health care. They have kids that go to school. They may have a kid that wants to participate in a Head Start program. In each instance, Mr. ALTMIRE, our fearless leader in this 30-Something group tonight, these vets are fighting for what makes America great, and that is freedom, that is investment, that is a strong economy. Those are the kind of things we are investing in.

So to say your only priority is the war and spending what is now projected by the end of the year $1.3 trillion in the war. The President says, and a small group of recalcitrant Republicans say here in the House: We can't fund it because we don't have the money to put in the health care and everything else.

Mr. MEEK. Will the gentleman yield for a second? I know you're an appropriator and we are talking about appropriations. You and Mr. MURPHY are kind of throwing around these big words tonight. Let it be known that some of us in the room just want to break it down a little bit here in this Chamber.

I can't go back to my district and tell Ms. Johnson and Ms. Rodriguez or Ms. Jones who worked their entire lives that because the President decides to veto the Labor-Health bill, and I think it's important that we share this with the Members, we can't tell those individuals to suck it up. I am sorry that you weren't in the Defense bill. I am sorry that it had nothing to do with Iraq and Afghanistan, that we can't be for you.

One thing I can say here in this House is that we are for them and that we are standing for those individuals, and they are Republicans and they are Independents and they are Democrats and they are nonvoters and individuals thinking about voting for the first time. They are the sick and shut-in on that sick and shut-in list when people go to wherever they worship, or whatever the case may be. They are the individuals counting on this Congress to stand for them.

The Congress is doing what we are supposed to do, Mr. ALTMIRE. But the bottom line is that the President has to do what he has to do, and he has to be the President of the United States of America, not just to secure the issue in Iraq. We have Americans here right now that need our support and our help.

I am glad that we are here and I am glad that we are putting the pressure on the minority party to do the right thing on behalf of their constituents and the American people.

Mr. ALTMIRE.

Mr. ALTMIRE. Thanks to all my colleagues who participated tonight. Thanks, especially, Mr. Speaker for the time allotted to us. Please, to continue the discussion, anyone can go to www.speaker.gov and go to the 30-Something Working Group and we can continue this discussion by e-mail.

I thank the Speaker.

AMERICAN HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for the remaining time until midnight as the designee of the minority leader.

Mr. BURGESS. I thank the Speaker. The hour is late, the time is short. I do want to talk a little bit about health care this evening. Maybe, Mr. Speaker, in order to clear the air from the last 40 minutes, let's start off with a Bible verse. Let's start off reading from the Old Testament from the book of Habakkuk, Chapter 2. "I will stand upon my watch, and I will set me upon the tower, and I will watch to see what he will say to me, and what I shall answer. And the Lord answered, Write the vision, make it plain upon tables, that he may run that readeth it. For the vision is yet for an appointed time, but at the end it shall speak and not lie. Wait for it, because it will surely come. It will not tarry."

Mr. Speaker, I think those are important words. We are going to talk a little bit about the vision for health care, the future of health care in America. Sometimes we will have to wait for it, but it will come. It's a universal problem in this country. Some people think it has a universal solution; others disagree with that. But those two philosophies of health care, that that can be solved by the government or that that is better solved by individuals, those two competing philosophies are really going to be played out front and center over the next 18 to 24 months, both in this Congress and on the national stage in Presidential elections.

I may be oversimplifying the issue a little bit, but it underscores the basic arrangements. We sometimes appear to discuss health care only in the realm of insurance, government systems, third-party systems. In fact, Mr. Speaker, if you recall back in 1993, when the attempt was made with the Clinton health care plan, a lot of us who worked in health care at the time were perplexed, we were concerned because at the time the plan seemed to be less about health care and more about the transactions involving health care, that is, more about insurance than actual health care.

You know, back not too terribly long ago health care meant you called your doctor, you saw your doctor, you paid your doctor on the spot. Now, we have this convoluted system of third-party payers, government payers, private employee and self-pay. It's a complicated plan. It works. Hardly can be described as efficient. But it does work.

Mr. Speaker, we have got to ask ourselves: Is our goal in reforming health care, is our goal indeed in transforming health care to protect our patients or are we here to protect that third-party system of payment? Is our goal to provide Americans with a reasonable way to obtain health care, a reasonable way to communicate with their physician, with their doctor, with their nurse?

We really need to proceed carefully because the consequences of any poor choices we make over these next 18 to 24 months, the consequences of those poor choices will reverberate for decades. Not just in our lifetime, but in our children's lifetimes.

Mr. Speaker, I often stress that the fundamental unit of production of this great and grand American medical machine, the fundamental unit of production is the interaction that takes place between the doctor and the patient in the treatment room. It is that fundamental unit of production which we must protect, we must preserve, we must defend. Indeed, anything we do to try to transform or reform the health care system in this country, first off, we need to ask: Is it going to bring value to that fundamental unit of production of the American health care machine?

The test before us is do we protect people or do we protect the special interest groups. Do we protect big government or do we protect individuals? Do we believe in the supremacy of the State or do we believe in the sanctity of the individual? An educated consumer makes for a better health care system. We need to make health care reform about patients.

Let me just spend a little time talking about what are some of the predominant plans that we hear talked about, some of those placed forward by the Presidential candidates, something that we hear talked about on the other side of the aisle here in this House. It's often referred to as a single-payer system or universal health care coverage. It's got a nice ring to it. It's almost seductive. Why shouldn't the world's strongest and best economy, the world's strongest and best health care system provide free health care to all? Well, perhaps the words of P.J. O'Rourke penned back in 1993 in the Liberty Manifesto, when he stated, If you think health care is expensive now, wait and see what it costs when it's free.

Mr. Speaker, the American health care system has no shortage of critics at home or abroad. But, Mr. Speaker, it is the American health care system that stands at the forefront of innovation, the forefront of new technology. These are precisely the types of systemwide changes that are going to be necessary to efficiently and effectively provide care for Americans in the future. There's no way we can pay for all the care we are going to need to buy if we rely entirely on today's systems and solutions. There have to be new systems and solutions developed for the future, and they will deliver on that promise. The price will come down, but only if we give the system the freedom to act and develop those measures.

Now, the New York Times, not something that I normally read, but just a little over a year ago the New York Times, renowned for its liberal leanings, published October 5, 2006, an article by Tyler Cowan, who wrote at the time, "When it comes to medical innovation, the United States is the world's leader." Continuing to quote, "In the past 10 years, for instance, 12 Nobel prizes in medicine have gone to American-born scientists working in the United States, three have gone to foreign-born scientists working in the United States, and seven have gone to researchers outside of this country." He goes on to point out that five of the six most important medical innovations of the past 25 years have been developed within and because of the American system.

Now, Mr. Speaker, comparisons with other countries may be useful, but it is important to remember that the American system is always reinventing itself and it's always seeking improvement. It is precisely because of the tension inherent in this hybrid public-private system that creates that tension and creates that impetus for change. A system that is completely and fully funded by a payroll tax or some other policy has no reason to seek improvement. Its funding and its funding stream is going to be reliable and predictable, occurring day after day. There's no reason to try to improve a system like that. It's always in complete balance, complete equilibrium, and faces stagnation. But if there does become a need in such a system to balance payments or control costs, where is that going to come from? We have already seen from our experience within our own Medicare system that is going to come at the expense of the provider. It always has, it always will.

□ 2330

The difficulties faced by providers within the Medicare system on an ongoing basis are truly staggering.

Mr. Speaker, the fact is the United States is not Europe. American patients are accustomed to wide choices when it comes to hospitals, physicians and pharmaceuticals. Because our experience is unique and because our experience is different from other countries, this difference should be acknowledged and embraced, maybe even celebrated. But certainly when reform, either public or private, is discussed in this country, we need to be cognizant of that difference.

That is one of the many reasons why a universal health care system, or a single payer system, translate that to "the government," to me seems almost inadvisable, and certainly doesn't seem sustainable over time as an option. So let's think about some of the principles that really should be involved when we talk about changes and improvements to our health care system.

Three principles that I focus on, and I think really form the crux of the basis of all activities regarding health care reform or transformation of the health care system, are affordability, accountability and advancements. Three things fairly easy to remember, almost an iteration when you put them right together.

Under affordability, one of the things I think we oftentimes forget is what does it really cost to deliver the care? How do we assign those costs? How do we allocate those costs? The pricing for health care services really ought to be based on what is indicated by the market. But that isn't always the case. Oftentimes it is what is assumed by administrators, and consumers and even physicians are completely insulated, completely anesthetized as to what the care costs or what it costs to deliver the care.

Now, an article or an op-ed from the Wall Street Journal earlier this year by Robert Swerlick, a dermatologist from Emory University, the title of his column was "Our Soviet Health System." He laments the difficulty in finding a pediatric endocrinologist, but in turn it seems so easy to find a veterinarian who specializes in orthopedics for his Labrador Retriever. So he can't find a doctor for his child, but he has no trouble finding one for his canine acquaintance.

Now, the reason for that is the administrative pricing system that really is dictated by our Medicare system. And I think Dr. Swerlick really hits the nail on the head. He says, "The roots of this problem lie in the use of an administrative pricing structure in medicine. The way prices are set in health care already distort the appropriate allocation of efforts and resources in health care today. Unfortunately," he goes on to say, "many of the suggested reforms in our health care system, including various plans for universal care or universal insurance or a single-payer system that various policymakers espouse, rest on the same unsound foundations and will produce more of the same."

He goes on to say, "The essential problem is this: The pricing of medical care in this country is either directly or indirectly dictated by Medicare." We have a system of Federal price controls in medicine in this country.

Again, continuing to quote, "Rather than independently calculate prices, private insurers in this country almost universally use Medicare prices as a framework to negotiate payments, generally setting payments for services as a percentage of the Medicare fee schedule."

This is an extremely important point, Mr. Speaker, and one that I don't think Members of this body truly grasp. It is so important, we are going to revisit it again in a minute when we talk about Medicare pricing and what is happening in the physician realm. But remember that, because that is an extremely important point.

Medicare administrators set the prices. Private insurance companies in this country tend to follow suit. So when you say we have got a market-based economy in health care, really nothing could be further from the truth.

"And," as Dr. Swerlick goes on to say, "unlike prices set on market conditions, the errors created are not self-correcting. Markets may not get the prices exactly correct all of the time, but they are capable of self-correction, a capacity that has yet to be demonstrated by administrative pricing."

Again, he goes on to associate this with the system that was in place in the old Soviet Union, and in fact correctly relates some of the problems in the old Soviet economy to the reason the old Soviet Union is not with us any longer. So we really need to pay careful attention to that.

Transparency, I think that is something that we talk about a lot, but we don't spend nearly the time focusing on the issue as we should. Transparency between pricing for physicians and hospitals is essential. We want to go to a system where there is more consumer-directed health care, where consumers are more informed. But in order for consumers to be informed, they have to have the ability to go and get the data.

Right now, the opacity built into the pricing structure between physicians and hospitals is significant, and, as a consequence, it becomes very, very difficult for the patient, the health care consumer, to be able to make those determinations.

The other aspect that enters into it, of course, is the issue of physician quality. Sometimes that is an intangible. Sometimes that is something that is difficult to know just from visiting a Web site or checking data that may be available, and that may be the word of mouth type of information that is delivered from one patient to another. A wait time, for example, in one office that is much longer than in another office, you might be willing to pay a little bit more to wait a little bit less time, or you might be willing to wait a little bit more time if the care delivered in that office is truly exemplary.

Now, Texas has taken some steps to make this more of a reality. I think people would like the ability for comparison. In fact, they would like to be able to go on-line for that comparison. I think Travelocity For Health Care, wouldn't that be a powerful tool to put into people's hands.

An example in Texas is what is called Texas Price Point. There is a Web site, www.txpricepoint.org, which was created to provide basic demographic quality and charge information on Texas hospitals and to promote additional or ready access to consumer and hospital information and the appropriate interaction that could occur as a result of that.

The program is very new. The data sometimes is a little too sparse, but it is a program that will build on itself over time and one that will I think provide significant utility to patients in Texas. And I believe other States have other programs. I think Florida has a program that is up and running. These are going to be critical. Some insurance companies have developed their own programs, and that will provide a critical knowledge base for patients who are covered by those insurance companies.

One of the things that is going to affect affordability, even accessibility as far as physicians are concerned, is what I alluded to earlier with the Medicare pricing.

Mr. Speaker, we had reported to us from the Center for Medicare and Medicaid Services the first of this month, not even 2 weeks ago, that the proposed physician payment cuts for next year will be just a little bit over 10 percent for doctors across-the-board in this country. That is untenable. Doctors cannot be expected to sustain that type of reduction.

There is no telling what it does to a physician's ability to plan. A physician's office, after all, is a small business, and if they are going to be facing this type of price reduction, it is very difficult to plan. Do you hire a new nurse, do you purchase a new piece of equipment, do you take on a new partner, when year over year the Medicare system visits this type of travesty upon physicians? And this Congress, through both Republican majorities and now Democratic majorities, and Democratic majorities that preceded 1994, have refused to deal with this issue in a way that corrects it once and for all and gets us past the problem.

The difficulty is that year over year, the physician pricing is set by a formula called the sustainable growth rate formula, and year over year for the past 5 years and projected for 10 years into the future, every year there is a cut to physician reimbursement.

Now, you might say that doctors earn enough money and it is the Medicare system, so what harm is there in that? Let's go back for just a moment to Dr. Swerlick's article about administrative pricing.

"Again," he said, "the essential problem is this. The pricing of medical care in this country is either directly or indirectly dictated by Medicare, and Medicare uses an administrative formula, the sustainable growth rate formula, which calculates appropriate prices based upon imperfect estimates and fudge factors. Rather than independently calculate prices, private insurers in this country almost universally use Medicare prices as a framework to negotiate payments, generally setting payments for services as a percentage of the Medicare fee structure."

So, let's think about that, Mr. Speaker. What happens on January 1 if this House does not take some action to prevent that 10 percent reduction in physician payments? What happens on January 1 is all of those insurance contracts that peg to Medicare reimbursement rates, all of those are going to be reduced by a factor of about 10 percent, or in some cases a little bit more. If a plan pays 120 percent of Medicare and Medicare is reduced 10 percent, that plan will reduce a concomitant amount, which will be a little bit in excess of 10 percent for their pricing on their physician services.

Again, it has ripples and effects far beyond, far beyond what it would be affected just by the Medicare system. And it leads to a problem, it leads to a problem of what happens with the physician workforce.

Now, just a little over 2 years ago, when Alan Greenspan, the former Chairman of the Federal Reserve Board here in Washington, DC, was retiring and sort of made a tour around the Capitol, sort of a one last victory lap around the Capitol, and came and met with a group of us one morning, the question was inevitably asked, what do we do about Medicare? What do we do about the liabilities, the future liabilities in Medicare? How are we going to meet those obligations?

The chairman thought about it for a moment and then said, you know, I think when the time comes, Congress will take the action necessary and that the Medicare system will endure, will be preserved. There may be some difficult choices and trade-offs that have to be made, but Congress at the correct time will make those choices.

He stopped for a moment and then went on to say, what concerns me more, is will there be anyone there to deliver the services when you require them?

And that really comes to the crux of the matter here. If we have a system within our Medicare reimbursement schedule for physicians where within the whole Medicare system itself, parts A, B, C and D, if only part B is affected by this, part A, which is the hospitals, they have a cost of living adjustment, part C, which is HMOs, they have a cost of living adjustment, part D, which is prescription drugs, they have a cost of living adjustment, if the only ones living under this onerous formula are the physicians, what happens over time?

Well, what happens is people will retire early, people will restrict their practices so they no longer see Medicare patients, physicians will restrict the procedures that they offer Medicare patients, perhaps preferring office procedures to surgical procedures that tend to be more labor intensive and time intensive.

It certainly has an effect on the law of supply and demand, if you will, as far as physician services are concerned within the Medicare system itself. For that reason, for that reason, it has a significantly pernicious effect on the physician workforce.

Remember, I started out this talk and I said we always want to focus on are we delivering value to that doctor-patient interaction in the treatment room? Well, I will submit if you don't have a doctor there for that doctor-patient interaction in the treatment room, it is impossible to deliver value of any sort, if you don't have the physician there in the first place.

So that is a critical part. A critical part of establishing and creating value for the patient is ensuring that there is indeed a capable and trained and caring physician there for that patient in the treatment room. And I worry that what we are providing for physician compensation within the Medicare system, which has ramifications throughout the entire private pay structure through the health care system, I do worry if that is a condition that can indeed be sustained.

Now, one of the other things that I think we oftentime lose sight of when we talk about affordability, we always talk about the number of uninsured that exist in this country. Sure enough, it is too big a number. The number varies, depending upon who you read.

But if we talk about the number today, we are probably going to talk about a number of around 47 million uninsured. And we always stop there and say, well, we have to do something about the 47 million who are uninsured, as if that was one homogenous population and one solution would work for everyone who is caught up in that category.

But the reality is, one of the large insurance companies in this country did a little investigating to see who makes up, who is involved in this population, this universe of people who are uninsured.

□ 2345

It turns out 10 percent are university students. If you say we have 47 or 48 million people uninsured, 10 percent of that is 4.8 million, nearly 5 million, are university students. Students who may arguably have health coverage available through their university or college. But even if they don't, this is a group of people that is pretty easy to insure. It is pretty inexpensive to insure.

So a solution for that group would be vastly different than some of the other groups identified. Twenty percent of that population is already eligible for Medicaid or the State Children's Health Insurance Program. Why States with outreach efforts have not identified those individuals, I don't know. Perhaps we ought to make it incumbent for States to do that work.

If we are providing Federal funds at all sorts of levels, maybe we ought to make it incumbent on States to do that outreach work so those individuals are enrolled in Federal programs to provide that. Again, think about it: 20 percent of 47 or 48 million people, that is almost 10 million people that could be taken off the rolls of the uninsured tomorrow because the programs already exist to take care of them. You don't need to create a new program or do something different from what you are doing right now. Current Medicaid, current SCHIP will cover 20 percent of that population.

And 20 percent earn almost $80,000 a year. That is not a huge sum of money, but certainly a group of people that might be considered to be able to provide something toward their own health care. I am not a fan of mandates. I don't think you get anywhere by telling people what they have to do. But if we allow insurance companies some freedom to create the types of programs that would be of value to that segment of the population, that would be affordable to that segment of the population, if we would perhaps remove some restrictions, maybe remove some mandates, or decide what are those things that are going to comprise a basic package of benefits so we can make it affordable and marketable to that group of individuals who arguably have some disposable income that they could use towards their health care rather than creating a huge, new Federal structure to bring them in. Maybe that is a tactic that could be taken.

Mr. Speaker, we don't like to focus a lot of time and energy on this, but we have to talk about it, and that is 20 percent of the people who fall into the category of the universe of uninsured people in this country are individuals who are in the country without the benefit of a Social Security number. Again, that is something that we as a country and we as a Congress do need to deal with. Whether that is increased efforts at controlling who is coming into our country and increased efforts at controlling our borders, but this is part of the problem that we as a Congress have yet to really face and deal with.

We made some efforts, to be sure, in the current State Children's Health Insurance Program. One of the recent legislative proposals that came through Congress and was passed by Congress that is still tied up in negotiations wanted to relax the verification required for someone being able to document or verify that they are in this country legally. I don't know. I think this body needs to decide what direction it wants to go on this. I don't know that is a terribly useful activity from my perspective. It might engender more people wanting to come into this country to get benefits, but that is something that this Congress has to take up and face no matter how difficult it is.

Mr. Speaker, we have talked about 10 percent university students, 20 percent already eligible for Medicaid or SCHIP, 20 percent who earn nearly $80,000 a year and 20 percent who are noncitizens. If we add those all together, that is approximately, 10, 20, 30, plus 5, so 35 million out of 47 million uninsured. We may have some solutions that are really just at our fingertips if we would expend a little bit of effort. And this is very frustrating to me. We never seem to want to do the effort to break down who is included in the population.

We are all too content to take the number 47 million uninsured and use it as a political bludgeon to beat each other over the head, but we are never willing to do the work that a private insurance company did in a relatively short period of time. We never seem to be willing to do the work. With all of our Federal agencies and bureaus that count numbers and people, we never seem to be able or willing to do the work to get this number, break it down into the smaller subsets, the smaller populations where, in fact, we may be able to provide some significant benefit.

Now, one of the things that I think we do need to talk about is on the aspect of accountability. First off, in any system that we talk about devising or implementing, we surely have to keep freedom of choice. We want to see the doctors we want to see when we want to see them. When hospitalization is required, freedom of choice has to remain central.

One of the things that oftentimes gets lost in the discussion when you look at the breakdown of how health care expenditures occurs in this country, approximately half is paid for by the Federal Government. When you look at the Medicare and Medicaid programs, we heard some discussion of the HHS appropriations bill, $680 billion, almost $700 billion spent by this country every year by Medicaid and Medicare. Add to that the money spent in the veterans health service and add to that the money spent in the Indian health service and add to that the money spent in the Federal prison system, and you come pretty close to 50 cents out of every health care dollar that is spent in this country has its origin here on the floor of this Congress. So that is a pretty big chunk that comes from the Federal Government already.

The other half is not entirely private insurance, but certainly there is a large portion accounted by private or commercial insurance in this country. A portion, a portion is paid for by the patient out of their pocket.

I would include the growing number of people who are covered by health savings accounts in this group. Health savings accounts being a high-deductible insurance policy where a person is able to accumulate dollars, pre-tax dollars in a savings account dedicated to their health care. Those dollars are owned by the individual. They are dollars that would, if something happened to the individual, they would stay in the family. They don't go back to the Federal Government like Social Security. These are dollars that would stay around and be there to help your family. They would be there to help someone when they transition into the Medicare system.

Mr. Speaker, I had a medical savings account back in the 1990s when I was in the private practice of medicine back in Texas. I thought it was a great thing, not so much because of the money I was accumulating in this medical IRA. I thought it was a great thing because that was the time when HMOs were making big inroads into our medical practice in north Texas, and I liked the idea of being in charge of my health care decisions because I owned my own health insurance policy. As an individual policy, I felt I had much more power over what decisions were made for my health care and my family's health care.

So the whole concept of ownership, owning that medical IRA and being allowed to accumulate those savings to offset future medical expenses, that is a fundamental desire of many Americans. And I think that is a desire that should be encouraged and embellished. Why not be able to accumulate a few dollars dedicated toward your future health care needs? That is a pretty powerful tool to put into people's hands.

Again, for me the issue was being able to be in charge of my own health care, that individual freedom that comes with increased sovereignty. That was critical for me when I went out and looked for a medical savings account when they were first offered back in 1996 or 1997.

Certainly, Mr. Speaker, whenever we talk about accountability within the health care system, independence of the patient, the patient as an independent agent is something that must be preserved. That preservation of autonomy for the patient or the patient's designee if a medical power of attorney is exercised, but that is who should be responsible for the care, to be able to accept care, to be able to decline care if a particular medical intervention is either sought or someone wishes to not participate in the medical intervention that is offered. That is a fundamental right that we really should not take away from people.

Advancements within the system. Again, the science of our medicine here in the United States is superior to that anywhere else in the world. You might say that our system of allocation or delivery system needs work, but no one can argue about the science that is present in the medical system in this country.

So, high standards. We want to keep those high standards. The underpinnings of the American medical system has always been that we have high standards and we enforce standards of excellence, and nothing in the future should change that or undermine that. In fact, pathways to facilitate future growth in excellence should be encouraged.

When you talk about expanding the role of the Federal Government in health care, you look at some other places where the Federal Government has a really big footprint, like our Social Security system, or the IRS. Are those systems administered with the highest standard? Or is it lowest common denominator? That is certainly a question worth asking before we increase that segment that is taken over by the Federal Government.

As far as innovative approaches, American medicine has always been characterized by embracing innovation, developing new technologies and treatments. The transformational times we have had in medicine in the last century, development of anesthesia and blood banking in the 1910–1920 time frame, development of large-scale production of antibiotics and anti-inflammatory agents in the 1940s, the development of antipsychotic and antidepressant medications in the 1960s, development of newer hypertensive agents in the 1960s, the beginning of the development of medicines or the recognition that elevated cholesterol levels could lead to disease, and the beginning of medicines that would begin to impact that in the 1960s, all of those transformational events. And during those same times, in the 1910 to 1920 time frame, you had a congressional investigation or commission to investigate the vast discrepancy between curricula in medical schools in one part of the country versus another, and the standardization of medical school curricula which was so critical for establishing that knowledge base of science that was going to carry us forward through the last century.

In the 1940s, you are the introduction of employer-based insurance because of a reaction to wage and price controls that were in existence in the 1940s. And finally in the 1960s, you had the interjection of Medicare and Medicaid, for the first time the Federal Government having a big footprint in paying for health care.

So all of those transformational times were where the science changed rapidly and the public policy changed rapidly. I think we are on the cusp of such a time right now. Things are going to be changing in the realm of the whole arena of personalized medicine. The threshold of that stretches just before us.

The whole concept of far earlier prevention than anyone has thought possible. We have all heard that an ounce of prevention is worth a pound of cure. Well, we are going to get to use those ounces of prevention because of the studies and work that has gone on with studying the human genome and the whole phenomenon of genomic medicine. We are going to be able to get that ounce of prevention administered so much earlier. So we will get the equity from that pound of cure in so many ways that really we can't even fathom them at this point.

What is critical is that this Congress not get caught up in the transactional, not always get caught up in the insurance and the Medicaid and the Medicare. Don't be so caught up in the transactional that you block the transformational because that is the real tragedy. That is the real difficulty. That is the real danger to the generations for a decade from now, two decades from now, three decades from now.

That is why this Congress needs to be so focused on this issue. That is why all of us on both sides of the aisle need to make ourselves students of health care policy. We need to find out as much as we possibly can about it. We need to come to this floor every day and every night prepared to debate this on the merits and science. Leave the politics on the side. This is one of those issues that is too important to leave to politics.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SESSIONS (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. ETHERIDGE, for 5 minutes, today.

Mrs. BOYDA of Kansas, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. SCHWARTZ, for 5 minutes, today.

(The following Members (at the request of Mr. LAMBORN) to revise and extend their remarks and include extraneous material:)

Mr. HOEKSTRA, for 5 minutes, today.

Ms. FALLIN, for 5 minutes, today and November 15.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BROUN of Georgia, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on November 8, 2007, she presented to the President of the United States, for his approval, the following bill.

H.R. 3043. Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Lorraine C. Miller, Clerk of the House, reports that on November 9, 2007, she presented to the President of the United States, for his approval, the following bill.

H.R. 3222. Making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), under its previous order, the House adjourned until today, Thursday, November 15, 2007, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4112. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Additions to Quarantined Areas [Docket No. APHIS-2006-0127] received November 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4113. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Housing Choice Voucher Program Homeownership Option; Eligibility of Units Not Yet Under Construction [Docket No. FR-4991-F-02] (RIN: 2577-AC60) received November 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4114. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Truth in Lending [Regulation Z; Docket No. R-1284] received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4115. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Consumer Leasing [Regulation M; Docket No. R-1283] received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4116. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Truth in Savings [Regulation DD; Docket No. R-1285] received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4117. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Equal Credit Opportunity [Regulation B; Docket No. R-1281] received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4118. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Electronic Fund Transfer [Regulation E; Docket No. R-1282] received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4119. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Academic Competitiveness Grant Program and National Science and Mathematics Access to Retain Talent Grant Program [Docket ID ED-2007-OPE-0135] (RIN: 1840-AC92) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4120. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revisions to Landowner Notification and Blanket Certificate Regulations [Docket No. RM07-17-000; Order No. 700] received November 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4121. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 13-07 informing of an intent to sign the Weapons Effects and Protection Technology Project Agreement between the United States and Singapore, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

4122. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Export Licensing Jurisdiction for Microelectronic Circuits [Docket No. 070426097-7099-01] (RIN: 0694-AE02) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4123. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Expanded Licensing Jurisdiction for QRS11 Micromachined Angular Rate Sensors [Docket No. 0612242561-7519-01] (RIN: 0694-AD92) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4124. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting a report that the Department intends to impose new foreign policy-based export controls on QRS11 Micromachines Angular Rate Sensors, under the authority of Section 6 of the Export Administration Act of 1979, as amended, and continued by Executive Order 13222 of August 17, 2001, as extended by the Notice of August 15, 2007; to the Committee on Foreign Affairs.

4125. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Government of Saudi Arabia (Transmittal No. DDTC 086-07); to the Committee on Foreign Affairs.

4126. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2007 to September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4127. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form and Content Reports for the year ended September 30, 2007, as prepared by the U.S. General Services Administration; to the Committee on Oversight and Government Reform.

4128. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4129. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4130. A letter from the General Counsel, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4131. A letter from the White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4132. A letter from the White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4133. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a list of the eight audit reports issued during fiscal year 2007 regarding the Agency and the Thrift Savings Plan, pursuant to 5 U.S.C. 8439(b); to the Committee on Oversight and Government Reform.

4134. A letter from the Deputy Chief, Regulatory Management Division, Office of the Executive Secretariat, Department of Homeland Security, transmitting the Department's final rule — Removal of Receipt Requirement for Certain H and L Adjustment Applicants Returning From a Trip Outside the United States [CIS No. 2420-07; Docket No. USCIS-2007-0047] (RIN: 1615-AB62) received November 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4135. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the 2006 Biennial Report on the Effectiveness of Grant Programs under the Violence Against Women Act, pursuant to Public Law 106-386, section 1003; to the Committee on the Judiciary.

4136. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the 2005 annual report on the STOP Violence Against Women Formula Grant Program, pursuant to Public Law 106-386, section 2004(b); to the Committee on the Judiciary.

4137. A letter from the Deputy Director of Civil Works, Department of Defense, transmitting the Department's final rule — United States Navy Restricted Area, Key West Harbor, at U.S. Naval Base, Key West, Florida — received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4138. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2007-91] received November 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4139. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 417. —— Definitions and Special Rules For Purposes of Minimum Survivor Annuity Requirements (Rev. Rul. 2007-67) received November 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4140. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Alternative Fuel Motor Vehicles (QAFMV) and Heavy Hybrid Vehicles — received November 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4141. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Department's final rule — 26 CFR 601.204: Changes in accounting periods and in methods of accounting. (Also Part 1, 446, 481) (Rev. Proc. 2007-67) received November 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4142. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Foreign Tax Credit: Notification of Foreign Tax Redeterminations [TD 9362] (RIN: 1545-BG23) received November 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4143. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Overview Series Motor Vehicle Industry [LMSB Control Number: LMSB-04-0507-043] received November 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4144. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's report on Multilateral Development Banks' Assistance Proposals likely to have substantial adverse impacts on environment, natural resources, public health and indigenous peoples, pursuant to Public Law 100-202, section 537; jointly to the Committees on Financial Services and Appropriations.

4145. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use FY 2008 IMET funds for Sudan, pursuant to Public Law 110-5, section 520; jointly to the Committees on Foreign Affairs and Appropriations.

4146. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2008-2, waiving and certifying the statutory provisions regarding the Palestine Liberation Organization (PLO) Office;

jointly to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 824. Resolution providing for further consideration of the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes (Rept. 110-449). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 825. Resolution providing for consideration of the bill (H.R. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes (Rept. 110-450). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MOORE of Kansas:

H.R. 4172. A bill to amend the Internal Revenue Code of 1986 and the Economic Growth and Tax Relief Reconciliation Act of 2001 to restore the estate tax and repeal the carryover basis rule and to increase the estate tax unified credit to an exclusion equivalent of $3,500,000; to the Committee on Ways and Means.

By Mr. HONDA:

H.R. 4173. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to promote the participation of absent overseas voters in elections for Federal office, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself, Mr. INSLEE, Mr. GILCHREST, Mr. BAIRD, Mr. EHLERS, Ms. BORDALLO, Mr. HOLT, Mr. OLVER, Mr. DELAHUNT, Mr. KLEIN of Florida, Mr. RUPPERSBERGER, and Mrs. CHRISTENSEN):

H.R. 4174. A bill to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration; to the Committee on Science and Technology.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCOTT of Virginia, Mr. FORBES, Ms. LINDA T. SÁNCHEZ of California, Mr. DAVIS of Alabama, and Ms. JACKSON-LEE of Texas):

H.R. 4175. A bill to amend title 18, United States Code, with respect to data privacy and security, and for other purposes; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. SESSIONS, Mr. BOEHNER, Mr. BLUNT, Mr. PUTNAM, Mr. SMITH of Texas, Mr. KUHL of New York, Mr. REYNOLDS, Mr. MCHUGH, Mr. FOSSELLA, Mrs. GILLIBRAND, Mrs. MILLER of Michigan, Mr. BURTON of Indiana, Mr. TANCREDO, Mrs. MYRICK, Mr. BAKER, Mr. DREIER, Mr. FEENEY, Mr. DAVID DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mrs. BOYDA of Kansas, Mr. SHAYS, Mr. BROWN of South Carolina, Mr. MCCOTTER, Mrs. EMERSON, Mr. MCINTYRE, Mr. ROSKAM, Mr. CHABOT, Mr. BILIRAKIS, Mr. PENCE, Mr. CULBERSON, Mr. POE, Mrs. DRAKE, Mr. TIAHRT, Mr. GINGREY, Mr. DEAL of Georgia, Mr. PETERSON of Pennsylvania, Mr. PEARCE, Mr. SULLIVAN, Mr. TIBERI, Mr. SIMPSON, Mr. ROYCE, Mr. MCCAUL of Texas, Mr. SOUDER, Mr. HULSHOF, Mr. KING of Iowa, Mr. MARCHANT, Mr. RAMSTAD, Mr. AKIN, Mr. LOBIONDO, Mr. FERGUSON, Mr. CAMPBELL of California, Mr. KLINE of Minnesota, Mr. WALSH of New York, Mr. KELLER, Mr. SMITH of Nebraska, Mr. DENT, Mr. COBLE, Mr. ALEXANDER, Mr. TERRY, Mr. HALL of Texas, Mr. BACHUS, Mr. REHBERG, Mr. LUCAS, Mr. CALVERT, Mr. ADERHOLT, Mr. HERGER, Mr. MCHENRY, Mr. DUNCAN, Mr. BILBRAY, Mr. REICHERT, Mrs. MUSGRAVE, Mr. LEWIS of Kentucky, Mr. YOUNG of Florida, Mr. HUNTER, Mr. LATOURETTE, Mr. LATHAM, Mr. DOOLITTLE, Mr. GERLACH, Mr. HENSARLING, Mr. RENZI, Mr. SHADEGG, Mr. LINDER, Mr. NEUGEBAUER, Mr. SAXTON, Mr. GOHMERT, Mr. WOLF, Mr. GOODE, Mr. MILLER of Florida, Mr. PLATTS, Mr. FRANKS of Arizona, Mrs. BLACKBURN, Mr. WICKER, Mr. GALLEGLY, Mr. BROUN of Georgia, Ms. GINNY BROWN-WAITE of Florida, Mr. COLE of Oklahoma, Mr. SAM JOHNSON of Texas, Mr. BURGESS, Mr. TIM MURPHY of Pennsylvania, Mr. WILSON of South Carolina, Mr. ROGERS of Michigan, Mr. BARRETT of South Carolina, Mr. PRICE of Georgia, Ms. GRANGER, Mr. FORTENBERRY, Mr. DAVIS of Kentucky, Mr. THORNBERRY, Mrs. CAPITO, Mr. BUYER, Ms. FALLIN, Mr. BONNER, Mrs. BACHMANN, Mr. FORBES, Mr. BOOZMAN, Mr. TURNER, Mr. EVERETT, Mr. KINGSTON, Mrs. SCHMIDT, Mr. PORTER, Mr. ROGERS of Kentucky, Mr. BARTON of Texas, Mr. FRELINGHUYSEN, Mrs. BONO, Mr. YOUNG of Alaska, Ms. PRYCE of Ohio, Mr. BRADY of Texas, Mr. WESTMORELAND, Mr. ENGLISH of Pennsylvania, Mr. ROHRABACHER, Mr. ISSA, Mr. GRAVES, Mr. ROGERS of Alabama, Mr. WAMP, Mr. CONAWAY, Mr. HAYES, Mr. PICKERING, Mrs. MCMORRIS RODGERS, Mr. WELDON of Florida, Mr. KIRK, Mr. MCKEON, Mr. HOBSON, Mr. HASTERT, Mrs. CUBIN, Mr. MCCARTHY of California, Mr. MCCRERY, Mr. SHUSTER, Mr. LAMBORN, Mr. JOHNSON of Illinois, Mr. BOUSTANY, Mr. GOODLATTE, Mr. WHITFIELD, Mr. GARY G. MILLER of California, Mr. MICA, Mr. MORAN of Kansas, Mr. JORDAN, and Mr. KNOLLENBERG):

H.R. 4176. A bill to enhance national security by restricting access of illegal aliens to driver's licenses and State-issued identification documents; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mrs. BIGGERT, Mr. ROSKAM, and Mr. LAHOOD):

H.R. 4177. A bill to amend title 49, United States Code, to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to designate Federal special security zones at airports, and for other purposes; to the Committee on Homeland Security.

By Mr. CASTLE:

H.R. 4178. A bill to amend the Truth in Lending Act to remove an impediment to troubled debt restructuring on the part of holders of residential mortgage loans, and for other purposes; to the Committee on Financial Services.

By Ms. CLARKE (for herself, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. PERLMUTTER, Mr. CARNEY, Ms. NORTON, Mr. AL GREEN of Texas, Mr. PASCRELL, Mrs. CHRISTENSEN, Mr. CUELLAR, and Ms. LORETTA SANCHEZ of California):

H.R. 4179. A bill to amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, and for other purposes; to the Committee on Homeland Security.

By Mr. ELLISON (for himself and Mr. MICHAUD):

H.R. 4180. A bill to allow United States citizens to bring civil actions against persons who fail to perform an act or duty under the United States-Peru Trade Promotion Agreement Implementation Act; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 4181. A bill to reform Social Security retirement and Medicare by establishing a Personal Social Security Savings Program to create a safer, healthier, more secure, and more prosperous retirement for all Americans and to reduce the burden on young Americans; to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, the Budget, Energy and Commerce, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself and Mr. CONYERS):

H.R. 4182. A bill to suspend the running of statutes of limitation for criminal prosecutions of individuals holding the offices of President and Vice President while they hold those offices; to the Committee on the Judiciary.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. DENT, Mr. CUELLAR, Mr. MCCAUL of Texas, and Ms. CLARKE):

H.R. 4183. A bill to amend the Homeland Security Act of 2002 to establish the National Urban Search and Rescue Response System; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON:

H.R. 4184. A bill to direct the Secretary of the Interior to convey 4 parcels of land from the Bureau of Land Management to the city of Twin Falls, Idaho; to the Committee on Natural Resources.

By Ms. SOLIS (for herself, Mr. BACA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO, Mr. CALVERT, Mr. CAMPBELL of California, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Ms. HARMAN, Mr. HERGER, Ms. LEE, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr. MCCARTHY of California, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. RICHARDSON, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 4185. A bill to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. STUPAK:

H.R. 4186. A bill to repeal the Western Hemisphere Travel Initiative; to the Committee on Homeland Security.

By Mr. STUPAK:

H.R. 4187. A bill to amend title 28, United States Code, to provide for an additional judgeship for the western district of Michigan; to the Committee on the Judiciary.

By Mr. VAN HOLLEN (for himself and Mr. SESSIONS):

H.R. 4188. A bill to amend the Individuals with Disabilities Education Act to permit a prevailing party in an action or proceeding brought to enforce the Act to be awarded expert witness fees and certain other expenses; to the Committee on Education and Labor.

By Mr. WHITFIELD (for himself and Mrs. SCHMIDT):

H.R. 4189. A bill to direct the Secretary of Energy to provide for the re-enrichment of certain uranium tailings, and the sale of the product of such re-enrichment, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ABERCROMBIE:

H.J. Res. 64. A joint resolution clarifying that the use of force against Iran is not authorized by the Authorization for Use of Military Force Against Iraq Resolution of 2002, any resolution previously adopted, or any other provision of law; to the Committee on Foreign Affairs.

By Mr. KILDEE:

H. Con. Res. 258. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of H.R. 1429; considered and agreed to.

By Mr. ACKERMAN (for himself and Mr. DELAHUNT):

H. Res. 823. A resolution condemning the imposition of emergency rule in Pakistan; to the Committee on Foreign Affairs.

By Mr. AL GREEN of Texas (for himself, Ms. RICHARDSON, Mr. MCHENRY, Mr. BURTON of Indiana, Mr. KING of New York, Mr. GOHMERT, Mr. POE, Mr. SENSENBRENNER, Mr. CONYERS, Mr. GEORGE MILLER of California, Mr. COHEN, Mr. MURTHA, Mr. BUTTERFIELD, Ms. WATERS, Mr. ABERCROMBIE, Mr. SPRATT, Ms. JACKSON-LEE of Texas, Ms. WATSON, Mrs. NAPOLITANO, Mr. PASCRELL, Mr. JOHNSON of Georgia, Mr. EDWARDS, Mr. NADLER, Ms. DEGETTE, Mr. CLAY, Mr. HASTINGS of Florida, Mr. YARMUTH, Mr. ROTHMAN, Mr. LEWIS of Georgia, Ms. KILPATRICK, Mr. PASTOR, Mr. BACA, Mr. CUMMINGS, Mr. SCOTT of Virginia, Mr. WATT, Ms. CLARKE, Mr. PERLMUTTER, Mr. THOMPSON of Mississippi, Mr. HIGGINS, Mr. BISHOP of Georgia, Mr. JEFFERSON, Mr. DOGGETT, Mr. CROWLEY, Mr. CLEAVER, Mr. TOWNS, Mr. JACKSON of Illinois, Mr. MCCRERY, Ms. BALDWIN, Mr. GENE GREEN of Texas, Mr. CUELLAR, Ms. VELÁZQUEZ, Mr. GRIJALVA, Mr. HONDA, Mr. SIRES, Ms. CORRINE BROWN of Florida, Mr. ORTIZ, and Mr. SHAYS):

H. Res. 826. A resolution expressing the sense of the House of Representatives that the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be a criminal act that should be thoroughly investigated by Federal law enforcement authorities and that any criminal violations should be vigorously prosecuted; to the Committee on the Judiciary.

By Mrs. JONES of Ohio (for herself, Mr. RYAN of Ohio, Mr. KUCINICH, Mr. WILSON of Ohio, Mrs. SCHMIDT, Ms. KAPTUR, and Mr. REGULA):

H. Res. 827. A resolution honoring and recognizing the achievements of Carl Stokes, the first African-American mayor of a major American city, in the 40th year since his election as Mayor of Cleveland, Ohio; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 46: Mr. BARROW.

H.R. 138: Mr. SENSENBRENNER.

H.R. 178: Mr. HASTINGS of Florida.

H.R. 211: Mr. ELLISON.

H.R. 269: Mr. DOOLITTLE.

H.R. 373: Mr. STEARNS.

H.R. 374: Mr. STEARNS.

H.R. 405: Mr. BISHOP of Georgia.

H.R. 481: Mr. GARRETT of New Jersey, Mr. DAVID DAVIS of Tennessee, Mr. GINGREY, Mrs. CAPITO, Mr. MCHUGH, Mr. ENGLISH of Pennsylvania, Mr. BARRETT of South Carolina, Mr. DAVIS of Kentucky, Mr. WILSON of South Carolina, Mr. BROWN of South Carolina, Mrs. BACHMANN, Mr. KINGSTON, Mr. GOHMERT, Ms. FOXX, Mr. SAM JOHNSON of Texas, Mr. CANTOR, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. PRICE of Georgia, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mrs. MUSGRAVE, Mr. CHABOT, Mr. PENCE, Mr. CULBERSON, Mr. KING of Iowa, Mr. FEENEY, and Mr. LINDER.

H.R. 543: Mr. SARBANES.

H.R. 549: Mr. MORAN of Kansas, Mr. HASTINGS of Florida, Mrs. BONO, Mr. HONDA, and Mrs. CHRISTENSEN.

H.R. 550: Mr. LUCAS and Mr. MORAN of Kansas.

H.R. 627: Mr. ENGLISH of Pennsylvania.

H.R. 661: Mr. TOM DAVIS of Virginia.

H.R. 741: Mr. ALTMIRE.

H.R. 758: Ms. SCHWARTZ.

H.R. 760: Mr. ENGLISH of Pennsylvania.

H.R. 772: Mr. HASTINGS of Florida.

H.R. 821: Mr. YOUNG of Alaska, Ms. SOLIS, and Mrs. CHRISTENSEN.

H.R. 849: Mr. SENSENBRENNER.

H.R. 1043: Mr. GOODE.

H.R. 1072: Mrs. CAPITO.

H.R. 1105: Mr. UPTON.

H.R. 1127: Mrs. MUSGRAVE.

H.R. 1169: Mrs. CHRISTENSEN.

H.R. 1275: Mrs. CHRISTENSEN and Mr. SIRES.

H.R. 1283: Mr. BISHOP of New York.

H.R. 1289: Mr. FARR.

H.R. 1350: Mr. SESTAK.

H.R. 1366: Mr. GERLACH.

H.R. 1497: Mr. WU.

H.R. 1509: Mr. PORTER.

H.R. 1553: Mr. BACHUS.

H.R. 1576: Mr. HAYES.

H.R. 1691: Mr. WU.

H.R. 1711: Mrs. CHRISTENSEN.

H.R. 1738: Mr. ALTMIRE.

H.R. 1843: Mr. LYNCH.

H.R. 1845: Mr. TERRY and Mr. JOHNSON of Georgia.

H.R. 1930: Mr. SAM JOHNSON of Texas.

H.R. 1937: Mr. WHITFIELD.

H.R. 1975: Mr. POMEROY.

H.R. 1992: Ms. DEGETTE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. REYES, and Mr. MCNERNEY.

H.R. 2015: Ms. SCHWARTZ and Mrs. CHRISTENSEN.

H.R. 2052: Mr. PASTOR.

H.R. 2063: Mr. PUTNAM.

H.R. 2067: Mr. BOUSTANY.

H.R. 2070: Mrs. CHRISTENSEN.

H.R. 2073: Mr. FORTUÑO.

H.R. 2108: Mr. BAIRD.

H.R. 2158: Mr. TIBERI.

H.R. 2166: Mr. TIM MURPHY of Pennsylvania, Mr. HONDA, Mrs. CHRISTENSEN, and Mr. ENGLISH of Pennsylvania.

H.R. 2205: Mr. GOODE.

H.R. 2241: Mr. ALLEN.

H.R. 2287: Mrs. BONO and Mr. ALLEN.

H.R. 2290: Mr. ALEXANDER.

H.R. 2303: Mr. LAMPSON, Mr. SMITH of Nebraska, Mr. JONES of North Carolina, Mr. MCGOVERN, and Mr. BERRY.

H.R. 2395: Mr. MORAN of Virginia.

H.R. 2449: Mr. ROSS.

H.R. 2464: Ms. HARMAN, Ms. ESHOO, Mr. POMEROY, and Mr. INSLEE.

H.R. 2523: Mr. FATTAH.

H.R. 2548: Mr. HINCHEY.

H.R. 2549: Mr. POMEROY.

H.R. 2702: Mr. GRIJALVA.

H.R. 2744: Mr. GILCHREST, Mr. KING of New York, Mr. SCOTT of Georgia, Mr. LANGEVIN, Mr. WU, and Mr. RYAN of Ohio.

H.R. 2878: Mr. SHERMAN, Ms. HARMAN, and Mr. BOUCHER.

H.R. 2885: Mrs. BIGGERT.

H.R. 2894: Mr. HONDA, Mr. RYAN of Ohio, Mrs. CHRISTENSEN, Mr. KELLER, Mr. WYNN, and Mr. DAVID DAVIS of Tennessee.

H.R. 2914: Ms. SCHWARTZ.

H.R. 2933: Mr. LEWIS of Kentucky.

H.R. 2990: Mr. INSLEE, Mr. MCNERNEY, Ms. FALLIN, and Mr. GRIJALVA.

H.R. 3098: Mr. NEUGEBAUER.

H.R. 3099: Mr. HASTINGS of Florida and Mr. SHUSTER.

H.R. 3115: Mr. BLUMENAUER.

H.R. 3223: Mr. FARR.

H.R. 3234: Mr. SOUDER, Mr. MILLER of Florida, Mr. PAUL, Mr. MCHENRY, Mr. BURTON of Indiana, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 3251: Mr. WALSH of New York.

H.R. 3257: Mr. SESTAK.

H.R. 3348: Mr. DUNCAN.

H.R. 3360: Mr. DEFAZIO.

H.R. 3380: Mrs. MCMORRIS RODGERS and Mr. ALTMIRE.

H.R. 3381: Ms. SCHAKOWSKY.

H.R. 3402: Ms. SOLIS.

H.R. 3453: Ms. SCHWARTZ.

H.R. 3457: Mr. PORTER and Mr. LINDER.

H.R. 3533: Mr. MELANCON, Mr. COSTELLO, and Mr. EDWARDS.

H.R. 3544: Mr. BOSWELL and Mr. ALTMIRE.

H.R. 3547: Ms. HARMAN and Ms. BEAN.

H.R. 3582: Mr. MICHAUD.

H.R. 3609: Mrs. CHRISTENSEN, Ms. SCHAKOWSKY, and Mr. CLEAVER.

H.R. 3616: Mr. RYAN of Ohio.

H.R. 3629: Mrs. CHRISTENSEN and Mrs. EMERSON.

H.R. 3636: Mr. WU, Ms. SCHWARTZ, and Mr. WAXMAN.

H.R. 3637: Mr. WYNN and Ms. CLARKE.

H.R. 3645: Mrs. CHRISTENSEN.

H.R. 3646: Mrs. EMERSON, Mr. BUCHANAN, and Mr. SHULER.

H.R. 3660: Mr. SHAYS and Mr. TERRY.

H.R. 3663: Mr. KILDEE, Ms. SCHWARTZ, Mr. COHEN, Mr. GUTIERREZ, Mr. HINCHEY, Mr. NEAL of Massachusetts, Mr. DELAHUNT, Mr. DAVIS of Illinois, and Ms. LEE.

H.R. 3674: Ms. MOORE of Wisconsin.

H.R. 3679: Mr. SENSENBRENNER.

H.R. 3689: Mr. FERGUSON, Mr. AL GREEN of Texas, Ms. ZOE LOFGREN of California, and Mr. LOBIONDO.

H.R. 3691: Mr. MCDERMOTT.

H.R. 3700: Mr. LOBIONDO, Mr. ALTMIRE, and Mr. BERRY.

H.R. 3780: Ms. SCHWARTZ.

H.R. 3812: Ms. ZOE LOFGREN of California.

H.R. 3825: Mr. COHEN, Mr. LANGEVIN, Mr. ABERCROMBIE, Ms. DEGETTE, and Mr. HIGGINS.

H.R. 3829: Mr. SESTAK, Mr. SHERMAN, Mr. DEFAZIO, and Mr. YARMUTH.

H.R. 3833: Mr. ENGLISH of Pennsylvania.

H.R. 3852: Mr. HOBSON and Mr. BAIRD.

H.R. 3882: Mrs. BOYDA of Kansas, Mr. REICHERT, Mr. FARR, Mr. MCDERMOTT, Mr. LANGEVIN, and Mr. SHULER.

H.R. 3888: Mr. WICKER.

H.R. 3955: Mr. HONDA, Mr. GERLACH, and Mr. LAHOOD.

H.R. 3960: Mr. ENGLISH of Pennsylvania.

H.R. 3981: Mr. PRICE of North Carolina, Ms. BORDALLO, Mr. FORBES, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. REYES, and Mr. FARR.

H.R. 4014: Mrs. MALONEY of New York, Mr. MORAN of Virginia, and Mr. CLEAVER.

H.R. 4015: Mrs. MALONEY of New York, Mr. MORAN of Virginia, and Mr. CLEAVER.

H.R. 4016: Mrs. MALONEY of New York, Mr. MORAN of Virginia, and Mr. CLEAVER.

H.R. 4063: Mr. JEFFERSON and Mr. COHEN.

H.R. 4088: Mr. BAKER, Mrs. SCHMIDT, Mr. NEUGEBAUER, Ms. GINNY BROWN-WAITE of Florida, and Mr. MATHESON.

H.R. 4104: Mr. JINDAL.

H.R. 4107: Mr. KENNEDY.

H.R. 4114: Mr. UDALL of New Mexico, Mr. LANTOS, Mrs. TAUSCHER, Mr. GUTIERREZ, and Mr. SHERMAN.

H.R. 4121: Ms. SCHAKOWSKY.

H.R. 4139: Ms. HERSETH SANDLIN.

H.R. 4141: Mr. KING of New York, Mrs. CHRISTENSEN, Mr. BARTLETT of Maryland, Mr. PENCE, Mr. CULBERSON, Mr. CHABOT, Mrs. MUSGRAVE, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. BURTON of Indiana, Ms. FOXX, Mr. GOHMERT, Mr. CONAWAY, Mr. LUCAS, Mr. BROWN of South Carolina, Mr. GOODE, and Mr. WAMP.

H.R. 4160: Mr. MCKEON, Mr. PETERSON of Pennsylvania, Mr. CAMPBELL of California, and Mr. PLATTS.

H.J. Res. 54: Mr. CARNEY, Mr. RUPPERSBERGER, and Mr. WALSH of New York.

H. Con. Res. 163: Mr. WICKER.

H. Con. Res. 195: Mr. GENE GREEN of Texas.

H. Con. Res. 235: Mr. FORBES and Mr. STEARNS.

H. Con. Res. 239: Mr. BOUSTANY, Mrs. DRAKE, Mr. LUCAS, Mr. CHABOT, Mrs. MYRICK, Mrs. BACHMANN, Mr. WESTMORELAND, and Mr. MILLER of Florida.

H. Con. Res. 240: Mr. SAXTON, Mr. HALL of Texas, Mr. HAYES, and Mr. DUNCAN.

H. Con. Res. 244: Mr. PETRI, Mr. EDWARDS, Mr. CLEAVER, Mr. WESTMORELAND, Mr. MORAN of Kansas, Mr. RODRIGUEZ, Mr. DONNELLY, Mr. WALSH of New York, Mr. LEWIS of Kentucky, Mr. CARNAHAN, Mr. AKIN, and Mr. SPACE.

H. Con. Res. 247: Ms. WATERS, Mr. JEFFERSON, Mr. CUMMINGS, Mr. WAXMAN, Ms. WATSON, and Ms. SCHAKOWSKY.

H. Con. Res. 250: Mr. ENGLISH of Pennsylvania, Mr. CULBERSON, Mr. MCHENRY, Mr. FEENEY, Mr. KING of Iowa, Mr. BARTLETT of Maryland, Mrs. MUSGRAVE, Mr. BISHOP of Utah, Mr. SHADEGG, Mrs. MYRICK, Mr. BROWN of South Carolina, Mr. ISSA, and Mr. WAMP.

H. Con. Res. 254: Mr. TIAHRT, Mr. SAM JOHNSON of Texas, Mrs. SCHMIDT, Mr. MCCARTHY of California, Mr. DOOLITTLE, Mr. PETERSON of Pennsylvania, Mr. KLINE of Minnesota, Mr. CHABOT, Mr. HELLER, Mr. MARCHANT, Mr. TIM MURPHY of Pennsylvania, Mr. MCHENRY, Mr. MANZULLO, Mr. KUHL of New York, Mr. PRICE of Georgia, Mr. CONAWAY, Mrs. MILLER of Michigan, Mr. WICKER, Mr. PITTS, Mrs. MCMORRIS RODGERS, Mr. REYNOLDS, Mr. HENSARLING, Mr. FERGUSON, Mr. GERLACH, Mr. NEUGEBAUER, Mr. BRADY of Texas, Mr. GOHMERT, Mr. CARTER, Ms. GRANGER, Mr. BOOZMAN, Mr. PUTNAM, Mrs. BIGGERT, Mr. WALBERG, Mr. DAVID DAVIS of Tennessee, Mr. JORDAN, Mr. TERRY, Mr. FORBES, Mr. BUCHANAN, Mr. ROSKAM, Mr. SMITH of Nebraska, Mr. MARIO DIAZ-BALART of Florida, Mr. ROGERS of Michigan, Mr. THORNBERRY, Mr. KING of New York, Mr. WOLF, Mrs. BACHMANN, Mr. BURTON of Indiana, Ms. FOXX, Mr. SOUDER, Mrs. CAPITO, and Mr. PEARCE.

H. Con. Res. 255: Mr. LOBIONDO, Mr. FOSSELLA, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. GERLACH, Mr. MCCOTTER, Mr. CANTOR, Mr. INGLIS of South Carolina, Mr. FRELINGHUYSEN, Mr. FORTENBERRY, Mr. ROHRABACHER, Mr. SHADEGG, Mr. LAHOOD, Mr. MANZULLO, Mr. TERRY, Mr. CHABOT, Mr. SHAYS, Mr. BARRETT of South Carolina, Mr. MACK, Mr. PENCE, Mr. ROGERS of Michigan, and Mr. WILSON of South Carolina.

H. Res. 71: Mr. HARE.

H. Res 111: Mr. LAMPSON and Mr. HELLER.

H. Res 338: Mr. STEARNS.

H. Res 353: Mr. REGULA.

H. Res. 356: Mr. BISHOP of New York and Mrs. DRAKE.

H. Res 537: Mr. COURTNEY.

H. Res 695: Mr. FORBES.

H. Res 756: Mr. LAMBORN, Mr. PENCE, Mr. BROUN of Georgia, Mr. CAMPBELL of California, Mr. CONAWAY, Mr. WALBERG, Ms. FOXX, Mr. KLINE of MINNESOTA, Mr. LUCAS, Mr. DOOLITTLE, Mr. DANIEL E. LUNGREN of California, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. KINGSTON, Mr. GINGREY, Mr. Fortuño, Mr. WILSON of South Carolina, Mr. MANZULLO, Mr. JORDAN, Mrs. MCMORRIS RODGERS, Mr. NEUGEBAUER, Mr. HENSARLING, Mrs. MUSGRAVE, Mr. AKIN, Mr. DAVID DAVIS of Tennessee, Mr. BARRETT of South Carolina, Mr. WELDON of Florida, Mr. FEENEY, Mr. MARCHANT, Mr. SALI, Mr. WAMP, Mr. SHADEGG, Mr. PRICE of Georgia, Mr. WESTMORELAND, and Mr. KUHL of New York.

H. Res. 769: Mr. CALVERT.

H. Res. 783: Mr. GOODLATTE, Mr. FORBES, Mrs. MCMORRIS RODGERS, and Mr. COLE of Oklahoma.

H. Res. 795: Mrs. TAUSCHER.

H. Res. 815: Mr. THOMPSON of California, Mrs. BOYDA of Kansas, Mr. KELLER, Mr. FORBES, Mr. RANGEL, Mr. ROTHMAN, Ms. WOOLSEY, Mr. ROHRABACHER, Mr. DICKS, Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. SMITH of Nebraska, Mr. WYNN, Mr. LARSEN of Washington, Mr. GALLEGLY, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. GILLIBRAND, Mr. CHABOT, Mr. REYNOLDS, Mr. FILNER, Mr. SPRATT, Mr. SENSENBRENNER, Mr. ROSKAM, and Mr. HOLT.

H. Res. 819: Mr. HASTINGS of Florida, Mr. LANTOS, and Mr. BERRY.

H. Res. 821: Mrs. BOYDA of Kansas, Mr. MARIO DIAZ-BALART of Florida, and Mr. BURTON of Indiana.

H. Res. 822: Ms. ESHOO.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Frank of Massachusetts or a designee to H.R. 3915 the Mortgage Reform and Anti-Predatory Lending Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

EXTENSIONS OF REMARKS

COMMEMORATING THE 50TH ANNIVERSARY OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. VAN HOLLEN. Madam Speaker, I am pleased to recognize the 50th anniversary of the Metropolitan Washington Council of Governments.

In April 1957, 40 officials from the Washington area established an organization to exchange ideas and work together on regional issues such as transportation, the environment, and public safety. This organization would become known as the Metropolitan Washington Council of Governments—or COG.

Over the years, COG has facilitated regional responses to such important initiatives as cleaning up the Potomac River, creating more affordable housing for metropolitan residents, and the development and coordination of regional public safety. In addition to helping galvanize the region's response to the September 11 attacks, COG continues to facilitate the region's ongoing emergency preparedness programs.

During its 50 years of existence, COG's activities have touched every aspect of the lives of the citizens of the National Capital region. I rise today to congratulate COG for 50 years of successful and effective collaboration and for the work it continues to do to improve the lives of our citizens.

HONORING JOHN P. CASEY FOR RECEIVING THE WILLIAM CRAWFORD DISTINGUISHED SERVICE AWARD

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. COURTNEY. Madam Speaker, I rise today to recognize John P. Casey, President of Electric Boat in Groton, Connecticut, who has been honored by the Eastern Connecticut Chamber of Commerce with its William Crawford Distinguished Service Award.

Each year, the William Crawford Distinguished Service Award is awarded to an individual in eastern Connecticut who exemplifies the spirit of service to their neighbors and who has worked to improve the quality of life in eastern Connecticut. Any who know him should have no doubt that John Casey meets the criteria for this award.

As President of one of the largest employers in the region, John Casey is, by definition, a pillar of the communities of southeastern Connecticut. However, John's impact goes far beyond his role as a corporate executive. Throughout the years he has risen through the ranks at Electric Boat, he has demonstrated a unique brand of leadership which recognizes that more can be achieved when all elements of the workforce are summoned tackle a challenge. This approach is helping to streamline the submarine construction process and reduce the costs to the taxpayer—both critical milestones to increasing our submarine production rate.

John is also a fighter for the causes important to eastern Connecticut. In 2005, he was a key figure in the fight to save Submarine Base New London. His arguments in favor of the synergy that is achieved by locating the "Submarine Capital of the World" next to the nation's premier builder of submarines helped keep the base open. His voice rose above many others in convincing key decision makers that the Sub Base was too vital an asset to Connecticut and our Nation to lose.

John Casey is a true leader in eastern Connecticut, and one I have had the honor and pleasure to work closely with over the past year. I commend the Eastern Connecticut Chamber of Commerce for recognizing his great work on behalf of his employees, the region and our Nation, and I ask my colleagues to join with me in honoring him.

IN HONOR OF THE GARFIELD PARK CHRISTIAN CHURCH

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. FARR. Madam Speaker, I rise today to honor Garfield Park Christian Church which celebrates its centennial anniversary in the City of Santa Cruz, California this November. Commonly known as the "circle church" the surrounding neighborhoods were designed as a series of concentric circles built around the original tabernacle, making the church and the neighborhood forever linked.

Nestled into the heart of the Westside of Santa Cruz, not only does the Church celebrate a hundred years in our community but the neighborhoods surrounding the building do as well. Today the church grounds are a common meeting place for children, families and pet lovers. The church provides not only a place of worship but a cultural and community center for the surrounding homes and neighborhoods. It is estimated that over five hundred people use the facilities for events, meetings and gatherings each week.

Built in 1890, the church was designed to be a religious center to the unique surrounding neighborhoods that were built in circles around the church and serve as its congregation. When their original tabernacle burnt down in 1935, the spirit of the church did not falter. The loss was turned into a gift when for more than twenty years the site of the original tabernacle was leased to the city to be a park and playground, the original "Garfield Park." Today the Garfield Park Christian Church sanctuary and gym stand on the site of the old Tabernacle, tying the new buildings to their original beginnings.

Although Garfield Park Church does have a legacy of being a place of worship among its congregation, it is also devoted to keeping alive compassion and strength of community in its surrounding residents. Two other congregations meet in the building each week along with the building being home to the annual Hindu Navratri festival and other events. By opening its doors and hearts to so many groups, meetings and people, the Garfield Park Church displays its commitment to open compassion and unity.

With this anniversary the church will adopt a new name in celebration of their centennial celebration. Moving forward they are adopting "A New Vision for a New Century" and a new name "The Circle Church, Disciples of Christ," as they look forward to the next hundred years.

Madam Speaker, it is an honor to recognize an organization that is so deeply rooted in community involvement and unity. I am excited for this year's celebration and look forward to many more years of gathering in the circle neighborhoods of Santa Cruz.

H.R. 3920, THE TRADE AND GLOBALIZATION ACT OF 2007

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in strong support of H.R. 3920, the Trade and Globalization Act of 2007, and commend the Ways and Means, and Education and Labor committees for their hard work on this legislation.

The health of the American economy depends in large part on trade with foreign markets. As globalization, technology, and trade agreements continue to remove barriers to free trade, we must work to ensure that our workers, farmers and small businesses do not suffer unfairly for this economic growth. This legislation moves the Trade Adjustment Assistance, TAA, program in a new direction with that sentiment in mind.

The current TAA program was created in a different era, and fails to address the realities of trade in the 21st century. The Trade and Globalization Act expands eligibility for TAA training programs, temporary income support and healthcare assistance to include manufacturing workers who currently are ineligible for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

benefits for technical reasons, and to service workers who are increasingly losing their jobs to outsourcing. It also significantly increases funding for these programs, without adding to the deficit, or raising taxes on American families. An updated TAA program will allow all trade-displaced workers to acquire the skills they need to reenter the workforce, and the flexibility to choose their most effective path.

Workers facing the loss of a good job face significant challenges beyond the loss of income. To help families prepare for their transition, this bill requires employers to provide adequate notice to their employees before a layoff, and provides an incentive for states to reform their unemployment insurance programs to realize the needs of low-income, part-time and female members of the workforce.

Additionally, this bill recognizes that trade can have significant impacts for entire regions of our country, and that American businesses are critical to helping workers adapt to the global economy. That is why this legislation provides incentives for firms to redevelop and hire workers in those communities disproportionately affected by international trade.

We owe our prosperity to our greatest national asset-our American workers. I urge you to join me in passing this much needed legislation that will assist these workers who keep America's economy strong.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mrs. MCCARTHY of New York. Madam Speaker, on November 9, I was on jury call in my district and missed several votes. I would have voted had I been here: rollcall No. 1077, ordering the previous question on H. Res. 809, "yea"; rollcall No. 1078, H. Res. 809, "yea"; rollcall No. 1079, approving the Journal, "yea"; rollcall No. 1080, motion to adjourn, "nay"; rollcall No. 1081, H.R. 3996, Temporary Tax Relief Act, "yea."

INTRODUCTION OF THE CHILD-CARE AFFORDABILITY ACT OF 2007

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mrs. MALONEY of New York. Madam Speaker, today, on behalf of myself, Rep. YVETTE CLARKE, and Rep. NYDIA VELÁZQUEZ, I introduce the Childcare Affordability Act of 2007, which will create an above-the-line tax deduction for working parents of up to $13,000 in childcare expenses for one child and a maximum of $26,000 for two or more children. This deduction is based on the average cost of childcare in urban areas, which is $13,000 per year—more than one quarter of the typical family's income. This bill will also make the current Dependent Care Tax Credit fully refundable and expand the qualified actual expenses—now capped at $3,000 per child with a maximum of $6,000 to $13,000 for 1 child, with a $26,000 maximum for 2 or more children. This change more accurately reflects the current costs of childcare for working families, who will now be able to choose whichever option provides them with the greatest tax relief.

Greater tax relief is an important and necessary step toward improving the lives of America's working families. The rising cost of child care is squeezing working families and the amount of assistance the Federal government currently provides to ease the burden of these expenses is inadequate. We can and should do more to support our working families. Quality childcare is essential to healthy child development. This bill will help America's families provide high-quality care for their children, which will pay off in the future by increasing productivity and economic growth, and stemming the tide of rising inequality in the United States. With this initiative, we can ease the burden on working families, while making an essential investment in the future prosperity of our Nation.

IN HONOR OF THE EXTRAORDINARY COMMUNITY SERVICE OF THE BRAEN FAMILY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend the Braen family for its tremendous service to its community. Currently in its fifth generation of family management of its quarry and construction business, the Braen family has long typified the "good neighbor."

In addition to the commitment that the individual members of the Braen family pursue in charity work and community service, the company has initiated a program to promote volunteerism with its own employees. Their efforts have not gone unnoticed. And, tonight, the Braen family and the Braen family of companies—Stone Industries, Inc.; Van Orden Sand & Gravel; Braen Supply, Inc.; and Braen Aggregates, LLC—will be honored by the Northern New Jersey Council of the Boy Scouts of America for exemplifying that high standard.

The Braen family also dedicates itself to community-friendly business practices that not only add to the value of the local economy but also to the quality of life Braen employees, customers, and others enjoy. They have always strived to meet environmental standards long before the standards are in place, thinking first of the health, welfare, and comfort of their employees and neighbors first. They have been honored for their good work, including as New Jersey Family Business of the Year.

So, tonight, as the Boy Scouts honor the Braen family for the support they have shown Scouts and Scouting, I rise to share in their tribute and to thank the Braen family for its contribution to making north Jersey such a fine place to live, work, and raise a family.

VETERANS DAY PRAYER

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. WILSON of South Carolina. Madam Speaker, as greatful Americans prepare for providing deserved tributes for our courageous veterans, I have fortunately been provided a profound poem from Clinton B. Campbell of Beauford, SC.

MY VETERAN'S DAY PRAYER

Lord, when the pull of my bed
lures me to stay another hour, please remind me of taps being played for the fallen,
of the tears that reach my cheek
after each name is read, the ones I know personally
and the ones old-timers
talk about in awe.

After the crowd stumbles
through The Pledge of Allegiance
I want to be there
and listen with all my heart
while the winner of this year's
essay contest quiets the crowd
reminding us of why
we are paying our respects.

When the closing prayer is read
I want to look around in honor
at my fellow vets,
the men and the women
in their timeworn uniforms.
Let me see them as they were,
splendidly marching forward
with the courage that allows us to
have a choice of whether
we come here today or not.

CONGRATULATIONS TO CARMEL CATHOLIC HIGH SCHOOL

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. KIRK. Madam Speaker, I rise today to recognize Carmel Catholic High School in Mundelein, Illinois, for being named a 2007 No Child Left Behind Blue Ribbon School.

Nearly 1500 students, ages 13 to 18, attend Carmel Catholic High School. Carmel Catholic is one of only 5 high schools nationwide to win the Blue Ribbon School award 4 times. With a great devotion to learning and academic achievement, Carmel is a faith-based community that attributes their success to the dedication and hard work of their teachers. As a result, these students consistently score above state and national averages on standardized tests in all subject areas. In addition, it is the only high school in Illinois and one of three private high schools in the nation to be recognized.

Carmel Catholic is among 287 schools from across the nation chosen by the Secretary of Education to receive this acknowledgement. These schools have distinguished themselves by embodying the goals of reaching high standards and closing the achievement gap. Schools selected for this honor either have students from all subgroups that have demonstrated significant improvement or have students that achieve in the top 10 percent of their state on statewide tests.

This is a great honor for the 10th district and I congratulate the principal, Fr. Robert C. Carroll, the students, and teachers at Carmel Catholic High School for this achievement.

50TH ANIVERSARY OF THE CITY OF PACIFICA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. LANTOS. Madam Speaker, it gives me tremendous pleasure to share news of a special Golden Anniversary occurring in my home district in California. The City of Pacifica, a jewel along the coast of the Pacific Ocean, celebrates 50 years of incorporation as an independent municipality on Nov. 22 of this year. In 1957, people along the Coast decided that they were tired of being second-class San Mateo County residents. The seaside villages and valley communities stretching from the Daly City border south to the Devil's Slide were fearful of being used as a dumping ground by their more prosperous and established neighbors. In fact, the City of San Bruno actually wanted to annex parts of the area for landfill purposes, a notion incomprehensible today.

Madam Speaker, those fiercely strong-minded Coastsiders held meetings, hired consultants, used graduate students to prepare surveys, canvassed their neighbors, and, in short, did everything they could to assess the possibility of incorporating as a city. There was an active resistance, as well, with a strong contingent of people who wanted things to stay the same. Let me say, Madame Speaker, with no small amount of pride, that the people who live in this special area have long been known to be politically active, inquisitive and resourceful. It actually took two separate elections before a majority, of only about 500 votes to be precise, decided to incorporate.

But once the decision was made, Madame Speaker, the people in this gorgeous geographical area of California embarked on a public adventure that created one of the truly unique cities in America, if not the world. Ahead of its time in many ways, the new city was christened "Pacifica" to highlight the ocean next to it as well as the 80-foot statue by sculptor Ralph Stackpole that represented the people of the Pacific Rim at the Golden Gate International Exposition on Treasure Island in 1939 and 1940. The very first mayor was a woman, Jean Fassler, starting a city tradition of politically active women sitting on the council. While Pacifica made international news in 1992 for having an All-Women City Council, it is often overlooked that the city has never actually had an All-Men elected body.

Madam Speaker, let me paint a picture of the history of this region. In 1769, a group of explorers led by Don Gaspar de Portola viewed San Francisco Bay from a point now known as Sweeney Ridge, which is within the eastern boundary of Pacifica and is part of the Golden Gate National Recreation Area, a part of the National Parks Service system with a tremendous influence on Pacifica's natural beauty. Panoramic views of the Bay Area greet hikers who make the climb up Sweeney Ridge. The Portola Discovery Site has been designated as a National Landmark. It is my great pleasure to have had a leading role in expanding the Golden Gate National Recreation Area to include this beautiful site, along with other open spaces in the region.

Starting in 1785, crops were planted in San Pedro Valley at an outpost of Mission Dolores. In 1839, Don Francisco Sanchez was given a Mexican Land Grant with boundaries similar to the present City boundary lines. In 1846 he moved into the Sanchez Adobe, which is currently maintained as a San Mateo County Museum and park on Linda Mar Boulevard.

This coastal area remained for years primarily an agricultural Eden until the 1906 San Francisco earthquake. Land speculators, stimulated by the construction of the Ocean Shore Railroad, subdivided and developed a series of small coastside communities with the hope of creating a suburban population for San Francisco. The vision then was to establish a tourist and commuter heaven along the Pacific Ocean. The Little Brown Church, Anderson's Store and San Pedro School (which later became City Hall) date from this period. In 1908, Henry Harrison McCloskey, an attorney for the Ocean Shore Railroad, built a castle-like home which still dominates a hill above Sharp Park. Mrs. Honora Sharp donated 410 acres to the City and County of San Francisco to develop a recreation area, which became the Sharp Park Golf Course and the Rifle and Archery Range.

Subdivisions were eventually created, although long after the demise of the Ocean Shore Railroad in 1921, to meet the needs of young families of returning World War II veterans. In less than a decade from its 1957 incorporation, the population had grown to 35,000 people. It has taken four more decades to increase that number by 5,000. This statistic alone points to one of the special qualities of Pacifica.

Pacifica is made up of 10 communities, including Edgemar, Pacific Manor, Manor Village, Westview, Sharp Park, Fairway Park, Vallemar, Rockaway Beach, Linda Mar and Pedro Point. Residents continue to identify with the specific personalities of their neighborhoods while maintaining a certain pride in being from Pacifica.

Green and white became the City colors and the fuchsia was designated as the City flower. "Wisdom in Progress" became the City slogan, although "Scenic Pacifica," later suggested by Carl McCarthy, is more widely used. In 1970, Balaguer, Spain, the birthplace of Portola, became the Sister City of Pacifica.

Madam Speaker, I want to share the news that in recent years Pacifica has completed a number of notable projects such as: the Calera Creek Water Recycling Plant—April 2001; Friendship Playground—June 2001; New Pacifica Police Station—November 2002; Pacifica State Beach Improvement Project; Rockaway to Crespi Multi-use Trail and Crespi to Pedro Point Multi-use Trail—October 2004; Pacifica Skatepark—December 2005; Calera Creek Water Recycling Plant Photovoltaic Project—July 2006; Esplanade 500 Block Blufftop Enhancement Project and the San Pedro Creek Flood Control Project and Fish Ladder renovation. These projects bring attention to the most successful aspect of Pacifica's existence-this is a city far ahead of its time in the way it capitalizes on maintaining strong environmental and ecological priorities.

Madam Speaker, it is my great privilege to have represented the good citizens of Pacifica for more than half of the city's existence. It has also been my great honor to assist the city in achieving many of its goals, most recently the construction of the $300 million Devil's Slide Tunnels transportation project.

The natural beauty of Pacifica, with its lovely cool climate, delightful valleys and hills and most of all, its innovative, talented, active and wonderful residents, helps it stand out as one of my favorite places in the world. I invite my colleagues in the House of Representatives to join me in wishing the City of Pacifica and its inhabitants a Happy 50th Anniversary and a successful journey through the 21st Century.

SAUDI ARABIA IS HUB OF WORLD TERROR

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. HOEKSTRA. Madam Speaker, I believe that Congress should continue to encourage an open and robust debate about the threat from radical jihadists. I found the following report in the Sunday Times of particular interest. I would like to share it with my colleagues.

[From the Sunday Times, Nov. 4, 2007]

SAUDI ARABIA IS HUB OF WORLD TERROR: THE DESERT KINGDOM SUPPLIES THE CASH AND THE KILLERS

(By Nick Fielding and Sarah Baxter)

It was an occasion for tears and celebration as the Knights of Martyrdom proclaimed on video: "Our brother Turki fell during the rays of dawn, covered in blood after he was hit by the bullets of the infidels, following in the path of his brother." The flowery language could not disguise the brutal truth that a Saudi family had lost two sons fighting for Al-Qaeda in Iraq.

The elder brother, Khaled, had been a deputy commander of a crack jihadist "special forces" unit. After his "glorious" death, Turki took his place.

"He was deeply affected by the martyrdom of his brother," the Knights said. "He became more ambitious and more passionate about defending the land of Islam and dying as a martyr, like his brother."

Turki's fervent wish was granted earlier this year, but another Saudi national who travelled to Iraq had second thoughts. He was a graduate from a respectable family of teachers and professors who was recruited in a Saudi Arabian mosque and sent to Iraq with $1,000 in travel expenses and the telephone number of a smuggler who could get him across the Syrian border.

In Iraq he was ordered to blow himself up in a tanker on a bridge in Ramadi, but he panicked before he could press the detonator. He was arrested by Iraqi police. In a second lorry, another foreign fighter followed orders and died.

King Abdullah was surprised during his two-day state visit to Britain last week by the barrage of criticism directed at the Saudi kingdom. Officials were in "considerable shock", one former British diplomat said.

Back home the king is regarded as a modest reformer who has cracked down on homegrown terrorism and loosened a few relatively minor restrictions on his subjects' personal freedom.

With oil prices surging, Saudi Arabia is growing in prosperity and embracing some modern trappings. Bibles and crucifixes are still banned, but internet access is spreading and there are plans for "Mile High Tower", the world's tallest skyscraper, in Jeddah. As a key ally of the West, the king had every reason to expect a warm welcome.

Yet wealthy Saudis remain the chief financiers of worldwide terror networks. "If I could somehow snap my fingers and cut off the funding from one country, it would be Saudi Arabia," said Stuart Levey. the U.S. Treasury official in charge of tracking tenor financing.

Extremist clerics provide a stream of recruits to some of the world's nastiest trouble spots.

An analysis by NBC News suggested that the Saudis make up 55% of foreign fighters in Iraq. They are also among the most uncompromising and militant.

Half the foreign fighters held by the U.S. at Camp Cropper near Baghdad are Saudis. They are kept in yellow jumpsuits in a separate, windowless compound after they attempted to impose sharia on the other detainees and preached an extreme form of Wahhabist Islam.

In recent months, Saudi religious scholars have caused consternation in Iraq and Iran by issuing fatwas calling for the destruction of the great Shi'ite shrines in Najaf and Karbala in Iraq, some of which have already been bombed. And while prominent members of the ruling al-Saud dynasty regularly express their abhorrence of terrorism, leading figures within the kingdom who advocate extremism are tolerated.

Sheikh Saleh al-Luhaidan, the chief justice, who oversees terrorist trials, was recorded on tape in a mosque in 2004, encouraging young men to fight in Iraq. "Entering Iraq has become risky now," he cautioned. "It requires avoiding those evil satellites and those drone aircraft, which own every corner of the skies over Iraq. If someone knows that he is capable of entering Iraq in order to join the fight, and if his intention is to raise up the word of God, then he is free to do so."

The Bush administration is split over how to deal with the Saudi threat, with the State Department warning against pressure that might lead the royal family to fall and be replaced by more dangerous extremists.

"The urban legend is that George Bush and Dick Cheney are close to the Saudis because of oil and their past ties with them, but they're pretty disillusioned with them," said Stephen Schwartz, of the Centre for Islamic Pluralism in Washington. "The problem is that the Saudis have been part of American policy for so long that it's not easy to work out a solution."

According to Levey, not one person identified by America or the United Nations as a terrorist financier has been prosecuted by Saudi authorities. A fortnight ago exasperated U.S. Treasury officials named three Saudi citizens as terrorist financiers. "In order to deter other would-be donors, it is important to hold these terrorists publicly accountable." Levey said.

All three had worked in the Philippines, where they are alleged to have helped to finance the Abu Sayyaf group, an Al-Qaeda affiliate. One, Muham-mad Sughayr, was said to be the main link between Abu Sayyaf and wealthy Gulf donors.

Sughayr was arrested in the Philippines in 2005 and swiftly deported to Saudi Arabia after pressure from the Saudi embassy in Manila. There is no evidence that he was prosecuted on his return home.

This year the Saudis arrested 10 people thought to be terrorist financiers, but the excitement faded when their defense lawyers claimed that they were political dissidents and human rights groups took up their cause.

Matthew Levitt, a former intelligence analyst at the US Treasury and counter-terrorism expert at the Washington Institute for Near East Policy, believes the Saudis could do more. He said: "It is important for the Saudis to hold people publicly accountable. Key financiers have built up considerable personal wealth and are loath to put that at risk. There is some evidence that individuals who have been outed have curtailed their financial activities."

In the past the Saudis openly supported Islamic militants. Osama Bin Laden was originally treated as a favourite son of the regime and feted as a hero for fighting the Soviets in Afghanistan. Huge charitable organisations such as the International Islamic Relief Organisation and the al-Haramain Foundation—accused in American court documents of having links to extremist groups—flourished, sometimes with patronage from senior Saudi royals.

The 1991 Gulf war was a wake-up call for the Saudis. Bin Laden began making vitriolic attacks on the Saudi royal family for cooperating with the U.S. and demanded the expulsion of foreign troops from Arabia. His citizenship was revoked in 1994. The 1996 attack on the Khobar Towers in Dhahran, which killed 19 U.S. servicemen and one Saudi, was a warning that he could strike within the kingdom.

As long as foreigners were the principal targets, the Saudis turned a blind eye to terror. Even the September 11 attacks of 2001, in which 15 of the 19 hijackers were Saudis, could not shake their complacency. Despite promises to crack down on radical imams, Saudi mosques continued to preach hatred of America.

The mood began to change in 2003 and 2004, when Al-Qaeda mounted a series of terrorist attacks within the kingdom that threatened to become an insurgency. "They finally acknowledged at the highest levels that they had a problem and it was coming for them," said Rachel Bronson, the author of Thicker than Oil: America's Uneasy Partnership with Saudi Arabia.

Assassination attempts against security officials caused some of the royals to fear for their own safety. In May 2004 Islamic terrorists struck two oil industry installations and a foreigners' housing compound in Khobar, taking 50 hostages and killing 22 of them.

The Saudi authorities began to cooperate more with the FBI, clamp down on extremist charities. monitor mosques and keep a watchful eye on fighters returning from Iraq.

Only last month Grand Mufti Sheikh Abdul-Aziz al-Sheikh, the kingdom's leading cleric, criticised gullible Saudis for becoming "convenient knights for whoever wants to exploit their zeal, even to the point of turning them into walking bombs".

And last week in London, King Abdullah warned young British Muslims not to become involved with extremists.

Yet the Saudis' ambivalence towards terrorism has not gone away. Money for foreign fighters and terror groups still pours out of the kingdom, but it now tends to be carried in cash by couriers rather than sent through the wires, where it can be stopped and identified more easily.

A National Commission for Relief and Charity Work Abroad, a nongovernmental organisation that was intended to regulate private aid abroad to guard against terrorist financing, has still not been created three years after it was trumpeted by the Saudi embassy in Washington.

Hundreds of Islamic militants have been arrested but many have been released after undergoing reeducation programmes led by Muslim clerics.

According to the daily Alwa-tan, the interior ministry has given 115m riyals (£14.7m) to detainees and their families to help them to repay debts, to assist families with health care and housing, to pay for weddings and to buy a car on their release. The most needy prisoners' families receive 2,000–3,000 riyals (£286 to £384) a month.

Ali Sa'd Al-Mussa, a lecturer at King Khaled University in Abha, protested: "I'm afraid that holding [extremist] views leads to earning a prize or, worse, a steady income."

Former detainees from the U.S. military prison at Guantanamo Bay in Cuba are also benefiting. To celebrate the Muslim holiday of Eid, 55 prisoners were temporarily released last month and given the equivalent of £1,300 each to spend with their families.

School textbooks still teach the Protocols of the Elders of Zion. A notorious antiSemitic forgery, and preach hatred towards Christians, Jews and other religions, including Shi'ite Muslims, who are considered heretics.

Ali al-Ahmed, director of the Washington-based Institute for Gulf Affairs, said: "The Saudi education system has over 5m children using these books. If only one in 1,000 take these teachings to heart and seek to act on them violently, there will be 5,000 terrorists."

In frustration, Arlen Specter. the Republican senator for Pennsylvania, introduced the Saudi Arabia Accountability Act 10 days ago, calling for strong encouragement of the Saudi government to "end its support for institutions that fund, train, incite, encourage or in any other way aid and abet terrorism".

The act, however, is expected to die when it reaches the Senate foreign relations committee: the Bush administration is counting on Saudi Arabia to help stabilise Iraq, curtail Iran's nuclear and regional ambitions and give a push to the Israeli and Palestinian peace process at a conference due to be held this month in Annapolis, Maryland.

"Do we really want to take on the Saudis at the moment?" asks Bronson. "We've got enough problems as it is."

SIKHS OBSERVE ANNIVERSARY OF DELHI MASSACRES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. TOWNS. Madam Speaker, on November 3, Sikhs from up and down the East Coast gathered here in Washington to protest the 23rd anniversary of the Delhi massacres. Over 20,000 Sikhs were killed in that massacre, which followed the assassination of Indira

Gandhi. Sikh police officers were locked in their barracks to keep them from interfering with the massacre. State TV and radio called for "blood for blood," inciting the people to kill more Sikhs.

This was a massive atrocity by the Indian regime against the Sikhs. It made it clear that the Indian government had no intention of treating the Sikhs like people in a free and democratic country ought to be treated. Instead, they chose to inflict mass terror on their Sikh citizens. This is not the way a democratic government acts, Madam Speaker. It is the action of a terrorist regime. India should be declared a terrorist regime for acts like this, for creating the Liberation Tigers of Tamil Eelam, and for its ongoing subversion of Pakistan by sponsoring cross-border terrorism in Sindh, as reported in the January 2, 2002 Washington Times.

Sikhs in attendance at the demonstration raised slogans in support of Khalistan as well as slogans in opposition to the massacre. As you know, the Sikhs declared their independence from India on October 7, 1987. Khalistan is their country, but it remains occupied by over half a million Indian forces. I would like to know why "the world's largest democracy" insists on maintaining authoritarian control of Khalistan instead of allowing the people there to have a free and fair vote on its status. This congress should put itself on record in support of such a vote, as well as the plebiscite that was promised to the Kashmiri people in 1948 and has never occurred. Nagalim, too, seeks its independence from India. The Nagas should also be granted the right to vote on their status. What would be wrong with that, if India is the democracy it says it is? And if India is the democracy it says it is, then why are so many peoples trying to get out from under its rule?

In addition to demanding that India allow the right to self-determination (which is the essence of democracy), we should demand that basic human rights be observed in "the world's largest democracy." The Delhi massacre is just one example of how basic human rights are ignored there. The murders of over 250,000 Sikhs, over 90,000 Kashmiri Muslims, more 2,000 to 5,000 Muslims in Gujarat, more than 300,000 Christians in Nagaland, and tens of thousands of other minorities, including Assamese, Bodos, Dalits, Manipuris, Tamils, and others speak loudly on the lack of human rights in India. So does the fact that Amnesty International has not been allowed into Punjab since 1984. This situation cannot continue.

We should cut off our aid and trade with India until it allows basic human rights, including but not limited to the right to self-determination, to all people under its rule.

Madam Speaker, the Council of Khalistan issued an excellent and informative press release on the Delhi massacres and the demonstration that was held this month. I recommend it to all my colleagues and I would like to place it in the RECORD at this time.

SIKHS REMEMBER DELHI MASSACRES WITH VERY SUCCESSFUL DEMONSTRATION

WASHINGTON, DC, November 13, 2007.—Sikhs from around the East Coast gathered by the Gandhi statue at the Indian Embassy in Washington, DC on November 3 to commemorate the Delhi massacres of November 1984 in which over 20,000 Sikhs were murdered while the police were locked in their barracks and the state-run television and radio called for more Sikh blood.

The rally was attended by Sikhs from Philadelphia, including Dr. Bakhshish Singh Sandhu, S. Karj Singh, and S. Dharam Singh, as well as Sikhs from New Jersey, Baltimore, Maryland, Virginia, Washington DC, and other locations. New York Sikhs led by Sardar Avtar Singh Pannu also participated. The attendees spoke, carried signs, and chanted slogans. Slogans included "Khalistan Zindabad" ("Long live Khalistan"), "India free Khalistan", "India stop killing minorities", "India free Kashmir", "India free Christian Nagaland", and others.

The Delhi massacres were a brutal chapter in India's repression of the Sikhs, according to Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which is leading the demonstration. "This brutal, government-inspired massacre clarified that there is no place in India for Sikhs," Dr. Aulakh said. On October 7, 1987, the Sikh Nation declared its independence from India, naming its new country Khalistan. In the twenty years since then, India has continued its illegal occupation of Khalistan and stepped up the repression of the Sikhs while the Sikh Nation has continued to work to achieve its birthright.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948, over 89,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, and then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family.

The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. Ghotna has never been brought to trial for the Jathedar Kaunke murder. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra.

According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. We demand the immediate release of all these political prisoners.

"Only a sovereign, independent Khalistan will end the repression and lift the standard of living for the people of Punjab," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "Democracies don't commit genocide. As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not for Khalistan, he is not a Sikh'," Dr. Aulakh noted. "We must continue to press for our God-given birthright of freedom," he said. "Without political power, religions cannot flourish and nations perish."

A TRIBUTE TO JEFFERSON AWARD WINNER RUSSELL EWELL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. LANTOS. Madam Speaker, I wish to recognize the achievements of a very special man within my home district in California. Russell Ewell, who has recently been honored with a Jefferson Award, is much deserving of the accolade, which spotlights outstanding public service.

Mr. Ewell brought the community E-Soccer, a unique athletic outreach program affiliated with the Hope Technology School, where his wife is the Executive Director. The unqualified success of E-Soccer in bringing together typical and special needs children of all ages on a soccer field is a testament to Russ Ewell's visionary concept.

Children are encouraged and enabled to develop skills, confidence and self-esteem through the sport of soccer. They also make lasting friendships. This wonderful program serves over 250 children on Saturday mornings in communities throughout the Bay Area. It is free and benefits from an all-volunteer staff. Showcasing the growing scope of E-Soccer is the fact that a team of nine coaches from the program recently visited Nairobi, Kenya, to train volunteers there on how to establish their own E-Soccer activities. There are plans for further outreach projects in other countries.

Madam Speaker, Russell Ewell established the E-Soccer program in April 2000 specifically for children with special needs in Foster City. His inspiration came from his two sons with special needs. Their younger sister, Jadyn, is not a special needs child. Russ wanted Jonathan, who has Down Syndrome, and Jordan, who is autistic, to be able to interact with typical children, benefiting from the athletic coordination practiced in soccer. He also wanted families with special needs children to have an opportunity to enjoy an athletic experience that is both positive and uplifting. To that end, he worked with soccer coaches, special needs educators and physical therapists on developing a program like no other; a sports program that doesn't isolate typical and special needs children, but integrates them seamlessly into group activities. Both communities benefit from the interaction. Russ has seen that success in his own children as well as the many families who have participated. What began with 5 children has grown into a blossoming effort with 250 young soccer players.

Madam Speaker, it is with great pride and appreciation that I bring Russell Ewell's E-Soccer program to the attention of my colleagues in the House of Representatives. He has created a shining example of how one man's idea can alter the lives of many for the better.

INTRODUCTION OF H. RES. 816 CONGRATULATING THE COLORADO ROCKIES ON WINNING THE NATIONAL LEAGUE CHAMPIONSHIP AND PLAYING IN THE 2007 WORLD SERIES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to introduce a resolution congratulating the Colorado Rockies on their National League Championship and first-ever franchise appearance in the World Series. The Rockies defied the odds this year by making it to the World Series, capturing the best hopes of Coloradans and giving us all a reason to cheer for their success. Despite a tough loss to a great team in the Boston Red Sox, we remain proud of the Rockies' efforts and astonished at their meteoric rise to the top of the National League.

Toward the close of the season, the Rockies were the underdogs in the National League pennant race. The challenge of making the playoffs seemed as large and daunting as the mountain range for which the Rockies were named, but the team maintained an optimism and competitive spirit that kept them alive long after commentators had written them off. Winning 21 of their last 22 games prior to the World Series—an unprecedented feat in baseball history—the Rockies rolled over expectations and swept the Arizona Diamondbacks in the NLCS.

The World Series proved to be a bigger challenge than the Rockies could surmount, and they lost in four games to a very talented Red Sox team. Despite the losses, the Rockies carried themselves with dignity and true sportsmanship, giving Coloradans something to be proud of. As the father of two young athletes I can say that the way the Rockies carried themselves is a tremendous example for our young people. We would have loved to have seen the Rockies bring home a victory this year, but, as the Red Sox' Manny Ramirez said during the ALCS, there's always next year. I know I am not alone in looking forward to watching some great Rockies baseball in the future.

I hope my colleagues will join me in congratulating the Colorado Rockies on a great season and in thanking them for serving as great examples of professional athletes practicing sportsmanship.

MOURNING THE LOSS OF MIKE BIONDI

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. EMANUEL. Madam Speaker, I rise today to honor the life and memory of my good friend, Mike Biondi, and I offer my deepest condolences to his family after his passing last night at the age of 50. Mike's sudden and tragic passing came as a great shock to me, as I had planned to see him early next week, and I hope that we can do as good of a job remembering Mike as he did living an outstanding life that had a positive impact on so many across the country.

Mike was a founding partner at Wasserstein Perella & Co., and rose to become chairman and CEO. I had the honor of working with Mike at Wasserstein, and I am privileged to have been able to call him a friend. Mike took me under his wing during my time at Wasserstein and became my mentor.

While working as an investment banker at Wasserstein Perella & Co., Mike helped establish Chicago-based Exelon Corporation, one of the Nation's largest electric utilities. Mike could literally take credit for helping to keep Chicagoans warm during our coldest winters.

Mike joined First Boston's mergers and acquisitions team after serving as an attorney at Skadden, Arps, Slate, Meagher & Flom. He spent the past 4 years at Lazard LLC, where he served as cochairman of investment banking. No matter where he worked, Mike was held in high esteem and widely recognized for his intellectual acumen, wisdom and integrity.

Mike graduated from Dartmouth University where he played on the baseball team. He also received graduate degrees from the University of Pennsylvania Law School and Wharton business school. Mike continued to be active with the Dartmouth community and cochaired the Dartmouth College Fund Committee with his wife Cynthia.

No matter where he went—Dartmouth, Penn, Lazard, Wasserstein—Mike had a profound effect on people. He was not just my mentor or the mentor for others at his firms, but he was also a role model for the people whose lives he touched and a mentor to students both during his time on campus and as an alumnus.

Madam Speaker, Mike was a titan in his field, and a tremendous human being. He is survived by his wife Cynthia, his 4 sons, Michael Jr., James, William, and Cameron, and his 2 brothers, Frank and Robert. I extend my deepest condolences and gratitude to his family. We will all miss Mike, and I know that I will never forget the lessons he taught me both in business and in life.

DOING MORE THAN TALKING ABOUT PHYSICAL FITNESS

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. CUMMINGS. Madam Speaker, we are all well acquainted with the Mark Twain quote, "Everyone talks about the weather but nobody does anything about it." I think the 21st century equivalent of Mr. Twain's words might be, "Everyone talks about physical fitness but far too few do anything about it."

There is strong evidence that increased physical fitness not only benefits the individual, but our society and our economy as well. Increased physical fitness not only reduces the risk of heart disease but it also reduces the risk of developing diabetes and can help control Type II Diabetes.

Additionally, physical fitness can help older adults build stronger bones and develop muscle; thereby lessening the severity of any fall. Physical fitness also increases worker productivity, contributes to lower workplace absenteeism and improves mental health. A physically fit society also lowers Federal spending to combat diseases like heart disease or hypertension that affect so many of our Medicaid patients.

The importance of physical activity as a benefit to all was recently highlighted by a new study on the economic burden of chronic disease, authored by the Milken Institute. Its findings are stark—the incidence and costs of chronic disease are rising rapidly. If nothing is done to increase the level of fitness in the Nation, the costs of treating the associated diseases will grow by 42 percent over the next decade.

According to the Milken Institute study, we need to move our health care system to one that provides incentives for prevention, wellness and focuses on achieving a healthy body weight. It is evident that an increased amount of physical fitness contributes materially to these goals. Furthermore, as Members of Congress, we should be looking at how to best effectively improve physical fitness.

One way is to remove any inequities under Federal law that prevents the promotion of physical fitness. Two inequities currently exist. First, gym memberships that employees provide for off-site facilities are taxable to the employee as a benefit while those in-house are not—a clear disincentive for both companies and individuals to work fitness into the work day. Second, flexible spending accounts can not be used for physical fitness equipment or activities. Thus, we have a situation where you can use a flexible spending account on medicines to treat illnesses such as diabetes but the funds can not be used to increase the opportunity to exercise, which often controls and sometimes can prevent disease.

In both cases, legislation is currently pending before the Ways and Means Committee to correct these inequities. I urge the members of the Committee and its leadership to consider them expeditiously and to disprove Mark Twain's reworked adage.

BIRTHDAY OF GURU NANAK, FOUNDER OF SIKHISM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. TOWNS. Madam Speaker, this month marks the 538th birthday of Guru Nanak, the founder of the Sikh religion. As you may know, Guru Nanak was born in 1469 in what is now West Punjab. Every year, Sikhs from around the world gather in Nankana Sahib, where Guru Nanak was born, to honor him. Let me take this opportunity to honor Guru Nanak also and to congratulate the Sikhs of the world on this important occasion.

Guru Nanak stood up to tyranny. He worked to liberate his people from the tyranny of the Moghul ruler Babar. Today, Sikhs suffer under oppression from Hindu rulers who have murdered over a quarter of a million of them and hold more than 52,000 as political prisoners. They also killed over 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and other minorities. This oppression is no more acceptable than the oppression of Guru Nanak's time.

Sikhs can honor Guru Nanak by standing up to India to secure their own freedom and helping the other minorities secure theirs too. Freedom is the longing of every human heart. God intends for everyone to be free.

We are the primary power in today's world, Madam Speaker. We can use our influence to support the cause of freedom in South Asia. By doing so, we can honor Guru Nanak and all those who have worked for freedom around the world.

The time has come to let India know that if it is going to proclaim itself a democracy, it must act like one. That means allowing everyone, including minorities, to exercise their most basic human rights. Freedom is the birthright of all people. If India will not do so, it should be placed back on the list of nations that do not respect religious freedom, as it was at one time, and the appropriate sanctions should be imposed. In addition, unless India is willing to live up to its democratic principles, we should stop our aid to India in all forms.

Acting like a democracy also means recognizing the right of self-determination. Self-determination is the essence of democracy. Where is the vote on the status of Kashmir that India promised a mere 59 years ago? Does it take 59 years to set up a free and fair vote? Khalistan, the Sikh homeland, declared itself independent 20 years ago. Where is the vote on its status? And what of the Nagas and all the people simply seeking the freedom to rule themselves? The United States carries a lot of weight in the world. If we are serious about spreading democracy, we should work to bring about self-determination for all the peoples and nations of the subcontinent. That would help all people shake off oppression and live in dignity and prosperity, and it is the right thing to do.

Madam Speaker, I would like to place the Council of Khalistan's open letter regarding the birthday of Guru Nanak into the RECORD.

CONGRATULATIONS TO THE KHALSA PANTH ON THE PARKASH DEVAS OF GURU NANAK

DEAR KHALSA PANTH: As you know, this month marks the birthday (Parkash Devas) of the first Sikh Guru; Guru Nanak, founder of the Sikh religion. Congratulations to the Sikh Nation on this momentous occasion.

This year marks the 538th anniversary of the birth of Guru Nanak. He was born in 1469 and departed this world for his heavenly abode in 1539. Guru Nanak was the founder of the Sikh religion. ("Mary Sikha Jagat Witch Nanak Nirmal Panth Chalaya.") On November 24 in Nankana Sahib, now in West Punjab, Sikhs from around the world will celebrate this occasion. Last year, over 10,000 showed up for the celebration. Crowds enthusiastically raised slogans of "Khalistan Zindabad!" The Sangat showed great devotion and reverence on this pious occasion.

Guru Nanak confronted Babar, the Moghul ruler of the time and called him a Jabbar (oppressor) and spoke out against the tyranny of the rulers of that time. He was even imprisoned by Babar, along with his followers. Today, Sikhs face similar oppression by the Hindu rulers of India.

Just as Guru Nanak spoke out against the Moghul tyrant Babar, we must work to free our Sikh brothers and sisters from the oppression of the Brahmins. It is incumbent on us to achieve freedom for Khalistan, as is our birthright. As former Jathedar of the Akal Takht Professor Darshan Singh has said, "If a Sikh is not a Khalistani, he is not a Sikh."

India has murdered over 250,000 of our Sikh brothers and sisters, as well as more than 300,000 Christians in Nagaland, over 90,000 Kashmiri Muslims, and tens of thousands of other minorities. More than 52,000 Sikhs (and tens of thousands of other minorities) are being held as political prisoners. In 1994, the U.S. State Department reported that the Indian government had paid over 41,000 cash bounties for killing Sikhs.

A MASR report quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]" The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide." Guru Nanak did not tolerate oppression; he struggled against it wherever it reared its ugly head. We must be good followers of Guru Nanak by doing the same today. India is also destroying Sikhs economically. The Indian government fixes the price for fertilizer very high and the price for produce very low so Sikh farmers can't even get the cost of production for their crops. This year it fixed the wheat price at Rs 750 per quintal. Even Badal demanded Rs 1000 per quintal. If Punjab farmers could sell their produce across the border in Pakistan and the Middle East, they could easily get close to Rs 1,500 per quintal and would be able to make a living.

India diverts Punajb's river water, its natural resource, to neighboring Haryana and Rajasthan without any compensation. India seeks to destroy the Sikh Nation religiously, economically, and politically. Guru Nanak would not permit them to do so. We must show the spirit of Guru Nanak and reclaim our sovereignty.

Guru Nanak travelled extensively, to the Middle East, where he visited Baghdad, and throughout India, along with his two companions, one Hindu, one Muslim. He spread his message of truthfulness, respect for the rights of individuals, earning an honest living, sharing with the needy, and praying to Almighty God. He was revered by Hindus and Muslims alike. When he left this world, his body was not found. The sheet covering his body was torn in two. The Hindus cremated it and the Muslims buried it, each according to their customs. Overcoming oppression in today's world will earn the Sikhs of today similar respect. We must not accept India's tyrannical rule over our homeland.

Guru Nanak is remembered as Baba Nanak Shah Faqir, Hindu Da Guru, Mussleman Da Pir. He preached the equality of the entire human race, including gender equality. To this day, these are cornerstones of the Sikh religion. But our Sikh brethren in Punjab, Khalistan do not get to experience equality. Instead, they are subjected to the worst kind of oppression by the Indian regime.

India is on the verge of disintegration. Kashmir is about to separate from India. As L.K. Advani said, "If Kashmir goes, India goes." History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. Currently, there are 17 freedom movements within India's borders. It has 18 official languages. Montenegro, which has less than a million people, has become a sovereign country and a member of the United Nations. Now it is the time for the Sikh Nation of Punjab, Khalistan to become independent. The sooner the better.

Guru Nanak gave the Sikhs our identity. We can honor him by reclaiming the freedom that is our birthright: "Raj Bina Na Dharam Chaley Hain, Dharam Bina Sab Dale Male Hain." ("Without political power, a religion cannot flourish and without religion, people are oppressed and persecuted.") Let us stand up for the ideals of Guru Nanak and defend the integrity of the Sikh religion and the Sikh Nation.

Sincerely,
DR. GURMIT SINGH AULAKH
President,
Council of Khalistan.

INTRODUCTION OF LEGISLATION TO ESTABLISH A MODELING AND SIMULATION GRANT PROGRAM AT THE DEPARTMENT OF EDUCATION

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. SCOTT of Virginia. Madam Speaker, I rise today to introduce legislation that will establish a grant program at the U.S. Department of Education to encourage and enhance the study of Modeling and Simulation at institutions of higher education.

Modeling and Simulation has become an essential component in ensuring that we meet both the defense and domestic challenges of the 21st century. Modeling and Simulation technology allows us to easily and effectively sharpen the tools, procedures, and decisions needed to address difficult and complex problems.

Earlier this year, this body passed by voice vote House Resolution 487, introduced by my Virginia colleague Congressman RANDY FORBES of Virginia, which recognized Modeling and Simulation as a national critical technology.

This critical technology allows us to build and develop computer models of complex systems—whether a car, an airplane, an entire battlefield, or even a major city's evacuation plan—to see how certain actions will affect the end result. These simulations help us develop better and practical analogies of real world situations. Modeling and Simulation is a rapidly expanding field and we must ensure that the United States maintains its competitive edge in this field by expanding Modeling and Simulation programs at our institutions of higher education.

The bill that I am introducing today will ensure that this national critical technology is expanded at our Nation's colleges and universities. Specifically, the bill will establish a grant program for colleges and universities to enhance and improve already established Modeling and Simulation programs. Colleges and universities without Modeling and Simulation programs can also use the grant to establish their own program. The bill will also create a task force at the Department of Education to support the development of the Modeling and Simulation field, including helping to further define the study and identify the best practices of Modeling and Simulation.

I am proud to represent the people and businesses of the Third Congressional District of Virginia who are leading the way in the Modeling and Simulation field. Numerous colleges and universities in the Hampton Roads area, such as Hampton University, Norfolk State University, and Old Dominion University, have Modeling and Simulation programs. Old Dominion University is one of the few universities that has both an undergraduate degree program and a graduate degree program in Modeling and Simulation. ODU's Modeling, Analysis and Simulation Center in Suffolk, Virginia is a premier facility that is second to none.

The grant program established by this legislation will go a long way in helping universities that have Modeling and Simulation programs expand and enhance their programs, as well as helping universities without a Modeling and Simulation program establish their own program. I urge my colleagues to cosponsor and support this important legislation to ensure that the United States maintains its competitive advantage in the critical national technology field of Modeling and Simulation.

GERALDINE GENNET

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Ms. PELOSI. Madam Speaker, on behalf of my colleagues, I commend Geraldine Gennet for her outstanding service and dedication to the House of Representatives.

In her 11 years as General Counsel of the House, Geraldine set a standard for professionalism and non-partisanship that will inform the work of the new General Counsel and all future holders of that position.

She created an Office of General Counsel that is respected by all Members of the House and widely recognized for its excellence throughout the legal community. I wish Geraldine continued success and happiness in her new endeavors.

TRIBUTE TO RONALD AND JENNIFER MILNE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. LATHAM. Madam Speaker, I rise today to congratulate Ronald and Jennifer Milne, residents of Perry, Iowa, on recently becoming United States citizens.

Both Ronald and Jennifer are originally from Scotland. Ronald was naturalized on June 29, 2007, in Des Moines, while Jennifer was later naturalized on September 17, 2007 in West Branch, Iowa. The long journey to U.S. citizenship began in the late 1980's when their son was attending Dartmouth College and later married an American woman. Their daughter also came to America and eventually married an American. After Ronald and Jennifer made several trips to the United States to visit their children, they decided they wanted to be close to their family and move to America.

After years of filling out forms, interviews with the American Embassy, waiting for the processing of their papers, passing the American History test, and paying naturalization fees, Ronald and Jennifer's citizenship was finally granted.

The Milne's love for their family and for this country is extremely admirable, and I commend Ronald and Jennifer for all their hard work and commitment to becoming citizens of our country. I am extremely honored to represent the Milnes in the U.S. Congress and I know that I can speak for all of my colleagues here in officially welcoming them as American citizens. I wish Ronald, Jennifer and their family all the best as Americans and Iowans.

HONORING MARY BERGAN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary accomplishments of Ms. Mary Bergan, who has dutifully served and enriched the California Federation of Teachers and the labor movement for over 35 years. Her work has affected the lives of teachers and their students throughout the 9th Congressional District, and the great State of California.

Ms. Mary Bergan has been involved in community politics, volunteerism, and education for her entire adult life. After graduating from the prestigious University of California, Berkeley in 1965 with a B.A. in English, Mary promptly joined the Peace Corps. For 3 years Mary lived in Malaysia teaching English language and literature and coaching athletics. In this way, Mary has always been acutely aware of the importance of both healthy minds and bodies for her students. When Mary returned to the United States she became a teacher, and immediately started organizing for the California Federation of Teachers, CFT.

For more than 3 decades her passion and activism has rightly placed her in leadership positions throughout the State of California, both within her profession as an educator and within the greater Democratic Party. In 1976, while Jerry Brown was Governor of California, Ms. Bergan was chosen as a delegate to the Democratic National Conventions. Shortly after, in the 1980's, Mary was elected as the chair of the Labor Caucus of the California Democratic Party. She continued her role as a delegate at the Democratic National Conventions in 1992, 1996, 2000, and 2004.

In 1991 Mary took her leadership skills, compassion, and dedicated experience to task. She was elected by her peers as president of the CFT. Only a year later, in 1992, Mary was elected vice president of the American Federation of Teachers, AFT, a national position of both great prestige and great responsibility. Not satisfied merely holding a title or position, Mary has participated in and continues to serve in numerous capacities within the AFT. She is a member of the Teachers Program and Policy Council, where she serves primarily on the council's working group on early childhood education. She is also a member of the organizing committee, the Task Force on Health Care Reform, and the State Federations Advisory Committee.

When she was elected president of the CFT Ms. Bergen pledged "to renew the organization's commitment to excellence in education, to reinforce its efforts to increase education funding and to raise the organization's profile in the media and public eye." This is exactly what Mary has done, and continues to do. She is an outspoken advocate of our children and the conditions of our teachers.

Mary has always been quick to respond to the political issues of the day which most affect education, and she continues to be famously truthful and clear in those responses. Mary does not play with words, she does not play games with her positions on issues, and she does not play with the futures of our children and teachers. Mary has long known that the better the conditions are for our teachers, the better our schools will be. Ultimately, taking care of our teachers affords our students the greatest opportunities for success in their own lives.

A true servant educator in every sense, Mary Bergan has immeasurably contributed to our community, our State, and our Nation. On behalf of California's 9th Congressional District, I thank and applaud Mary Bergan for the more than 35 years of unwavering service and inspiration.

RECOGNIZING NEWARK'S NORTH WARD CENTER'S ANNUAL GENO BARONI BIRTHDAY CELEBRATION

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Ms. KAPTUR. Madam Speaker. I rise today to recognize the annual celebration at the North Ward Center in Newark, New Jersey honoring the birthday of its inspiration, Monsignor Geno Baroni, on November 15, 2007. Msgr. Baroni—Geno to those of us who knew and loved him—was a most remarkable man, and though he passed from this life more than 2 decades ago, his memory and his mission remain strong.

Following riots at the end of the 1960s, Msgr. Baroni convinced Stephen Adubato, Sr. to leave the Newark public schools and organize the North Ward Educational and Cultural Center. In 1970, the center began providing information on services available to the residents of Newark's north ward, with a particular emphasis on higher education opportunities for students.

Built on the principles of community, opportunity, responsibility, and equity, the North

Ward Center remains true to its mission "to provide educational, cultural, and meaningful social services to low and moderate income families who reside in the greater Newark community. The center plays a major role in helping families overcome barriers to self-sufficiency, works to improve the health and well-being of those families, and helps revitalize their community, thereby improving the quality of life for all residents."

Over the decades, the North Ward Center expanded to include the Newark Business Training Institute, the North Ward Child Development Center, the Robert Treat Academy, and Casa Israel, a state-of-the-art wellness and medical center. The initiatives and services of these five institutions are widely recognized as among the finest, and the center has received many accolades over the years. Yet, true to the standards of its heart—Geno Baroni—the center has never wavered from its mission and founding principles, and it continues to celebrate the diversity of its people. The North Ward Center hosts "the society of Italians who celebrate St. Patrick's Day" with prominent Italian-Americans honoring Irish-Americans, an annual Rev. Dr. Martin Luther King, Jr. remembrance, and a Puerto Rican scholarship dinner recognizing four outstanding north ward students.

Geno Baroni was a many-faceted man, a gifted and passionate leader, a builder, a doer, and thoroughly committed to Christ's message of social justice. The North Ward Center reflects this charismatic man and his life's work. Msgr. Geno Baroni's impression on the lives of those of us privileged to know him and those whose lives he touched through his work is indeed profound. As the North Ward Center honors this extraordinary man by celebrating his birthday, the final words in the Shaker hymn Lord of the Dance seem most fitting: ". . . they buried my body and they thought I'd gone, but I am the dance and the dance goes on."

TRIBUTE TO THE SUN DIAL CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. LATHAM. Madam Speaker, I rise today to congratulate the Sun Dial Chapter of the Daughters of the American Revolution on their 100th anniversary. The chapter has been organized in Ames, IA since October 7, 1907.

The Sun Dial Chapter is named in honor of one of the original members, Hattie Willey, who had a sun dial that belonged to a family ancestor who was a pastor of the Plymouth Colony. A duplicate of that original sun dial was marked in 1914 and is displayed in the Ames Cemetery.

Ada Hayden, one of the most notable members of the Sun Dial Chapter, received her doctorate from Iowa State University in 1918 and was the first woman to do so. Many founders of the chapter left a boundless impression on the community and the state of Iowa. These distinguished names include Adams, Agg, Knapp, Kellogg, Marston, Stanton, Tilden and Willey.

The early goals of the organization remain the same today. They include promoting historic preservation, education and patriotism. During the years of war and depression, Sun Dial collected money, clothing and other necessary items to give to the poor and send to the soldiers serving abroad. Today the chapter contributes to National Daughters of the American Revolution projects and gives an award annually to an outstanding ROTC student at Iowa State University.

Again, I congratulate the Sun Dial Chapter of the Daughters of the American Revolution on this historic anniversary. It is an honor to represent this historic chapter and her members in Congress, and I wish them an equally storied future.

HONORING JOYCE M. TAYLOR

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary accomplishments of Ms. Joyce M. Taylor. As she retires from an illustrious and dedicated career in the communications industry, we have the opportunity to reflect on her achievements and thank her for her years of service.

Joyce was born in Muskogee, Oklahoma. She graduated from the University of Oklahoma at Norman with a bachelor's degree in journalism. From this early beginning, Joyce began her long career, traveling and working throughout the Nation, assuming leadership positions in some of our most influential communications companies.

Ms. Taylor first served as the public relations manager in Oklahoma City for Southwestern Bell Telephone. After that, she held a number of communications positions, which included assuming responsibilities in advertising, employee information, news relations, public policy development and federal relations. Her capacities have taken her from Oklahoma City to St. Louis to Washington, DC. Finally, she came to California, during an important merger between SBC and Pacific Telesis.

At the time of the merger, Ms. Taylor was serving as the executive director of external affairs for SBC Communications, Inc. Her work during this delicate moment in the communications industry directly helped earn the support from many Bay Area community and consumer organizations for the merger. This resulted in Ms. Taylor's appointment as AT&T's Senior Vice President for External Affairs-Northern California.

During all of this time, and throughout her professional endeavors, Joyce has always contributed to her community. Joyce has used her extraordinary talents to contribute to a number of worthy causes. From the arts to education, from industry to our neighborhoods, Joyce has always given back. It is our great fortune that the 9th Congressional District and the greater Northern California Area became her community as she grew in her capacities at AT&T.

In April 1997, Joyce Taylor was appointed to oversee regulatory, legislative, governmental and external affairs activities for AT&T in Northern California. Continuing her natural enthusiasm and belief in charity and the growth of communities, Joyce has become integrally involved in many boards and organizations in the Greater Bay Area.

Joyce serves on the Board of Directors of the Bay Area Council, the Bay Area Economic Forum, First Tee of San Jose, the San Francisco School Alliance Foundation, the Silicon Valley Leadership Group, the Tech Museum of Innovation, United Way of the Bay Area, and Women's Forum West. In addition, Ms. Taylor is a member of the Northwestern Regional Board of Operation Hope.

Dedicated to the arts and education, Ms. Taylor also serves on the Board of Trustees of the San Francisco Ballet and as a member of the Executive Campaign Advisory Board of the United Negro College Fund.

It certainly is not difficult to see how this remarkable woman has become such an invaluable part of our community.

On behalf of California's 9th Congressional District, I would like to thank and applaud our beloved Joyce M. Taylor on the occasion of her retirement. I am sure that her contributions to our community, and the value that she brings to the young leaders following in her example, are only just beginning.

HONORING ROBERT E. BONNELL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Ms. KAPTUR. Madam Speaker, I rise today to recognize Robert E. Bonnell of Toledo, Ohio. Toledo has been called a community of families. Bob Bonnell, an esteemed citizen of that community, seemed to have been born to create and embody "Fireman Freddie, a friendly, caring, and wise man, who assumed a larger meaning as a loving father for all our community's children. Bob's vocation as a teacher and firefighter saved countless lives as children learned how to save themselves and the lives of their loved ones. They learned new lessons from a Santalike man who cared for them as he would his own children.

Robert E. Bonnell remains a legend in the Toledo Community for his dedication to his community as a firefighter and to the education of the youth of Toledo about the value of safety. Mr. Bonnell became the department's first "Fireman Freddy" in 1973. It happened soon after the idea of a fire safety program—and the birth of Fireman Freddy—originated in 1972 when Mr. Bonnell was a ladder truck driver at Station 6 at Starr and Euclid avenues, where he seemed to have a special rapport with school groups who came to tour the firehouse. He was asked to start the educational program and thought it would be a six-month assignment. But Mr. Bonnell hadn't stopped his two-schools-a-day, five-day-a-week visits since January 1973, he told The Blade in an interview in December 1980, just before he retired.

"To tell you the truth," Mr. Bonnell said in a 1974 Toledo Blade article, "children understand more than you think they do. I never have to talk down to them. I just talk to them in the same way that I talk to adults. For some reason, it works." By the time he retired, Mr. Bonnell talked to more than 125,000 elementary students in Toledo public and Catholic schools and the Washington Local school district about fire prevention and fire safety.

Robert E. Bonnell at age 80, passed away Monday, October 29, 2007 in St. Charles Mercy Hospital of congestive heart failure. He will be fondly remembered by the residents who recall being taught by the fireman about fire safety when they were in the fourth and sixth grades.

Mr. Bonnell joined the Toledo Fire Department in 1956 and then served for 25 years, most of them as the department's "Fireman Freddie" until his retirement in 1981. During his early retirement he worked as a funeral attendant for the Eggleston Meinert Pavley Funeral Home in Oregon. "He was a good old country boy, and he liked kids," retired Toledo Deputy Fire Chief Robert Schwanzl said. "He was a storyteller and he had a special knack for telling stories and talking to children. And he was very dependable."

Born in Weston, West Virginia, on February 22, 1927, to Onal and Genevieve (Beamer) Bonnell, Mr. Bonnell, graduated from Lewis County High School in 1945, when he enlisted in the Army. During the last months of World War II, he was a staff sergeant in Germany. After his honorable discharge in 1947, he returned to West Virginia and later that year married his high school sweetheart, JoAnne Teter. A short time later, the couple settled in Toledo.

In his free time, Mr. Bonnell, who in retirement lived in Northwood and most recently in Walbridge, enjoyed collecting cuff links, of which he had 4,000, and marbles, of which he had more than 50,000. He also liked visiting garage sales, hunting, and fishing. He loved spending time with his family and being "Pudding Papa" to his great-grandson.

"Dad had a zest for life," his son, Gregory, said "He loved people, loved his family, and he loved to have a good time. [And] he was a hard worker and a dedicated individual." Mr. Bonnell was a funeral attendant for the Eggleston Meinert Pavley Funeral Home in Oregon during his early retirement years.

His memberships included the Arthur Daly American Legion Post, the National Rifle Association, Paragon Lotus Lodge F&AM, Zenobia Shrine (Stewards, Hillbillies and Wood County) VFW Post #2510 and 40–8 Society of the American Legion, and the Scottish Rite, all in Toledo. In 1988, he received the Meritorious Service Award from the Scottish Rite where he had life membership.

Surviving are his loving wife, JoAnne, with whom he just celebrated 60 years of marriage (June 28, 1947); children, Gregory (Mary) Bonnell and Beverly (Kevin) Sawyer; grandchildren, Angie and Brianne Sawyer, Rob, Mike, Adam and Brian Bonnell and great-grandchildren, Kleiston and Ria. Bob was preceded in death by his parents, his 2 brothers and a sister.

He will be missed by the Sisters of Notre Dame especially Sister Mary Theresa. He will be sorely missed and fondly remembered by all the lives he touched in our Toledo community. The world was made a better place by the life of Bob Bonnell. May his works inspire others who follow in his golden steps.

TRIBUTE TO VAN HARDEN AND BONNIE LUCAS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize Van Harden and Bonnie Lucas of the "Van and Bonnie in the Morning" radio show. Van and Bonnie are Iowa radio icons and winners of multiple Marconi Awards, including the 2007 "Personality of the Year" among medium-sized market radio stations.

Van Harden was raised in Adel, Iowa, where he developed a deep love for small Iowa communities and dreamt of being on the radio when he grew up. His dream became a reality after graduating from Drake University in 1973, where he majored in broadcast journalism and got his first on-air job with KDLS–AM in Perry, Iowa. After jobs in Tulsa, Oklahoma at KWEN–FM and KRNT–AM in Des Moines, he became the host of the morning program at 1040 WHO–AM in Des Moines in 1986.

Van's current co-host, Bonnie Lucas of Monroe, Iowa, has been with the WHO morning program for 13 years. Bonnie's first job in radio began in 1979 at KRNT, where she was a former co-worker of Van's. In the seven and a half years Bonnie spent at KRNT, she worked in the traffic department, served as secretary to the General Manager, worked as the Assistant Sales Manager and finally went into sales for KRNT. After Bonnie started her own small fitness center business and worked for a communications company, she tried out for Van's co-host position in August 1994 and has been with the program ever since.

Van and Bonnie are up every morning by 3:30 a.m. and on the air at 4:59 a.m. Their creativity, family-friendly humor and enthusiasm have made WHO's morning show the most listened to in the state. They do a phenomenal job at connecting with Iowans and starting their day off with a smile.

Van and Bonnie provide a valuable service to the state of Iowa, and I am honored to recognize this most recent accomplishment. I wish Van, Bonnie and all of their coworkers at WHO the best of luck and continued success.

HONORING JOE MORGAN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Ms. LEE. Madam Speaker, I rise today to honor the legendary Joe Morgan as the Board of Directors of Alameda County Youth Development, Inc. (ACYD) come together in the 9th Congressional District to pay tribute to Mr. Morgan and celebrate his impressive legacy.

Many are aware of Joe Morgan's incredible athletic accomplishments. His life has served as an inspiration to our youth, especially in communities of color, where Mr. Morgan's example has served as a symbol of the power of perseverance in overcoming obstacles and living up to one's great potential.

Even though Mr. Morgan has made significant contributions to our world in his capacities as a role model through sports, his contributions to our community as a steward of our youth programs and charitable causes has created an equally positive impact on thousands of people. Mr. Morgan has been one of the most generous and committed supporters of youth programs in Oakland, California for over four decades.

Joe Morgan was born in Bonham, Texas in 1944. At the age of 10, he moved to Oakland with his family, and has called the East Bay his home ever since. Mr. Morgan is a true product and member of the Oakland family. He attended Brookfield Elementary, Elmhurst Junior High, and graduated with recognition for his academic and athletic prowess from Oakland's Castlemont High School in 1961. Mr. Morgan went on to receive an Associate's Degree from Merritt College in 1963.

After graduating from Merritt College, Joe Morgan quickly rose to prominence as he launched one of the greatest careers in Major League Baseball. In 1963, Mr. Morgan signed his first professional contract with the Houston Colt 45's. A year later, he emerged as a key member of the Houston Astros, eventually going on to be named the National League Rookie of the Year in 1965. He remained with the Astros until 1972, when he was traded to the Cincinnati Reds, one of the all-time great teams that was given the moniker "The Big Red Machine" after the franchise strung together a series of World Series Championships during the 1970s, an accomplishment that continues to be recognized as one of the great achievements in American sports history.

After completing a successful career in professional baseball that eventually led to Mr. Morgan being inducted in the Major League Baseball Hall of Fame, he returned to school. This act of personal determination exemplified his unwavering dedication to education and personal growth. Mr. Morgan received a B.S. in Physical Education from California State University, Hayward, just as he had promised his mother he would do many years ago.

These tremendous accomplishments, however, were just one aspect of Mr. Morgan's capacities as an extraordinary person. Fame and fortune were not satisfying for Mr. Morgan if he was not able to use his experience and energy to give back to his community. Mr. Morgan has always displayed incredible dedication to his family, an unwavering love for children, and a personal concern with those around him and his community. Mr. Morgan continues to actively support the Young America Baseball Program and the Oakland Unified School District Sports Program, doing what he can to ensure that those institutions have the resources necessary to serve the youth of our community.

Harnessing so much compassion for his community, Mr. Morgan was compelled to create the Joe Morgan Youth Foundation. His Foundation provides many much needed services for our youth, including scholarships, financial support programs, and innovative community initiatives.

This year, in recognition of his extraordinary life, accomplishments, and dedication to our community, ACYD has presented Mr. Morgan with its first George P. Scotlan Outstanding Citizen Award. Mr. Morgan is certainly one of Oakland's most outstanding citizens, and an excellent choice for such a prestigious honor.

On behalf of the residents of California's 9th Congressional District, I would like to take this opportunity to congratulate Mr. Morgan as he receives due recognition for his contributions. The community of Oakland, especially those impassioned about the well being and future of our youth, salute Joe Morgan today, and we look forward to witnessing his lasting and positive impact on the lives of our children.

RECOGNIZING THE 30TH ANNIVERSARY OF THE BIRMINGHAM AREA SENIORS COORDINATING COUNCIL

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. KNOLLENBERG. Madam Speaker, I want to recognize the Birmingham Area Seniors Coordinating Council as they celebrate their 30th Anniversary today.

The Birmingham Area Seniors Coordinating Council was formed in 1978 to improve the coordination of senior citizen programs and services, and to provide a central source of information and referral in the Birmingham Public Schools community.

Today, the Council has nearly 1,700 members who value independence, lifelong learning, and community involvement. Not only do Council members enjoy the benefits of an active senior center program, but they are also volunteers who deliver services to their aging neighbors. These services are vital to enabling seniors to remain in their own homes, and to live with independence and dignity. Each year, more than 500 senior volunteers provide outreach service to other older adults in the community, evidencing their motto of "Seniors Serving Seniors."

The Council offers a variety of educational classes, recreational programs, social activities, and travel opportunities to help older adults stay healthy and happy. In addition, the Council's many outreach services to the elderly are accomplished with a small staff and hundreds of senior volunteers in partnership with many local and state agencies and organizations.

The generosity of the Birmingham Public Schools, the City of Birmingham, the Villages of Beverly Hills, Bingham Farms, and Franklin, local service clubs, agencies, foundations, churches, businesses and hundreds of caring individuals to fund this unique delivery of services that have been the staple of the Council for the past 30 years.

Madam Speaker, today I commend the Birmingham Area Seniors Coordinating Council. I am proud to recognize the achievements and service of the Council over the past 30 years, and wish them even more success over the next 30 years.

PERSONAL EXPLANATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. WOLF. Madam Speaker, yesterday I was on an official leave of absence for a medical appointment. Had I been present and voting, I would have voted "yea" on rollcall No. 1082, H.R. 3315, which I cosponsored, to provide that the great hall of the Capitol Visitor Center be known as Emancipation Hall; "yea" on rollcall No. 1083, H.R. 1593, which I cosponsored, the Second Chance Act; "yea" on rollcall No. 1084, H.R. 3403, the 911 Modernization and Public Safety Act, and "yea" on rollcall No. 1085, H.R. 3461, Safeguarding America's Families by Enhancing and Reorganizing New and Efficient Technologies Act.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mrs. LOWEY. Madam Speaker, I regrettably missed Rollcall vote No. 1085 (H.R. 3461) and Rollcall vote No. 1084 (H.R. 3403). Had I been present, I would have voted in the following manner: Rollcall No. 1085: "yes," Rollcall No. 1084: "yes."

DANDY-WALKER SYNDROME AND HYDROCEPHALUS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise in support of H. Con. Res. 163, expressing the sense of the Congress in support of further research and activities to increase public awareness, professional education, diagnosis, and treatment of Dandy-Walker Syndrome and hydrocephalus.

In 2005 while awaiting the birth of their first child Ryan, Andrea and Eric Cole of Kensington, Maryland learned that he would be born with a rare birth defect called Dandy-Walker Syndrome and a condition called hydrocephalus. Ryan was born on May 3, 2005, 3 months premature and weighing 1 pound 15 ounces, at George Washington University Hospital in Washington, D.C. He would spend a total of 156 days in the hospital during his first year of life.

Today, the Cole family leads the fight against Dandy-Walker Syndrome and is the inspiration behind my efforts against this terrible birth defect. On learning that no national organization existed to advocate on behalf of individuals with Dandy-Walker Syndrome, Eric and Andrea took the necessary steps to found the only national non-profit organization for Dandy-Walker Syndrome, and located it in Maryland's Eighth Congressional District, which I represent. Today, the Dandy-Walker Alliance remains the only non-profit organization committed to educational and informational activities, programs and publications and supporting non-partisan research and events to increase public awareness of Dandy-Walker Syndrome. The Dandy-Walker Alliance supports all efforts to determine the cause(s) of, to find the cure for and to ameliorate the effects of Dandy-Walker Syndrome.

Dandy-Walker Syndrome is a congenital malformation of the cerebellum that can cause developmental delay, is frequently associated with hydrocephalus that can lead to an enlarged head circumference, and can cause neurological damage possibly leading to death. The Centers for Disease Control and Prevention reports that Dandy-Walker Syndrome may affect as many as 1 in 5,000 live born infants of which approximately 70 to 90 percent will develop hydrocephalus. Treatment for individuals with Dandy-Walker generally consists of treating the associated problems rather than the syndrome itself. Hydrocephalus is treated today the same way that it was in 1952, by inserting a shunt into the brain to drain off excess fluid.

In addition to what the Coles are doing with the Dandy-Walker Alliance, a filmmaker from Colorado with a nephew affected by Dandy-Walker is completing the first-ever documentary on Dandy-Walker Syndrome called "Dandy Kids," which will premiere in January 2008. A couple in Florida was also inspired to film a commercial with their three-year-old son affected by Dandy-Walker and hydrocephalus to help promote the need for blood donations since the brain surgeries to treat his hydrocephalus often require transfusions.

Dandy-Walker Syndrome involves many complex issues. That is why the Director of the National Institutes of Health should continue the current collaboration, with respect to Dandy-Walker Syndrome, among the National Human Genome Research Institute, the National Institute of Biomedical Imaging and Bioengineering, the National Institute of Child Health and Human Development, the National Institute of Neurological Disorders and Stroke and the Office of Rare Diseases.

Further research into the epidemiology, diagnosis, pathophysiology, disease burden, and improved treatment of Dandy-Walker Syndrome should be conducted and supported. The National Institutes of Health should take the lead in sponsoring an annual workshop to increase awareness and set national research priorities for Dandy-Walker Syndrome and hydrocephalus.

The Centers for Disease Control and Prevention should also form a coordinating committee for Dandy-Walker Syndrome and hydrocephalus research, which would annually report to the public its findings on the progress in the epidemiology, pathophysiology, disease burden, treatment improvements, diagnoses, and awareness for Dandy-Walker Syndrome and hydrocephalus.

Finally, public awareness and professional education regarding Dandy-Walker research should increase through partnerships between the Federal Government and patient advocacy organizations, such as the Dandy-Walker Alliance and the Hydrocephalus Association.

Madam Speaker, let's tell families like the Coles that they are not alone in their fight against Dandy-Walker Syndrome. Certainly we can lend a hand in helping to further raise awareness of Dandy-Walker Syndrome and to act on behalf of disabled members in society who cannot advocate for themselves. I think we all agree that partnerships between the Federal Government and advocacy groups are important to the American people. That is why I urge my colleagues from both parties to join me in co-sponsoring House Concurrent Resolution 163 to raise awareness for Dandy-Walker Syndrome and hydrocephalus.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. HIGGINS. Madam Speaker, yesterday I missed Rollcall vote No. 1082, on passage of H.R. 3315. I strongly support this legislation, which would provide that the great hall of the new Capitol Visitor Center shall be known as Emancipation Hall, and I would have voted "yes" on passage had I been present.

VETERANS DAY PRAYER

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. WILSON of South Carolina. Madam Speaker, as grateful Americans provide deserved tributes for our courageous veterans, I have fortunately been provided a profound poem from Clinton B. Campbell of Beaufort, South Carolina.

[From the Journal of New Jersey Poets]

MY VETERANS DAY PRAYER

(By Clinton B. Campbell)

Lord, when the pull of my bed lures me to stay another hour,
please remind me of taps being played for the fallen,
of the tears that reach my cheek after each name is read,
the ones I knew personally and the ones old-timers talk about in awe.
After the crowd stumbles through the Pledge of Allegiance
I want to be there and listen with all my heart
while the winner of this year's essay contest quiets the crowd
reminding us of why we are paying our respects.
When the closing prayer is read I want to look around in honor at my fellow vets,
the men and the women in their timeworn uniforms.
Let me see them as they were, splendidly marching forward
with the courage that allows us to have a choice of whether we come here today or not.

IN TRIBUTE TO HAROLD SAMUEL NELSON

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. GONZALEZ. Madam Speaker, every Member of the House of Representatives has a cherished friend and mentor back home. That dear friend is what keeps a member grounded to the realities of his or her district which can sometimes become obscure in the heat of legislative debate. With the passing of that friend, a huge void is created which often cannot be filled.

Harold Samuel Nelson was born on June 18, 1918, and left this mortal world on May 29, 2006. It has now been more than a year that I, and many others, no longer have the benefit of his wisdom and advice. I now rise to honor him and how he lived his life.

Throughout his long life, Mr. Nelson engaged in a number of different professions: Farmer, philanthropist, and attorney. In 1952, he married Helen Ridgway, and they made their lives on a dairy farm in New Braunfels where they raised their daughters, JoMerre and Elizabeth. On September 19, 2001, Elizabeth blessed the Nelson family with their first grandson, Samuel Wilder Nelson who will carry forward the proud tradition of the Nelson name.

After his experiences with other dairy organizations, Mr. Nelson formed Associated Milk Producers Inc., AMPI, so that dairy farmers could market milk and dairy products. Under his management, AMPI grew to encompass the better part of our Nation with over 40,000 members. He persuaded small dairy farmers to work together and thereafter, he was referred to as the "grandfather of the dairy industry." He saw that organizing would strengthen each dairy farmer individually.

In the late 1960s, Mr. Nelson convinced livestock farmers to cooperate to eradicate the screwworm, a dreaded livestock parasite. He helped organize and elicit funds to implement a novel strategy. Sterilized screwworm flies would be released at a rate of 150 million per week until they ceased to exist. His efforts resulted in a never before seen level of coordination among dairy farmers throughout the Americas to end the blight of the screwworm.

Later in his life, Mr. Nelson set his energies and talents to honoring his mother's commitment to education. He established the Clara Freshour Nelson Foundation so that students, hundreds by now, could afford tuition for a fine arts education.

I had the privilege of giving words of remembrance at Mr. Nelson's service. It was a sad day for everyone gathered in the church who had to confront our sorrow in missing his physical presence, love, support and wise counsel.

While acknowledging that no one had any control over Mr. Nelson leaving our physical presence, we had complete control of keeping him spiritually alive within us by living the "life lessons" he had taught us.

Mr. Nelson taught through example. He was generous to a fault. Not merely financially generous, but generous with his time, energy and empathy. Simply put, if it was important to you, it was important to him. He was forthright and made no excuses for who he was and what he believed in. He "told it like it was" and could size up a person or business transaction with clarity and precision.

His greatest love was love of family; as a loving son, caring brother, devoted father and doting grandfather. Yet he was known to share his love with his "extended family", from dear friends Paul Alagia and Jose "Pepe" Gonzalez to name a couple, to those devoted caretakers that were near him as his days grew shorter: Alice, Ada, Brenda, Quolonda, Beverly, Rhonda and Emily.

He was the consummate gentleman; he tipped his hat, stood when a lady walked into a room; simple gestures of something greater which was a genuine respect. He was a voracious reader, loved poetry and he could play the piano and violin. He encouraged and supported students in the study and appreciation of music.

Imbued with a powerful social conscience, he was a "yellow dog Democrat" who firmly declared that "you had to be a Democrat to believe in the Beatitudes".

Mr. Nelson was part of what is referred today as "the Greatest Generation". Tom Brokaw in his book was describing Harold S. Nelson when he wrote: "The World War II generation did what was expected of them. But they never talked about it. It was part of their code."

The character of Mr. Nelson was formed on the anvil of adversity. His innate sense of justice and fairness made him "a man ahead of his time." Yet, I believe he shared the same philosophy expressed by the late and former Congressman Carl Elliott who upon receiving the JFK Profile in Courage Award for fighting segregation at great personal cost said: "There are those who said I was ahead of my time, but they were wrong. I believe that I was always behind the times that ought to be."

Harold S. Nelson taught us about fundamental values and behavior: that your word was your bond, your handshake was a contract, you conducted business "standing and facing". As Paul Alagia said "Harold never ran out on a friend." Again, just like Congressman Carl Elliott, Mr. Nelson "never swapped an old friend for a new one". With the advent of computers and all the new technological gadgets designed to help us get through an ever increasingly complex world, Mr. Nelson's approach was "Give me a Big Chief tablet and a pencil."

An observer of modern American life recently lamented: "We have multiplied our possessions, but reduced our values. We love too seldom, and hate too often. We've learned how to make a living, but not a life. We've added years to life, not life to years."

May Mr. Nelson's greatest "life lesson to us spare us this dilemma. So when the world overwhelms us, the pace too hectic, let us heed Mr. Nelson's advice "give me a Big Chief tablet and a pencil". Let us return to the basic goodness of life: honesty, integrity and compassion.

Harold Samuel Nelson (known and loved as Daddy, Grandpa, Harold and Mr. Nelson) would have even helped us grieve. He would have told us not to be sad, then cry with us;

he would have told us to march on, then he would have taken the first step, and lastly, knowing his love for poetry, he would have read "When I Must Leave You" by Helen S. Rice:

When I must leave you
For a Little while
Please do not grieve
And shed wild tears
And hug your sorrow to you
Through the years,
But start out bravely
With a gallant smile; And for my sake
And in my name
Live on and do
All things the same,
Feed not your loneliness
On empty days,
But fill each waking hour
In useful ways,
Reach out your hand
In comfort and in cheer
And I will comfort you
And hold you near; And never, never
Be afraid to die,
For I am waiting for you in the sky.

Harold Samuel Nelson lives on in our hearts and souls.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. ABERCROMBIE. Madam Speaker, I regret that I was unavoidably detained yesterday attending a funeral. I missed rollcall vote Nos. 1082 through 1085. Had I been present, I would have voted "yea" on all four votes.

REMEMBERING UKRAINE'S HISTORY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Ms. KAPTUR. Madam Speaker, I rise today to record painful events in Ukraine's past. Throughout Ukraine's more than millennium-long history, it has often been attacked and occupied due to its geo-political location, fertile lands and rich natural resources. Because the Ukrainian nation continuously fought to ward off the enemies and preserve its freedom, many occupying powers resorted to oppression in order to maintain their control of Ukraine. It is widely held that one of the most brutal policies designed to subjugate Ukraine was carried out by the Stalinist regime of the former Soviet Union.

History records that in order to suppress the numerous rebellions of the Ukrainian peasantry to the collectivization and Russification policies aggressively implemented by the Communists, Stalin set out to destroy the entire nation. His government imposed draconian grain quotas and enforced their fulfillment with brutality seldom seen in history. Secret police and specially created brigades were instructed to confiscate everything down to the last grain. They also confiscated money and any valuables in order to deprive people of any means for survival. Severe and swift punishments—often death—were delivered for any attempt to steal even a miniscule amount of grain or other foodstuffs. The Royal Consulate of Italy reported in 1933: "through barbaric requisitions . . . the Moscow government has effectively engineered not so much a scarcity . . . but rather a complete absence of every means of subsistence throughout the Ukrainian countryside." Stalin also sealed off the Ukrainian border to prevent migration. In 1932, a directive was issued to arrest anyone who tried to leave Ukraine without proper documentation. According to Russian scholar Ivnitsky, 219,460 individuals were arrested per this directive and 186,588 of them were sent back to their villages to die.

Eyewitness accounts provide vivid and gruesome details. Here is what one witness described to the House Select Committee on Communist Aggression in 1954: "The farmers with faces and legs swollen from the hunger of the famine were invading the town and were dying in masses in the streets. The administration of the town was unable to bury the dead farmers in time, and there was a repulsive odor in the air during all this time. The police, or rather militia patrols, driving along the streets, collected the corpses. They also took those completely exhausted by starvation who arrived in town to ask for 'a little bit of bread', put them on the mound of corpses saying, 'you'll get there, don't worry.' I saw this all myself, and quite often."

It is hard and painful to comprehend that these actions were not known to the world, in part because of the denial of the famine-genocide by Soviet authorities and refusal of offers of international aid. The tragic events of 1932–1933 in Ukraine remained hidden for many decades. The world is still largely unaware of the cruelty with which the totalitarian Stalinist regime killed 7–10 million innocent people in an effort to break a people who strove for freedom and independence. The Ukrainian American community has done much to change this situation. On the occasion of the 75th Anniversary of the Ukrainian famine-genocide, we remind the world of the honors that the Ukrainian nation survived and honor the memory of the innocent victims of the inhumane policies of the Stalinist regime. Remembering the events of the past helps to ensure that this type of tragedy does not recur anywhere in the world.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Tuesday, October 13, 2007, I inadvertently missed three votes. Had I been present and voting, I would have voted as follows:

(1) Rollcall No. 1083: "Yes" On Motion to Suspend the Rules and Pass the resolution.

(2) Rollcall No. 1084: "Yes" On Motion to Suspend the Rules and Pass the resolution.

(3) Rollcall No. 1085: "Yes" On Motion to Suspend the Rules and Pass the resolution.

HONORING CLARE AND MARYELLEN BERRYHILL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to honor the lives of Clare and Maryellen Berryhill for their tremendous dedication to promoting agriculture in the Central Valley. The Berryhills are being honored at The Greater Yosemite Council Boy Scouts of America's Annual Distinguished Citizens Dinner on October 24, 2007 in Modesto, CA.

Clare Berryhill was born and raised in the Central Valley. He was a third generation farmer and winegrape grower. Mr. Berryhill attended Modesto Junior College and the University of California, Santa Barbara, where he majored in agriculture. Clare Berryhill and Maryellen Rossel, of Modesto, were married in 1949.

While managing their ranch in Ceres, CA, both became very involved in the community. Mr. Berryhill operated a fruit dehydrating business, and in 1960 he was named Young Farmer in Stanislaus County. He was the first president of the California Winegrape Growers Association. He was also one of many generations in the family to serve on the Ceres Unified School Board of Trustees. During this time Mrs. Berryhill helped to manage the farm, taught music at Denair High School and was involved in the Parent Teacher Association.

In 1969, Mr. Berryhill's involvement turned to politics. He was asked to run for the California Assembly and won. His victory was a crucial one and he was even congratulated, in person, by then Governor Ronald Reagan. He served as an Assemblyman from 1969 to 1970. Later, he was elected into office as a California State senator, where in 1976 he successfully authored landmark legislation to establish the annual "Grape Crush Report". This is a reporting process that became essential to the economic wellbeing of the winegrape and wine industries. Also, as State senator, he was able to have enough land donated to Modesto Junior College to expand the campus. He served as a State senator from 1972 to 1976.

One last service to the California government came after Mr. Berryhill's retirement. He was asked by Governor George Deukmejian to serve as California Director (Secretary) of Agriculture. At the time, California was battling African bees, Mexican fruit flies, gypsy moths, apple maggots and a contamination scare with cheese, watermelons, and grapes. With his previous leadership experience and his knowledge of agriculture, Mr. Berryhill was able to help develop an agriculture policy in California that continues to stand today. Due to his efforts in resolving these problems, he was featured in "People" magazine.

Mrs. Berryhill and their five children Betsy, Tom, Lynne, Janie, and Bill supported Mr. Berryhill in all of his campaigns. They volunteered by walking precincts, playing musical instruments and traveling throughout the districts in the Berryhill Band Wagon. Mr. and Mrs. Berryhill enjoyed their family, community, politics, art and the land. They traveled between 3 homes in their retirement: A cattle ranch in Montana, a home in San Carlos, Mexico, and their original ranch in Ceres, California. Clare Berryhill passed away in March of 1996 and Maryellen Berryhill passed away in July of this year. They have left a legacy that is not easily matched. They are survived by their 5 children, 11 grandchildren and 2 great-grandchildren.

Madam Speaker, I rise today to posthumously honor Clare and Maryellen Berryhill for the impact that they had on agriculture in the Central Valley and the State of California. I invite my colleagues to join me in honoring their lives and wishing the best for their family.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, November 13, 2007, I was unable to cast my votes on H.R. 3315, H.R. 1593, H.R. 3403, and H.R. 3461 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 1082 on the motion to suspend the rules and pass H.R. 3315, to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall, I would have voted "aye."

Had I been present for rollcall No. 1083 on the motion to suspend the rules and pass H.R. 1593, the Second Chance Act of 2007, I would have voted "aye."

Had I been present for rollcall No. 1084 on the motion to suspend the rules and pass H.R. 3403, 911 Modernization and Public Safety Act of 2007, I would have voted "aye."

Had I been present for rollcall No. 1085 on the motion to suspend the rules and pass H.R. 3461, Safeguarding America's Families by Enhancing and Reorganizing New and Efficient Technologies Act of 2007, I would have voted "aye."

TRIBUTE TO JOHN WOODRUFF

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. SHUSTER. Madam Speaker, I rise today to honor John Woodruff, an Olympic Gold Medalist who passed away last week at the age of 92. Woodruff, a native of Connellsville, Pennsylvania, was one of the most remarkable athletes in the world and will always be remembered for his astonishing come-from-behind victory in the 800 meter run at the 1936 Berlin Olympics.

John Woodruff is also remembered as one of the great American rags-to-riches success stories. Born into a struggling family with 11 siblings, John overcame numerous obstacles on his way to becoming an American hero. He dropped out of high school to work in order to help support his family, but was denied a job. He returned to school, joined the track team and earned a scholarship to the University of Pittsburgh, becoming the first member of his family to attend college.

It was the summer of his freshman year that Woodruff qualified for the Olympic Games, outrunning the best American distance runners in the field to make it to Berlin. It was there, during the 800 meter final, that Woodruff pulled one of the riskiest moves in the history of the Olympic Games. Finding himself boxed in by several professional runners, Woodruff stopped in the middle of the race and let everyone pass him. He then ran around the other runners to take the lead, becoming the first American in 24 years to win the race.

Woodruff returned home a hero, and continued his college and track career, during which time he won numerous championships and set the American record in the 800 meter run, which lasted 12 years. He graduated from Pitt and served in World War II and Korea, after which he retired as a lieutenant colonel. He passed away on October 30th in Fountain Hills, Arizona.

John Woodruff was a true American hero who proved that with determination and hard work, any feat can be overcome. Our thoughts are with his family as they mourn their loss, and may they be comforted in knowing that John will be remembered as a leader who dedicated his life to serving his country as both an Olympian and a soldier. His legacy will live on in Connellsville, as his community honors and remembers their hero at a memorial service on Sunday.

INTRODUCTION OF THE "PRIVACY AND CYBERCRIME ENFORCEMENT ACT OF 2007"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. CONYERS. Madam Speaker, I am pleased to introduce the bipartisan "Privacy and Cybercrime Enforcement Act of 2007," along with Representatives SMITH, SCOTT, FORBES, and SANCHEZ. This bill will provide new tools to federal prosecutors to combat identity theft and other computer crimes. I am pleased that Representatives SMITH, SCOTT and FORBES, who have been valuable partners in combating the growing problem of identity theft for many years, have joined me in introducing this important criminal bill.

The Privacy and Cybercrime Enforcement Act takes several important steps to protect Americans from the growing and evolving threat of identity theft and other cybercrimes. First, to better protect American consumers, our bill provides the victims of identity theft with the ability to seek restitution in federal court for the loss of time and money spent restoring their credit and remedying the harms of identity theft, so that identity theft victims can be made whole.

Second, because identity theft schemes are much more sophisticated in today's digital era, our bill also expands the scope of the federal identity theft statutes so that the law keeps up with the available technology. To address the increasing number of computer hacking crimes that involve computers located within the same state, our bill also eliminates the jurisdictional requirement that a computer's information must be stolen through an interstate or foreign communication in order to federally prosecute this crime.

Lastly, our bill strengthens consumer privacy by requiring companies to give rapid notice of breaches to law enforcement. The bill makes it a crime punishable by up to 5 years in prison to knowingly fail to report breaches to the appropriate authorities. The bill also requires agencies to prepare privacy impact assessments for proposed and final rules that pertain to the collection, maintenance, use, or disclosure of personally identifiable information from 10 or more individuals. With limited exceptions, such assessments must be made available to the public for comment.

The Privacy and Cybercrime Enforcement Act is a good, bipartisan measure to help combat the growing threat of identity theft and other cybercrimes. This balanced bill protects the privacy rights of consumers, the interests of business and the legitimate needs of law enforcement. Similarly, I hope that the other Committees of jurisdiction will take up and report out legislation that will protect consumers from ID theft through data security obligations and strong requirements that consumers be notified when the security of their personal information is compromised. Again, I thank the bipartisan coalition of Representatives who have joined me in introducing this important legislation.

THE SIKORSKY'S FALLEN HEROES COMMITTEE

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. SHAYS. Madam Speaker, I rise today in honor of the Sikorsky Fallen Heroes Committee who supports the families of Connecticut soldiers killed in the line of duty. I am grateful to have had the opportunity to see the work of this committee first hand. They have given so much to the families of our fallen service members who gave the ultimate sacrifice for our country.

When families learn of their service member's death, they enter a very painful and sad period of their lives. The Sikorsky Fallen Heroes Committee has supported these families, acting as a pillar of strength for them when they needed support the most. Their dedication to these wives, mothers, fathers, daughters and sons has been truly remarkable and has been a testament to their patriotism and love of humanity.

In addition to supporting the family of fallen service members, the Sikorsky Fallen Heroes Committee has reached out to members of the community through events they hold. In June of this year, the Committee held their fourth annual softball tribute game to honor Jordan Pierson, Philip Alexander Johnson and Nicholas Madaras, three courageous young men who gave their lives in support of Operation Iraqi Freedom. Next June, they plan to honor six more fallen soldiers. Their commitment and dedication to the fallen is truly remarkable and is an inspiration to all of us.

The Sikorsky Fallen Heroes Committee are heroes in their own right. They are courageous people reaching out to those in need. We are honored and privileged to have people like them in the community. The unwavering dedication and support they show the families of fallen service members will always be remembered for making a difference in so many lives.

It is my hope we can all learn from the example of the Sikorsky Fallen Heroes Committee to support the families of the fallen who have also sacrificed in honor of our nation's freedom.

HONORING VIC CIBELLI

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. EMANUEL. Madam Speaker, I rise today to honor Victor H. Cibelli, who passed away on Monday, November 12. I consider myself privileged to call him a friend, and I extend my condolences to his family on their loss.

Vic was a leader. A Navy veteran of the Korean war, he spent decades fighting for veterans as an officer in the VFW, the Jewish War Veterans, and the Combined Veterans Association of Illinois. I was fortunate to be able to rely on Vic for advice on a range of veterans' issues, and he always stood ready to help me organize an event to honor veterans or to promote their causes.

From teaching school children about citizenship and history, to organizing a service to honor the World War II warship *Dorchester*'s four chaplains who gave their lives so others could survive, or running a Patriot's Pen student writing competition, no task was too big or small for Vic to help enrich his community.

People cherished the opportunity to work with Vic, and took pleasure in coming together for a good cause at his invitation. While Vic took the work of improving the lives of veterans and their families seriously, his generosity of spirit and infectious humor made the work enjoyable for him and everyone around him.

Madam Speaker, the Veterans community and the Fifth District of Illinois have lost a great advocate and a true friend. My deepest sympathies go to Vic's widow Mary, to his children and grandchildren. We will all miss him.

HONORING VICE ADMIRAL JOHN SCOTT REDD, U.S. NAVY (RET.) FOR FORTY YEARS OF PUBLIC SERVICE

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. KING of New York. Madam Speaker, today I rise to recognize a dedicated public servant who devoted nearly four decades to protecting this great Nation. Vice Admiral John Scott Redd, U.S. Navy (Ret.), retired last week after serving as the first Director of the National Counterterrorism Center (NCTC).

Admiral Redd's accomplishments are many, having served thirty-six years in the United States Navy, which culminated in his assignment as the Director of Strategic Plans and Policy on the Joint Staff. Retiring from the Navy in 1998, Admiral Redd was again called to serve in 2004, this time as the Deputy Administrator and Chief Operating Officer of the Coalition Provisional Authority in Baghdad, Iraq. He went on to serve as the Executive Director of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction where he influenced Community-wide intelligence reforms and made lasting improvements to America's national security.

Under his superior leadership, the National Counterterrorism Center developed into the Nation's premier intelligence and law enforcement fusion center, bridging all elements of the Intelligence Community to develop a national common intelligence picture. Admiral Redd tore down walls between Intelligence Community members and replaced a "need to know" philosophy with a "responsibility to share" environment.

Some of the Intelligence Community's successes are known such as the thwarted terrorist attacks against the Sears Tower, a Chicago-area shopping mall, military forces at Fort Dix, New Jersey, and multiple targets in New York, D.C. and elsewhere. Others remain classified. However, in each instance, the National Counterterrorism Center played a key information sharing role which led to the successful prevention of these attacks against our citizens.

Admiral Redd is to be commended for his contributions to the Nation, but such a persevering service is not without a cost. For that I offer my personal thanks to his wife of over 37 years, Donna Redd, and their children Ann, Scott, and Adam, without whose support such service would not have been possible.

ANNIVERSARY OF MARSHALL UNIVERSITY PLANE CRASH

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. RAHALL. Madam Speaker, for each of us, there are a handful of moments in life that stay with us forever, moments that years later we can still recall with clarity and conviction. Moments that shook our core and move our hearts still. For the people of Huntington, West Virginia, a rainy evening in 1970 is one of those moments.

On November 14th, 1970 the Marshall University football team, coaches and supporters were returning home from their game against East Carolina University when their plane crashed into a hill just short of the Tri-State Airport. All 75 people on board were killed. In an instant the lives of everyone at Marshall and within the community of Huntington were changed.

Every November 14th, the Marshall University Student Government Association hosts a memorial ceremony to honor the victims of the crash by laying a wreath at the base of the Memorial Fountain in the center of Marshall's campus. This year marks the 37th anniversary of the plane crash. This annual ceremony draws together the families of those who died that night, as well as members of the community, the school and the football team, who attend the memorial service every year. At the end of each ceremony, the fountain is turned off until spring.

The fountain was dedicated in 1972 in front of the Memorial Student Center. The 75 points of the sculpture represent each of the 75 lives lost that rainy night. Sculptor Harry Bertoia hoped that the fountain would "commemorate the living—rather than death—on the waters of life, rising, receding, surging so as to express upward growth, immortality and eternality."

A year ago this December, the movie "We Are Marshall" premiered across the Nation, telling the story of how Marshall University and this community rose from the ashes of tragedy. It told how the Young Thundering Herd found a way to keep the football program together in the fall of 1971 and gave the community of Huntington hope in one of its darkest hours. The team that suited up that year in green and white may not have had a winning season, but by taking the field every Saturday, the players and coaches taught us that it isn't just about winning, that sometimes it's about simply showing up and playing the game.

The foundation laid by the Young Herd in 1971 paved the way for Marshall to become a football powerhouse during the 1990's and beyond. The legacy of the 1970 team lost in the crash and the team that took the field in 1971 is still with us today and is once again being honored with the ceremonial turning off of the Memorial Fountain.

The bronze plaque on the fountain bears this simple, eloquent inscription:

> They shall live on in the hearts of their families and friends forever, and this memorial records their loss to the university and to the community.

We will never forget the loss of those 75 lives on that hillside in 1970. We will continue to honor their memory every time the Thundering Herd takes the field and the stadium fills with the cheers of family and friends. We Are Marshall.

THE HARMONY OF CIVILIZATIONS AND PROSPERITY FOR ALL

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. SHAYS. Madam Speaker, intercultural understanding is a fundamental part of peace in the global system. The understanding of intercultural and international diversities minimizes the outbreak of serious conflicts on a fundamental level. Through teaching tolerance, and through building societies that promote unity, we can work towards creating a peaceful world.

On November 2, 2007, Under-Secretary General of the United Nations, Ambassador

Joseph Verner Reed addressed the Beijing Forum at the Great Hall of the People in Beijing regarding the promotion of building tolerant civilizations. I have submitted the text to be entered into the RECORD.

THE HARMONY OF CIVILIZATIONS AND PROSPERITY FOR ALL

I send warm greetings to all participants in the 2007 Beijing Forum who have come together to study and promote harmony between peoples and civilizations.

In the ten months that I have served as Secretary-General, I have traveled to all corners of the United Nations, from Kinshasa to Kabul, from Brussels to Beirut. Everywhere I have visited, and among all the different people I have met, I have encountered one common sentiment—a universal longing for peace and an aspiration to prosperity.

But, all too often, I have discovered that people who aspire to the same things also suffer from the same prejudices. They all fear that which is different from them: the other ethnicity, the other skin colour, the other cultural or linguistic tradition and, above all, the other religion.

And yet, in today's era of global travel and instant satellite transmissions, people everywhere are encountering less of the familiar, and more of "the other". This reality has fed rising intercultural and inter-religious tensions, as well as growing alienation among vast segments of the world population.

Today, there is an urgent need to address this worrying trend. We need to rebuild bridges and engage in a sustained and constructive intercultural dialogue, one that stresses shared values and shared aspirations.

It is time to promote the idea that diversity is a virtue, not a threat. It is time to explain that different religions, belief systems and cultural backgrounds are essential to the richness of the human experience. And it is time to stress that our common humanity is greater—far greater—than our outward differences.

The Beijing Forum is ideally placed to contribute to this process. By bringing together scholars from across the globe, your discussion can become a source of new ideas and innovative approaches to promote understanding and tolerance.

Your exchange can also contribute to the UN's own initiative for an Alliance of Civilizations, which responds to the clear need for action by the international community to bridge divides and promote understanding. The Alliance has identified several priority areas for action, and is developing a strategy to promote better understanding between the world of politics and religion. Meetings such as yours can help guide this important work, and ensure the Alliance's ultimate success.

Together, we must seek to further the basic ideals of all the world's major religions. We must build societies that respect individual beliefs and practices. And we must nurture communities where people of all faiths and nationalities coexist in peace.

In that spirit, let me express my hope that this Forum will help foster harmony and understanding, and thereby advance our wider efforts for a peaceful and prosperous world.

MOURNING THE LOSS OF CONGRESSMAN AUGUSTUS F. HAWKINS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. EMANUEL. Madam Speaker, I rise today to honor the memory of former Representative Augustus F. Hawkins. Congressman Hawkins served in this chamber for 28 years, and I offer my condolences to his family and friends after his passing this past weekend at the age of 100.

Congressman Hawkins was dedicated to public service throughout his life. Beginning in 1935 as a California State Representative, he served the people of Los Angeles for 28 years. In 1962, Augustus Hawkins made a monumental breakthrough in civil rights history, becoming the first African-American elected to Congress from the State of California.

During his tenure in the House of Representatives, Congressman Hawkins continued to lead the way for the American Civil Rights Movement. In 1970, he and several of his colleagues joined together to found the Congressional Black Caucus. Then, in just his second term in Congress, he introduced and sponsored Title VII of the Civil Rights Act of 1964. This ground-breaking legislation created the Equal Employment Opportunity Commission and outlawed discrimination in the workplace based on race.

For over half a century, Congressman Hawkins dedicated his life to our Nation with steadfast dedication, humility, and geniality. In the hearts of the residents of Los Angeles, and anyone who was ever influenced by his presence, Augustus Hawkins' legacy of leadership and courage will remain for years to come. Congressman Hawkins is succeeded by his 2 stepdaughters, Barbara A. Hammond and Brenda L. Stevenson, and a stepson, Michael A. Taylor. I extend my deepest condolences and gratitude to the family of Congressman Hawkins.

IN SUPPORT OF A STRONG AND CAPABLE SUBMARINE FLEET

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. LANGEVIN. Madam Speaker, yesterday President Bush signed into law H.R. 3222, the Defense Appropriations Act for Fiscal Year 2008. The bill contained many important provisions to support our men and women in uniform, their families and our returning veterans. The measure includes a 3.5 percent pay raise for our troops, blocks the President's proposed fee increase for Tricare beneficiaries and provides significant funding for family advocacy programs to help military spouses and children manage the difficulties associated with deployments. We all recognize that our military's strength comes from the people who serve, and this legislation demonstrates our commitment to their health and well-being.

I am also extremely pleased that the Defense Appropriations Act includes an additional $588 million in advance procurement funding for materials that will permit the expedited construction of a second Virginia-class submarine. As co-chair of the Congressional Submarine Caucus, I know the importance of submarines to our national security. Quiet yet powerful, submarines can conduct a variety of surveillance and reconnaissance missions, protect our fleet, project U.S. force onto distant shores and support global strike operations. The ability of submarines to operate independently in unconventional locations makes them one of the most capable components of our fleet. In fact, submarines are in such high demand that the Navy can fulfill only about 60 percent of Regional Combatant Commanders' requests to use them for missions.

The Navy has estimated that we need 48 attack submarines to meet the needs of our military commanders. However, under the Navy's current 30-year shipbuilding plan, they do not expect to increase production to two subs per year until 2012, causing a perilous decline in our future sub fleet—dropping below 48 ships in FY2020–33 and hitting a low of 40 in FY2028 and FY2029. Since I came to Congress nearly 7 years ago, I have consistently advocated an increase in our build rate of Virginia-class submarines to 2 per year so that we have sufficient capabilities to address emerging threats. Unfortunately, the Navy has repeatedly pushed back its two-per-year target date, causing instability in the industrial base. In FY2004, the Navy expected to build 2 subs per year in FY2007. By FY2005, the target had moved to FY2009. That date was delayed again and again, and now stands at FY2012. Meanwhile, our defense industrial base in Southeastern New England has suffered layoffs of submarine designers and engineers, whose specialized skills would be very difficult to reconstitute if lost. Without prompt action, we risk shrinking our sub fleet to dangerously low levels, precisely when nations such as China are expanding and modernizing their navies.

The FY2008 Defense Appropriations Act demonstrates Congress's commitment to addressing this dangerous problem and will enhance our national security. On behalf of the submarine industrial base in Rhode Island, I want to thank Chairman MURTHA and Ranking Member YOUNG for their leadership on this important issue. I would also like to thank my friend and colleague from Connecticut, Mr. COURTNEY, for his tireless advocacy and efforts to achieve this goal, as well as the co-chair of the Submarine Caucus, the gentleman from Virginia, Mr. FORBES, for being such a dedicated partner in this initiative.

I am hopeful that this additional funding will prompt the Navy to adjust its shipbuilding plan to begin construction of a second submarine in next year's budget. I remain committed to that goal, and I look forward to working with the Navy and my colleagues in Congress to build a more robust and capable submarine fleet.

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Ms. SOLIS. Madam Speaker, during rollcall vote No. 1082 on Suspension—H.R. 3315—Naming Emancipation Hall in the Capitol Visitor Center.

I was unavoidably detained. Had I been present, I would have voted "yea."

IN MEMORY OF NAVY CAPTAIN AND P.O.W. COLE BLACK

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. HUNTER. Madam Speaker, I rise today to honor and pay tribute to the life and memory of former Navy Captain Cole Black of Escondido, California. As a career Naval Officer, Cole's contributions to this country are impossible to quantify and the 7 years he spent in captivity during the Vietnam War are an enduring testament to his character and service to America.

Last Friday, Cole was returning to Southern California after speaking to students in Oregon about his experiences as a P.O.W. when mechanical difficulties caused his plane to crash. This tragic and unexpected event came only weeks before his 75th birthday, which Cole would have celebrated on the 28th of November.

In June 1966, when he was only one week away from returning home to his family, Cole's F–8 Crusader was shot down over the skies of North Vietnam. He was captured almost instantly after ejecting from his aircraft and then forced to spend the next 7 years of his life between 4 prison camps, including the infamous Hanoi Hilton.

Conditions in these prisons were intolerable, and the American service personnel who were held in these camps were treated inhumanely and without respect for the rules of war. Like so many others held in captivity by the North Vietnamese, Cole was confined to a 7 by 9 foot cage and fed meals of little to no sustenance—such as boiled greens and rice—only twice a day. He was also part of the Hanoi March, where prisoners were forced to march the streets of Hanoi as part of the Vietnamese propaganda effort, only to be met by people throwing rocks and other objects.

More impressive than Cole's endurance and willingness to survive his captivity was his unique perspective on the 7 years he spent as a P.O.W. After his release in 1973, Cole later said that this time "changed his life for the better" and that he arrived home with a "real zest for life." Upon retiring from active military service in 1986, he attended National University and earned a master's in business and a real estate broker's license.

It was not until 1994 that Cole returned to Vietnam for a vacation with his wife Karen. While there, he visited the location of the Hanoi Hilton just as workers were tearing it down and he took the opportunity to pocket a piece of brick from the walls that once kept him confined for so many years.

Madam Speaker, President Reagan once said, "Freedom is a fragile thing and is never more than a generation away from extinction. It is not ours by inheritance; it must be fought for and defended constantly by each generation, for it comes once to a people. Those who have known freedom, and then lost it, have never known it again."

When President Reagan spoke these words, he was referring directly to Americans like Cole, who were willing to make the ultimate sacrifice for America. Not only did Cole fight to protect freedom as part of the American mission in Vietnam, but he fought tirelessly for his own freedom everyday he was in captivity. His strength and perseverance guaranteed his survival and, although he briefly lost his freedom, he was able to endure his captivity and return to a life far removed from cruelty and oppression.

Madam Speaker, my thoughts and prayers are with Cole's wife Karen and his children, 2 of which are currently serving in our nation's Armed Forces. His contributions and service to America will forever be remembered and I ask that my colleagues join me today in paying tribute to this great American hero.

TRIBUTE TO THE GREATER SOMERSET COUNTY CHAPTER OF THE AMERICAN RED CROSS

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Greater Somerset County Chapter of the American Red Cross! On Thursday, November 15, 2007, this vibrant organization will mark its Ninetieth Anniversary.

The American Red Cross, a humanitarian organization led by volunteers and guided by its Congressional Charter and the fundamental principles of the International Red Cross Movement, provides relief to victims of disasters and help people prevent, prepare for and respond to emergencies.

Jean-Henry Dunant is credited as the original founder of the Red Cross. The International Committee of the Red Cross was formed on February 17, 1863. Operations were well underway overseas when the American Red Cross was first founded nearly twenty years later, on May 21, 1881 by Clara Barton.

The Red Cross has a long history of providing aid in emergencies. Food, shelter, and medical assistance are offered to victims of fires, floods, and other catastrophes. In addition to disaster aid, the Red Cross sponsors blood drives; conducts CPR and first aid training; teaches swimming; provides AIDS education; and serves as a link between service men and women and their families during emergency situations.

By an act of Congress on January 5, 1905, the American Red Cross was granted a charter designating it as a nationwide agency through which the American people voluntarily extend assistance to people in need. The national headquarters, located in Washington, DC, implements policies and procedures that govern Red Cross activities, provides administrative and technical supervision, and offers guidance to its national organization, composed of local chapters and geographical regions.

The Greater Somerset County Chapter, American Red Cross evolved into its current configuration after undergoing numerous transformations and mergers. The Bound Brook Chapter was chartered in April 1917 and a few weeks later, the Somerville Area Chapter also came into being.

In March 1958, Manville was incorporated into the Somerville Area Chapter, and in June 1964, the Somerville and Bound Brook chapters merged to form the Raritan Valley Chapter. In 1994, this chapter reached its current configuration when the Raritan Valley Chapter merged with the Somerset Hills Chapter to become the Greater Somerset County Chapter.

The Greater Somerset County Chapter has historically relied on the utilization of a small staff, 428 volunteers that represent 98 percent of the chapter staffing and private authorized instructors to deliver high quality programs and services to the community. For 90 years, Somerset County has been provided continued access to 24/7 emergency and disaster services, Armed Forces Emergency Services (AFES), blood donation programs, preparedness education, health and safety training and medical transportation services.

Madam Speaker, I am privileged to honor the Greater Somerset County Chapter of the American Red Cross. I urge you and my colleagues to join me in congratulating the members of this valuable, dynamic organization for their ninety years of service! Again, I offer my praise and thanks to their dedicated trustees, administration, support staff, and volunteers who work tirelessly on behalf of those in need.

INTRODUCTION OF THE IDEA FAIRNESS RESTORATION ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to introduce the IDEA Fairness Restoration Act to help parents of students with disabilities ensure that their children have access to the free and appropriate education guaranteed by this Congress in 1975. I thank Mr. SESSIONS, who joins me in offering this bill, for his work on this important issue.

Madam Speaker, when Congress passed the Individuals with Disabilities Education Act, it recognized the vital importance of parent and school cooperation and collaboration in special education. For the most part, this relationship has worked very well. But occasionally, the school system cannot or does not provide an appropriate education. In those rare cases, the Congress recognized that parents should have the ability to challenge the school's decision and advocate for a new Individual Education Plan.

As both school systems and parents build their cases, they bring expert witnesses to assess the student and testify about the quality of the education plan. In 1986, when Congress amended IDEA, it explained in the Conference Report that when parents win their case, a judge could award attorney's fees, including, and I quote, "reasonable expenses and fees of expert witnesses and the reasonable costs of any test or evaluation which is found to be necessary for the preparation of the parent or guardian's case." For years, prevailing parents were awarded expert witness fees, as Congress intended. But unfortunately, while Congress was very clear in its explanation of the bill, it did not include this provision in the legislative language. In 2006, the provision was challenged and the Supreme Court ruled that because Congress did not make its intention explicit in statute, courts could not longer award these fees.

As a result of this decision, parents can be faced with many thousands of dollars of expert witness fees in order to ensure their child gets an appropriate public education. A single expert witness can charge anywhere from $100–$300 per hour. Confronted with these costs, parents are discouraged or outright barred from bringing meritorious cases to secure the rights of their children. Low and middle income families are particularly hard hit.

Today, I introduce a bill to clarify Congress's intent and restore the expert witness fee provisions. It will allow parents to recover the high cost of expert witnesses if, and only if, they win their dispute with the school district. I want to be very clear—this bill does not impose any additional costs on school districts that comply with IDEA. The provisions apply only when a school system has been found, after an impartial hearing, to have wrongfully denied a child an appropriate education as defined in IDEA.

Madam Speaker, every student with a disability is entitled to a free and appropriate education under the law. This bill will level the playing field and help parents be effective advocates for their children's best interests.

THEY CANNOT DO BUSINESS LIKE THIS—PHARMACISTS NEED OUR HELP

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. MORAN of Kansas. Madam Speaker, I rise tonight to call upon Democratic leadership to bring legislation to the floor that will help our independent pharmacies stay in business. The last few years have been difficult for pharmacists across the United States, and many are struggling to keep their doors open due to changes in the Medicare Part D prescription program. In my Kansas district alone, we have lost four pharmacists since this government program went into effect.

Once again, we are asking pharmacists to bear the burden of our cost-cutting measures. The Deficit Reduction Act of 2005 made average manufacturers price, AMP, the new basis for the Medicaid Federal upper limit on multisource, generic prescription drugs. Earlier this year, the Government Accountability Office released a report indicating that this new pricing system would reimburse pharmacists at 36 percent below what it costs them to buy the prescriptions. I ask you, how can we realistically expect anyone to do business like that?

We need to make changes quickly; otherwise, these pharmacies will no longer be around to serve customers. Here are some real life examples of Kansas pharmacists who are going to be negatively affected by this change if we do not act soon.

Many Medicaid patients in Kansas are in treatment for psychiatric conditions. Because of their mental state, they often forget to take their medications. Mike Conlin, a pharmacist in Topeka, has initiated a program in his pharmacy to help his psychiatric patients remember to take their medications by having his staff put the meds in a unit dosage device. This device allows his patients to see at a glance which medications are called for at any particular time of day. Mike stated it will be difficult to offer this individual treatment on a medication that pays him nearly 36 percent less in reimbursement than it actually costs his drugstore.

In other parts of the State, a great number of our community pharmacists double as the local nursing home pharmacist. Jim Hampton, of Atwood, Kansas, is one such pharmacist. The physicians and staff of the local Atwood home, depend on Jim to advise them daily on such issues as drug-to-drug interactions, new drugs and dosage regimens. While Jim finds great satisfaction in providing these medications and advice on their usage, he must reconsider his ability to serve these geriatric and developmentally disabled patients. And his decision is purely a business decision. Jim will be forced to decide whether his business can really afford to remain viable in selling a product for a price far less than he can acquire that product. Average manufacturer pricing is forcing Jim to do just that. And the ramifications of Jim's decision are far reaching.

In Phillipsburg, Kansas, there is a young disabled mother that recently gave birth to a child with a heart condition. She was without her Medicaid card yet urgently needed medication for the newborn infant. In fact, she was without a medical card of any type showing that insurance would pay for the medication. The local pharmacist, Rob Wenzl of Wenzl Drug, provided the infant her lifesaving drug. Rob did this despite the fact the new mom had no proof of coverage. Rob is just one more of many pharmacists in rural Kansas that are being forced to consider letting go of their Medicaid patients. The personalized service that Rob enjoys providing his patients, and that personalized care the patients receive, will potentially be eliminated should average manufacturer pricing as currently written be foisted upon our pharmacists.

Those of us in Congress take our responsibility seriously to stand up for those who are in trouble. I encourage my colleagues to listen to those pharmacists in their districts and encourage Democratic leadership to bring legislation to the floor to fix this problem.

Access to local pharmacies is important to a strong healthcare system and is, therefore, important to each and every one of us.

CONGRATULATING ST. PAUL'S EPISCOPAL SCHOOL VOLLEYBALL TEAM ON WINNING THE 2007 STATE CHAMPIONSHIP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the St. Paul's Episcopal School volleyball team on winning the 2007 5A state championship.

In 1947, William S. Mann founded St. Paul's Episcopal School in Mobile, Alabama. St. Paul's began with a class of 20 kindergartners, and has grown to an enrollment of 1,613 students, making St. Paul's the largest Episcopal school in North America.

Coach Kelli Hillier led the top-ranked and defending 5A champion varsity volleyball team to their second consecutive state championship earlier this month bringing the total number of volleyball state championships to 10. Incredibly, this most recent honor brings the number of St. Paul's state championships won this year to 9. Like Coach Hillier, I am so proud of her players, and I know they worked hard for this great honor.

The St. Paul's statement of philosophy regarding its athletes states, "On the field and off, win or lose, they should be the example of honor, integrity, and respect," and these young women are certainly no exception.

Madam Speaker, I ask my colleagues to join me in congratulating the St. Paul's volleyball team on a great season and state championship. This school deserves public recognition for this great honor, and I extend my congratulations to each member of the team and coaching staff:

ST. PAUL'S 2007 VOLLEYBALL TEAM ROSTER

Names: Katherine White; Grace Copeland; Annie Gonzales; Lenore Lahti; Jennifer Percy; Nancy Taylor; Neal Tisher; Courtenay Martindale; Catherine Rebarchak; Sarah Kitzmann; Johnnie Borries; Robin Jackson.

Coaching Staff: Head Coach Kelli Hillier and Assistant Coaches Jill Campbell and Sharon Mosley.

HONORING HUNTER E. STOLL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Hunter E. Stoll, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 255, and in earning the most prestigious award of Eagle Scout.

Hunter has been very active with his troop, participating in many Scout activities. Over the many years Hunter has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Hunter E. Stoll for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING THE BAYSIDE ACADEMY VOLLEYBALL TEAM ON WINNING THE 2007 STATE CHAMPIONSHIP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the Bayside Academy volleyball team on winning the 2007 2A State Volleyball Championship.

Coach Ann Schilling along with Assistant Coach Brenda Allen led the Bayside Academy varsity volleyball team to the state championship earlier this month, making it the first team in Alabama history to win six consecutive titles. Incredibly, Bayside Academy has won nine of the last 10 state championships in 2A and 16 titles overall.

Founded in 1970 by Baldwin County families, Bayside has an enrollment of 730 students in grades pre-kindergarten through 12 and ranks as one of the state's premier independent schools.

Madam Speaker, I ask my colleagues to join me in congratulating the Bayside Academy Volleyball Team on a great season and state championship. This school deserves public recognition for this great honor, and I extend my congratulations to each member of the team and coaching staff.

BAYSIDE ACADEMY'S 2007 VOLLEYBALL TEAM ROSTER

Names: Maggie Niemeyer; Shelby Builta; Lizzie Williams; Reynolds Pittman; Emily Allen; Taylor Givens; Gigi Eyre; Caroline Todd; Sarah Mosteller; Lauren Reibe; Patricia Sirmon; Savannah Simmons.

Coahing Staff: Head Coach Ann Schilling; Assistant Coach Brenda Allen.

RECOGNITION OF AMERICAN INDIAN AND ALASKA NATIVE HERITAGE MONTH

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. HONDA. Madam Speaker, I rise before you today to acknowledge National American Indian Heritage Month and to call attention to the dire situation that many of our Native American brothers and sisters continue to live in today. In the world's richest nation on earth, many Native American people struggle to obtain the most basic of services made available to the rest of the nation, effectively threatening the health and well-being of future generations. For this reason, I continually support legislation that strengthens the self-determination of Native American people living both on and off Indian reservations.

According to the National Congress of American Indians and the National Indian Health Board, the Native American infant mortality rate is 150 percent greater than that of Caucasian infants, suicide among Native Americans is 2½ times higher than the national average, Native Americans are 2.6 times more likely to be diagnosed with diabetes, and the life expectancy rate for Native Americans is 5 years less than the rest of the U.S. population. There is an urgent need for sufficient and effective healthcare for Native American people and yet the President has proposed zeroing out Urban Indian Health Programs and reducing funding to Indian Health Facilities by $25 million. In addition, inadequate legal services and weakening education support continue to hinder Native American people from achieving self-sufficiency and upward mobility.

As a new Appropriations Committee member, I am committed to strengthening the funding sources for Native American programs, specifically those programs in the areas of healthcare, education, and the justice system. I have fought for the full funding for the Community Health Partnership of Santa Clara County's Healthy Women, Healthy Choices project, which aims to increase health status of medically underserved mid-life women by providing comprehensive health education and promoting adoption of healthier behaviors through community workshops and provider trainings. I have also fought to continue the funding for the Bureau of Indian Affairs' Urban Indian Health Program, which works to eradicate the mental health, substance abuse, and chronic disease disparities plaguing urban Indian people. These valuable programs provide the holistic and culturally sensitive care needed to effectively support this very vulnerable population.

In addition, I have cosponsored numerous health care bills developed specifically to address the needs of Native American people including the Indian Health Care Improvement Act Amendments of 2007. Introduced by Representative FRANK PALLONE, H.R. 1328 seeks to create comprehensive behavioral health, prevention, treatment, and aftercare services for Native American peoples. By passing policies such as these, Congress can help turn around the Native American health care crisis and improve the well-being of future generations.

Since joining the Appropriations committee, I have also argued for the continued funding of the O'Malley Education program. As a former educator, I know and understand the positive influence that a properly funded school system can have on the performance of its students. Authorized in 1934, the Johnson O'Malley Act was passed to ensure that the federal government supports the unique and specialized educational needs of Native American children. Providing funding for basic education-related items such as eyeglasses, school supplies, learning materials, and scholastic testing fees, the O'Malley Education program helps Native American children achieve academic success. The program provides critical supplemental funding not covered by any other Federal, State, or local agency. It is an essential component that is supporting the efforts of the educational school system and improving the educational attainment of Native American children.

Preservation of indigenous languages is another significant challenge impacting Native America and one that Congress can help support. According to the National Indian Education Association (NIEA), Native American languages are being lost at a rate so rapid that by the year 2050 only twenty indigenous languages will remain viable. Allowing the loss of these indigenous languages would not only be devastating to Native American people, but would be a true disservice to the world. For this reason, I have supported legislation such as H. Con. Res. 11, the English Plus Resolution, introduced by Representative JOE SERRANO, which calls on the Federal Government to support and assist Native American groups working to preserve and prevent the extinction of their languages and cultures.

Legal services for Native American people also require continued Congressional attention. To ensure the sustainability of Indian legal services, we must continue to provide the tribal justice system with adequate federal financial support. For this reason, I have proposed appropriations funding for the California Indian Legal Services' Tribal Court Development Project (TCD). Funding the TCD project would strengthen existing tribal courts in California and foster the development of new tribal courts. TCD would improve capacity and resource-building, increase State-wide institution-building and information-sharing, and enhance legal services offered by the California tribal justice system. I have also urged the Appropriations Committee to fund the National Congress of American Indians and the California Indian Legal Services' Alcohol and Substance Abuse Demonstration Projects, the Tribal Courts Assistance Program, and the Tribal Prison Construction Program. Together, these initiatives work to strengthen State and local law enforcement efforts and provide much needed funding directed at improving resources, services, and infrastructure available in the tribal justice system.

In addition to bringing these issues to light, I have also cosponsored H.J. Res. 3, introduced by Representative Jo Ann Davis, which calls on the Federal Government to recognize and apologize for the ill-conceived policies it has implemented against Native American peoples throughout our Nation's history, and H.R. 3585, introduced by Representative JOE BACA, which formally honors the achievements and contributions of Native American people, calls for the development of a model educational curriculum, which recognizes such achievements, and encourages the American people to celebrate National American Indian Heritage Day.

As we embark on the 2007 National American Indian Heritage Month, I am hopeful that my colleagues and I will have the opportunity to pass the proposed legislation and confirm Congress' commitment to support Native American peoples and uphold Native American cultures and languages.

HONORING JULIAN GIBSON-CORNELL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Julian Gibson-Cornell, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 75, and in earning the most prestigious award of Eagle Scout.

Julian has been very active with his troop, participating in many Scout activities. Over the many years Julian has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Julian Gibson-Cornell for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

LETTER TO THE EDITOR AS OFFERED BY LINDA DICKENS OF GRAND BAY, AL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. BONNER. Madam Speaker, last week one of my constituents, Linda Dickens, submitted a letter to Mobile's Press-Register offering a heartfelt tribute to her father, P.H. Murray.

As we pause this week to salute the men and women who have served in America's Armed Forces and honor the courage and sacrifice of those who continue to serve today, I found her letter especially poignant.

Today, Madam Speaker, I rise to ask that this op-ed piece be entered into the CONGRESSIONAL RECORD in its entirety, for I found Ms. Dickens' letter an appropriate way to say thank you to the men and women who have done so much to protect this nation:

SALUTE TO A SPECIAL VETERAN

Veterans Day will not be the same this year because my special World War II veteran will not be here with me to celebrate. He was my father, P.H. Murray, who passed away Sept. 30, one day after his 84th birthday.

He was a great American hero to our family. His American flag is still flying outside his home, as it did every day he lived. He went off to war as a boy at the age of 18 and came back a man. He brought back memories, good and bad, that would last a lifetime.

He was proud to have served under Gen. George Patton in the Battle of the Bulge.

He was quite a joker when he was young, and when he was awakened in the middle of the night to see his commanding officer, the first time he thought, "What have I done?" It was a good thing, because the officer had learned Daddy had been a burner at the shipyard before the war, and they needed men to help burn plows to put on the front of the tanks so they could go over the hedge rows, which made the tanks turn over and easy targets for Germans to shoot. This made him very proud that he had done something special for his country.

For years as a child I never understood how Daddy could squat on the floor for hours at a time without moving. It was because for 19 months he didn't see a chair or a bed.

He never talked to us much when we were little. If only I had known the nightmares my mom hid from us that he was having about the war. He had so many memories bottled up in him.

He was a great father and provider and was always there for us five kids. He taught us to work hard, prepare for the future and always value what the men of WWII had done for our great country. He was proud that he had helped with our freedom and that we were all able to go to college.

He was a very smart man, even though he didn't go to college because of his children. He was a quiet man until the last few years, when he opened up about the war. He began to tell us stories about the war.

Some were funny, and others you could tell took a toll on his heart. This is when I really came to realize what the war had done for us.

I had taken history courses about the war, but they were nothing like the personal stories Daddy told. He said we never learned the real history of the war in a history book. Many young people don't realize what veterans did to keep our country free.

Daddy lost his two childhood friends in the war. One was killed and the other so shell-shocked that he could never come home to live. I remember the trips to see "Mr. Jim" at the Veterans Home in Biloxi. Daddy never forgot about him, even though he felt sad that he was not able to come home to his family.

Daddy taught us love, how important family is and that it doesn't matter what you have, it is what you do with it. Never forget we are free, and never forget the men who fought and the ones who gave their lives so we could be free.

He was proud of his WWII hat, which he wore proudly each day. He was buried with it. It made him feel proud and honored when someone asked him where he served.

I give all the veterans of this great country a "five-star salute," as my father would say when you did something good. Daddy, I give you a "five-star salute" for all you did for me and our country. I will miss you this Veterans Day and all the other days of my life. Thanks for a job well done.

Linda Dickens, Grand Bay.

HONORING DR. J. EUGENE GRIGSBY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. PASTOR. Madam Speaker, I rise today to honor Dr. J. Eugene Grigsby, a talented and multi-faceted artist who has been instrumental in highlighting the importance of combining art with culture and history as a means of expression. As such, he is considered by many as "one of America's leading artistic minds and recognized internationally as an artistic voice for the African American community." It was in keeping with this distinction that he was recently honored by the Congressional Black Caucus Foundation at its Celebration of Leadership for the Visual and Performing Arts.

From his early days as a young art teacher in 1946 at Phoenix's segregated Carver High School, Dr. Grigsby has concentrated on conveying to his students the importance of incorporating their personal being and heritage in their works—a message he continued to demonstrate as he rose to become Professor Emeritus of Art at Arizona State University. As an internationally respected artist himself, who has mastered a number of mediums including oils, acrylics and lithographs, his works are noted for their ability to capture the spirit and dignity of his African and African-American subjects in scenes depicting their daily life.

A pioneer in today's promotion of multi-cultural art, Dr. Grigsby led the way to contemporary art instruction that goes beyond work in the studio by including the study of history and how man has chosen to express himself in differing environments. It is within this context that his celebrated book, Art and Ethnics: Background for Teaching Youth in a Pluralistic Society, has provided educators with valuable insights into art education and will continue to impact the study of art well into the future.

Madam Speaker, I rise today to commend, honor and thank Dr. Grigsby, one of the great American artists, for his continued service and contributions to the world of art and academic communities.

HONORING THE MEMORY OF JOHN EDWARD GRENIER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. BONNER. Madam Speaker, the State of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory. Mr. John Edward Grenier was a devoted family man and one of the most respected political strategists in modern Alabama politics.

Born in New Orleans, Louisiana, in 1930, John Grenier attended Jesuit High School and lettered in track, baseball, and football. He received his undergraduate and law degrees from Tulane University. He entered the United States Marine Corps and rose to the rank of captain. He served with distinction in Korea as a pilot, flying over 100 patrols in squadron VMF 312, known as the Checkerboard Squadron.

After receiving an honorable discharge from the Marine Corps, John Grenier attended New York University and received an LLM degree in taxation. He worked on Wall Street for a brief time before moving to Birmingham, Alabama, to work with Southern Natural Gas Company. He later joined the law firm of Bradley Arant Rose & White, where he became a partner. He then joined the firm formerly known as Lange, Simpson, Robinson & Somerville and was a partner for over 35 years before retiring in 2004.

John Grenier's true passion was politics, a passion that changed the course of Alabama politics. He began his political career as chairman of the Jefferson County Young Republicans. In this capacity, he organized a political rally in Birmingham in 1960 for Richard Nixon.

John Grenier organized the modern day Alabama Republican Party and served as the state chairman in 1962. He joined the Goldwater for President Campaign and organized the delegates to the Republican National Convention in San Francisco. John Grenier was the Southern Regional Director for the campaign when Senator Goldwater swept many of the southern states, including Alabama, in his bid for President.

In 1966, Mr. Grenier was the Republican nominee against Democratic U.S. Senator John Sparkman. Even though he lost that race, John fared better than most previous Republicans in what was then a heavily Democratic state.

In 1986, John served as the campaign manager for Guy Hunt's successful bid to become the first Republican governor of Alabama since Reconstruction. He served as Governor Hunt's chief of staff and later managed Governor Hunt's successful bid for reelection.

Madam Speaker, John Grenier was a political leader, strategist and visionary. He loved life and lived it to the fullest, and his passing marks a tremendous loss for all of Alabama. He will be deeply missed by many, most especially his wife, Stella Kontos Grenier; his son, John Beaulieu Grenier; his daughter-in-law, Joy Grenier; his sister, Rosemary Grenier Rivet; his 4 grandchildren, John Beaulieu Grenier, Jr., Dorothy Monnish Grenier, Evans Barlow Grenier, and Carolyn Youmans Grenier; as well as countless friends he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

HONORING LINK ELEMENTARY SCHOOL

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. ROSKAM. Madam Speaker, I rise today to congratulate Link Elementary School of Elk Grove Village, Illinois, for being named a No Child Left Behind Blue Ribbon School for the 2006–2007 school year. Principal Barbara Schremser, Link faculty, students and parents—you should be very proud of this remarkable accomplishment.

At a time in our Nation's history when the efficacy of our education system is often questioned, it is a great comfort to see a school that truly commits itself to finding ways to teach our children and provide hope for our Nation's future.

The No Child Left Behind Blue Ribbon Schools Award is a distinction given to the public schools throughout the country whose students score within the top 10 percent on state assessments. This year, of the more than 97,000 public schools in the United States, just 287 schools were recognized with this distinct honor.

In the State of Illinois, 19 schools were members of this elite group. The Blue Ribbon School Award recognizes what we all know: the Link faculty and staff are some of the best and brightest in the Nation.

With the motto "to think, to learn, to achieve and to care," Link has shown steady academic progress and achieved exceptionally high test scores. In awarding the 2006–2007 Blue Ribbon School Award, the U.S. Department of Education recognized Link's success in helping students consistently achieve at very high levels, as well as its continued commitment to narrowing the achievement gap.

As we strive to educate our current generation of children and prepare our nation's future leaders, Link Elementary School stands out as a shining example of scholastic and institutional excellence.

I am proud to represent Link Elementary School in the United States Congress and I look forward to their continued achievements.

Madam Speaker and Distinguished Colleagues please join me in congratulating the talented students and dedicated faculty and staff of Link Elementary School for receiving the Blue Ribbon School Award.

PERSONAL EXPLANATION

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. GIFFORDS. Madam Speaker, on November 7, 2007, I missed four votes. Had I been present that evening, I would have voted as follows:

"No" on the Motion to Recommit H.R. 3685, the Employment Non-Discrimination Act (ENDA)—vote No. 1056.

"Yea" on final passage of H.R. 3685, the Employment Non-Discrimination Act (ENDA)—vote No. 1057.

"Yea" on the motion to suspend the rules and pass H. Con. Res. 236, Recognizing the close relationship between the United States and the Republic of San Marino—vote No. 1058

"Yea" on the motion to suspend the rules and pass H. Res. 801: Providing for consideration of the bill (H.R. 3688) to implement the United States-Peru Trade Promotion Agreement—vote No. 1059.

RECOGNIZES THE GERMAN AMERICAN CLUB OF SPRING HILL, FLORIDA ON THEIR 25TH ANNIVERSARY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Ms. GINNEY BROWN-WAITE of Florida. Madam Speaker, the Fifth District of Florida that I represent is made up of people from around the United States and the world. With perfect weather, low taxes and friendly residents, it is one of the fastest growing areas of the country. As you might expect, one of the cultural groups that have flocked to Florida for the last several generations are German Americans, many from my former State of New York. On Sunday, November 18, 2007, the German American Club of Spring Hill, Florida will celebrate its 25th anniversary with a dinner and dance extravaganza.

The club, founded in 1982, was organized by Friedel Rohn, along with Christa and Fritz Neumann. The first social meeting was held at the home of Friedel Rohn in January 1982 with 10 people present. The first "official" meeting was held in June 1982 with 22 members present. Today there are nearly 300 members and the club is still growing strong.

The first officers installed were Friedel Rohn as president, Margarethe Grabert as vice-president, Norman Armonat as treasurer and Ruth Hughes as secretary. By March of 1983, the membership had increased to 60 members. The club began hosting many functions and socials throughout the year, including its own Oktoberfest. As the years passed, more dances and social events were added to the calendar and the membership continued to increase.

In 1992, when the club celebrated its 10th anniversary, the club had grown to over 170 members. In 2002, the club's 20th anniversary was celebrated with a membership that had increased to over 235. Today the 25th anniversary will feature 285 members, with room to grow for the future. Having attended several of their club functions, I can tell you that German American Club members stayed true to their roots and know how to cook a delicious schnitzel and dance to a great polka tune.

Madam Speaker, over the past 25 years the German American Club of Spring Hill has worked to uphold the German culture, spirit, tradition and heritage. The club's members and officers have made Spring Hill and Hernando County a true home to German Americans from around the world, and are to be commended for their commitment and dedication. With the continued support of their membership and officers, I look forward to help the club celebrate their next 25 years.

INTRODUCING THE AIRPORT SECURITY ENHANCEMENT ACT OF 2007

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. KIRK. Madam Speaker, last week, we learned that more than 30 illegal aliens gained access to the most sensitive areas at O'Hare Airport.

Without valid Social Security numbers, illegal aliens were given official badges to access the tarmac and the airplanes.

This is not the first time. It's happened before at airports around the country.

The Congress must set Federal standards for those who seek access to an airport's most sensitive areas.

You should be a U.S. national or legal permanent resident.

You should possess a valid Social Security number that actually belongs to you.

You should have that Social Security number verified through the E-Verify employer verification system.

And you should get your access badge from the Transportation Security Administration—not some rusty old van in the parking lot.

Today, I am introducing the Airport Security Enhancement Act of 2007 to make these standards the law of the land.

I urge my colleagues to join me in this critical national security effort.

PERSONAL EXPLANATION

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Ms. GIFFORDS. Madam Speaker, on November 8, 2007, I was absent from the House. Had I been present that day, I would have voted as follows:

"Yea" on final passage of H.R. 3688, the United States-Peru Trade Promotion Agreement—vote No. 1060.

"Yea" on agreeing to the Resolution H. Res. 806, Providing for consideration of the conference report to accompany H.R. 3222, making appropriations for the Department of Defense for fiscal year ending September 30, 2008, and for other purposes—vote No. 1063.

"Yea" on agreeing to the Conference Report for H.R. 3222, Making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes—vote No. 1064.

"Yea" on Agreeing to the Resolution H. Res. 802, Providing for consideration of the bill (H.R. 3355) to ensure the availability and affordability of homeowners' insurance coverage for catastrophic events—vote No. 1066.

"Yea" on the Motion to Instruct Conferees regarding H.R. 3074, the Departments of Transportation, and Housing and Urban Development and Related Agencies Appropriations for FY 2008—vote No. 1067.

"Yea" on Representative KLEIN of Florida Amendment No. 17 to H.R. 3355, the Homeowners' Defense Act of 2007—vote No. 1068.

"No" on the following Amendments: Representative ROSKAM's Amendments 6 and 13, Representative MANULLO's Amendment and Mr. SHAYS' Amendment to H.R. 3355, the Homeowners' Defense Act of 2007—votes No. 1069, 1070, 1071, and 1072.

"No" on the Motion to Recommit with Instructions H.R. 3355, the Homeowners' Defense Act of 2007—vote No. 1073.

"Yea" on final passage of H.R. 3355, the Homeowners' Defense Act of 2007—vote No. 1074.

"Yea" on Agreeing to the Senate Amendment to H.R. 3043, Making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for fiscal year ending September 30, 2008, and for other purposes—vote No. 1075.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent Tuesday afternoon, November 13, on very urgent business. Had I been present for the four votes which occurred Tuesday evening:

I would have voted "aye" on H.R. 3315, rollcall vote No. 1082.

I would have voted "aye" on H.R. 1593, rollcall vote No. 1083.

I would have voted "aye" on H.R. 3403, rollcall vote No. 1084.

I would have voted "aye" on H.R. 3461, rollcall vote No. 1085.

PERSONAL EXPLANATION

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Ms. GIFFORDS. Madam Speaker, on November 9, 2007, I was absent from the House. Had I been present that day, I would have voted as follows:

"Yea" on agreeing to the Resolution, H. Res. 809, providing for the consideration of H.R. 3996, Temporary Tax Relief Act—vote No. 1078.

"Yea" on final passage of H.R. 3996, the Temporary Tax Relief Act of 2007—vote No. 1081.

SUPPORTING WORLD DIABETES DAY

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. KIRK. Madam Speaker, today is World Diabetes day.

Diabetes is a serious, chronic disease afflicting over 20 million Americans. As the vice-chair of the Diabetes Caucus, I have had the opportunity to meet many people who must deal with the hardships and stress of living with diabetes 24/7. They have taught me what it means to "go-low" while participating in sports, to wake twice during the night to check blood sugar levels, and suffer from seizures. This is no way for anyone, especially children, to live.

Over the years, advances in medicine and technology have allowed patients to better manage their disease, but more work must be done in order to find a cure.

It is essential that Congress continue to support groundbreaking research at the NIH. We must also fight for federally funded stem-cell research, the greatest potential for finding a cure.

In honor of World Diabetes Day, I urge my colleagues to join me in the effort to help the millions who suffer from diabetes.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 15, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 12

10 a.m.

Rules and Administration

To hold hearings to examine a recently released Government Accountability Office report, focusing on funding challenges and facilities maintenance at the Smithsonian Institution.

SR–301

SENATE—*Thursday, November 15, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable KEN SALAZAR, a Senator from the State of Colorado.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, at a time when people expect much from their leaders, give these public servants the wisdom to do the work of legislation, administration, and justice for the common good. When criticism comes from those who expect miracles and look for weakness, give to the Members of the Senate, their families, and staffs the grace of patience and love. Help them to be compassionate and forgiving toward the critics who would tear down and destroy. Give them courage to live above hostility and to be faithful to their tasks when circumstances are discouraging and negative. Lord, brace them in Your strength against the enervating effects of frustration and futility as You infuse them with confidence in Your providential power. Bless them, Lord, with love, laughter, and life. We offer this prayer in the spirit of Him who came to set us free. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KEN SALAZAR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 15, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KEN SALAZAR, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SALAZAR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

VETERANS SPENDING

Mr. McCONNELL. Mr. President, if the majority leader is not coming out, I will use a little of my leader time.

Americans were shocked earlier this year to learn about the conditions at Walter Reed Medical Center, and Members of Congress were right to seize the moment by pledging to veterans they would do everything they could to give them what they need. As Speaker PELOSI put it, in the military, we always say: In battle, we will never leave a soldier in the battlefield; and we say when they come home, we will not abandon them, so we should have the best possible opportunities for them when they do come home.

The veterans spending bill gave Speaker PELOSI and the rest of the Democrats in Congress an opportunity to make good on that pledge. So far, that opportunity has been squandered. The veterans bill was ready more than 2 months ago. It had overwhelming bipartisan support in both Chambers. The House version passed in June by a vote of 409 to 2, the Senate version passed in September by a vote of 92 to 1, and the President has been ready to sign it for weeks. What is the holdup? Democrats must have decided somehow it works to their advantage to hold onto this bill for political leverage. We know this because they attached it to a bill the President said he would reject, and which he did reject, and now it is back on the shelf and veterans are still waiting. Americans need to know what is going on. The majority is holding onto this bill which contains money for critical new programs for veterans returning from battle.

There is still time to change course and we must. So I call on the majority to end this game. The fiscal year has come and gone without acting on this bill. Veterans Day passed without enacting the bill. Now is the time to take it off the shelf, blow the dust off, and get it to the President's desk for his signature before the Thanksgiving recess.

The majority's strategy on this bill is meant to put pressure on President Bush, but all it is doing is putting pressure on our already strained VA and delaying critical help to veterans and their families. Troops are finally coming home from Iraq. They deserve better than this when they get here, remove their uniforms, and return to our communities.

At this moment, 2 very good and worthy goals stand before us: Funding our veterans and getting funding for our troops in harm's way. We promised them we would do this with both the Gregg and Murray amendments earlier this year. We can achieve it before the recess. Republicans are ready. I would call on the Democrats to join us in achieving these good things before the recess.

HONORING OUR ARMED FORCES

SERGEANT MATTHEW L. DECKARD

Mr. McCONNELL. Mr. President, I rise today because a son of Kentucky has fallen. I am speaking of SGT Matthew L. Deckard of Elizabethtown, KY. He was 29 years old.

On September 16, 2005, Sergeant Deckard was driving an M1A1 Abrams tank during patrol operations in Baghdad when an improvised explosive device set by terrorists detonated near another tank in his patrol, killing two soldiers and wounding two others.

Sergeant Deckard heroically left the shelter—left the shelter—of his M1A1 Abrams to help tend to his fallen and wounded comrades. Shortly after returning to his own tank, a second device exploded, this time tragically taking Sergeant Deckard's life.

For his courage and bravery as a soldier, Sergeant Deckard received numerous medals and awards, including the Bronze Star Medal and two Purple Hearts. His family saw him laid to rest in Harlan, KY, with full military honors.

Sergeant Deckard—Matt to his family and friends—was in that tank because he wanted to be there. More specifically, he wanted to follow in the footsteps of his stepfather, Glenn Gill, a retired U.S. Army staff sergeant and former tanker himself.

Matt was "learning about the M1 tank before he ever went into the Army," Mr. Gill says.

When the M1 Abrams tank was still new in the early 1980s, Mr. Gill would receive the tank's training manuals. Young Matt often borrowed them to read. He borrowed them so often that when Mr. Gill couldn't find one of his manuals, he knew right where to look.

Matt grew up in Elizabethtown, and he also spent several years of his childhood at Fort Knox, KY, where his stepfather was stationed. A "normal country boy," as his stepfather describes him, he grew up hunting, fishing and learning to work on cars.

Matt graduated from Elizabethtown High School in 1994, and in December of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

that year married his high school sweetheart, Angela. Then in January 1995, Matt fulfilled his lifelong goal and joined the U.S. Army.

Matt took his training at Fort Knox, did a tour of duty in South Korea, and was assigned to the 4th Battalion, 64th Armor Regiment, 4th Brigade Combat Team, 3rd Infantry Division at Fort Stewart, GA.

Matt and Angela were blessed with three children, and Matt's family was the pride of his life. Daughter Makayla was his "princess," elder son Matthew Noah his "little man," and younger son Austin the baby of the family. Matt loved to take his kids fishing or to the beach.

Family came first whenever Matt had time away from work. "We had date nights, just me and him," says his wife, Angela. "We had movie nights with the kids. When he came home for R&R, or just any time he came home from work, he would just jump for joy that they were right there with him. It made his night, every night."

Matt was deployed to Iraq twice. The first time, he was originally sent to Kuwait in November 2002, later moving into Iraq and staying there until August 2003. He was among the first American troops to enter Baghdad in the liberation of that country from dictatorship in 2003.

Matt's second Iraq deployment began in January 2005. An experienced soldier with 10 years of service, he spent his time where he had always wanted to—around tanks. He served as a driver, gunner, and loader.

"Matt was in the Army as a career soldier and to make a better life for his family," Mr. Gill says. "Definitely, he loved it. . . . That was his ambition."

The family he left behind is in my thoughts and prayers today as I recount Matt's story. I wish to recognize his wife, Angela, his mother and stepfather, Cassie and Glenn Gill, his daughter, Makayla, his sons, Matthew Noah and Austin, his brother, Michael Deckard, his sister, Michelle Best, and other beloved family members and friends.

Today, in the Elizabethtown Memorial Gardens cemetery in Elizabethtown, KY, there is a monument to Sergeant Deckard. His family designed it, had it built, and with help from friends, paid for it to be erected in tribute to their lost husband, son, brother, and father.

Matt's family held a dedication ceremony for this monument on February 3 of this year. A color guard team from Fort Knox raised the flags, and the local American Legion post performed the wreath-laying ceremony.

Flying underneath the American flag, Matt's stepfather, Glenn, has raised the Armed Forces Memorial Tribute flag, so we will never forget the brave men and women in uniform who have given their lives for this Nation.

On the monument, Matt's face is boldly etched into a slab of black granite. Next to that perches a bronze eagle. Underneath the eagle are the words, "Freedom is not free."

The loss of Sergeant Deckard proves that true. His family and friends all have paid a very heavy price.

Nothing we can say here today can ease their terrible loss. But we can remind them that Matt lived to fulfill—in the words of his stepfather, whose career path he followed—his life's ambition.

And we can reassure them that America will forever honor and remember SGT Matthew L. Deckard's sacrifice.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the Senator from Wisconsin, Mr. FEINGOLD, recognized first for 15 minutes and with Republicans controlling the next 30 minutes, and the majority controlling the final 15 minutes.

The Senator from Wisconsin.

IRAQ

Mr. FEINGOLD. Mr. President, I ask the Chair to notify me when I have 1 minute left on my time, and I thank the Chair; and I, of course, join the Republican leader in paying tribute to all the members of our Armed Forces, those who continue to serve, those who have completed their service, and particularly those whom we have lost and their families.

But the Senate still needs to address Iraq. The American people voted a year ago to end the war and we haven't followed through. We need to address this issue and to end this misguided war now, before more Americans are injured and killed.

The bridge fund passed yesterday by the House isn't good enough. The goal for redeployment doesn't cut it. We need a binding deadline, which means we need to pass the Feingold-Reid bill.

Despite recent reports of a downturn in violence in Iraq, violence remains at unacceptable levels. 2007 has already been declared the bloodiest year since the war in Iraq started, and that is with almost 2 months still to go. Those counts don't bring in the number of Iraqis killed. On a relatively quiet day earlier this week, with no reported coalition tragedies, at least 33 Iraqis were killed and an equal number wounded in violence around the country. We can't say violence is down when violence around the country remains so high, when so many Americans are being killed and when so many Iraqis are afraid to walk the streets.

The underlying reality is we are working with both sides of the Iraqi civil war and deepening our dependence on former insurgents and militia-infiltrated security forces.

Meanwhile, the situation in the North and South is precarious at best. Unrest in these areas threatens the security of our supply lines.

The most recent National Intelligence Estimate largely attributed the decline in violence—particularly in Baghdad—to population displacements. Baghdad is now predominantly Shi'ite. While the purpose of the surge was to foster reconciliation, the reality is that the number of Iraqis displaced by the conflict doubled since the start of the surge, adding to millions already pushed out of their homes from 2003 to 2006.

Meanwhile, we have put our troops outside the forward operating bases in more dangerous territory for the purpose of policing the Iraqi civil war. When they are out in those joint security stations, they have to spend half their time watching their backs because our "allies" are former Sunni insurgents and Iraqi Security Forces, neither of whom can be trusted.

We continue to supposedly "train" Iraqi Security Forces despite the fact that we finished training over 300,000 of them over a year ago. Of course, we may well be simply contributing to the Iraqi civil war by "training" and arming forces that are infiltrated by militias. We can't even account for the guns we have given them.

The "al Anbar" strategy—signing cease fires I with insurgents who were attacking our guys not too long ago—does not have the support of the Iraqi government. It is a poor substitute for meaningful reconciliation, which supposedly the surge is going to foster. Now the administration is shifting the goal posts and talking about "bottom-up" reconciliation.

We have seen the levels of violence in Iraq shift before—this is nothing new. If my colleagues think the surge is working and violence is down—let's get out while the getting is good. Without meaningful reconciliation, the violence will spike up again, that's for sure. So let's not wait around for that to happen.

Many U.S. troops currently in Iraq are now in their second or third tours of duty. Approximately 95 percent of the Army National Guard's combat battalions and special operations units have been mobilized since 9/11.

Mr. President, 1.4 million Americans have served in Iraq, and over 400,000 have served multiple tours in Iraq and Afghanistan. Nearly 4,000 have been killed in Iraq and over 27,000 have been wounded.

The Army cannot maintain its current pace of operations in Iraq without seriously damaging the military. Young officers are leaving the service at an alarming rate.

Readiness levels for the Army are at lows not seen since Vietnam. Every active Army brigade currently not deployed is unprepared to perform its wartime mission.

More than two-thirds of active duty Army brigades are unready for missions because of manpower and equipment shortages—most of which can be attributed to Iraq.

There are insufficient Reserves to respond to additional conflicts or crises around the world, of which there are, of course, potentially many.

This failure to prioritize correctly has left vital missions unattended. Natural disaster response, U.S. border security, and international efforts to combat al Qaida are all suffering due to the strain on military forces caused by poor strategy and failed leadership in Iraq.

Thousands of our troops have returned home with invisible wounds; such as PTSD and TBI—traumatic brain injury, which will have a long-term impact on veterans and their families. These invisible wounds are not counted in the casualty numbers, but we will be struggling with them for a generation or more.

The cost of the War? America has been in Iraq longer than it was in World War II.

Secretary Rumsfeld said the war would cost less than $50 billion. The administration has now requested over $600 billion for the war.

If we don't change course in Iraq, the cost of the war is likely to balloon to $3.5 trillion.

If we keep a "Korea-like presence" in Iraq, as Secretary Gates has predicted, this means we will have 55,000 troops in Iraq by 2013—a level that remains constant until 2017. And while this drop would certainly be cheaper, it would still mean an additional $690 billion. CBO has estimated that, just paying the interest on the money we have borrowed to pay for the war to date, will cost another $415 billion.

We are currently spending nearly $9 billion a month in Iraq. In 3 months in Iraq, we spend nearly the same amount that we spend on foreign relations and aid worldwide in 1 year.

The fiscal year total spending of the war—$150 billion—is greater than the combination of spending on our national transportation infrastructure, health research, customs and border protection, higher education assistance, environmental protection, Head Start, and the CHIP program. Our national programs are being neglected because of this disastrous war and future generations will bear the brunt of our misguided policy.

The costs are only rising. We spent twice as much this year in Iraq as we did in 2004.

The President continues to mislead the country about al-Qaida and Iraq. Contrary to the President's assertions, Pakistan and Afghanistan, not Iraq, are the key theater in this global conflict. While the administration has focused on Iraq, al-Qaida has reconstituted itself along the Afghanistan-Pakistan border.

The President also presents a false choice between fighting al-Qaida in Iraq and doing nothing. Every single redeployment proposal includes the option of targeted operations against al-Qaida within Iraq. The difference is that the President seems to think that 160,000 or 180,000 troops, sent to Iraq for an entirely different purpose, need to stay.

We cannot ignore the rest of the world to focus solely on Iraq. Al-Qaida is and will continue to be a global terrorist organization with dangerous affiliates around the world. Contrary to what the administration has implied, al-Qaida is not abandoning its efforts to fight us globally so that it can fight us in Iraq. That is absurd.

We need a robust military presence and effective reconstruction program in Afghanistan. We need to build strong partnerships where AQ and its affiliates are operating—across North Africa, in Southeast Asia, and along the border between Afghanistan and Pakistan. And we need to address the root causes of the terrorist threat, not just rely on military power to get the job done.

For example, right now, Iran's strategic position continues to improve and the situation on the Turkish border is explosive. We are bogged down in Iraq and exposed to attack from all sides, and our ability to promote regional stability from a position of strength is undermined.

Maintaining a huge, open-ended presence is igniting tensions in the region, and playing into the hands of the Iranian regime. Iran is able to expand their influence while we take the hits, in terms of casualties and finances. Our open-ended presence in Iraq is a blessing for Iran because it provides them with a buffer and mitigates any potential conflict between those 2 countries. It also removes any incentive for Iran to engage in a constructive manner.

Maintaining a significant U.S. troop presence in Iraq is undermining our ability to deter Iran as it increases its influence in Iraq, becomes bolder in its nuclear aspirations, and continues to support Hezbollah.

The American people want us out of Iraq. The administration's policy is clearly untenable. The American people know that, which is why they voted the way they did in November. More than 60 percent of Americans are in favor of a phased withdrawal. They do not want to pass this problem off to another President, and another Congress. And they sure don't want another American servicemember to die, or lose a limb, while elected representatives put their own political comfort over the wishes of their constituents.

The Feingold-Reid amendment requires the President to safely redeploy U.S. troops from Iraq by June 30, 2008. At that point, funding for military operations in Iraq is terminated, with narrow exceptions for targeted operations against al-Qaida and its affiliates; providing security for U.S. Government personnel and infrastructure; and training Iraqis.

We have narrowed the training exception to prevent training of Iraqi Security Forces—ISF—who took part in sectarian violence or attacks against U.S. troops. The exception also prohibits U.S. troops training Iraqis from being embedded with or taking part in combat operations with the ISF. These changes are intended to address concerns about the performance of the ISF—which has been infiltrated by Shia militias and accused of attacks upon U.S. troops—and to make sure that "training" is not used as a loophole to allow substantial numbers of U.S. troops to remain in Iraq for combat purposes.

The other 2 exceptions are appropriately narrow: The counterterrorism exception applies to operations against al-Qaida and affiliated international terrorist organizations, while force protection applies to protecting U.S. Government personnel and infrastructure.

The time has come for the Senate to seriously engage on this issue. The costs and the tragedy of this war are plainly unacceptable and contrary to the will of the American people.

UNANIMOUS-CONSENT REQUEST—S. 1077

Mr. President, I now ask unanimous consent that S. 1077 be discharged from the Foreign Relations Committee, be placed on the calendar, and at a time to be determined by the majority leader following consultation with the Republican leader, the Senate may proceed to consideration of S. 1077 and it be considered under the following limitations: that the only amendment in order be a Feingold-Reid amendment which is the text of the amendment offered on the DOD authorization measure; that there be a total time limitation of 2 hours of debate on the bill and the amendment, with the time divided and controlled in the usual form, and upon the use of that time the Senate proceed to vote in relation to the amendment; that upon disposition of the amendment, the bill, as amended, if amended, be read a third time and the Senate then proceed to vote on passage of the bill, without further intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BOND. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Wisconsin.

Mr. FEINGOLD. I am, of course, disappointed Republicans have again blocked us from debating and voting on legislation to end the war in Iraq. S. 1077 is the bill I introduced with the majority leader, HARRY REID, and eight other Senators earlier this year to safely redeploy troops from Iraq. The substitute amendment is the amendment we offered to the Defense authorization bill in September. It is, in effect, just a tweaked version of S. 1077. The majority leader joins me in these efforts.

There is simply no good reason to block a vote on this important bill. I assure my colleagues I am not going to go away, and this issue will not go away either, much as they might prefer it. Until Congress brings a halt to the President's open-ended, misguided war in Iraq, we will have debates and votes on this issue again and again and again.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, here we go again. We have had an effort to take another vote on whether we should pull out of Iraq. Apparently, it is based on public opinion polls. Some think it would be popular, and certainly the moveon.org and Code Pink wing of the majority party would be very happy if we could have crammed down a measure to make a substantial change in our policy without even allowing an amendment. It is absolutely unacceptable on its face.

I object not only on behalf of myself and many of my colleagues but for the brave men and women from America who volunteered to go into harm's way for our security and to promote security in the world. Retreat and defeat may be politically popular with some, but this kind of poison pill does great injustice to what our American volunteers have done. From the people on the ground, when we first started considering these retreat-and-defeat measures, I heard a very heartfelt plea: We have made too many contributions and made too many sacrifices to see it all go for naught because of political maneuvering on Capitol Hill. That comes from people who have seen their comrades fall in battle.

This year alone, the Democrats have attempted at least nine times to force the President to change the military strategy and tactics in Iraq, on the misbegotten notion that somehow we, in this comfortable setting of Congress, can make better military, tactical, and strategic decisions than our commanders on the ground. I find that deplorable.

It used to be the tradition of this body, of America, that we supported our troops when they were going in harm's way. Now some are doing everything possible to undermine their efforts. Nine times they have tried to change the policy. After 77 of us voted to send troops into Iraq because we knew it was a dangerous place, we found out—by the Iraq Survey Group—that it was even more dangerous.

Make no mistake, while some in this body may not think Iraq is important, two people whose activities I try to follow fairly closely in intelligence, Osama bin Laden and Ayman al-Zawahiri, his No. 2 man, think Iraq should be the headquarters of their caliphate, the headquarters of their vicious terrorist empire that wants to subjugate the region and threaten the United States.

Now, however, there is a key difference from earlier because we are seeing dramatic improvements in the security situation in Iraq, in particular in Al Anbar Province, which a year ago was a deadly place, a deadly place into which American troops could only go under heavy fire.

My son and several thousand marines are coming home because they have succeeded. Yes, there is a strategy for drawing down our troops. The President has announced it. It is called "return on success." We bring the troops back when they have succeeded in their mission.

In Iraq, in Al Anbar, I have heard from people who are imbedded with Iraqi security forces that times have changed. There now are Iraqi citizen groups, citizen watch groups, who look for IEDs, who will identify foreign terrorists—al-Qaida types—who come into the area, and who will point out factories designed to build explosive vehicles. They turn that over to the Iraqi police in the area, and they clean it up. I have heard from a guy on the ground who is responsible for maintaining stability and security from the terrorists that the marines were no longer needed. So they are coming back. This is being replicated in places throughout Iraq.

Have we finished? We have not finished the job. There are still other areas, but it means we are succeeding. Iraqis are going about their normal business. Unfortunately for our fighting men and women and the Iraqi people who put their trust in us to see this mission through, too rarely are their successes being reported. They are ignored, although the New York Times, on the back page, I think, this past weekend, pointed out that we had routed al-Qaida in Iraq. Surprise. That wasn't on the front page, did not make headlines, because it has indicated a major change. Have you heard much about the success of General Petraeus and the counterinsurgency strategy after he testified on Capitol Hill? If you are like most Americans, the answer is you have heard very little, because it has fundamentally changed. While the media has always been quick to report bombings and failures in Iraq, it is simply not providing all of the good news.

They have been remarkably successful in 2007 in reducing violence. Yes, with the surge, with the new strategy, there was violence. But, according to General Odierno, the operational commander of U.S. forces in Iraq, enemy attacks are now at their lowest level since January 2006 and continue to drop. There has been a 60-percent decrease in IED attacks.

The reduction in violence is partly as a result of the presence of additional American forces and their adoption of the sound counterinsurgency strategy—go in and clear an area, work with the Iraqi security forces, and help them build an economy, a neighborhood, a safe place. It is also because the leaders on the ground in Iraq, the Sunni sheiks, have said—they have seen what continued terrorist attacks do to their country, to their people. The most frequent victims are Iraqis, good Muslim Iraqis who are being killed by the terrorists. They want to cooperate with us, and they are building, from the ground up, a stable, reliable, peaceful control over the area with the Iraqi security forces. Yes, some of them fought against us in the past, but they are now on our side because we are on their side and we are helping them. And when they take over, we will move back.

Now, I am fully aware of and concerned about the lack of political reconciliation. But, again, from boots on the ground, I hear: How do you expect them to establish a perfect democracy when this country is still not secure? Our goal in Iraq must be to work with the Iraqis, the Iraqi security forces, and responsible leaders to establish relative peace and security in the area.

What would happen if we withdrew precipitously for a political goal? We learned in an open hearing of the Intelligence Committee in January that if we pull out before we have stabilized this area and left in place Iraqi security forces, there would be chaos, and three bad things would happen: No. 1, there would be greatly increased violence among Sunni and Shia; there would likely be intervention by other states coming into Iraq to protect their coreligionists, potentially a civil war spreading into a region-wide war in a vital security and energy part of the world; but most dangerous for United States, and this is something my colleagues who want to cut and run seem to refuse to acknowledge, is that al-Qaida would be able to establish a safe haven. Yes, they have been driven off to the hills, the mountainous regions somewhere in Afghanistan and Pakistan, but they cannot mobilize and exercise their command and control. If they had a place for command and control, had access to the oil riches of Iraq to fund their deeds, we would be significantly at greater risk to weapons of mass destruction attacks by terrorist groups funded and supported by al-Qaida.

We need to be realistic in defining what reconciliation is. It is a long process. To this day, for example, not all outstanding political tensions have been reconciled in Northern Ireland, in Bosnia, or Kosovo. Yet the civil wars and the terrorist campaigns that once threatened to engulf those areas have ended, and competing factions are pursuing their agendas primarily by peaceful political means.

Our men and women in uniform are fighting in Iraq to bring violence under control, to destroy al-Qaida, to drive out destabilizing Iranian meddling, and to establish a relatively stable and secure structure in Iraq, and they are making progress to those goals.

Getting a perfect democracy—we thought we had a perfect Jeffersonian democracy; then we had to have a Lincolnian republic after the Civil War. We are continuing to see the democracy. While it is the best of all the other bad situations, it is not perfect and does not work in a clear upward path; it takes time. And now we are seeing the questions being worked out at the local level on revenue sharing, oil revenue sharing. But to push a retreat-and-defeat, a delay-and-deny battle for the funds for our troops on the ground is unthinkable. This unanimous consent agreement to which I objected would be the ultimate cut and run: declare defeat, and hope to be rewarded in 2008 at the polls—a very regrettable effort by our colleagues on the other side.

The 2008 Defense appropriations bill recently passed by Congress includes no funding for our current operations in Iraq, Afghanistan, and the global war on terror. For 3 years prior to this, we included emergency funding for the regular Defense appropriations bill to cover the cost of military operations until a full supplemental could be adopted. We are now seeing, coming over from the House, a pittance of what is needed, encapsulated in all kinds of restrictions that tie the hands of the troops on the ground and put unreasonable restrictions on them that are likely to cause much greater danger to American personnel, military and civilian, over there. What we need to provide—and I hope we will be able to put an alternative emergency funding bill on the floor—are funds for force protection initiatives, body armor, helmets, ballistic eye protection, even knee and elbow pads, flares, and armor. The 2008 Defense spending bill did include funding for MRAPs, but why did the Democrats insist on omitting other critical items?

Now that DOD will be forced to continue robbing Peter to pay Paul in order to fund operations, it has a tremendously negative impact, not only on the way we conduct the war but how the Department of Defense operates. Important equipment reset and other procurement programs have to be slowed down. It will impact the availability of equipment, including critical equipment for the National Guard needed to respond to domestic emergencies. Without this funding, the Pentagon is forced to divert money from their regular accounts to fund overseas operations, about $13 billion a month.

I have a letter that has just been sent by Gordon England. He has pointed out what this would mean to the Defense Department. It means, among other things, the Deputy Secretary of Defense said, they will have no choice but to deplete appropriations accounts, and it will result in a profoundly negative impact on the defense civilian working force, depot maintenance, base operations, and training activities, and within a few weeks they will be required by law to issue notices of termination to civilian employees.

In addition, a lack of any funding for the Iraqi security forces and the Afghanistan national security forces directly undermines the ability of the United States to continue training and equipping Iraqi and Afghanistan troops who are needed to take over. This makes absolutely no sense in a time of war. We deny the needed funding that will keep our troops—not only keep the troops in the field but support those who are working to assure that we can turn over the responsibility to them.

This is absolutely the wrong message to send to our deployed troops. We must provide emergency funding without political timetables to win votes at home but undermine our troops.

I ask unanimous consent to have printed in the RECORD a letter from Deputy Secretary of Defense England to House Defense Subcommittee chairman JOHN MURTHA and an article in today's Washington Times called "War Funds Under Attack."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, November 8, 2007.

Hon. JOHN MURTHA,
Chairman, Subcommittee on Defense, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN. I am deeply concerned that the Fiscal Year 2008 Appropriations Conference Report currently under consideration does not provide necessary funding for military operations and will result in having to shut down significant portions of the Defense Department by early next year. Last week, Secretary Gates reiterated the Department's request that Congress pass the Fiscal Year 2008 Defense budget request promptly and in its entirety, including for Global War on Terrorism (GWOT) operations. Lacking complete funding, the Department requested that sufficient funds be provided to continue global operations and to allow equipment reset.

Without this critical funding, the Department will have no choice but to deplete key appropriations accounts by early next year. In particular, the Army's Operation and Maintenance account will be completely exhausted in mid-to-late-January, and the limited general transfer authority available can only provide three additional weeks of relief. This situation will result in a profoundly negative impact on the defense civilian workforce, depot maintenance, base operations, and training activities. Specifically, the Department would have to begin notifications as early as next month to properly carry out the resultant closure of military facilities, furloughing of civilian workers and deferral of contract activity.

In addition, the lack of any funding for the Iraqi Security Forces and the Afghanistan National Security Forces directly undermines the United States' ability to continue training and equipping Iraqi and Afghani security forces, thereby lengthening the time until they can assume full security responsibilities. Further, the conference report provides only $120 million for the Joint Improvised Explosive Device Defeat Organization (JIEDDO), which is a small fraction of what is required to sustain ongoing efforts to protect our forces against this deadly threat.

I urge you to take whatever steps are necessary to promptly pass legislation that properly supports and sustains our troops in the field. The successes they have achieved in recent months will be short lived without appropriate resources to continue their good work. I ask that you provide them complete and unencumbered GWOT funding as soon as possible.

GORDON ENGLAND.

[From the Washington Times, Nov. 15, 2007]

WAR FUNDS UNDER ATTACK

(By S.A. Miller and Sara A. Carter)

The Pentagon yesterday warned that money was already running out for combat operations in Iraq and Afghanistan, as congressional Democrats dismissed recent security gains and threatened to stall emergency war funds.

"The Army is in a particularly precarious situation," Pentagon spokesman Geoff Morrell said. "Absent extraordinary measures, it would run out of money by mid-February—so quick congressional action is needed as quickly as possible."

The Defense Department had to start shuffling funds to cover war costs Tuesday after the president signed the department's $471 billion spending bill that did not include war funds but allowed account transfers, he said.

Nevertheless, House Democrats passed a $50 billion war-spending bill last night with a 218–203 vote that President Bush promises to veto because it mandates a U.S. pullout from Iraq start immediately with a goal of a nearly complete withdrawal by December 2008.

The bill mimics Democrats' previous challenges to Iraq policy and likely will stall emergency funds, which would pay for about three months of warfare while lawmakers debate the rest of the $196.4 billion war-funds request for 2008.

The top Democrats—House Speaker Nancy Pelosi of California and Senate Majority Leader Harry Reid of Nevada—say they will withhold troop funds for at least the rest of the year if Mr. Bush does not accept the pullout timetable.

"There is a growing sense within our caucus that it is time to play hardball," said Rep. Jim McGovern, Massachusetts Democrat and outspoken war critic. "This is George Bush's war. He started it. He's got to finish it."

White House press secretary Dana Perino said Democrats used the pullout bill "for political posturing and to appease radical groups."

"Once again, the Democratic leadership is starting this debate with a flawed strategy, including a withdrawal date for Iraq despite the gains our military has made over the past year, despite having dozens of similar votes in the past that have failed and despite their pledge to support the troops," she said.

"The president put forward this funding request based on the recommendation of our commanders in the field," Mrs. Perino said. "The Democrats believe that these votes will somehow punish the president, but it actually punishes the troops."

House Majority Leader Steny H. Hoyer, Maryland Democrat, said recent progress in Iraq—a sharp decline in U.S. casualties, fewer Iraqi civilian deaths and fewer mortar rocket attacks and "indirect fire" attacks—were temporary improvements from the troop surge this summer.

"What has not happened is what the administration predicted would happen, [that] an environment would be created where political reconciliation would occur," Mr. Hoyer told reporters on Capitol Hill.

"Violence is down. I am happy that violence is down," he said. "What is not up is, this year, we've lost more people than any other year in this war. This year, more refugees were created than any other year in this war."

The PRESIDING OFFICER (Mr. BROWN). The Senator from Oklahoma.

BUSINESS AS USUAL

Mr. COBURN. Mr. President, I wanted to spend a few moments this morning talking about the business as usual in Washington.

As a nearly 60-year-old male baby boomer, I believe we face some of the most serious challenges we have ever faced as a nation, and certainly in my lifetime. The challenges are going to continue to grow unless Congress changes how it works, how it does business, and starts setting priorities. The last election was about change. We heard a lot of great promises, and I think they were well-intentioned. But let's look at what has happened.

After the last election, we were told we would have an earmark moratorium until we had a real reform process that was in place. We do not have a reform process; we have a faint claim for a reform process. Instead, we have seen thousands—the average is 2,000 earmarks per bill. The American people were told that the earmark process would be more transparent. Yet we have seen Congress backtrack on that at every opportunity.

The earmark reform has really been a triumph of "business as usual." The original Senate version of S. 1 required Senators to publicly disclose the following within 48 hours of the committee receiving the information: the earmark recipient, the earmark's purpose, certification that neither they nor their spouse would directly benefit from the earmark. Now, what is in the real language? The real language was secretly changed. It no longer requires public disclosure of who is going to get the earmark or the earmark's purpose. That is the Senate's rules.

You know, there is a foundational principle; that is, you cannot have accountability in anything unless you have transparency. What we have is obfuscation of transparency.

We don't want the American people to see who is going to get an earmark or what its purpose is. Thankfully, we passed the transparency and accountability act that starts this January so the American people are going to see it anyway, except they are going to unfortunately have to see it after the fact.

Yesterday my office learned of another attack against transparency. The just-released conference report for the Transportation-HUD spending bill contains an earmark provision that attempts to prohibit the White House from releasing publicly its budget justifications. When they send up their budget, they send the reasons for why they want that money spent in certain ways. I worked last year to make sure that OMB agreed that the American people were entitled to see the justification for why they would want to spend money in certain areas. The appropriations process doesn't want that to be public. Why should it not be public? Why should we not want to know why the administration wants to spend certain money in certain ways and their reasoning and justification?

There is a reason why this was added. This was added so the authorizing committees won't have the same information the appropriations committees have. We are not supposed to be appropriating anything that isn't authorized, yet we continue to do so. This is a commonsense approach to make transparent to the American public as well as the rest of the Members of this body the justification and reasoning of the administration.

I agree, the broken promises we have seen have contributed to the 11-percent favorability rating of Congress. It isn't a Republican or Democratic issue. No Americans want their leaders to say one thing and then do another. The American people are tired of hearing the same defenses of the earmark favor factor. They didn't work when Republicans were in control, and they will not work today.

Let's talk about that for a minute. The earmark system exists to serve politicians, not local communities. Members earmark funds rather than advocate for grants because they want the political credit for spending money. Earmarks oftentimes are worthwhile, but the system under which they are propagated is not. Earmarks are the gateway drug to overspending, one of the No. 1 issues for which the American people have a problem with Congress. Our problem is, we refuse to make the tough choices families have to make every day, every week within their own budgets. Consequently, we now have this last week surpassed $9 trillion on the debt. We have $79 trillion worth of unfunded liability which is going to cause us to break the chain of heritage of this country. That heritage is one of sacrifice where one generation works hard, makes sacrifices to create at least the same or hopefully better opportunities for those generations to come.

We have heard complaints that it is illegitimate to single out or strike an earmark with an amendment. It is not our money. It is the American people's money. What is scandalous is how few of the special interest projects are ever challenged on the floor. Only one-tenth of 1 percent of the more than 60,000 earmarks passed since 1998 have ever received a vote. Where is the accountability with that? Where is the transparency?

Finally, we hear Senators complain that it is partisan to strike individual earmarks. I can't speak for anyone else, but I have been going after this process for a decade. No one has gone after more Republican earmarks than I. Plus, if you don't like my amendments, I ask the body to offer some of their own. I would appreciate the help. In spite of a lot of grand talk about earmark reform, we haven't seen anyone on the other side of the aisle attempt to strike an individual earmark. Does that mean all these projects are worthwhile? Is there not a single earmark in the 32,000 requests this year that should not be debated on the floor of the Senate?

The conference report on the Transportation-HUD bill includes a number of questionable earmarks, some of which I will try to eliminate when the bill comes through the Senate.

We developed a new rule that one can't earmark in conference. Yet in the new conference report on the Transportation-HUD bill, 18 new earmarks were air dropped, new earmarks violating the rules the Senate just set up. We can't help ourselves. Such earmarks as an international resource center, the Coffeyville Community Enhancement Foundation, Minihaha Park development, buses, upgrades to airports, may be good things to do, but are they good things to do when the projected budget deficit is around $300 billion? Are these the priorities we should have?

I won't spend a whole lot more time on this issue today, but I can tell my colleagues that the American people are fed up with this process, not just the process of earmarking but the lack of accountability and the absolute lack of transparency when it comes to how we make priorities in spending their money, not ours, every year. I think preserving Social Security, fixing Medicare to where it is available for those after the baby boom generation, solving our budget deficit today might be greater priorities. The real balance is between us and our grandchildren, and we lack the courage to make the hard choices now because it impacts our political careers. We have taken our eye off the ball. The ball is what about the future of the country? What about the opportunity for those who follow us? What about the liberty and freedom they are going to have or not have as a consequence of us ducking the hard choices today?

I yield the floor.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I believe we have 4 minutes remaining, if I may inquire of the Chair.

The PRESIDING OFFICER. There is 2 minutes remaining.

Mr. BROWNBACK. I ask unanimous consent to speak for a total of 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. BROWNBACK. Mr. President, I will try to be brief and to the point, if I cannot be eloquent. I want to talk about the Iraq situation.

A number of Senators have spoken about that this morning. They are looking at the progress that is taking place with the surge. I had great question about the surge at the outset. I questioned whether this was the right route to go. Yet I have to say my concerns were proven wrong.

Look at the numbers: U.S. deaths are down more than 50 percent since June. Iraqi deaths are down more than 50 percent since August. Sectarian violence is down dramatically. Areas of Baghdad are opening. October saw the fewest roadside bomb instances since September of 2005. Mortar rocket attacks are at their lowest level since February 2006. Nobody would say it is over, we have won, but they would say these are very positive events that have taken place.

The area we have to emphasize now is the political solution to capture the moment of getting more stability on the ground in Iraq. For some time Senator BIDEN and I have pushed a federalism approach that this body endorsed by 70 votes. Now is the time for us to push much more aggressively on this political solution. We are seeing this already taking hold in the Kurdish region which has had a head start. Under Saddam Hussein, the Kurds were protected by our air power in the north. They have stabilized a government and have been operating basically that region. We now have Anbar stabilizing, the Anbar awakening. But they are not particularly interested in the federalism solution because they don't have oil. So what we have to have take place at the national level in Iraq is an oil law that distributes oil on a per capita basis around the country, not in regions, so federalism roots can take hold—not one Iraq but several regions and not necessarily on a sectarian basis.

Several Iraqis I have met with are saying they believe in federalism. They think it is the route to go. But they say: Don't say we are a Sunni region here or a Shia region there. These are going to be multisect regions so we can get together on a regional basis and not on a division basis around the country. This is a very promising route to go, but we need a political surge to take place in Iraq. We need to put emphasis on a political surge to capitalize on the stabilizing situation that is taking place on the ground.

We need a diplomatic surge. We need to push the Iraqis to get oil laws and debaathification taking place on a national level. We should prioritize local and provincial elections and encourage Iraq to devolve power from Baghdad. We should provide additional humanitarian assistance for those Iraqis who fled sectarian violence and relocated to other areas, or they are coming back. Some people are not coming back to areas because there is no housing left; it got blown up in all the violence that took place. Instead of pretending that nothing has changed, our debate needs to reflect the reality on the ground, that the security situation is much better, that we have a real moment here. The reality is that security has improved. The reality is that centralizing power in Baghdad is not the route to go. Creating federal regions provides a chance for that success to be captured and moved forward.

I question what came out of the Joint Economic Committee on the funding of the war. I am ranking Republican on that committee. That was not a committee report. I believe there are significant problems with how that funding level was arrived at. I don't think that was accurate. I don't think it was a positive way to move forward. Instead, now is the time to say: OK, let's capitalize on the surge. Let's go on a bipartisan basis with Senator BIDEN and myself on federalism. Let's push that to capture this, and then we as America can declare victory—not a Republican victory, not a Bush victory, but we as Americans can say it is now stabilized and we can start to pull our troops back. That is the talk that is penetrating now, and it is the talk we need to have a lot more of.

Iraqi President Talibani endorses federalism as a political solution. The Kurds have announced they will convene a federalism conference. Some Iraqi Shia groups are openly discussing the creation of a region that would be a federalism model. The Sunnis do not particularly want to because they do not have oil, so we have to get that oil devolved.

I think there is a real route forward for us to all be able to say, soon, we are making progress, it is sustainable, and we are handing it off to the Iraqis.

Mr. President, I thank you for your indulgence.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I understand I have time in morning business. Let me claim that time.

The PRESIDING OFFICER. The Senator has 15 minutes.

APPROPRIATIONS BILLS

Mr. DORGAN. Mr. President, I want to talk about several things today. I want to start with this question of why, at the end of the legislative session, there is such intractability in trying to get the appropriations bills done.

It is a paradox to me that President Bush, who has come to this town in the last 7 years, and at the start of his Presidency said, "I want a fiscal policy that moves in a certain direction." He had a sufficient number of votes in the Congress to accommodate that so he said, "Look, it appears in the next 10 years we are going to have very large budget surpluses, so I want put in place very large tax cuts, most of which will go to wealthy Americans." I did not support that, but a number of people in his party did, so it became enacted. I said we ought to be conservative. We ought to worry things might change. Maybe these surpluses won't appear. We do not have them yet. They are only projections.

Well, guess what? The President got his fiscal policy, and those surpluses did not, in fact, appear. We faced a recession, 9/11, a war in Afghanistan, a war in Iraq, and a continuing war against terrorism—all of which has been very costly. We have run up $3 trillion in debt with this President's fiscal policy—$3 trillion. Now, I think it is unusual that at this stage of this session of Congress the President has done two things. He has sent to this Congress a request for $196 billion in emergency funding for the war in Afghanistan and Iraq—mostly for Iraq. He wants $196 billion in emergency funding—none of it paid for. He says: This is my priority. If you do not support it, you do not support the troops. We do not intend to pay for it. It is called an emergency.

At the same time, he has made another request of Congress. He has said: The budget I sent to you is a budget locked in stone, and if you do not meet those numbers, if you are over those numbers on anything, I intend to veto the bills.

Eight to ten appropriations bills he has threatened to veto. We are $22 billion over the President's numbers in his budget for investment here at home. I am talking about the things that improve roads, do the water projects that are necessary, build infrastructure, invest in health, and invest in education. We are $22 billion over the President's budget request.

The President says: I will have none of that. The money we are spending to invest in things here at home, we will not compromise on that. I will veto all of those bills. So I am going to be a fiscally responsible President on $22 billion with respect to investments in this country, and then I demand $196 billion from you in Congress, on an emergency basis. None of it paid for. All of it borrowed in order to prosecute the war.

By the way, that $196 billion is not all to support the troops. A substantial part of it is for contractors. I have been on the floor talking about the greatest waste, fraud, and abuse in the history of this country with contractors in Iraq and Afghanistan. We have been stolen blind by contractors.

One short story: This country says that we will commit to building 144 health clinics in Iraq. So our Government hires a contractor to go build health clinics in Iraq. The money is all gone. Over $200 million of the money is gone, but the health clinics do not exist. Out of over 200 health clinics, there are only 20 in operation.

An Iraqi doctor came to see me and testified at a policy committee hearing. He said: I went to the health minister of Iraq to find out where these health clinics were because I knew the American taxpayer spent the money for them. The contractor got the money to build them, and I wanted to go see these health clinics and tour them to find out what has been done. The Iraqi health minister said: You don't understand. Most of these are imaginary clinics. They have never been built.

Well, the money is gone. The contractor got the money. The American taxpayer got fleeced. The President wants more money, an additional $196 billion. He says: If I don't get it, then you don't support the troops. Then he says: By the way, I don't support the extra $22 billion to invest in health care, to invest in energy, to invest in water projects, to invest in roads, or to invest in this country.

I say to the President, it is time, long past the time, to start taking care of things in this country. I have a list on my desk of water projects that we are doing in Iraq costing hundreds and hundreds of millions of dollars. I have the specific names of the water projects which we are building in Iraq. The President also says he wants over a half a billion dollars less in funding than the Congress is recommending for the Corps of Engineers to build water projects in this country. This is funding to repair dams, to do dredging, and to do the things we need to do to fix water projects in this country.

Why such a reluctance to invest here at home? I do not understand it. But why the contradiction? The President wants to spend $196 billion—without paying for any of it—and then crow to the east that somehow he is a fiscal conservative because he is opposed to $22 billion spent here at home.

Now in the next several weeks, we are going to have to reconcile this, and I hope, in one way or another, this President will be able to try to find out what his true identity is. It certainly is not a fiscal conservative. That is talk. Talk is cheap.

Look at what he is asking for: $196 billion to be added to the debt. None of it paid for. All of it borrowed. Then he says that he is opposed to $22 billion to invest here at home.

That is not fiscal conservatism. That is ignoring needs here in this country and spending money in a profligate way, especially on contractors which are fleecing the American people in my judgement. I hope we can reach an agreement on meeting our appropriations needs. That is what we need to do. This place works and this democracy works by agreement and compromise with people of good will.

EXCESSIVE MARKET SPECULATION

Mr. DORGAN. Mr. President, I mention that because I want to talk about two areas of speculation that bother me a lot, both of which relate not to the financial issues of this fiscal policy coming from President Bush, but it relates to the issue of whether you believe Government has a role in proper regulation in certain areas.

The price of a barrel of oil today is trading at $94 a barrel. It has been flirting with $100 a barrel. The price of oil has been going up, up, up in the last year. Well, it is interesting when you take a look at what is happening with oil prices. Take a look at supply and demand factors and ask yourself if the fundamentals with respect to oil supply and demand justify $100 a barrel of oil? The answer is no.

Let me read to you something from a fellow, Fadel Gheit, who works for Oppenheimer & Sons. Here is what the energy analyst for Oppenheimer & Sons said last week. He said:

> There is absolutely no shortage of oil. . . . I'm absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. . . . Oil speculators include "the largest financial institutions in the world." "Call it the world's largest gambling hall. . . . It's open 24/7. . . . Unfortunately, it's totally unregulated. . . . This is like a highway with no cops and no speed limit, and everybody's going 120 miles per hour."

Let me tell you what is happening with the price of oil. This is an oil analyst from Oppenheimer & Sons saying that there is no justification for oil being a dime over $55 a barrel. We have hedge funds in the futures market buying oil. We have investment banks in the futures market. We have investment banks building facilities to store oil. Now, why are investment banks building facilities to store oil? It is because they believe oil will be more valuable in the future. If they buy it and store it, then they will make money in the future.

So instead of a futures market that works with respect to the fundamentals of the supply and demand of oil, we have a carnival of greed in the futures market, in my judgment. We have investment banks hip deep, we have hedge funds hip deep in this, and we have all kinds of things that are going on that are driving up the price of oil.

Who are the victims? The people filling up at the gas pumps have to pay this price that, in my judgment, is unsupported by the fundamentals of supply and demand.

What is the circumstance here? Well, the circumstance, like most things, is we do not have the capability to regulate very effectively.

Let me tell you this story, if I might, about a 32-year-old trader at a giant hedge fund, and I did not mention that hedge funds are in these markets as well, in a very big way. A 32-year-old trader at a hedge fund named Amaranth held sway over the price the country paid for natural gas a year or so ago. Let me tell you what he did. He helped lead to the collapse of an $8 billion hedge fund named Amaranth. This comes from the Washington Post:

> His positions were so big that he could cause the price to move in the way he wanted by buying or selling massive amounts of his holdings in the last 30 minutes of trading on NYMEX, a move known as "smashing the close," federal regulators say.
>
> At one point, in the summer of 2006, Mr. Hunter, the 32-year-old trader, controlled up to 70 percent of the natural gas commodities on the New York Mercantile Exchange (NYMEX) that were scheduled to supply companies and homes in November of last year and more than 40 percent of contracts for the entire winter season.

Now, this relates to the question of a piece of legislation that is entitled "Close the Enron Loophole" Act that Senator LEVIN and I have introduced. The fact is, in these energy futures, some of them are on regulated exchanges, but many of them are not. The Commodity Futures Trading Commission does not have the capability to see exactly what is happening in these futures contracts and in these over-the-counter or unrelated areas. We need, in my judgment, to pass legislation to try to stop this rampant speculation of unregulated trading.

There needs to be a futures market. A futures market is very important to provide liquidity. But when a futures market becomes a gambling hall, and you start with investment banks and hedge funds, and all of these activities that have very little to do with the fundamentals of supply and demand, then there are very serious problems that must be addressed.

Now, it could likely be the case that the price of oil will come down in a precipitous way as well. It does not seem that way at the moment. But it could because, clearly, this is a speculative bubble. In my judgment, the price is not justified by the fundamentals of supply and demand. Are we going to have a tightening of supplies in the future? Yes, I understand that. The Chinese want to drive 100 million more cars on their roads in the next 15 years. They are going to build these roads, they are going to drive on them. Is that going to increase demand? Sure it is.

Russia wants to capture more oil. I am told they would love to find ways to impede the opportunity of oil and energy supplies coming from the Caspian Sea to the West. Does that potentially impact the price of oil? Sure it does.

But the fact is this: At least at the moment, with the price of oil on the futures market, we have a situation in which the trading, in many cases, is completely unregulated and not transparent. We need to change that. There needs to be some regulation. This administration does not believe that. They have never believed in regulation. We understand what happened with respect to the crash of Enron and the bilking of tens of billions of dollars from consumers on the West Coast. Enron, in many ways, was a criminal enterprise, and there are people now in jail as a result of it. The regulators sat on their hands, dead from the neck up, believing: No, no, no, no, this is the market working. It was not the market working. It was criminal activity, and people were hurt, a lot of them.

With respect to the oil futures market, there needs to be effective regulation. I am not alleging illegal activity here. I am saying, however, it is not healthy to have an amount of speculation in that market that is far beyond anything that would be reasonable, given the supply and demand of oil.

I have one additional topic I want to cover, but the majority leader is on the floor. I would be happy to yield to him.

HOME MORTGAGES

Mr. DORGAN. Mr. President, let me continue to talk about one other area of speculation because speculation with respect to the futures market in oil is causing significant problems. Speculation with respect to mortgage lending in the subprime mortgage scandal has been unbelievable as well, and it is causing havoc, as we know. People are getting fired; companies are declaring billions of dollars of losses; and the American people are injured as a result of it. The economy will not grow as fast as a result of it. Let me describe to you what I have learned about this issue. It is stunning because I did not know it. You get up in the morning, brush your teeth, shave, and watch television where you see these ads on television. I never thought much about them. I always thought they were a little goofy. They say: Do you have bad credit? Have you filed for bankruptcy? You can't pay your bills? You have bad marks on your credit rating? Come see us. We will give you some credit.

We have all seen those adds. You think to yourself: Well, how can that work? The fact is, it does not work and cannot work. So what used to be a sleepy little industry getting home loans became something like a Roman candle with powder and a lot of flash. All of a sudden these companies became very fancy companies. I will mention one, Countrywide, the largest home mortgage lender. Here is what I have discovered as I began to look at what they did. They said: You know something. We will give you a deal on a home mortgage. You have a broker selling you a home mortgage getting big fees. We will give you a deal on a home mortgage, an adjustable rate mortgage (ARM). By the way, we have a mortgage, an ARM, in which you don't have to pay any principal and interest only, and you can pay the principal later. We have a better mortgage than that. We have one in which you don't have to pay any principal, and you pay the interest later or principal later. You don't even have to pay the full interest at this point. We can add the interest you are not paying and the principal later to the loan or loans with a 2-percent interest rate.

So they disclose a monthly payment and people say: Man, that is something. That is a low house payment. They don't understand, of course, in 2 or 3 years it is going to reset, and it will reset at triple or quadruple the rate. In many cases, they didn't even quote the escrow they were going to be required to pay. So all of a sudden in 2 or 3 years the interest rate is going to reset, and they don't have a ghost of a chance of paying the mortgage.

This is all about greed, by the way—big brokers, big companies, mortgage companies that are fundamentally unsound. It reminds me of the days when they used to put sawdust in sausages, sawdust for fillers. People found out about it, and they were aghast.

Here is what they did with these mortgages. They are out there selling bad mortgages, interest only and even less than interest only, subprime, selling mortgages to people who aren't going to have a ghost of a chance of making the payments. They are out there selling mortgages—not just Countrywide but others as well—which are advertising: Come to us if you have bad credit. We want to help you. We want to give you a loan. They sell these mortgages, and then they package them up, similar to a piece of sausage. They put subprime loans, bad loans in with securities. They package them up, and they sell them. Pretty soon a hedge fund, an investment bank, or somebody else buys them, and now they have a piece of sausage with sawdust that is called a security, which includes bad home mortgages. They don't even know it. Then, all of a sudden, it goes belly up because people can't pay their mortgages.

Now, I am thinking to myself, where has common sense gone? What has happened to basic common sense? Those brokers are selling the loans and making big commissions. Those companies were writing the loans making big money and putting in prepayment penalties so they can lock people into bad loans. Those people, the investors who are buying the loans, and, yes, in some cases, those who were taking out the loans because they should have known better, where has common sense gone? It is rampant speculation.

One more point. It relates to what I talked about with respect to oil futures, and it is the total lack of regulatory oversight. Don't look. Don't worry. It will all be fine. Well, it is not fine. These kinds of activities have an unbelievably tough effect on this country's economy and on people. Millions of people will lose their homes. We have a lot of work to do, but I wished to make this point: There is a need to have effective regulatory oversight. This administration has never believed in it. We saw the consequences of it with the Enron Corporation. We now see the consequences with respect to oil and natural gas futures trading and its impact on the price of oil and natural gas. We see the consequences of it with respect to what has happened with subprime lending. If this doesn't convince this administration and future administrations that you have to have effective regulation, then I don't know what does. Companies need someone looking over their shoulders to make sure we don't have this carnival of greed take over. You have to have effective regulation. Working in this Congress, many of us are trying to put this back together to see if we can't get back to some sound common sense, some business sense, in terms of working in these areas.

I wanted to at least start today by talking about the contradiction of what the President is asking of us and what the President is demanding of the Congress in a way that is completely contradictory to sound fiscal policy. I further wanted to talk about a couple of areas of speculation that both relate to lack of oversight. We need to fix these. We can do it, but we need to fix it and soon.

I appreciate the patience of the majority leader.

I yield the floor.

Mr. REID. Mr. President, has morning business expired?

The PRESIDING OFFICER. Yes, it has.

Mr. REID. Mr. President, before my friend from North Dakota leaves the floor, I would like to direct a couple of comments through the Chair to my friend. First of all, I appreciate the statement made relating to energy. Everything you say has to be overlaid with the fact that we have the most oil friendly administration in the history of our country. Both President Bush and Vice President CHENEY made their fortunes in oil.

I would direct a question to my friend. It certainly appears our administration has lived up to being the most oil-friendly administration. Would my colleague agree with that?

Mr. DORGAN. Mr. President, it has. There is no question we need oil. We use a lot of oil, but we need to have an energy policy that is a balanced policy, and my colleague, the majority leader, is working with all of us on an energy bill that we hope we can get by the end of this session that is balanced. It must include renewable energy. We will also use fossil fuels, as well as need more conservation and efficiency. Further, we must make our vehicle fleet much more efficient. For the first time in 27 years, I believe, the majority steered through this Senate an energy bill that got 65 votes, including for reformed CAFE standards which will make our vehicle fleet more efficient.

So we have a lot to do on energy, but we have made some significant progress. I hope we can get that bill by the end of the year.

Mr. REID. Mr. President, I would also say to my friend, I appreciate the statement on where we stand with these subprime loans. The financial community is crying out for help. Foreclosures help no one. The person who has the home loses. The entity that holds the loan loses significantly. It is usually about 30 to 35 percent of the value of the home, on average, is gone. The entity where the home is located, a county or a city, loses money because that home becomes—any foreclosure takes time. You usually have to board up the windows. It loses value, it loses tax dollars. Something has to be done by the Federal Government. What is being done by the Federal Government in its limited fashion is hurting.

Around this country, one of the things that helps people who are in foreclosure is to have a counselor sit down and talk to them about alternatives they have. People are so frightened, and we have learned that people who get foreclosure notices don't know what to do with them and usually don't even respond to them, either by mail or on the telephone. What this administration has done for these counselors—which, by the way, are nonprofit entities—they have cut back their funding by three-quarters. At a time when people need help, they cut back funding.

We know President Bush doesn't like Government. He doesn't like Government. He has proven that from the time he ran for Congress in the 1970s and said Social Security should be privatized, and he has lived up to that. He doesn't like anything to do with Government. He is a person who is anti-Government.

There is a time for Government. Adam Smith, in his great book "The Wealth of Nations," in 1776, said there is a place for Government. If he were writing that book today, he would talk about the need for Government throughout America in many different ways. One thing we need to do is do something with FHA, with Fannie and Freddie, which are organizations we set up in Congress to help people buy homes.

I would say to my friend in the form of a question: Does my colleague think the Federal Government should be more active in what is going on than ignoring the problem?

Mr. DORGAN. Mr. President, the majority leader is absolutely right. We have a role to play. The first and most important aspect is to help those who have been victimized by this unbelievable speculation and greed, and the second is to make sure it doesn't happen again. That requires effective regulation. So the response to this subprime loan issue cannot be no response or just to look the other way. It has to be to address those things.

One of the points the majority leader has made is the need to rework some of these mortgages. The interesting thing is that, in the old days when you got a mortgage, you knew where you got it, and you knew who had it. If you had trouble, you went and worked it out with your lender. Nowadays, they have already sold that mortgage, so it makes it much more difficult. They have sold it, wrapped it into a security someplace, and sold it two or three times. Borrowers go to the place where they got the mortgage, but the company says we don't have the mortgage.

So we have a lot to do. I appreciate the words of the majority leader. We have to help a lot of people try to get through this. We need to help our country's economy get through this and make sure it doesn't happen again.

Mr. REID. Mr. President, one final thing before my friend leaves the floor. There is no one more involved in farm policy any more than the Senator from North Dakota. North Dakota is an agricultural State. Tomorrow morning we are going to have a vote on cloture on the farm bill. We are going to have a cloture vote. It is a very important vote. The question is, Are the Republicans going to kill the farm bill?

For people who say: Well, gee whiz, we have had no opportunity to offer amendments—cloture on the farm bill does not stop amending the farm bill. Relevant amendments can be offered on the farm bill. We have 30 hours to do that. I, of course, would allow those amendments to go forward. There would be no way to say: Well, we are only going to vote on this one. If there are germane amendments subject to the rule, they can be offered and they can do it postcloture. So I hope all my Republican friends understand this farm bill is important. People at home are going to be watching how we vote on this farm bill because it is a very important vote. Are we going to continue working on the farm bill or let it go? It appears to me the response from the Republicans is let it go. Maybe we will be able to do it some other time.

But I ask my friend: It is true, is it not, that this is an important vote and there will still be amendments allowed even if cloture is invoked?

Mr. DORGAN. Mr. President, the reason a cloture motion was even filed is we have been here a week and a half and have not even been able to move to the first amendment because it has been blocked. Yesterday, Senator HARKIN offered this. He said: Well, how about if we at least start. The way to move on it is to start. He said: How about let's start with a couple of Republican amendments and a couple of Democratic amendments. In every case, there was an objection by the minority side which said no, we can't start.

So I think the majority leader had no choice but to say let's file a cloture motion and try to shut off debate, but that will not shut off amendments that are germane postcloture. After being very discouraged, I really hope those of us who care about a farm program can move forward. Having watched this blocking of the farm bill now for a week and a half, I hope tomorrow morning, when we have this vote, the message that American farmers will get is that this Senate cares enough to decide that, yes, we will go to work, and we will do the farm bill.

I would make one final point to the majority leader. I made the point yesterday. Farmers can't do what the minority in the Senate is doing. When it is time to milk a cow, you have to milk a cow, or the cow gets sore. When it is time to plant, you have to plant, or your crop will not grow. When it is time to harvest, you have to harvest, or the crop will spoil. The farmers don't have the luxury the minority has to say: Well, let's do nothing.

I hope our colleagues will join us tomorrow in voting for cloture. I appreciate the filing of the motion by the majority leader because we didn't have any other choice.

MEASURE PLACED ON THE CALENDAR—H.R. 4156

Mr. REID. Mr. President, I understand that H.R. 4156 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4156) making emergency supplemental appropriations for the Department of Defense for the fiscal year ending 2008, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this measure.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2419, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Pending:

Harkin amendment No. 3500, in the nature of a substitute.

Reid (for Dorgan/Grassley) amendment No. 3508 (to amendment No. 3500), to strengthen payment limitations and direct the savings to increased funding for certain programs.

Reid amendment No. 3509 (to amendment No. 3508), to change the enactment date.

Reid amendment No. 3510 (to the language proposed to be stricken by amendment No. 3500), to change the enactment date.

Reid amendment No. 3511 (to amendment No. 3510), to change the enactment date.

Motion to commit the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions to report back forthwith, with Reid amendment No. 3512.

Reid amendment No. 3512 (to the instructions of the motion to commit to the Committee on Agriculture, Nutrition, and Forestry, with instructions), to change the enactment date.

Reid amendment No. 3513 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 3514 (to amendment No. 3513), to change the enactment date.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, we are back on the farm bill. To refresh memories, we have now been on the farm bill 10 days. This is our tenth day. Not one vote has occurred. We have tried time and again to bring up amendments, and they have been objected to. I will attempt to do that again this morning. I will wait until my ranking member is present. I see that Senator SALAZAR is here to speak on the farm bill.

I wish to make it very clear, tomorrow morning we will have a vote on cloture on the farm bill. I want there to be no mistake in anyone's mind: Tomorrow morning's vote will be a vote on whether we have a farm bill this year. If we get cloture on the farm bill tomorrow, we will have a farm bill this year. We will be able to pass a bill in the Senate, we will go to conference, and we will send it to the President.

If we do not get cloture tomorrow, that is like killing the farm bill. A vote against cloture will be a vote to kill the farm bill. We will run out of time. We will be out of here at Thanksgiving for 2 weeks. When we come back, we have all the appropriations bills to do, we have the Iraq funding bill to work out, and we will only have about 3 weeks before Christmas. Therefore, if we do not get cloture, that is like saying we don't want a farm bill. So I hope everyone understands what the stakes are.

I also hope no one has the mistaken impression that because we invoke cloture, they cannot offer amendments. I got that question from a press person this morning. I had to inform them that, no, if we get cloture, we have 30 hours of debate and people can offer amendments during that 30 hours.

I just spoke with our leader. It would be the prerogative, if we wanted to on the majority side, if we got cloture, to lay down one amendment and take all 30 hours and debate it and block everybody from offering amendments. That has happened around here before, by the way, where we get cloture and then block it and nobody gets to offer any amendments until the end. Then we get into this vote-arama where we have votes on amendments but nobody gets to talk about them. We are not going to do that.

If we get cloture, I will try to reach an agreement with my ranking member, Senator CHAMBLISS, so we can have, say, at least a half hour debate on every amendment and vote. That would give us a shot at having probably pretty close to 20 amendments that could be debated and on which we could vote.

At the end of the 30 hours, of course, any amendments still pending have a right to have a vote. There would be a minute on each side to explain those amendments, and we would vote on them.

I want to make it clear that voting for cloture does not cut off amendments. Yes, it may cut off nongermane amendments dealing with whether we are going to go to the Moon or Mars or whether we are going to do wacky stuff such as that. Yes, it cuts that stuff out. But any amendment that is germane to the farm bill can be offered and will be voted on even after cloture. I want to make that very clear.

If we do not get cloture, that is it; that is the end of the ball game, and I don't know when we can ever come back to the farm bill after that. Certainly not this year.

It is getting late. The crops are in. In most parts of the country, crops are in. And now they are beginning to think about next year. Bankers want to know, farmers need to know what the program is going to be for next year. Will it be this one or will it be what we have come up with in our farm bill and worked out with the House. So it is getting very late, and we need to get this bill done.

I encourage all Senators, we are open for business now. We can take amendments now. We can debate amendments, and we can vote on amendments all day today.

Shortly, I will be asking consent to bring up amendments. I am going to ask consent to bring up Republican amendments that are filed. I have a Lugar amendment. I have a Roberts amendment, an Alexander amendment, a Lott amendment, and I am going to be asking consent to bring up those amendments. If there is no objection, we will bring them up, have a debate, and we can have votes on a lot of amendments this afternoon.

I want to make it very clear again: This side is not holding up the process. We want to vote; we want to debate. Just as yesterday, I wanted to bring up five amendments yesterday and have limited time and vote on them, but it was objected to. I will try that again today. Hopefully, maybe we can make some movement and we can have some votes today on some amendments. I will be doing that shortly.

I see the Senator from Colorado is on the Senate floor. He has been a great member of our Agriculture Committee. No one has worked harder than Senator SALAZAR in getting us to the point where we have a farm bill that came out of our committee without one negative vote.

I say to my friend from Colorado, someone this morning on a press call asked me: If you don't get cloture, if you don't get this bill, or if the President vetoes it and you have to go back, what are you going to do differently?

I said: I don't know how much we can do differently to get more of a positive vote out of our committee than a unanimous vote. What do you do that is different from that? It is not as if we had a split vote on the committee and we still have to work it out. We didn't have one dissenting vote, so I am not certain how we get much better than that.

I thank my friend from Colorado for all of his hard work on this bill. He was instrumental in a number of issues before the committee, especially on energy, on conservation. The Senator from Colorado was instrumental in working out the agreements and making sure we had a bill that got a unanimous vote out of our committee. I thank him for that.

He has been a champion of ranchers and farmers, a real champion of moving us ahead in energy, in renewable energy, farm-based energy, bio-based energy, which will get us off the Mideast oil pipeline that we have been on for far too long.

Again, I thank my friend from Colorado for all of his hard work. With him, I am hoping we can get cloture on this bill tomorrow and move ahead and go to conference and get a bill we can send to the President. I thank my friend from Colorado for all of his help in getting this farm bill here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I come here again, some 10 days after we brought the farm bill here to the floor, and I want to say first of all to my good friend from Iowa, the chairman of the Senate Agriculture Committee, TOM HARKIN, that there are few people who really understand the importance of rural America and agriculture in the way TOM HARKIN does. There are very few people on the floor of the Senate today who can claim they still live in the same house in which they were born. Few people here can say they know the pain and suffering and the challenges, the hopes, and the optimism of rural America in the way TOM HARKIN does.

The best of what we have here in the Senate today we see in someone like TOM HARKIN, who is here for the right reasons—standing up as a champion for agriculture, for rural America, and for America in general because he understands what is at stake. He understands that the food security of the Nation is at stake. Senator HARKIN understands what is going on with respect to the oil addiction of America and foreign oil and the importance of American farmers and ranchers helping us to grow our way to energy independence. Senator HARKIN understands how important it is to be a champion of the most vulnerable in our society by having the kind of nutrition programs that will put fruits and vegetables and other kinds of healthy foods in the stomachs of our children as they are trying to learn. Senator HARKIN understands the importance of standing up and fighting for our land and for our water and making sure farmers and ranchers across America, who are some of the best stewards of our lands and water, have the right tools so that we have a conservation ethic that is appropriate at the dawn of this 21st century.

So I say this to my friend from Iowa: I applaud his efforts in bringing us to this point. This has been an effort which is not one we dreamt up overnight to bring to the floor of the Senate just 10 days ago; it is an effort that has consumed thousands upon thousands of hours, with hearings all over the country. And it was not only Senator HARKIN and his leadership, but it was also Senator CHAMBLISS, working as the ranking member alongside Senator HARKIN, trying to get us to a point where we had a farm bill we could bring to the floor of the Senate.

At the end of the day, there are not many votes on major bills that come out of committee on a voice vote. We had Democrats and Republicans saying this is a good farm bill. This is the way for the future. So I am very hopeful that tomorrow morning at 9, 9:30, 10 o'clock, when we come to the floor, we take the lead of Senator HARKIN and our colleagues on both sides of the aisle, Democrats and Republicans, and vote yes on the cloture motion before us. It is important that we move forward in that direction.

I will remind my colleagues—as Senator HARKIN already has reminded our colleagues—that even though we get to cloture tomorrow morning, we will still have an opportunity to go through a number of amendments. We have another 30 hours of debate and multiple amendments that can be considered and many votes that can be had as we move forward to try to improve upon the product of the Agriculture Committee. But if we don't get cloture tomorrow, we are, in fact, endangering the prospect of even getting to the farm bill.

Now, we have some people who may say that what is happening here in the Senate is that there is a stall underway, a stall to keep us from getting to action on a very important piece of legislation for America. That may very well be true. But if those who are trying to stall this important measure have their way, then those voices that need champions, those voices in rural America, those farmers and ranchers, those who care about food security, they will be the ultimate losers in this debate.

I don't think today in my State of Colorado, on the eastern plains or the San Luis Valley or the Western Slope or in Weld County, CO, the farmers and ranchers or those rural communities really understand what is going on here, but what they should understand is we will have an opportunity in the vote we will have here tomorrow morning to make a determination as to whether the farm bill moves forward. So for those who vote yes, they are saying they feel we do need a farm bill for America. For those who say no, whatever their motivation might be, they are saying we should not and that we should allow this very important issue to take a secondary seat. So I ask for those voices that care so much about what we have done in this farm bill to rise and make sure Members of this Chamber know of the importance of getting cloture tomorrow morning so that we can move forward on the farm bill.

Over the last several weeks, I have spoken often here on the floor regarding the farm bill, and I have spoken about the importance of this farm bill with respect to its imperative direction in producing healthy and safe foods here in America. It is a vital piece of legislation that will provide us with clean, renewable energy and be a keystone in a clean energy economy of the 21st century. It is vital to fighting the hunger we see among our school children and hunger that still affects millions of Americans. It is vital to our rural communities, in making sure we give them an opportunity to stand on their feet again. It is vital to our farmers and to our ranchers and to their very livelihood.

This morning I want to speak to a part of the farm bill which is important, and that is conservation, the part of the farm bill that deals with fighting for and protecting our land and our water. Senator HARKIN and others have been champions of this aspect of the farm bill, and I applaud them for their efforts.

The bill we have brought to the floor does more for conservation than any farm bill in the entire history of the United States. It does more for conservation than any bill in the entire history of the United States. So for all of those Americans who care about how we take care of our land and water, it is important that they have their voices heard on getting this farm bill moving forward.

The farm bill has an enormous impact on this Nation's land and water. Non-Federal agricultural and forest lands occupy 1.4 billion—that is billion, not million, 1.4 billion—acres or nearly 70 percent of the lands of the 48 contiguous States. Mr. President, 7 out of 10 acres in the United States of America, in the 48 contiguous States, are affected by this farm bill. These lands provide the habitat and corridors of support for healthy wildlife populations, they filter our groundwater supplies, they regulate surface water flows, sequester carbon, and provide the open space and vistas that make America a place we all love. As I learned from working for a long part of my life on a ranch and farm in southern Colorado, farmers and ranchers are some of the best stewards of these resources. Farmers and ranchers want to take care of their land, and they want to do what is right for the protection of our environment.

The conservation programs that are in this farm bill reauthorize what are already some programs that are making a major contribution to the land stewardship challenges of the last half century.

In 1982, not so long ago, widespread soil erosion was degrading water quality in rivers and streams and putting dust in the air at dangerously high levels. But since 1982, with the Conservation Reserve Program, the EQIP program, and their predecessor programs, total erosion on U.S. cropland has fallen by more than 43 percent. Since 1992, total erosion on U.S. cropland has fallen by more than 43 percent. We are succeeding, and we can make more progress.

The investments we make in the Conservation Reserve Program, which puts environmentally sensitive croplands into conservation uses, results in the following: First, $266 million annually in environmental benefits from reduced sediment loads in streams and rivers, $51 million annually from reduced dust and wind, and $161 million annually from increased soil productivity.

Here is a picture that the Natural Resources Conservation Service sent to me a few days ago from Colorado. This shows how some of our conservation dollars are spent.

I wish to thank Allan Green, our State conservationist, and Tim Carney, our assistant State conservationist, for helping us with this effort on conservation. And I thank all the staff, all the dedicated staff of NRCS, who dedicate their hearts and souls to making sure America's farmers and ranchers are doing the best they can on conservation.

This is a picture of some of my friends and colleagues in the Saint Vrain and Boulder Creek watersheds. What these farmers and ranchers are learning here behind the tractor, working with NRCS, is how to work on watersheds with some of the new practices that have come into play in farming and ranching over the last several decades which will allow them to reduce their tillage, to reduce their consumption of energy as they are tilling those lands, and at the same time to increase the yields in their fields.

The field day, which is depicted here in this program, was part of a 3-year EQIP conservation innovation grant that was done in partnership with the local conservation district, local farmers, seed companies, and farm equipment dealers. At the end of the day, these farmers went home with new ways to reduce erosion and to boost their bottom line.

The conservation program we are authorizing in the farm bill today also helps us protect the very wetlands of America that are so valuable to hunters and to anglers, to wildlife watchers, and to those of us who care so much about the beauty of this place. Indeed, for those of us who come from a natural resources background, we know that more than half of all of the species of wildlife essentially reside around these wetlands and river corridors of our Nation. So what we do with this farm bill in terms of the protection of wetlands and continuing the Wetlands Reserve Program is very important to all those who care about hunting, who are the anglers of our Nation, and who care about making sure we are protecting our wildlife.

Starting in the mid-1950s, we were losing over half a million acres of wetlands every year—half a million acres of wetlands. To put it into perspective so that people will understand, it is like losing the same amount of acreage that makes up all of the District of Columbia every year. Thanks in large part to the Wetlands Reserve Program and CRP, we have achieved the goal of having no net loss—no net loss—from agriculture. In fact, from 1997 to 2003 in that 6-year period, we had a net gain of 260,000 acres of wetlands here in America.

This is a picture of the Wetlands Reserve Program project near Berthoud, along the Front Range, north of Denver. WRP funded 70 percent of the $12,000—70 percent of the $12,000—it took to restore this wetland. You can see what great waterfowl habitat and nesting areas it created along the shoreline. When you look at this beautiful picture—and, yes, I happen to live in the State which is the crown jewel of the Nation in terms of its beauty—you see the mountains, the snowcapped Rockies in the background, but you also see part of what makes Colorado such a wonderful place; that is, the agriculture that feeds into this wetland and a wetland that has now been restored to provide the valuable wildlife and water quality values I addressed a few minutes ago.

This farm bill and the Wetlands Reserve Program is part of what is at stake on this vote that we take tomorrow morning, on whether we move forward with the farm bill.

At the end of 2005, nationwide we had 1.8 million acres enrolled in the WRP. We had 2 million acres of wetlands and buffer zones in the area that were enrolled in CRP. This is great for the bird watchers, for the anglers, for the hunters. CRP alone yields about $737 million a year in wildlife-related benefits.

The conservation program in the farm bill also helps ensure that we have healthy ranges and that animal waste does not harm water quality. Here is an example of EQIP, along Pawnee Creek near the Colorado-Wyoming border. EQIP provided about $3,000—around 50 percent of the project cost—to install this water tank for livestock. This tank is part of a grazing system with a stock well, a pipeline system, and cross fencing that facilitates rotational grazing.

For those of us who come from the West, we understand the importance of water. I often say, for us in the West, we all recognize that water is the lifeblood of our community. Without the waters of the streams and rivers and aquifers in my great State, we would continue still to be the great American desert. It is important we take care of our water in the right way. We know that, it is part of our heritage in the State of Colorado. EQIP is representing these ranchers, making sure we are taking care of a very precious resource.

As this picture shows, a small investment from EQIP results in more balanced grazing, less erosion, improved water quality, and improved wildlife habitats.

I see my friend from New York is here. I have probably 4 or 5 more minutes to go. Through the Chair, I say I will continue to speak but to let him know I have probably another 5 or 10 minutes on the farm bill, and I will yield the floor to my friend from New York.

This is a picture of an irrigation ditch. Through the improvements made on the irrigation ditch, it will make sure there is less water loss along this ditch so water can be more efficiently and more effectively applied on the soil that will be irrigated from this ditch.

I could speak for a long time about the benefits of the Conservation Reserve Program, the Wetlands Reserve Program, the Environmental Quality Incentives Program, the Farm and Ranchland Protection Program, the Grassland Reserve Program, and many other programs we are reauthorizing in the farm bill. You see the benefits of the farm bill and the programs in this legislation throughout my State of Colorado. From my native San Luis Valley in the south to the Yampa River Valley in the north, they have made an immeasurable difference over the last two decades.

I am proud this farm bill reauthorizes these programs and invests $4.4 billion in conservation, a record amount in conservation. The growing pressures on agricultural lands make it all the more important that we pass a farm bill with a strong conservation title. I wish to again applaud Chairman HARKIN, Ranking Member CHAMBLISS, and Senator BAUCUS, the chairman of the Finance Committee, as well as Chairman GRASSLEY, for their contribution—the members of both committees who have brought a great farm bill to the floor of the Senate. I hope we can get beyond the roadblocks that some Members have placed before this legislation. We need to pass this bill for the good of America.

Finally, again, I think we need more people in the Senate who understand the importance of this farm bill. We need more people who understand the food security of our Nation should not be imperiled.

That sign on my desk that says "no farms, no food," is something we ought to be hitting everybody over the head with every day, as we deal with this very important part of our legislative responsibilities, to make sure we have the food security we so need in this country.

We also need to make sure, on this floor, there are people who have a strong voice for those farmers and ranchers who work very hard every day, in a way that you only know when you have worked on a farm or a ranch, to make sure we have that food security for America. For most people in America, when you are out there at work and it is 5 or 6 o'clock, you look at your clock and it is time to go home. If you are a farmer or rancher and you look at your watch and it is 5 or 6 o'clock, more than likely you have another 4 or 5 hours to go.

Then, when you get home, you know you have probably 5 or 6 hours' sleep before you have to get up and make sure you are milking the cows, if you are a dairy farmer, or make sure you are out checking the calves that are being born on the spring days or that the water is being changed at the right time so you are not wasting water, at 2 or 3 or 4 in the morning. It is a hard life out there on the farm. It is a hard life out in rural America. It is important this Senate stand up strong and say yes to rural America, yes to rural communities that want to rebuild themselves, yes to the future of our energy security as we grow our way to energy independence, yes to the future of our nutritional programs for America, yes to the future of those who want to protect the land and water of America.

This is the right bill. It is important for people to come to the floor of this Chamber tomorrow morning and to cast their vote "yes" on the cloture motion before us.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New York is recognized.

Mr. SCHUMER. Mr. President, first, let me thank my colleague from Colorado for, as always, his excellent remarks. One of the many things he does for our Senate and our Democratic caucus in particular is constantly remind us of the problems in rural America. He has a link, coming from a great family tradition in rural America, a farming tradition, a tradition that has gone back centuries. When he speaks on these issues, many of us from more urbanized States listen. I thank him for his courtesy. Not that we don't have great farmers in New York—we do.

I am here to talk on a different subject. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRIME LENDING CRISIS

Mr. SCHUMER. Mr. President, I rise today to discuss the subprime lending crisis and the plan we are executing to address the foreclosure wave that threatens home ownership and our broader economy. Rampant predatory lending practices across this Nation have left millions of American homeowners stuck with unaffordable and unfair subprime loans. As a result, 2 million families now face the prospect of foreclosure and the loss of their homes over the next 2 years unless we take action. The number is going to get worse because the loans that were made in 2006 and this year, 2007, usually do not reset until 2008 and 2009. Because so many people who accepted these loans—took these loans—were taken advantage of, the interest rate will skyrocket for them. Many of them will not be able to afford it.

Foreclosures entail not only direct costs to the lenders and borrowers but also high spillover costs that are felt by neighboring homeowners, communities, and local governments in the form of lower home values, lost property tax revenue, and increased maintenance costs. A recent report by the majority staff of the Joint Economic Committee estimated that each foreclosure can cost $227,000 in direct and indirect costs. That is astounding. The homes on a street or in a neighborhood that has had foreclosures often go down in value. Even if you are perfectly safe, even if you have already paid your mortgage and have no intention of taking out another one, you are at risk because of this foreclosure crisis, in terms of the value of your home.

The numbers mean that if the housing market slump continues through the next 2 years, as many economists estimate, approximately $103 billion in housing wealth will be destroyed as these homes are foreclosed on; $103 billion in lost wealth at a time when our families can least afford it.

In addition, States and local governments will lose nearly $1 billion in property tax revenue over the next 2 years as a result of the destruction of housing wealth caused by subprime foreclosures. That is $1 billion less funding for public schools and public safety, and that is the direct property tax loss. We are not talking about the other losses States and local governments will see as a result of the broader economic impact of the crisis.

We are not talking about the financial burden that cities and towns all over the Nation will face to maintain vacant properties and to prevent crime near abandoned homes. We are also not talking about cost to the larger economy. When home values go down because of this crisis, consumers spend less. Consumer spending has been the engine of this economy. It accounts for about 70 percent of our GDP. Statistics show when home values go down, consumers spend less. So this is ricocheting from one end of the economy to the other. Again, even if you live in your home and paid off your mortgage, you will be affected by this unless we act.

The frustrating thing is we know what to do here. We cannot make this crisis go away; there is no magic wand. It took years of neglect, years of ideological aversion to even commonsense regulation of the now-unregulated mortgage brokers. But the frustrating thing—frustrating for this Member who has been talking about this for a long time—is we know what to do. This administration, when it comes to the subprime crisis, has remained like an ostrich with its head in the sand, not paying attention. Why? Why don't they see what everyone else sees?

The reason is quite simple. We have ideologues who run this administration. Their view is Government should never be involved. Let the homeowner pay the price. Let the economy pay the price. Because to get the Government involved is bad.

They can't prove that; that is their ideology. If there were ever a time when we needed some thoughtful, careful, moderate but directed Government intervention—not to bail out anybody; those people will pay the price, you read it in the financial pages of the newspapers right now—but to help our Nation out of this crisis at a time when other things such as high oil prices are hitting, makes eminent sense. The time to act is now, while we still have a chance to save these homes and strengthen our floundering housing market.

I am proud to say today that my colleagues, we in the Senate, will have an opportunity to act and take action on two measures that are designed to use the tools of the Federal Government to assist in helping the 2 million subprime borrowers facing foreclosures with alternatives for loan workouts, refinancings, and modifications. I hope our colleagues on the other side of the aisle will agree with us that these actions are urgently necessary. To wait even 3 or 4 months will have this crisis grow in problems for those homeowners whose mortgages go up, for those financial institutions that have the mortgages but, to a far greater extent, to our economy—neighbors affected and consumer spending.

I hope my colleagues on the other side of the aisle will join us in helping take the urgent action that is needed now—not next month, not in February but now.

First, we will take action to pass the FHA modernization bill. This legislation makes several important changes to FHA, including adjustments to its downpayment requirements, loan limits, and underwriting standards to give the FHA more flexibility to assist subprime borrowers with safe and sustainable refinancing alternatives before their loans reset to unaffordable rates. With these changes, FHA will be able to rescue tens of thousands of American families from the financial ruin of foreclosure.

The legislation will also make improvements to FHA's counseling and foreclosure prevention programs to ensure that borrowers who have already faced the specter of the loss of their home will not have to go through the ordeal again. The FHA legislation is modest. It has bipartisan support. It has the support of the administration. What are we waiting for?

Second, we are pushing the passage of the PROMISE Act, a bill to temporarily increase the portfolio caps on Fannie Mae and Freddie Mac by their regulator.

This is legislation I have introduced, along with Congressman FRANK in the House. The bill will alleviate the predicted wave of foreclosures by giving Freddie and Fannie 10 percent more balance sheet capacity. But it does not just give them the balance sheet capacity and say: Do what you want with it; we hope some will go to help avoid foreclosures through refinancings.

We say 85 percent of that increase must be dedicated to assisting subprime borrowers who are stuck in risky adjustable rate mortgages. The legislation is based on the premise that in troubled market times like these, when private firms are unwilling or incapable of providing the financing necessary to help subprime borrowers, it is appropriate and necessary for the government-sponsored enterprises to step in and provide liquidity. This is why we have GSEs. They are quasi-private, quasi-public. They have a certain and special responsibility when the Nation's economy is at risk. They are not the same as any private company whose job is to make money for its owners or its stockholders. But at the same time, they have the expertise of the private sector and the clout of the private sector to get something done in an efficient and directed way.

We have all heard that GSEs are the only game in town when it comes to secondary market trading, due to profound distrust of credit quality and rampant uncertainty about the rating agencies. We have to use the liquidity GSEs provide to target those subprime borrowers in need of a way to save their homes.

What is frustrating is the administration is opposed to this legislation because they do not like Fannie and Freddie. They say: Let the markets take care of this in their own way. That is a lesson that was widely accepted in the 1890s and to some extent in the 1920s, but this is 2007. We know thoughtful, well-thought-out Government intervention, in a careful way, works and is needed. We also know if we do not have it, the booms and busts of the economy and to individuals will be far greater, and starting with Woodrow Wilson and then with Franklin Roosevelt and with Democratic and Republican Presidents alike since World War II, we have learned that at times Government intervention is called for, particularly when the private sector is unable to act. In this case, the private sector is clearly unable to act.

Over the coming weeks, we also plan to pass $200 million in the Transportation-HUD appropriations bill for housing counseling organizations that specialize in foreclosure prevention. Here is another problem. A homeowner, and many of the homeowners who are in foreclosure or about to go in foreclosure, these are homeowners who could qualify for prime loans, but they were taken advantage of by rapacious mortgage brokers. And now they are stuck. But they are not really stuck, they have a revenue stream.

People I have met, Mr. Ruggiero, the late Mr. Ruggiero, a subway motorman; Ms. Diaz, a clerk at a hospital for 35 years with a pension, they have the income. Mr. Ruggiero of Queens, Ms. Diaz of Staten Island, they have the income to refinance. The trouble is there is no one there to help them do it. They cannot do it on their own.

There are no banks. Banks do not do this stuff in good part anymore. There are nonprofits, able, dedicated, capable, knowledgeable nonprofits that could come right in and fill the lurch.

Now, you, Mr. President, the Senator from Ohio, and the Senator from Pennsylvania, and I were able to persuade Senator MURRAY who, in her wisdom and always willingness to help, put first $100 million, then $200 million into the appropriations bill for housing counseling organizations that can provide this help.

At a cost of as little as a few hundred dollars per borrower, housing counselors can prevent foreclosure that results in economic loss of $227,000 direct and indirect, on average. This is a highly cost-effective investment. We urge the administration not to veto this emergency funding when the Senate passes it. If it is vetoed, and this crisis gets worse, a portion of the blame, a good portion, will be at the President's doorstep, plain and simple.

I hope the President will not veto it. Most everyone who has looked at this legislation says it is needed. If we can do these three things—FHA reform, lifting the portfolio caps for Fannie and Freddie, and money for housing counseling—we will not end the subprime crisis, it is too deep already. But we can abate it, and we can get our country focused on moving again economically and on to so many other problems that face us.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. I think this would be an opportune time to pass the farm bill. Does anybody object?

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CONRAD. Look, we obviously are not going to do that, take advantage of this situation. But I must say, I am tempted after days and days of not being able to consider amendments on the farm bill that is critically important to this Nation's economy.

We got the bill through the Agriculture Committee without a single dissenting vote. Twenty-one members of the Senate serve on the Senate Agriculture Committee. That is over one-fifth of the Senate. After months of difficult negotiations we reached conclusion.

Now we are in this circumstance in which people want to offer amendments on everything from the *Exxon Valdez* to medical malpractice to immigration to labor issues to a whole series of things that have nothing to do with the farm bill.

Now, we all understand that very often hundreds of amendments are filed on major bills that Senators have no intention of actually offering. Certainly, we know there are hundreds of amendments filed on this bill. But I say to my colleagues, this has now gone on for 10 days. We have not considered one amendment. We have not considered a single amendment.

At some point, one would hope there would be an accommodation. Typically, in a situation like this, the accommodation is that a certain number of amendments are offered by each side.

That list is agreed to, entered into the RECORD, and votes are held. Typically on a farm bill there are about 20 amendments voted on, 20, 22, 24. We could have been done with this bill by now. We could have been finished in the Senate. Then we would be in the conference committee to work out the differences between the House and Senate. But we are where we are.

The reasonable way out of this is to proceed as Senator REID offered last night. I heard him clearly. He said we would take only five amendments on this side. If they need more amendments on their side, he is open to considering their amendments, even some of them nonrelevant. He made very clear he would accept a certain number that are nonrelevant. I ask our colleagues on the other side, can't you come up with a list of amendments that you absolutely have to have voted on, including those nonrelevant amendments that you believe you have to have a vote on? Can't you do that? Couldn't we enter that into the RECORD and conclude work on this farm bill?

Why is it important? Why does this farm bill matter? First, because we have a food policy in this country that is making a difference. How do we know that? Here is the first way we know it. Who pays the least for food in the world? It is our country. The numbers are very clear. We spend 10 percent of our disposable income on food; 5.8 percent is spent on food eaten at home; 4.1 percent is spent on food eaten away from home. So of the 10 percent of our disposable income that goes for food, about 60 percent of that is food eaten at home, so about 6 percent.

The comparable figure in these other countries is Japan, 14 percent of their income goes for food eaten at home; France, 15 percent; China, 26 percent; Philippines, 38 percent; Indonesia, 55 percent. There is no country that comes even close to ours in terms of the percentage of income going for food eaten at home. Even when you factor in food eaten outside the home, we are far less than any other country in the world.

Of course, as the Chair knows well, the distinguished Senator from Colorado, who is such a valued member of the Agriculture Committee, who also is an important member of the Finance Committee, these are not only agriculture provisions, these are provisions that come from the Finance Committee on an overwhelmingly bipartisan vote, provisions to provide an incentive to reduce our dependence on foreign oil. This bill is called the Food and Energy Security Act because it looks to both, and both are critically important. Agriculture is one place where we still export more than we import, one of the few places in the economy where that is true. On energy, it is one place where we could actually help dramatically reduce our dependence on foreign oil. It has been done in a fiscally responsible way.

I hear the news broadcasts. I see what is written in some of the press. It is amazing that they don't have the basic facts of this legislation, and they don't present them to the American people.

Let me show this chart. Commodity programs, which are a small fraction of this bill, are the support programs for the major commodities in this country. They draw all the criticism, all the heat. The fact is, commodity program costs are going way down. This red line shows what the Congressional Budget Office estimated would be the cost of commodity programs when the last farm bill was written. This red line is what they estimated the farm program would cost, the commodity parts of the farm bill. But look at what has actually happened. We are well below their estimates, not only for the current farm bill but look at the estimates going forward. The costs of the commodity program are down dramatically from the past farm bill, from the projections that were made at the time the last farm bill was written. As a share of total Federal spending, it is also down.

According to estimates when the last farm bill was written, the total farm bill passed in 2002 would take 2.33 percent of total Federal spending and the commodity programs would take .75 of 1 percent. Now as we look to this new farm bill and what the Congressional Budget Office is saying—these are not my numbers or Ag Committee numbers—they say the Food and Energy Security Act costs will be down to less than 2 percent of total Federal spending. In fact, 1.87 percent of total Federal spending. And the commodity programs, the things that draw the controversy, are down to one-quarter of 1 percent of total Federal spending.

I have not seen that statistic written in a single Washington Post column. I have not seen it on any of the television broadcasts, not one. They are supposed to be giving the American people the information they need upon which to base a decision, and they are not telling people that the farm program is being reduced as a share of Federal spending or the commodity program is one-third of what it was estimated to be when the last farm bill was written. I don't see a single column telling the American people that fact. I don't see a single broadcast that allows that fact to be told to the American people. The Food and Energy Security Act as a share of total Federal spending is going down, not up. The commodity programs are going down, not up, as a share of total Federal spending.

The other thing they seem to forget about is where does the money go? This pie chart shows where it is going. Almost two-thirds of the money, 66 percent, is going for nutrition. That is not just farm States; that is in every State. Every State has school lunch. Every State has food stamps. Every State has food banks. Every State, every community benefits by the nutrition spending in this bill. It is nearly two-thirds of the total. I don't see that reported by a single news source. I haven't seen any of them report that basic fact. I haven't seen any of them say 9 percent of the money is going for conservation of natural resources. That is money that goes to every State of the Nation. I don't see any of them reporting that less than 14 percent of the money is going for commodity programs.

The fact is, this legislation is important to the Nation. It is important to the agriculture sector, no doubt, but it is also critically important to our energy security to reduce our dependence on foreign oil. It is critically important to our economy. It is critically important to our continuing competitiveness, because the Europeans, our major competitors, are spending more than three times as much to provide support to their producers as we provide to ours. What are we supposed to say to our producers? You go out there and compete against the French and the German farmer, and while you are at it, go compete against the French Government and the German Government too. That is not a fair fight. Our farmers and ranchers can take on anybody. They are happy to compete against the French and the Germans. But they can't be expected to take on the French Government and the German Government as well. That is exactly what is happening in world agriculture. The Europeans are providing three times as much direct support to their producers as we provide ours. That is a fact. Those are not my numbers. Those are the numbers from the OECD, the international scorekeeper that keeps track of competitive positions.

What happens if we pull the rug out from under our producers when they are faced already with a more than 3-to-1 disadvantage going up against our biggest competitors? What happens? Two words: Mass bankruptcy. That is what would happen. Farm income would plummet in this country. Cash flow would dry up. Farm and ranch families would be forced off the land. America would experience in agriculture what we have already experienced in so many other economic sectors. We would become dependent on the kindness of strangers for our food. We are already dependent on the kindness of strangers for our money because we are borrowing so much money, because we are not being fiscally responsible. We already are dependent for 60 percent of our energy on foreign countries. Sixty percent of our oil comes from abroad. We are headed for 70 percent on energy if we fail to act.

The Food and Energy Security Act is one place we could make a meaningful difference in reducing our dependence on foreign oil. Why? Because it encourages and provides incentives for the development of ethanol, and ethanol not just from corn but ethanol from cellulose, things such as switchgrass and wood fiber. Because we know we cannot attain the goals this Congress and this President have set for the country in alternative fuels by only relying on corn for ethanol. We will have to have a breakthrough on the use of cellulosity. There are other provisions to encourage the use of biodiesel fuel as well as ethanol.

We look around the world. We don't have to look far to see other countries that have made significant progress in reducing their dependence on foreign oil by looking at alternative fuels. Look at the case of Brazil. Brazil, a number of years ago, was 80 percent dependent on foreign energy. Just as we are 60 percent on foreign energy today, they were 80 percent dependent. Today they are on the brink of energy independence. That is startling. They have gone from 80 percent dependence on foreign energy to virtual energy independence. They have done it over a 20-year period. They have done it by focusing on ethanol and flexible fuel vehicles, and what a difference it is making to their country. Look at their economy. It is soaring. Think how different our country would be if instead of spending $270 billion a year importing foreign energy we were spending that money here at home, helping to grow our way out of this energy crisis. We could do it. Instead of maintaining this dependence on the Middle East, how about looking to the Midwest? How about having a circumstance in which a President could wake up in the morning and know he didn't have to worry or she didn't have to worry about what was going to happen in the Middle East and how that might threaten the energy security of our country, because that person might know we no longer were dependent on Saudi Arabia, on Kuwait, on Venezuela; that instead we were able to produce the energy here at home.

This isn't a fantasy. It is a possibility. But it is only going to happen if we take steps. Some of the steps that are needed to be taken are in this legislation, this legislation that is going nowhere over some argument that the other side ought to be able to offer a whole bunch of amendments on things that have absolutely nothing to do with food and energy security. Medical malpractice, *Exxon Valdez*, the alternative minimum tax—those have nothing to do with the farm bill. But those are amendments that are pending on the other side.

A final point I want to make is from an article in the Wall Street Journal from September 28 of this year. The headline of this chart is "Farm Productivity Spurs Global Economy."

Somehow, something has happened in this country. We have forgotten about our roots. We have forgotten about where we came from. We have forgotten about what has helped America be strong. Right at the core of our strength and our success has been an incredibly productive agricultural sector—farm and ranch families all across this country who have dramatically increased their productivity through technology and through their own good work.

But look at what it means not just to us but around the world. This, again, is from the Wall Street Journal of September:

> The prospect for a long boom is riveting economists because the declining real price of grain has long been one of the unsung forces behind the development of the global economy. Thanks to steadily improving seeds, synthetic fertilizer and more powerful farm equipment, the productivity of farmers in the West and Asia has stayed so far ahead of population growth that prices of corn and wheat, adjusted for inflation, had dropped 75 percent and 69 percent, respectively, since 1974. Among other things, falling grain prices made food more affordable for the world's poor, helping shrink the percentage of the world's population that is malnourished.

How did all this happen? If the farm policy of this country, which is the dominant agricultural producer in the world, is so flawed—as is repeated hour after hour by every broadcast station in this country and repeated in newspaper column after newspaper column—how is it we have had this incredible success and it has gone completely or virtually unnoticed by the major media? Could it be that maybe they have not done a very good job of telling the American people the full story? Could it be that they have been so eager to find fault with every corner and every piece of farm legislation because they kind of at heart look down on people who work the land? I hate to say it, but I think now we are getting at the truth. I think there is a deep arrogance among some about people—farm and ranch families—who are out there, and they want to somehow believe they are superior to them. They want to believe they are farming the mailbox and that there are all these endless abuses.

It is fascinating, if there are all these endless abuses, why do the reform proposals that have been presented and have been suggested raise so little money? If there is this rampant abuse, as is presented in the popular media, why do all the measures to reform the system save so little money? How could that be? Could it be because the abuses that do exist—and there are abuses—could it be that they are the exception rather than the rule? Could it be that we actually have an agricultural policy in this country that has worked so remarkably well that the price of grain, corn and wheat, adjusted for inflation, has dropped 75 percent and 69 percent, respectively, since 1974? Could it be that we have an agricultural policy in this country that has worked beyond anyone's fondest dreams? Could it be that those who put this policy in place actually knew what they were doing? Could it be that one of the reasons for America's remarkable success and agricultural abundance and low food prices relative to every other country in the world is because we have been doing something right? Could that be?

Maybe it is. Maybe that is the real story the popular media has not written or broadcast. Maybe they have failed to see that part of America's success story is America's agricultural policy—a policy that now can extend not only to food security—and, by the way, has anybody been watching lately what happens when we become dependent on foreign countries for our food supply? Has anybody been watching the questions of food safety from not only food but other products coming from foreign countries?

Is anybody paying attention to the energy opportunity that is in this legislation to reduce our dependence on foreign oil and help further strengthen this incredible country?

It is easy to criticize. It is easy to point the finger. It is easy to castigate. It is easy to act superior. It is hard to produce something that builds a better future for our people. That is hard.

I will just ask those who have been such constant critics: Can't you open your mind just a little bit and acknowledge what is clearly the larger truth? The larger truth is, we have the cheapest food as a percentage of income in the history of the world. The truth is, we have the most abundant and the safest food supplies of any nation in the history of mankind. The truth is, the cost of this program is going down as a share of the total Federal budget—and in the case of the commodity programs, going down dramatically. The truth is, we have an opportunity to improve the energy security for our country. The truth is, we have a chance to strengthen the economy and to make this a much more secure country. Right now, that opportunity is being missed.

Look at this Chamber. This is the Thursday before we are supposed to leave for 2 weeks for Thanksgiving. I hope when people sit around those family tables across America enjoying the bounty of our country, they think, for just a moment: Where did that bounty come from? It did not just come from the grocery store. I am talking about who grew the crops, who raised the livestock, who raised the poultry we are going to enjoy around that dining room table. Where did it come from? How much does it cost in relationship to what others are paying around the world?

What is the further opportunity we have to reduce our dependence on foreign energy? Isn't part of it—a significant part of it—anchored in the rural communities of America, a place where we could help grow our way out of this dependence on foreign energy by producing it right here at home?

I hope Americans will think about this. I hope even some of our critics in the media will think—gee, maybe shouldn't they report the full story? Maybe should just one article talk about the positive things that have happened? I know the good news is not news according to the news media, but I do not know how the American people can be expected to make a fair and objective decision on the merits of this legislation or the food policy of the country if they are not given the whole story—the whole story—not just the things they can make into a headline and castigate people.

I hope for just a moment our colleagues will reflect: Does this process—here we are, it is Thursday at 12:40 p.m. Eastern time, and I am the only one here, other than the distinguished Presiding Officer, who is a Member of this body.

Mr. NELSON of Florida. And me.

Mr. CONRAD. And Senator NELSON.

Let me say that I hope our colleagues will think very carefully about how we break this gridlock. This does not reflect well on the body. This does not reflect well on the Senate of the United States that we are not able to move forward on legislation that came out of the committee without a single dissenting vote and we have been stuck here for 10 days doing nothing. I hope we are going to prove we are better than this when we return.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I wish to say to my colleague from North Dakota what an absolute delight he is to speak with such passion, as he does, about things he knows so much about and how he can explain it in understandable terms.

Farm bills are one of the most complicated things in the world because of the balancing of all the different interests, with these elaborate farm support programs, that you have to have a Ph.D. in mathematics, sometimes, to understand. Senator CONRAD is someone who speaks so eloquently and yet so simply in explaining it. He comes from the land, and he represents a lot of those who earn their living from the land, as does this Senator from Florida.

Most people think of Florida as Disney World and high tech and the space center and so forth. People would be amazed that Florida agriculture is—next to the service industry, which is tourism—just about equal to any other industry as the second largest economic impact interest on our State. Our beef cattle industry is huge. Our citrus industry is huge. So it is with a great deal of passion, like Senator CONRAD, that I take the floor to try to articulate the importance of a farm bill to the people in our State as well as has been articulated by the Senator from North Dakota.

Now, I wish to talk not just about the farm bill. I want to talk about a major amendment that is pending, and that is the Lugar-Lautenberg amendment in taking a completely fresh look at how we protect the Nation's agriculture. I am very happy to be an original cosponsor of this amendment.

No doubt, farmers are facing difficulties. We rely on them for our food. Senator CONRAD said it best: In this time of thanksgiving, as we sit around a table of bounty, we should be grateful we live in a land where our basic food and nutrition is met for most Americans. And I say "most Americans" because some do not.

Because we have an effective farming industry, it demands we continue to be good stewards of the land and the water. We rely on those farmers to persevere during times of natural disaster and uncertainty, where major natural disasters, such as hurricanes, can completely eliminate the citrus crop in Florida, which threatens their very solvency. Then, at the same time, we are asking them not to give in to the pressures, the financial pressures to sell their land for development. This is particularly acute in a State such as Florida where the land value has risen so much that it almost does not make economic sense for the farmers to continue to farm their land.

These farmers are providing our food to our citizens—and not only to America but to the world. We must provide farmers a safety net in the many programs we do here in the farm bill, in other natural disaster bills—a safety net for their times of uncertainty. We have a system that works for many, but this system in a State such as Florida doesn't work for all. In fact, a majority of our Florida farmers are not eligible to participate in a lot of these farm programs that receive the lion's share of the payments in the bill we are going to vote on. This system, as I said, is so complicated it is nuanced. Many of the programs in the farm bill were started as a temporary fix of the immediate problem that the country was facing at the time, but then they get extended time and time again. Then, contrary to their original intent, they become permanent, and some of them have become corrupted—some of those programs—by people who exploit them.

OK. It is time for us to step back and take a fresh look at this and determine how we can best support our farmers. I believe the Lugar-Lautenberg approach I have joined is an amendment that does that. The amendment is going to flow out of the normal farm program and it would provide every farmer in this country who chooses to participate with farm insurance, which would be provided at no cost. Farmers then would have a guarantee that their revenue would reach a certain threshold based on local conditions instead of national standards. This is a remarkable shift from the way we do business now. But it means we eliminate the direct payments to farmers whose land hasn't been farmed in years or who are selling their crops at record high prices. Instead, under this amendment, we are going to provide them with a safety net to fall back on if their farm revenues suddenly drop or if a bad year hits. Guess how much money it is going to save. Upwards of $4 billion. Even by giving the farm insurance at no cost to the farmer, it is going to save billions of dollars.

The Senate bill we now have on the floor has parts of it that are very good. It increases money for nutrition programs which are going to make a tangible difference in the lives of those on food stamps. It has a tangible increase for the conservation programs which will make significant strides in protecting our lands and watersheds. But this amendment I am talking about, the Lugar-Lautenberg amendment, goes even further. It fully funds the nutrition programs across 10 years—not just 5 as in the committee bill—and it expands programs such as the simplified summer food program. It accounts for an additional $150 million each year to provide for school lunches, and some of those school lunches are going to children—hungry children—in the developing world. It increases the conservation spending by $1 billion. At the end of the day, the amendment saves billions of dollars by taking out the antiquated direct payments program.

My State of Florida has more acres of orange and grapefruit groves than any other State and it ranks among the top 5 when it comes to growing vegetables, not even speaking about what I already told my colleagues; you would be surprised among the beef cattle industry how big we are. Until this year, the needs of specialty crops such as citrus and vegetables were barely mentioned in farm legislation. The committee bill we are now debating finally addresses this part of agriculture that is so near and dear to our hearts, and so much of a staple for us in Florida, by making tremendous advances in research, pest and disease mitigation, technical assistance, and block grants. I give sincere thanks to Chairman HARKIN and his committee for what they have done, but guess what. The Lugar-Lautenberg amendment goes even further. It provides over $750 million more to specialty crops and still manages to save $20 billion. I said $4 billion earlier. I said billions. That is true. We are talking about $20 billion of savings in overall support for agriculture by taking this farmers' insurance program at no cost to the farmers.

Specialty crops certainly aren't just important to Florida. Fruits and vegetables are an absolute necessity of healthy eating everywhere, and this Lugar-Lautenberg amendment gives an additional $200 million to the Women, Infants and Children Farmers Market Nutrition Program which makes fresh, locally grown fruits and vegetables a part of their daily diets—daily diets of women and young children who can't afford them. Not only is it going to make our children grow up strong and healthy, but it also supports the local farmers. There is also an extra $250 million in this amendment for a similar program that serves low-income senior citizens.

I have been on this Senate floor time and time again to call attention to the plight of one of our great national, international, and natural treasures: the Florida Everglades. I am happy to tell my colleagues there is an important step in this Lugar-Lautenberg amendment in conserving the endangered Everglades, as it includes $35 million that can be used to complement efforts undertaken by the State of Florida to restore the northern part of the Everglades system, which is the area that is so located that pollutes so much of the rest of the Everglades as the water flows south, because it is the area north of Lake Okeechobee that is critical to the larger ecosystem further to the south. While this is a small part of what is needed to preserve the overall Everglades and to restore the Everglades, it is another opportunity we can do something about, in helping clean up that water that is flowing into Lake Okeechobee that ultimately flows south into the Florida Everglades.

This amendment is a fresh, effective way of how we can do business in agriculture, and I urge my colleagues to support it.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Colorado

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I come back to the floor this afternoon at 1:35 p.m. eastern time just to remind my colleagues about the importance of the issue we are working on. This farm bill, which is the Farm, Fuel, Security Act, is something that is very important to the future of America.

We are knocking on the door of Thanksgiving for all Americans, where we will all be giving thanks for the bounty we produce in this country for our families and for the lives we live in this wonderful and free America. But without the hard work of farmers and ranchers throughout this country, that very food supply which will give us that great joy during this holiday would not be there.

This is one time every 5 years—one time every 5 years—where the Members of the Senate get to stand up and take stock of the importance of our farmers and ranchers and rural America and the importance of nutrition for our young people in our schools and those who are the most vulnerable, those on food stamps, and the importance of dealing with protecting our land and water and dealing with the future energy supply needs of America. So as we approach this Thanksgiving celebration, it is important for all of us to think back, to reflect upon what is happening in the Senate today.

Some 10 days after we started this farm bill, and after 3 years of hard labor with both Democrats and Republicans to get us to this farm bill, we are now stuck in this procedural impasse we find ourselves in. I think it is a shame that we are where we are. I think it is a shame that we are not able to move forward.

Last night I heard the majority leader, Senator REID, come to the floor and say: This farm bill is important. Senator REID said: I want to get a farm bill. He said: We will offer, on the Democratic side, to limit the number of amendments to five. With some almost 300 amendments filed on this bill, Senator REID said: We will limit the number of Democratic amendments to five, and we will give you, if you want twice as many amendments, we will give you twice as many amendments. Yet no deal.

Why no deal? Why no deal? Why can't we even agree on a subset of amendments we can debate on the floor and then vote on them and move forward on this farm bill? Is it that there is a slow walk, a stall underway because some Members in this Chamber don't want a farm bill? Are there some Members in this Chamber who do not want a farm bill?

There is a reality, and the reality is that it is possible for us to still get a farm bill. It is still possible for us to get a farm bill. We can move together tomorrow and get 60 votes on the cloture vote. We can have Republicans joining Democrats to get those 60 votes, and then we will move forward with a procedure under the postcloture rules of the Senate to address a series of germane amendments that will improve the bill. So we could still get a farm bill.

The question is, Do the members of the minority in the Senate today want to get a farm bill or do they not? Are the politics being pushed going to triumph over public purpose, which we have tried to address in this farm bill? Are they going to allow politics to triumph over that public purpose?

I would hope not. And I would hope when we come together in the Senate to vote on the cloture motion tomorrow, that there is a resounding yes that we are going to move forward and complete this farm bill; that we are going to enter into the postcloture period where we will address the germane amendments to this legislation, and at the end of the day we will have a farm bill that can be passed and then sent to the President for his signature.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNSAFE IMPORTS

Mr. BROWN. Madam President, as the holiday season approaches and parents are buying toys and other consumer products for their children, I would like to put that in the context of what has happened with our economy, what has happened with our trade policy, and what has happened with the breakdown of the part of our Government—the Consumer Product Safety Commission, the Food and Drug Administration, the U.S. Department of Agriculture—that is there for one simple reason; that is, to protect our people. The Environmental Protection Agency is there to make sure our air and water are clean, the Food and Drug Administration is there to make sure our pharmaceutical supplies and food supplies are safe, the U.S. Department of Agriculture is there to make sure other food coming across our borders and food that is produced in this country is safe, and the Consumer Product Safety Commission is charged by this Congress, by our Government, to make sure our consumer products are safe.

Through the last many years—exacerbated, made worse by the policies of the incumbent, the present administration—we have established a situation that is almost a perfect storm for bad outcomes.

Last year, in 2006, we imported about $288 billion worth of goods from China. Tens of millions of dollars of those goods were toys, toothpaste, dog food, and other kinds of consumer products. When you buy tens of billions of dollars of consumer products from China, you understand implicitly that those products are made and manufactured and produced in a country that puts little emphasis on safe drinking water, clean air, food safety, purity in pharmaceuticals, and consumer product safety. So when you buy tens of billions of dollars of goods produced in China, you can bet there is a good chance much of their food or ingredients might be contaminated, much of their toys and tires can be defective.

Put on top of that the fact that many U.S. companies go to China as they outsource jobs and they close down production facilities in St. Louis, in Independence, in Kansas City in the State of the Presiding Officer, or in Cleveland, in Dayton, in Gallipolis and Steubenville and Lima in my State. They close down production and outsource these jobs to China.

These American companies then subcontract with Chinese companies to make these products. When they subcontract with these Chinese companies, knowing that production in China is not as safe, either for the worker or for the safety of the product, knowing that production in China can often mean contaminated food products and vitamins and toothpaste and dog food, and at the same time understand those American companies that are subcontracting with these Chinese companies, Chinese subcontractors, the American companies are pushing them to cut costs—you have to cut these costs, you have to cut these corners, you have to make these products cheaper—when you do that, it should not come as a surprise to Americans, or to our Government, that you are more likely to get tires that are defective, more likely to get contaminated toothpaste or inulin in apple juice, you are more likely to get products that simply don't work as well, and you are more likely to get lead-based paint coating our toys. Why? Lead-based paint is cheaper to buy, less expensive to apply, it is shinier, and it dries faster.

When American companies—without mentioning any names of American toy manufacturers—push their Chinese subcontractors to make it cheaper, to cut costs, to save money for these companies, it is almost inevitable that these products are going to have lead-based paint, are going to have other kinds of consumer safety problems. You have them made in China with a nonexistent safety regulatory mechanism, made by companies subcontracting with United States companies that are telling them to cut costs, and then these products come into the United States.

What happens here? President Bush has weakened the whole regulatory structure. What does that mean? What he has done is dismantled a lot of the protections of the Consumer Product Safety Commission, the U.S. EPA, the Food and Drug Administration, and the Department of Agriculture.

Again, why are we surprised when Jeffrey Weidenheimer, a professor at Ashland University in my State, at my request tested 22 toys bought in the local store 10 miles from where I grew up and found 3 of them had excessively, dangerously high lead content? Six hundred parts per million is what we as a country have established as a safe amount of lead—600 parts per million is safe. One of the products he tested, a Frankenstein drinking mug for children, had 39,000 parts per million.

Why does that happen? Because Nancy Nord and the Consumer Product Safety Commission aren't doing their job. They have half the budget they had 20 years ago, and the budget has continued to be cut by President Bush. They have weaker rules, and they have a Consumer Product Safety Commission chair who simply says: We are doing the best we can with what we have. Chairwoman Nord has come in front of the Commerce Committee and said: I do not need a budget increase; things are just fine in my agency. She also has lobbied against the legislation from my seatmate, Senator PRYOR, who has introduced legislation that will strengthen the Consumer Product Safety Commission.

The solution to all this, without great detail, is to begin to change our trade policy. So if we are going to buy tens of billions of dollars of toothpaste and dog food and apple juice and other food products and vitamins and toys and tires from the People's Republic of China, from that Communist regime, that also means they are going to have to begin to follow better safety regimens for the products they produce. It means American companies that import have to be responsible. If you are an American company and you go to China, you hire a subcontractor, and you bring those products back into the United States, it is up to you, in your corporate and your personal responsibility, to guarantee the safety of those products.

It means a better Consumer Product Safety Commission. It means that Nancy Nord should step aside, the Chairwoman of the Consumer Product Safety Commission. It means the President of the United States, who has shown little interest in that agency except to weaken and defund it, needs, actually, to appoint 4 new Commissioners. There are only 2 there now; they have five spots. The President, for whatever reason, has not replaced them. He needs to appoint a new chair to this Commission. Nancy Nord has shown she is both indifferent to making this Commission work and, frankly, has too great a bias to the companies she is supposed to police. She has traveled with them. She has traveled with them at their expense and done all kinds of things and clearly has not shown any real interest in making our Consumer Product Safety Commission work.

It is up to us as Members of the Senate, Members of the House, this Government—it is up to us. Our first responsibility is to protect our people, and that means in terms of the air we breathe, the water we drink, the food we eat, the consumer products we use, and the toys that are in our children's bedrooms and playrooms. The road is clear, the road we should drive down. Nancy Nord should go.

Beyond Nancy Nord's resignation, we need the President's attentiveness to the Consumer Product Safety Commission. The Senate needs to pass the legislation from Senator PRYOR, and we need to move forward.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCE-JUSTICE APPROPRIATIONS

Mr. ALEXANDER. Madam President, I regret to report that the conference committee for the Commerce-Justice-Science appropriations bill has been indefinitely postponed. I wanted to take just a few minutes and say from my point of view why it has been postponed and to express my hope that it can be put back on track soon, in the regular order, and that we can move ahead and deal with it.

The Commerce-Justice appropriations bill includes funding for the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives. It includes appropriations for NASA, for the National Science Foundation, and the U.S. Commission on Civil Rights.

Here is what has happened. It is important for my colleagues to know this. The reason the Appropriations Committee conference has been postponed is because the Speaker of the House objects to an amendment which I offered in the Appropriations Committee, which was adopted by the committee, adopted by the full Senate, and which the House of Representatives instructed its conferees to approve. I have been told that unless I agree not to bring the amendment up in conference, the conference will not meet.

Let me describe the amendment. I believe most Americans will be surprised to learn what its subject is. The amendment I offered in the Senate Appropriations Committee is an amendment to make clear that it is not against the Federal law for an employer to require an employee to speak English on the job. Let me say that again. My amendment, which was adopted by this Senate, was to make it clear that it is not against the Federal law for an employer to require an employee to speak English on the job. That was adopted by the Appropriations Committee. Among those voting for it were the chairman of the Appropriations Committee, Senator BYRD, and the ranking Republican member, Senator COCHRAN. When it went to the House, there were two votes on it, but the second vote had the House, as a majority, instructing its conferees to agree with the Senate position and make it the Federal law.

Why did I offer such an amendment? I offered the amendment because the Equal Employment Opportunity Commission, a Federal agency, has determined that it is illegal for an employer in this country to require employees to speak in English while working. As a result, the EEOC has sued the Salvation Army, for example, for damages because one of the Salvation Army thrift stores in Boston required its employees to speak English on the job. The EEOC says this is a discrimination in violation of the Civil Rights Act of 1964. It says, in effect, that unless the Salvation Army can prove this is a business necessity, it can't require its employees to speak English.

In plain English, this means that thousands of small businesses across America—the shoe shop, the drugstore, the gas station—any company would have to be prepared to make their case to the Federal agency—and perhaps hire a lawyer—to show there is some special reason to justify requiring their employees to speak our country's common language on the job. I believe this is a gross distortion of the Civil Rights Act, and it is a complete misunderstanding of what it means to be an American.

I do not say this lightly. Since the 1960s, in Tennessee, at a time when it was not popular, I have supported, I believe, and voted for, when I have been in a position to do it, every major piece of civil rights legislation that has come down the road from the early days. I believe in that passionately. I remember the 1964 Civil Rights Act and the Voting Rights Act and all those important pieces of Federal and State legislation which have made a difference to equal rights in our country. But I cannot imagine that the framers of the 1964 Civil Rights Act intended to say that it is discrimination for a shoe shop owner to say to his or her employee: I want you to be able to speak America's common language on the job. That is why I put forward an amendment to stop the EEOC from filing these lawsuits.

That is why the Senate Appropriations Committee agreed on June 28 to approve my amendment. That is why the full Senate on October 16 passed a bill including my amendment. That is why the full House of Representatives voted to instruct its conferees to agree with the Senate on November 8. That is why, I believe, that the Senate-House conference on this appropriations bill should include the amendment in the conference report so it can become law.

Let me step back for a minute and try to put this small amendment in a larger perspective. Our country's greatest accomplishment is not our diversity. Our diversity is magnificent. It is a source of great strength. Our country's greatest accomplishment is that we have turned all that magnificent diversity into one country. It is no accident that on the wall above the Presiding Officer are a few words that were our original national motto: E Pluribus Unum, one from many, not many from one.

Looking around the world, it is worth remembering that it is virtually impossible to become Chinese, or to become Japanese, or to become German, or to become French. But if you want to be a citizen of the United States of America, you must become an American. Becoming an American is not based on race. It cannot be based upon where your grandparents came from. It cannot be based upon your native religion or your native language. Our Constitution makes those things clear. In our country, becoming an American begins with swearing allegiance to this country. It is based upon learning American history so one can know the principles in the Constitution and the Declaration of Independence.

The late Albert Shanker, the head of the American Federation of Teachers, was once asked what is the rationale for a public school in America? He answered: The rationale for public schools is that they were created in the late part of the 19th century to help mostly immigrant children learn the three Rs and what it means to be an American, with the hope that they would go home and teach their parents the principles in the Constitution and the Declaration that unite us.

Our unity is based upon learning our common language, English, so we can speak to one another, live together more easily, and do business with one another. We have spent the last 40 years in our country celebrating diversity at the expense of unity. It is easy to do that. We need to spend the next several years working hard to build more unity from our magnificent diversity. That is much harder to do. One way to create that unity is to value, not devalue, our common language, English. That is why in this body I have advocated amendments which have been adopted to help new Americans who are legally here have scholarships so they can learn our common language.

I have worked with other Members of this body on the other side of the aisle to take a look at our adult education programs which are the source of funding for programs to help adults learn English. There are lines in Boston and lines in Nashville of people who want to learn English. We should be helping them to learn English. We could not spend too much on such a program.

That is why with No Child Left Behind, one of the major revisions we need to do is related to children who need more help learning English, because that is their chance in their school to learn our common language, to learn our country's principles and then to be even more successful.

Not long ago, before Ken Burns's epic film series on World War II came on television, my wife and I went to the Library of Congress to hear him speak and to see a preview of the film. He was talking, of course, about World War II and that period of time. It was during World War II, he said, that America had more unity than at any other time in our history, which caused me to think, as I think it must have caused millions of Americans to think: What have we done with that unity since World War II? Our pulling together since then, our working as one country has been the foundation of most of our great accomplishments.

That is the reason we have the greatest universities, that is the reason we have the strongest economy, that is the reason we still have the country with the greatest opportunity. Quoting the late Arthur Schlesinger, in Schlesinger's 1990s book which was called "The Disuniting of America," Ken Burns told us that: Perhaps what we need in America today is a little less pluribus and a little more unum.

I believe Ken Burns's quote of Arthur Schlesinger is right about that. One way to make sure we have a little more unum, a little more of the kind of national unity that is our country's greatest accomplishment, is to make certain we value our common language, that we help children learn it, that we help new Americans learn it, that we help adults who do not know it to learn it, and that we not devalue it by allowing a Federal agency to say it is a violation of Federal law for an employer in America to require an employee to speak English on the job.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS—MOTION TO PROCEED

Mr. McCONNELL. Madam President, I understand that the majority may move to proceed to the supplemental bill passed by the House last night. That bill imposes at least two policy restrictions that will compel a veto: directing the readiness standard the Defense Department must follow before a unit may be deployed, and expanding the interrogation procedures established in the Army Field Manual over to the intelligence community.

The House bill will also compel the immediate withdrawal of forces, regardless of what General Petraeus's orders may be. Petraeus has established a reasonable timeline for the transition of mission and drawdown, and, frankly, we ought to support him. The Marine expeditionary unit identified by General Petraeus in September for withdrawal has left Iraq, and an Army brigade is headed home over the next month.

CLOTURE MOTION

Madam President, I move to proceed to Calendar No. 484, S. 2340, the troop funding bill. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2340, a bill making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008.

Mitch McConnell, Saxby Chambliss, Bob Corker, Wayne Allard, Thad Cochran, John Cornyn, Kay Bailey Hutchison, Lisa Murkowski, Orrin Hatch, Richard Burr, Trent Lott, Mike Crapo, Pat Roberts, Chuck Grassley, Jon Kyl, Norm Coleman, Mel Martinez.

Mr. McCONNELL. Madam President, Secretary Gates stated clearly yesterday that the Army and Marine Corps will run out of operating funds early next year. This funding shortfall will harm units preparing for deployment and those training for their basic missions. We should not cut off funding for our troops in the field, particularly at a moment when the tactical success of the Petraeus plan is crystal clear. Attacks and casualties are down. Political cooperation is occurring at the local level. We should not leave our forces in the field without the funding they need to accomplish the mission for which they have been deployed.

The Pelosi bill, if it was to get to the President's desk, of course, would be vetoed, as was the supplemental bill sent to the President earlier this year that contained a withdrawal date. Because we have a responsibility to provide this funding to our men and women in uniform as they attempt to protect the American people, we need to get a clean troop funding bill to the President.

There is no particular reason to have all the votes that are likely to be coming our way tomorrow. I have indicated repeatedly to the majority leader—and we have at the staff level—that we would be more than happy on this side of the aisle to move both the farm bill cloture vote and whatever cloture vote or votes we end up having on the troop funding issue up to today. I hope there is still the possibility of doing that. I know Members on both sides of the aisle, in anticipation of the 2-week break, have travel plans. I am all for staying here longer if it makes sense, but under this particular set of circumstances, it doesn't make sense.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FARM BILL

Ms. STABENOW. Madam President, I rise to speak about the importance of the farm bill. I also wish to express the same deep concern about what is happening on process in the Senate, as so many of my colleagues and the majority leader have. This is the second week we have been trying to pass a food and energy security bill that is important for every community. The process that has gone on, frankly, since the beginning of the year, is one of delay, slow walking, and filibusters over and over again.

Yesterday, I showed a chart that read "52 filibusters so far this year." Tomorrow we have potentially three more votes to close off filibusters. One relates to funding on the war that is tied to a policy change the majority of Americans want to have happen to move our men and women out of the middle of a civil war, to refocus us instead on the critical areas of counterterrorism, training, support for Americans who remain, those things the majority of Americans want to see happen. We have to stop a filibuster on that tomorrow morning. We then have two votes potentially on stopping filibusters on the farm bill. So my "52" is, as of tomorrow, potentially 55 filibusters this year.

We have never seen the level of filibustering that we have had in the current session of the Senate with our friends on the other side of the aisle.

In spite of the slowdown, in spite of the blocking of efforts to vote on amendments and to get a farm bill done last week, in spite of efforts this week, I am proud to say that yesterday we were able to work together to pass a reauthorization of Head Start. This is something that was done on a bipartisan basis. It will go to the President. We expect him to sign it. It will increase standards for teachers and extend resources so more children can receive Head Start funding. Head Start is so important to prepare children for school, to give them a head start. It is a wonderful program that involves parents being a part of the effort of preschool education. Despite what as of tomorrow will be 55 filibusters this year, we once again have put forward something that is important to the American people—investing in our young children, getting them ready to go to school. The Head Start bill did pass. I am pleased it did.

Concerning the farm bill that is in front of us, we have worked so hard together. We have a bill that came out of committee unanimously, a strong bipartisan effort to not only support traditional agricultural commodities but also to move us in new directions for the future. I am pleased, in addition to traditional farm programs that are supported in Michigan, that we were able to add support for the 50 percent of the crops grown that haven't been under the farm bill; specialty crops, fruits and vegetables are now a part of this farm bill. That is important.

We have also tied that to a partnership to expand nutrition, a significant new program expansion—it is beyond a pilot—the chairman of the committee has let in on fresh fruits and vegetables as snacks in schools, rather than children going to a vending machine and getting soda pop or candy. There are many parts of this farm bill that focus on nutrition. In fact, most people will be surprised to know the majority of the farm bill, over 60 percent, is in fact focused on nutrition. We need to get this done. We need to get this done both for our growers as well as for children, seniors, food banks that receive help, farmers' markets, organic farmers. This is very important.

We also in this farm bill have done something very significant—I notice our chairman from the Finance Committee on the floor who has led us in this, he and our ranking member—and that is creating a permanent disaster relief program as a part of the farm bill. I am very pleased that fruit and vegetable growers will be able to participate. We need to be able to respond quickly when there is a disaster—a flood, a drought, other kinds of disasters.

We also have moved this farm bill more aggressively in the direction of alternative energy, alternative fuels, biofuels. This is important in getting us off gasoline, off oil, when we look at prices continuing to rise every day. It is also a way to create jobs. In Michigan, we are creating hundreds of jobs now, with thousands to come, from ethanol plants and biodiesel plants. As we move to cellulosic ethanol, we will be able to create new opportunities for my sugar beet growers and the folks up north who are involved in timber and wood products, as well as switchgrasses and other areas. This is important. It is time to get this done, alternative energy for the future, addressing our energy needs, supporting our farmers.

I am proud also that American car companies within the next 3 years, by 2012, half of what they produce, half of what they manufacture will be flex-fuel vehicles, ethanol, other flex fuels. We need to get this farm bill done to be able to support that effort.

Rural development is a critical part as well. I have small communities all over Michigan that would not have water and sewer projects if it was not for USDA rural development—another critical part of this bill.

I would simply say we have seen now, since last week, delay after delay after delay on giving us the opportunity to move forward and get this farm bill done. Now is the time to do that. I hope tomorrow we will vote to stop filibustering, we will vote to proceed to a critical bill.

Folks think the farm bill is only about rural communities, but all of us are impacted by every part of this farm bill. We need to get this done. It is time to get this done. I do not want to keep having to change this chart over and over again, although I fear I will, on how many times there is delay, how many times there is filibustering going on.

We have a farm bill in front of us that needs to get done for all of us. It has been done in a truly bipartisan way. It has very broad support. Now is the time to get this done for our American farmers and our families.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Montana.

DRUG SAFETY INTIMIDATION

Mr. BAUCUS. Mr. President, I see my good friend from Iowa, Senator GRASSLEY, is on the floor. We will both speak on the same subject. I have a statement, and then I think he wants to speak next on the same subject.

Today, Senator GRASSLEY and I are placing in the CONGRESSIONAL RECORD a Senate Finance Committee staff report which describes a very disturbing series of events related to the safety of the diabetes drug Avandia.

I commend Senator GRASSLEY for his efforts on this issue, and I recommend this report to my colleagues.

Mr. President, I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE STAFF REPORT TO THE CHAIRMAN AND RANKING MEMBER

Committee on Finance

United States Senate, November 2007

THE INTIMIDATION OF DR. JOHN BUSE AND THE DIABETES DRUG AVANDIA

A. INTRODUCTION

The United States Senate Committee on Finance (Committee) has jurisdiction over the Medicare and Medicaid programs. Accordingly, it has a responsibility to the more than 80 million Americans who receive health care coverage under those programs to oversee the proper administration of these programs, including the payment for medicines regulated by the Food and Drug Administration (FDA). Given the rise in health care costs and the need to maintain public health and safety, Medicare and Medicaid dollars should be spent on drugs and devices that have been deemed safe and effective for use by the FDA, in accordance with all laws and regulations.

This report summarizes the Committee Staff's findings to date regarding GlaxoSmithKline's (GSK) intimidation of an independent scientist who criticized Avandia, a drug GSK manufactures to control glucose levels in diabetics. This report is based upon an intensive review of documents provided by GSK and others.

In a letter dated May 21, 2007, the Committee asked GSK about allegations that its company executives intimidated a research scientist in 1999. At the time of the alleged intimidation, GlaxoSmithKline was called SmithKline Beecham. In 2000, SmithKline Beecham merged with Glaxo Wellcome to create GlaxoSmithKline. Accordingly, throughout this report, the newly formed company will be referred to as GlaxoSmithKline/GSK.

In response to the Committee's letter dated May 21, 2007, that first raised these concerns about retaliation, GSK quickly issued a press release to repudiate the allegation. Specifically, the Wall Street Journal wrote, "[GSK] called the suggestion 'absolutely false.'" However, internal company documents seem to contradict that claim and reveal what appears to be an orchestrated plan to stifle the opinion of Dr. John Buse, a professor of medicine at the University of North Carolina who specializes in diabetes.

In particular, GSK's attempt at intimidation appears to have been triggered by speeches that Dr. Buse gave at scientific meetings in 1999. During those meetings, Dr. Buse suggested that, aside from its benefit of controlling glucose levels in diabetics, Avandia may carry cardiovascular risks.

The effect of silencing this criticism is, in our opinion, extremely serious. At a July 30, 2007, safety panel on Avandia, FDA scientists presented an analysis estimating that Avandia caused approximately 83,000 excess heart attacks since coming on the market. Had GSK considered Avandia's increased cardiovascular risk more seriously when the issue was first raised in 1999 by Dr. Buse, instead of trying to smother an independent medical opinion, some of these heart attacks may have been avoided.

According to documents provided to the Committee by, among others, GSK, and the University of North Carolina, it is apparent that the original allegations, regarding Dr. Buse and GSK's attempts at silencing him are true; according to relevant emails, GSK executives labeled Dr. Buse a "renegade" and silenced his concerns about Avandia by complaining to his superiors and threatening a lawsuit.

Even more troubling, documents reveal that plans to silence Dr. Buse involved discussions by executives at the highest levels of GSK, including then and current CEO Jean-Pierre Garnier. Also, GSK prepared and required Dr. Buse to sign a letter claiming that he was no longer worried about cardiovascular risks associated with Avandia.

After Dr. Buse signed the letter, GSK officials began referring to it as Dr. Buse's "retraction letter." Documents show that GSK intended to use this "retraction letter" to gain favor with a financial consulting company that was, among other things, evaluating GSK's products for investors. After cutting short Dr. Buse's criticism, GSK executives then sought to bring Dr. Buse back into GSK's favor.

While publicly silent subsequent to signing the "retraction letter," Dr. Buse still remained troubled about Avandia and its possible risks. Years later, he wrote a private email to a colleague detailing the incident with GSK:

"[T]he company's leadership contact[ed] my chairman and a short and ugly set of interchanges occurred over a period of about a week ending in my having to sign some legal document in which I agreed not to discuss this issue further in public."

Dr. Buse ended the email, "I was certainly intimidated by them. . . . It makes me embarrassed to have caved in several years ago."

GSK's behavior since the Committee first brought these allegations to light has been less than stellar. Instead of acknowledging the misdeed to investors, apologizing to patients, and pledging to change corporate behavior, GSK launched a public relations campaign of denial. Specifically, GSK sent out a press release titled "GSK Response to US Senate Committee on Finance" which stated that the allegations raised by the Committee were "absolutely false." Further, CEO Jean-Pierre Garnier denied having any knowledge of the alleged intimidation of Dr. Buse in an interview that ran in July in The Philadelphia Enquirer.

B. DETAILED REVIEW OF DOCUMENTS

The Committee initiated an investigation into the risks and benefits associated with the diabetes drug Avandia in the spring of 2007. That investigation was prompted when the New England Journal of Medicine published an article by Dr. Steven Nissen and Ms. Kathy Wolski, noting that Avandia was associated with serious cardiovascular risk, including heart attacks.

Dr. John Buse is an expert in diabetes with extensive research experience in the thiazolidinedione (TZD) class of drugs. This class includes Rezulin (troglitazone), Actos (pioglitazone), and Avandia (rosiglitazone). In 1999, Dr. Buse sent a letter to the FDA stating that Rezulin should not be withdrawn over worries about liver toxicity. He noted that the liver toxicity and other safety issues surrounding the alternatives—rosiglitazone and pioglitazone—were not yet known. He noted that the three compounds "are dramatically different in their interaction with their proposed receptor."

Dr. Buse added that he was a consultant for Takeda-Lilly, the manufacturer of Actos and had been a consultant for SmithKline Beecham, which manufactured Avandia. Documents from this period show that Dr. Buse was an investigator for a SmithKline Beecham study on rosiglitazone as a treatment for diabetes.

Also in early 1999, Dr. Buse gave speeches at meetings of the Endocrine Society and the

American Diabetes Association (ADA). At both meetings, he suggested that Avandia may carry increased cardiovascular risks.

In June 1999, GSK executives discussed Dr. Buse in a series of emails they titled, "Avandia Renegade." One email reads:

"[M]ention was made of John Buse from UNC who apparently has repeatedly and intentionally misrepresented Avandia data from the speaker's dais in various fora, most recent among which was the ADA. The sentiment of the SB group was to write him a firm letter that would warn him about doing this again . . . with the punishment being that we will complain up his academic line and to the CME granting bodies that accredit his activities. . . . The question comes up as to whether you think this is a sensible strategy in the future (we don't really do too much work at UNC to make any threats).

The email series also includes threats that might be made, including a lawsuit and contacting Dr. Buse's colleagues at UNC. SB in this email refers to SmithKline Beecham which is now GSK.

In response to this series of emails, Dr. Tachi Yamada, GSK's head of research at the time, wrote in an email that he had discussed Dr. Buse with GSK's CEO Dr. Jean-Pierre Gamier as well as David Stout, a senior GSK executive. Dr. Gamier and Mr. Stout are copied on the email. Specifically, Dr. Yamada's email reads:

"In any case, I plan to speak to Fred Sparling, his former chairman as soon as possible. I think there are two courses of action. One is to sue him for knowingly defaming our product even after we have set him straight as to the facts—the other is to launch a well planned offensive on behalf of Avandia. . . ."

Indeed, Dr. Yamada called Fred Sparling, Dr. Buse's department chairman. Three days later, Dr. Buse wrote a letter to Dr. Yamada attempting to clarify his position on Avandia. Dr. Buse's letter began, "I wanted to set the record straight regarding all the phone calls and questions I have received. . . ." The phone calls that Dr. Buse referred to were made by GSK officials including Dr. Yamada regarding the speeches that Dr. Buse gave at conferences suggesting cardiovascular problems associated with Avandia.

Dr. Buse continued, "I believe as a clinical scientist that the null hypothesis should be that rosiglitazone has the potential to increase cardiovascular events." Dr. Buse went on to say that his chairman had informed him that GSK executives perceived him as "being for sale" because he received speaking fees from Takeda. Dr. Buse added that he heard "implied threats of lawsuits from my chairman and James Huang. . . ." who was then a product manager with GSK.

Dr. Buse ended the letter to Dr. Yamada by writing, "Please call off the dogs. I cannot remain civilized much longer under this kind of heat."

Along with his letter to Dr. Yamada, Dr. Buse enclosed a separate letter. GSK officials later referred to that second letter as the "Buse retraction letter." In the "retraction letter," Dr. Buse attempted to clarify the remarks he made at the medical conferences regarding Avandia.

On July 1, 1999, Dr. Yamada wrote to Dr. Buse, thanking him for the detailed explanation. Dr. Yamada's email reads, "As you may be aware, my phone call to Fred Sparling was aimed at being educated. . . ." The letter is copied to CEO Jean-Pierre Garnier.

That same day, several GSK employees discussed Dr. Buse in an email chain that questioned whether or not Dr. Buse signed the "retraction letter" that was prepared by GSK. The email reads:

"[H]ave you heard back from Dr. Buse? Did he sign your proposed letter? Assuming he does retract, what are we planning to do to let the world know that Dr. Buse retracted his statements?"

A second GSK employee responded, "John Buse kindly signed the clarification letter on his letterhead without any change."

Later that day, the first GSK employee wrote, "I'm not certain what damage has now been caused by the Yamada phone call to [Buse's] seniors. . . . Maybe we can obtain clarification of how such situations with U.S. opinion leaders in [the] future should be handled. Yeesh!"

On July 2, 1999, several GSK officials discussed whether to share with financial analysts, what they term the "Buse retraction letter." These financial analysts were evaluating GSK's products for investors.

In an email, a GSK employee wrote discussed talks he had with the financial analysts. Several GSK executives were copied on this email, including CEO Jean-Pierre Garnier, Dr. Tachi Yamada, and Mr. David Stout. The email reads:

"I also discussed how Dr. Buse has also confirmed that caution should be used in comparing the efficacy data and [adverse events] data he presented. That these should not be taken out of context and that the study designs, baselines, etc., etc., . . . were different. . . . As a result of our conversation, [FINANCIAL COMPANY NAME REDACTED] will remove the '?' under the cardiovascular events and they are removing the John Buse table on efficacy presented at the ADA meeting."

But even after Dr. Buse signed the retraction letter, GSK executives were torn over whether or not they could trust the former "Avandia Renegade." On one hand the documents reveal that some GSK executives were eager to work with Dr. Buse. For instance, in late November 1999, a GSK official sent an email to several executives which read, "We need to see John Buse ASAP now that we know that he is involved with the NIH [study]."

On the other hand, others at GSK never fully believed that Dr. Buse had completely dropped his concerns with regard to Avandia and its possible cardiovascular risks. In fact, even though Dr. Buse remained silent in public, he continued privately to voice his opinions about cardiovascular problems with Avandia. For example, after signing the retraction letter, Dr. Buse wrote to the FDA Commissioner in March 2000 where he noted:

"In short, the lipid changes with troglitazone and pioglitazone can only be viewed as positive. They are very similar in nature. . . . As mentioned above, I remain concerned about the lipid changes with rosiglitazone. . . . Rosiglitazone is clearly a very different actor. I do not believe that rosiglitazone will be proven safer than troglitazone in clinical use under current labeling of the two products. In fact, rosiglitazone may be associated with less beneficial cardiac effects or even adverse cardiac outcomes."

The following month, GSK officials acquired a copy of Dr. Buse's letter to the FDA. GSK executives faxed Dr. Buse's FDA letter among themselves with a cover note reading, "We need to address this as a company. . . . Looks like Dr. Buse doesn't buy into our lipid or cardiovascular story."

Following Dr. Buse's FDA letter, GSK drafted another letter to Dr. Buse from one of its executives, Martin Freed. The letter reads, "I remain concerned about your ongoing aggressive posture towards rosiglitazone and SmithKline Beecham. In my opinion, you have presented to [FDA] several unfair, unbalanced, and unsubstantiated allegations."

Later in 2000, Dr. Buse reached out to GSK officials, asking them to sponsor a continuing medical education (CME) program about TZD use. Dr. Buse wrote in his request:

"I spoke to Rich Daly, the head of marketing (and sales?) for Takeda. He was going to run the idea of joint support for the CME program by the Takeda lawyers to make sure there are no FTC issues in what I proposed. I highlighted to him that the benefit to Takeda and [SmithKline Beecham] would be the potential to grow interest in the class as a whole and as a very public display of the end of the "glitazone wars."

By late 2000, GSK officials appeared to believe that they had the former "Avandia Renegade" under control. Emails from this time refer to GSK as "SB," as GSK had not yet been created from the merger. In November, a GSK/SB executive wrote:

"Just a quick note about your comment on Buse. . . . I am getting messages that he is really coming around to the SB side of things. He has stopped his out-right bashing and is now more TZD positive with kind comments on Avandia. . . . David Pernock spoke to him and said something to the effect that [Glaxo Wellcome] is his friend now but GSK will be the future and he needs to realize that. . . .

"I spoke to him separately on a couple of occasions . . . and let him know that our relationship got off on the wrong foot but that is in the past and we want to move on from here. . . . FYI and thanks for your help in bringing J. Buse back to the middle and hopefully beyond."

However, based upon the documents in the Committee's possession, GSK executives continued to try and shape Dr. Buse's views regarding Avandia. For example, in early 2001, Dr. Buse contacted GSK officials, requesting citations for a textbook he was writing. One official suggested that GSK should both provide and interpret the information for Dr. Buse, stating in an email:

"Our chances on having Buse reflect our views and messages will be enhanced greatly if we tell him what they are rather than relying on him to development [sic] on his own accord via examining data. . . . [F]inally our view of the big picture lipid story including LDL characteristics and fat redistribution cannot be easily gleaned from our collection of pieces. There is no evidence that Dr. Buse will come to these views without some guidance and support. Of course care will need to be taken to work any overview pieces in a way that appears academic rather than too commercial to enhance the probability that Dr. Buse will adopt our views as his own."

Concern with Dr. Buse reemerged in 2002, as his professional stature grew. That September, GSK officials discussed bringing him further into the fold. A GSK official described him as the "most powerful Endocrinologist in the Carolinas. . . . [H]e is gaining power nationally and internationally." The email continued:

"[We feel] as if Dr. Buse [is] primed to move to a more middle-of-the-road stance concerning TZDs. The timing for this 'shift' has to be right. In my opinion, that right time will be with the launch of Avandamet. He is very excited about the launch of this new combo product and very critical of [COMPANY NAME REDACTED] for not moving faster on their combo. . . . His experience with and advocacy for Avandamet could prove invaluable for it's [sic] in the Blue Ridge region and beyond."

A different GSK official responded, "As long as we are on the same page, we could consider him. . . ." The following week, another official wrote, "It looks like marketing would like us to move forward using Dr. Buse as an investigator in the Avandamet program. Are you OK with this?" Avandamet refers to a combination drug for glucose control that combines Avandia with metformin.

Based on the documents in the Committee's possession, it appears that Dr. Buse remained silent about his concerns regarding Avandia for approximately two years. However, in 2005, he once again privately voiced his opinion that Avandia carried cardiovascular risks. In an email he sent to Dr. Steven Nissen, chairman of the Cardiology Department at the Cleveland Clinic, he again revealed his ongoing concerns about Avandia and described his treatment by GSK. Specifically, Dr. Buse wrote:

"Steve: Wow! Great job on the muriglitazar article. I did a similar analysis of the data at rosiglitazone's initial FDA approval based on the slides that were presented at the FDA hearings and found a similar association of increased severe CVD events. I presented it at the Endocrine Society and ADA meetings that summer. Immediately the company's leadership contact[ed] my chairman and a short and ugly set of interchanges occurred over a period of about a week ending in my having to sign some legal document in which I agreed not to discuss this issue further in public."

Later in the email, Dr. Buse confirmed GSK's treatment of him when he wrote, "I was certainly intimidated by them but frankly did not have the granularity of data that you had and decided that it was not worth it."

Dr. Buse concluded in his email, "Again congratulations on that very important piece of work. It makes me embarrassed to have caved in several years ago."

C. CONCLUSIONS

The documents in the Committee's possession raise serious concerns about the culture of leadership at GSK. Even more serious perhaps is our fear that the situation with Dr. Buse is part of a more troubling pattern of behavior by pharmaceutical executives.

Specifically, in 2004, Dr. Gurkirpal Singh of Stanford University testified at a Committee hearing that an executive at Merck sought to intimidate him by calling his superiors. Merck also warned Dr. Singh that they would make life very difficult for him, if he persisted in his request for data on Merck's drug, Vioxx. It was later discovered that Vioxx increased the risk of heart attacks and it was withdrawn from the market.

Merck's intimidation of Dr. Singh as it sought to protect Vioxx bears striking similarities to apparent threats by GSK against Dr. Buse to protect Avandia. The Committee is very concerned that this behavior may be more prevalent in the pharmaceutical industry than is evidenced by these two cases.

Corporate intimidation, the silencing of scientific dissent, and the suppression of scientific views threaten both the public well-being and the financial health of the federal government, which pays for health care. The behavior of GSK during the time that Dr. Buse voiced concerns regarding the cardiovascular risks he believed were associated with Avandia was less than stellar. Had Dr. Buse been able to continue voicing his concerns, without being characterized as a "renegade" and without the need to sign a "retraction letter," it appears that the public good would have been better served.

Mr. BAUCUS. The report presents evidence that a pharmaceutical company allegedly tried to intimidate a doctor who raised concerns about Avandia's link to heart problems.

A few years ago, the Senate Finance Committee uncovered a similar situation connected to the drug Vioxx.

These actions are unacceptable.

It is critical that our prescription drugs be developed based on rigorous experimentation, the facts, and the science, not on intimidation and threats of lawsuits.

We place a great deal of trust in pharmaceutical companies to make safe and effective products. The health of millions of Americans, from young children to retirees, depends on the careful work of these drug manufacturers.

Today, as I said, Senator GRASSLEY and I are placing in the CONGRESSIONAL RECORD a Senate Finance Committee staff report which describes a very disturbing series of events related to the safety of the diabetes drug, Avandia.

The report presents evidence that a pharmaceutical company allegedly tried to intimidate a doctor who raised concerns about Avandia's link to heart problems. This occurred after the doctor gave speeches at 2 scientific meetings where he warned of the cardiovascular risks to those using Avandia, a drug designed to control glucose levels in diabetics.

To make matters worse, the company in question denied trying to intimidate the doctor in the press. That claim is seriously challenged by e-mails presented in the staff report.

It appears that the company labeled the doctor as a "renegade" and all but silenced him by complaining to his department chairman and threatening a lawsuit.

In an e-mail contained in the report the doctor in question describes signing a legal document in which he agreed not to discuss the issue in public. He goes on to say that he felt intimidated by the actions of the pharmaceutical company.

Is this the tip of the iceberg or just an isolated case? Nobody really knows. But just 3 years ago the Senate Finance Committee uncovered a similar situation connected to the drug Vioxx. A clinical professor at Stanford University said Merck scientists had tried to intimidate him after he raised questions in public about the effects of Vioxx.

It was later discovered that Vioxx increased the risk of heart attacks and the drug was withdrawn from the market. Just last week Merck agreed to pay $4.8 billion to settle Vioxx lawsuits.

As in the Vioxx case, the concerns raised by the doctor in the Avandia case were followed by complaints by other researchers. And yesterday the FDA added an additional "black box" warning to the Avandia label.

With the Finance Committee's continued spotlight on this behavior, I hope we can deter similar abuses in the pharmaceutical community.

Again, it is critical that our prescription drugs be developed based on rigorous experimentation, facts and science, not on intimidation and threats of lawsuits.

I, again, recommend the report to my Senate colleagues, and I very much thank my colleague from Iowa, Senator GRASSLEY, for his efforts here and, again, for his efforts on the work of this investigation.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to follow Senator BAUCUS on exactly the same subject. I thank him for the period of time now, this year, he has been chairman of the committee, succeeding my chairmanship, because he has been very cooperative in my efforts to finish investigations that carried over with the change of Congress from Republican to Democratic, and also for helping us initiate new, needed investigations.

But I also wish to take some time to comment exactly on what he had made reference to in the very report he has now submitted for the RECORD. Since he has submitted a copy, I will not ask permission to do that.

It was about 3 years ago—in fact, the exact date was November 18, 2004—I convened a hearing on the worldwide withdrawal of Vioxx, a blockbuster pain medication.

That hearing turned a spotlight on systemic problems at the Food and Drug Administration. We found that the Food and Drug Administration maintained a very cozy relationship with the drug industry and suppressed scientific dissent regarding agency actions on drug safety.

At that Vioxx hearing, we also heard about Merck using its power, its influence, and access to try and discredit an FDA safety expert, Dr. David Graham—a person who is still on the staff at the FDA trying to do the job of being a policeman for safety for the consumers of American pharmaceutical products.

Merck also tried to intimidate a Stanford researcher, Dr. Gurkirpal Singh. The company warned him to stop asking for more safety data on Vioxx, despite the fact he was one of their paid consultants.

What is troubling is that 3 years later, I am here with my colleague, Senator BAUCUS, to talk about yet another case where pharmaceutical executives use power, use their influence, and use access to intimidate a medical researcher.

In essence, another company wanted to put an end to another scientist who was voicing concerns about the cardiovascular risks associated with a drug.

Now, in this case—similar to Vioxx—we are talking about a diabetes drug, Avandia.

Today, Senator BAUCUS and I are releasing a staff report showing how executives at GlaxoSmithKline intimidated Dr. John Buse, a medical researcher at the University of North Carolina.

Together, our respective staffs reviewed documents provided by the company and by others, and they found bothersome internal e-mails that reveal how these pharmaceutical executives think. In these e-mails, high-level company officials discussed the possibility of threats—I am talking about threats by pharmaceutical executives—against Dr. Buse of North Carolina University. These threats included the possibility of filing a lawsuit.

Company executives called Dr. Buse an "Avandia Renegade" and had him sign a retraction letter they wanted to give to financial analysts. These analysts were evaluating the company's products for investors.

So what we have are three cases—starting with Dr. Graham, then Dr. Singh, and now Dr. Buse—where companies intimidated researchers who dared to express concerns about the safety of what they thought were risky drugs. In the case of both Vioxx and Avandia, the drugs actually turned out to carry some very serious risks.

What I am here to say today is that attacks on medical researchers by the pharmaceutical industry must stop. And it has to stop right this minute.

Until this practice ends, I wish to let America's scientists know I am very interested in their concerns. Scientists should feel free to contact my office if a pharmaceutical company threatens their career or attacks their reputation when they raise the alarm about possible dangerous drugs.

They can also anonymously provide information and documents by mail or by fax to the committee. Here is the fax number: 202-228-2131.

That is the warning that I put out, and the invitation that I put out.

I yield the floor.

Mr. President, it does not look like anybody else wants to speak, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATIONAL BENEFITS FOR VETERANS

Mr. WEBB. Mr. President, my first day in the Senate I introduced legislation that would provide educational benefits for those who have served in our military since 9/11 that would be the equivalent of the educational benefits that those who served in World War II received.

We are very fond in this body and elsewhere in the U.S. Government of talking about those who have served in Iraq and Afghanistan as being the new "greatest generation." Well, it seems to me very logical that if we are going to use that rhetoric, we should be able to provide those who have served in this difficult time with the same educational benefits as those who served during World War II.

I was very privileged, for 4 years, to serve as a committee counsel on the House Veterans' Committee at a different point in my life, and was able to study the benefits that had been provided to our veterans from the American Revolution forward.

I also noticed an interesting phenomenon; and that was, a good part of the veterans' benefits package that was provided to those who served in World War II was done so because of the wisdom of those who had served in World War I—partially because they did not receive these sorts of benefits. The World War I veterans were very adamant that the veterans coming back from World War II be treated differently than they were. One of the end results of that was the GI bill.

Very recently, former Senator Bob Dole testified in front of the Veterans' Affairs Committee, of which I am a member. I asked him about his own experiences, having been wounded in World War II, and how the World War II GI bill assisted him in his transition to the civilian world. This is what he said in part:

> I think [the World War II GI bill was] the single most important piece of legislation when it comes to education, how it changed America more than anything I can think of. [We] ought to take the same care of the veterans today.

I could not agree more strongly. The people who served in World War II—there were 16 million of them—were offered an entirely different concept in terms of fairness in American society when they returned. Eight million of them were able to take advantage of a GI bill that provided for their tuition when they went to college, bought their books, and gave them a monthly stipend.

This education benefit has gone up and down since the enactment of World War II GI bill. When I came back from Vietnam, the benefit was a monthly stipend that was not very helpful to most Vietnam veterans. That has been on my mind for years, as I think about the service of our veterans of Iraq and Afghanistan.

Just as the World War I veterans stepped forward and took care of the World war II veterans, I believe it is the responsibility—not wholly, but strongly—of those of us who served in Vietnam and who experienced a lot of the disadvantages of service, once we got out, to make sure we take care of those who are serving now and who have served in Iraq and Afghanistan. It is for that reason I introduced this bill.

To look back on the educational benefits that were derived from this experience, I asked my staff to take a look at those Members of this body—our colleagues—who served in World War II, just to see where they were able to go to school and to see how the World War II GI bill benefitted them, and then to compare that with what they would have been able to do today if they were the same individual having served in Iraq and/or Afghanistan and were coming back with today's Montgomery GI bill, which basically is a peacetime GI bill that was put in place well before 9/11 and was designed more as a little bit of a bump to assist in recruitment than a true readjustment benefit for people who had been in war.

Our chairman, Senator AKAKA, was able to go to the University of Hawaii under that program, the World War II GI bill. Today, if one were applying for the Montgomery GI bill, 41.5 percent of his education would have been paid for.

Senator INOUYE, who is a cosponsor of our bill, was able to attend George Washington Law School. Today, that would cost $48,460 a year. The Montgomery GI bill would pay for 12.4 percent of that.

Senator LAUTENBERG, who also is a cosponsor of this bill, was able to go to Columbia on a full boat, graduating in 1949. Today, to go to Columbia, it would cost $46,874 a year. The Montgomery GI bill would pay for 12.8 percent of that.

Senator STEVENS was able to go to UCLA and Harvard Law School. His staff declined to be specific about how much of that was assisted by the GI bill, but if one were to go to Harvard Law School today, it would cost $54,066, which is about 11 percent of what the Montgomery GI bill would take care of.

Senator JOHN WARNER, my senior Senator from Virginia, my esteemed colleague and friend, has told me many times he would not be in the Senate today if it had not been for the educational benefits of the GI bill. He was able to go to Washington and Lee for an undergraduate degree. Today that would cost $42,327 for 1 year, of which the Montgomery GI bill would pick up 14 percent. He was then able to go to UVA Law School, full boat, as a reward for his service. Today that would cost $44,800.

Just to be fair, I am standing here today because Uncle Sam made a bet on me. I was able to go to the Naval Academy. The taxpayers of America paid for that. The taxpayers of America would pay for that today, the same amount. I was also in a different situation than most of my Vietnam war veteran colleagues because after I was wounded and had medical difficulties with a bone infection in my leg, I was medically retired from the Marine Corps and was able to go to law school on a program called Vocational Rehabilitation, which was the exact same program as the people who served in World War II received. I was able to go to Georgetown Law School. Today that would cost $51,530 a year. The Montgomery GI bill would pick up 11.6 percent of it.

So on the one hand, we are saying this is the next great generation. This is the next greatest generation. We never cease to talk about how much we value their service, these people leaving home on extended deployments again and again, giving us everything we ask, and then we are giving them a GI bill that was designed for peacetime.

It is not because we don't spend money on education. We just passed legislation for Federal education grants. I voted for it. I assume the Presiding Officer voted for it. If you add up these grants—and these are grants—this is not rewarding someone for affirmative service. If you add up these grants, it is going to cost $18.2 billion this year. We are having a difficult time getting an exact number on what my GI bill proposal would add up to, but the best estimates we have had informally are about $2 billion.

I would submit that with the cost of this war now heading well north of $1 trillion, and with the President coming over and saying he wants $200 billion on top of that and on top of an appropriations bill, we could spend this money in a way that will allow the people who have served since 9/11 a first-class future. We are saying they are that good; let's let them be that good.

For that reason, I hope all of my colleagues will step forward and join me so we can get this legislation passed this year.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FHA MODERNIZATION ACT OF 2007

Mr. REID. Mr. President, each day that goes by, the depth and severity of our country's subprime mortgage foreclosure crisis emerges. It is very difficult. This week I spoke to former Secretary of the Treasury Rubin. I spoke also to the present Secretary of the Treasury, Mr. Paulson, and they both recognize we have some severe problems with our subprime mortgages. This is very deep. It is very hard.

Hundreds of thousands of mortgages are now delinquent nationwide—hundreds of thousands. That is fully twice as many as last year, and last year was not a good year. The most alarming fact is this could be just the beginning. Experts agree as more mortgage rates continue to expire, not thousands, not tens of thousands, but hundreds of thousands of American families could be at risk.

When these introductory "teaser" rates expire, these teaser rates where they tease people into taking these loans, sometimes that they couldn't afford—a lot of times that they couldn't afford—when these higher rates arrive, the mortgages that many families can afford today will become impossible to pay off tomorrow. This will leave many with just two options: lose their homes or try to work something out on refinancing.

That is what this is all about. Some say if a borrower gets into financial trouble, it is their obligation and it is their responsibility to find a way out. That is not true. If you have a piece of property, and it is a home and it is being foreclosed upon, you as the owner of that property are going to lose money. There is no question about it. You usually lose about 35 to 40 percent of the value of the home. So the borrower gets hurt. Also, the entity where the home is, a county or a city, if you have that property under foreclosure, the windows are boarded up, and it just loses value. So the tax base of that community suffers.

So we need to do something about that. We are talking about families losing the roof over their heads. Therefore, we need to do something about it.

The chairman of the Federal Reserve Board, Ben Bernanke, recognized that a sharp increase in foreclosed properties for sale could weaken the already struggling housing market and thus, potentially, the broader economy. He was being very deliberate. The word "should" should have been used, not "could." But he was being, as he should be as chairman of the Federal Reserve, very cautious.

In Nevada, this crisis is hitting very hard. In 2006, in August, the number of foreclosure filings had gone up by more than 200 percent. We could see another 21,000 foreclosures, we are told, by the beginning of 2009 in Nevada. That is a lot of foreclosures.

One of the things we need to do is have more money for counseling, which the administration has cut back.

There are three items we need to work on in the near term: providing funding for foreclosure prevention counseling, modernizing the FHA administration, and providing temporary but necessary tools to the government-sponsored enterprises, Fanny and Freddie—that is Fannie Mae and Freddie Mac—so they can keep funding available to make or refinance subprime mortgages. So we need to do this.

The Senate Banking Committee passed a bipartisan FHA Modernization Act of 2007 on September 9, 2007, by a vote of 20 to 1. This has broad support of consumers and the industry alike.

As the name of the bill indicates, this legislation is intended to bring needed changes to the Federal Housing Administration that will make the agency more capable of providing the services that homeowners need in today's all-too-perilous environment.

The FHA program encourages the private sector to make mortgages by offering government-backed insurance for the full balance of the loan.

Traditionally, since its inception in 1934, the FHA has played a major role in providing home purchase financing to minority, first-time, and lower income home buyers.

Beginning in the mid-1990s, and until now, however, as more exotic loans entered the marketplace, FHA saw its overall market share drop dramatically.

In some cases borrowers considered the more exotic loans easier to get. In many other cases, borrowers were directed into those loans by brokers who often didn't have the borrower's best interests at heart.

Unfortunately, these exotic loans often lured borrowers with false or misleading information and contained "teaser" interest rates that, once expired, borrowers couldn't afford.

These were predatory loans—and the consequences of these shady practices are becoming more evident every day.

This crucial reform bill modernizes the FHA program by, among other things, lowering mortgage- down-payment requirements and raising the loan limits for FHA-backed loans.

The result will be a better loan option for families that are having trouble keeping up with their exploding mortgage payments. They will have the option of refinancing to an FHA-backed loan with the peace of mind that comes with it.

And for future homebuyers, a fully backed FHA loan with honest, up-front terms, will help prevent crises like we now face, and ensure that more American families will experience all the safety, comfort and stability that comes with homeownership.

Third, the PROMISE Act would temporarily lift the cap on the amount of loans Fannie Mae and Freddie Mac can purchase as investments for a period of 6 months.

The bill could bring as much as $145 billion dollars into the subprime mortgage marketplace and prescribes that the vast majority—at least 85 percent of these resources—be used to refinance subprime loans.

The past decade has seen remarkable growth in American homeownership. What's more, these gains have been enjoyed from coast to coast and among groups that have traditionally been shut out.

We need to ensure that this progress continues.

Mr. President, I have a unanimous consent request here that I have been told the Republicans will object to. I will make the request and then withdraw it. As I said, I have been told they will object.

UNANIMOUS CONSENT REQUEST—S. 2338

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 481, S. 2338, the FHA Modernization Act of 2007; that the Dodd-Shelby amendment at the desk be considered and agreed to; the bill, as amended, be read the third time, passed, and the motion to reconsider laid upon the table; and that any statements relating thereto be printed in the RECORD.

Mr. President, I now will withdraw that request.

What a shame that there is an objection to a bill that passed the House overwhelmingly, came out of committee over here on a vote of 20 to 1, and now there is an objection to it. That is really too bad. We will renew this request before we leave here for Thanksgiving. This will be much-needed relief. Even though the President hates the Government, this Government that was created many years ago has been a lifesaver for home building in our country, and we need to modernize it; it is long overdue. I hope the Republicans will withdraw their objection to this bipartisan, much-needed legislation.

The PRESIDING OFFICER (Mr. SALAZAR). The unanimous consent request is withdrawn.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I heard the majority leader's speech. I wanted to put him on notice that I will object to the bringing forward of this bill. It was introduced September 19 and reported out of the Banking Committee on November 13, 2 days ago. We received notice, via hotline, that they were attempting to clear the bill by unanimous consent yesterday afternoon.

This bill addresses a very delicate and complicated area of housing policy on which we cannot afford to make mistakes. I know many Senators, including myself, are strong advocates of how we can help those who find themselves in trouble now. I know the authors of the bill would like to pass it expeditiously. However, it is a big bill. It is an important bill. Under the unanimous consent request, that would mean we would not debate it and offer amendments. For those two reasons, I object, as a Senator from Oklahoma, and I know several other Senators would as well.

The problem with hotlining bills is they don't get due deliberation. Here is a stack of bills that were offered by unanimous consent in the Senate before the August break. Most of the Senators had never read the bills, didn't know what was in the bills. Thankfully, many of them were objected to by Members of the Senate. It is not a good way to legislate.

This is an important issue. We seem to have a tendency that we are afraid to do the real work we need to do because we will be criticized as the one stopping the bill. I am not afraid to stop a bill. I believe we need to get things right. It is not about not wanting to help those in need today, but there are several significant things in this bill.

First of all, the bill changes it so that if you have a $417,000 home, you can get a mortgage; if you are in trouble, we are going to take care of that. That is twice the median price of a home in this country. It lowers the downpayment to 1.5 percent. It exposes American taxpayers to $1.6 billion over the next 5 years. We can solve this problem. We cannot solve this problem by blowing a bill through here without good debate, rigorous discussion of the issues, and alternative options, via amendments, which will address, No. 1, how we got where we are in terms of the subprime mortgage mess; No. 2, how we restore confidence in that market; No. 3, how do we work to secure better oversight on the mortgage industry that put people in the position of owning property they could not afford; and the predatory lending practices Senator REID talked about. We can address those. Doing it under a hotline, under unanimous consent, where we don't have an option to study the bill and think about what other options there can be or how many hearings were held on the bill and what is the response, is not the way to legislate.

I believe the President has not said he would not support this bill. I may be wrong, but I seem to recall that from the past.

I also would like to put in the RECORD an article from the Roll Call of September 17 entitled "'Hotlined' Bills Spark Concern." I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Roll Call, Sept. 17, 2007]

"HOTLINED" BILLS SPARK CONCERN

(By John Stanton)

Senate conservatives are upset that the leaders of both parties in the chamber have in recent years increasingly used a practice known as "hotlining" bills—previously used to quickly move noncontroversial bills or simple procedural motions—to pass complex and often costly legislation, in some cases with little or no public debate.

The increase was particularly noticeable just before the August recess, when leaders hotlined more than 150 bills, totaling millions of dollars in new spending, in a period of less than a week.

The practice has led to complaints from Members and watchdog groups alike that lawmakers are essentially signing off on legislation neither they nor their staff have ever read, often resulting in millions of dollars in new spending.

In order for a bill to be hotlined, the Senate Majority Leader and Minority Leader must agree to pass it by unanimous consent, without a roll-call vote. The two leaders then inform Members of this agreement using special hotlines installed in each office and give Members a specified amount of time to object—in some cases as little as 15 minutes. If no objection is registered, the bill is passed.

According to a review by Roll Call of Senate records, from July 31 to Aug. 3, of the 153 hotlines put out by leadership, 75 of those were legislative measures, 61 were nominations, and 17 were post-office-naming bills. While a number of the legislative hotlines were routine procedural motions—such as reporting a House-passed bill to a particular committee for consideration—others were for bills authorizing hundreds of millions of dollars in new spending.

According to GOP aides, that run of hotlined bills concerned the chairman of the conservative Republican Steering Committee, Sen. Jim DeMint (S.C.), enough that he made the issue of hotlining the topic of discussion during last week's regular RSC luncheon. Although these aides said DeMint and other conservative lawmakers have yet to broach the topic with their leaders, it likely will become an issue if the trend continues. "It's inevitable that it will come up," one aide said.

According to the Library of Congress' legislative database THOMAS, of the 399 bills or resolutions passed by the Senate this year—which range from recess adjournment resolutions to the Iraq War supplemental bill—only 29 have been approved by a roll-call vote. The rest have been moved via unanimous consent agreements, the vast majority of which were brokered using the hotline process.

Critics also point out that hotlining is often done during "wrap-up" at the end of the day—which can occur well after Members' offices have closed for business—and is particularly popular in the runup to recesses.

In a March 2006 floor speech, Sen. Jeff Sessions (R-Ala.) harshly criticized the practice. "The calls are from the Republican and the Democratic leaders to each of their Members, asking consent to pass this or that bill—not consider the bill or have debate on the bill but to pass it," Sessions said.

"If the staff do not call back . . . the bill passes. Boom. It can be 500 pages. In many offices, when staffers do not know anything about the bill, they usually ignore the hotline and let the bill pass without even informing their Senators. If the staff miss the hotline, or do not know about it or were not around, the Senator is deemed to have consented to the passage of some bill which might be quite an important piece of information."

During that brief pre-recess period this summer, the chamber passed S. 496, a bill sponsored by Sen. George Voinovich (R–Ohio) making changes to the Appalachian Regional Development Act of 1965. According to the Congressional Budget Office, those changes will cost $294 million over five years.

In many cases, bills are placed before the Senate for only a few days or even hours before they are hotlined. For instance, the Senate received H.R. 727—a bill sponsored by Rep. Gene Green (D–Texas) amending the Public Health Services Act—from the House on March 28, according to THOMAS. Senate Majority Leader Harry Reid (D–Nev.) and Senate Minority Leader Mitch McConnell (R–Ky.) hotlined the bill the following day. According to CBO, the bill is expected to cost $40 million between 2008 and 2012.

Sen. Tom Coburn (R–Okla.) said hotlining bills is not necessarily a bad thing but that Members have increasingly seen the process as a right. "People think they can hotline [a bill] and you have to agree," Coburn said, adding that "a lot of Members are offended" if anyone raises an objection or wants to offer changes to a bill.

Coburn also said that because of limited floor time, "we don't have time to debate everything . . . but if you object, they ought to be willing to negotiate with you. But usually, they put the press after you.

"They accuse you of being against veterans, of being against breast cancer patients . . . I've been accused of so many things," Coburn lamented. But he insisted that when sponsors of bills he has objected to take his concerns seriously, they often are able to work out an agreement.

For instance, he points out that earlier this year, when Sen. John Kerry (D-Mass.) brought a small-business bill to leaders to be hotlined, Coburn initially objected because of problems with the bill. He and Kerry entered into negotiations to resolve their differences, and the Senate ultimately passed the package by unanimous consent. "We gave a couple of things, he gave a couple of things and we passed the bill," Coburn explained.

Bill Allison, a senior fellow at the government watchdog group Sunlight Foundation, said the process of hotlining has added to the lack of transparency and accountability in Congress. "Hotlining bills diminishes the accountability of Congress. Senators are forced into an 'all-or-nothing' posture—place a secret hold on legislation and negotiate in the back room, or keep their objections to themselves. The Senate is supposed to be a deliberative body, and those deliberations should occur in the light of day and be part of the public record," Allison said.

Mr. COBURN. The increasing practice of this body of passing bills by unanimous consent rather than debate and knowledge about what we are agreeing to does the Senate a disservice. All you have to do is watch C–SPAN and see how much time is spent in quorum calls in this body. I, for one, would never object to unanimous consent for us running several bills at the same time so we can continue to discuss them. We should not be passing bills without good thought, good debate, and an amendment strategy that will improve the bill and protect the future taxpayers of this country. That has to be a requirement as we address it.

I thank Senator REID for his attention to what is truly a real problem. But the process is really what matters on this issue. We need to get it right. There is too much risk. Therefore, if we decide to bring this request back up, I will come back down and object.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak 10 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise today to talk about the bridge fund bill that passed the House of Representatives last night. I don't know why it has to be so hard to pass an emergency supplemental to assure that our troops in the field get the money they need to support them in the job we are asking them to do.

The President has asked for almost $200 billion to get us through some point in January or possibly into the spring. But the bill that has come over is roughly in the $50 billion range and it has all kinds of constraints and strings and mandates from the Congress.

Our military strategies should not be determined by events 6,000 miles from the theater where our young men and women have boots on the ground. This bridge fund bill is the latest attempt in a year-long effort to constrain the ability of our generals and our brave men and women in uniform to fight this war effectively.

During the past year, the Senate has been forced to vote 40 times on bills limiting the generals' war strategy. None of those bills passed but one, and it was vetoed.

Since this assembly line of bills started last February, the situation in Iraq has changed so much. General Petraeus has implemented a strategic readjustment that has produced encouraging progress. Last week, U.S. commanders and the Iraqi Government proclaimed that al-Qaida had been routed in every neighborhood in Baghdad, citing an 80-percent drop in the murder rate since its peak.

The British Broadcasting Corporation reports:

> All across Baghdad . . . streets are springing back to life. Shops and restaurants which closed down are back in business. People walk in crowded streets in the evening, where just a few months ago they would have been huddled behind locked doors in their homes.

This is from the BBC.

Some 67,000 Iraqis have joined U.S.-organized citizens watch groups. Roadside bomb attacks have receded to a 3-year low, while finds of weapons caches have doubled in the last year. The progress has been so impressive that General Petraeus has recommended a drawdown of troops because conditions on the ground merit such action.

In the last 10 months, so much has changed in Iraq, and yet on the floor of the Senate, nothing has changed at all. We are still voting on bills for premature withdrawal, not taking into consideration what is happening on the ground, even when victory is in sight.

This is a new day in Iraq, and the Senate should recognize that fact by providing a vote of confidence in our generals instead of threatening to pull the rug out from under them.

If there are Senators who believe the war is lost, they should vote to defund the war instead of threatening to tie the hands of our commanders which would needlessly endanger our troops.

We know from our troops in the field that we must keep our commitment. This war has been costly for America in lives and dollars. The consequences of failure, after all we have spent in our treasure and our young men and women, would be catastrophic. If we abandon Iraq prematurely, it will become a sanctuary for terrorists, and they will launch attacks on the American people.

There is also a real danger that Iraq could become a satellite of Iran. The Iranian Government has a long record of sponsoring terrorism and arming the insurgents who are killing our brave soldiers in Iraq.

For all these reasons, we cannot abandon Iraq. We can leave when the generals say it is safe to leave because Iraq will be stable, that it will not be a terrorist training ground, and that is the only way we can leave Iraq, if we are to uphold the integrity of the United States of America.

We must persevere and succeed in this war, just as generations before us have done when we fought and defeated fascism, communism, and nazism. Our soldiers, sailors, airmen, marines, and Coast Guard have sacrificed greatly to keep us safe and free, and we must support them in this mission. The mission of a stable Iraq rather than a breeding ground for terrorists must be accomplished.

The bill is coming to the Senate from the House which passed it after a long, arduous debate last night. I urge my colleagues not to do something that would so damage the integrity of the United States of America and hurt our troops on the ground in Iraq and Afghanistan by putting them in danger by underfunding them, by not giving them the vote of confidence they deserve. It would be unthinkable.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE FARM BILL

Mrs. LINCOLN. Mr. President, I come to the floor today to discuss one of the issues we have been talking about an awful lot recently, and that is the farm bill; more specifically, the unique nature of agricultural production in the United States.

We are all going to leave next week and go home, hopefully, to celebrate Thanksgiving with our families, to talk about this wonderful blessing we have in this great country of ours—the enormous bounty that exists, the blessings of living in a free country, living in a place where we do not have to worry about going to the grocery store and finding the shelves empty or we do not have to worry about those things that are produced here not being safe or acceptable. That is because we have not only very conscientious producers and farmers, but we have a system and respect in our Government that recognizes how important it is to the American people to maintain that bounty.

As we all go home to celebrate Thanksgiving and give thanks for this wonderful country in which we live and the bounty that it provides us, I think it is so important to talk about the big tent that exists in this country, the big tent that encompasses all of the diversity of agricultural production in different regions across our Nation. It is an important aspect that we should embrace, and I hope my colleagues will think about that as well.

As we discuss the farm bill and agricultural production, my colleague, the Presiding Officer, is representing a wonderful agricultural State, beautiful and vast, and it is very different from mine in terms of its assets and what it contributes to this great land. My State is different than Colorado. It is vast and different, just within the boundaries of my State, but certainly in terms of what it brings to the table in our Nation in terms of the bounty that it provides.

Perhaps one of the most frequent questions from so many, particularly of my urban colleagues—because I do share a seat with so many other farm Senators on the Agriculture Committee, but a lot of times the question from my urban colleagues is, why are farms in Arkansas different from, say, farms in North Dakota or Michigan or Indiana or Colorado or other regions of our Nation?

Although the answer is pretty simple, it does require quite a lot of time to talk about. It looks as if we have a good bit of time today, so I thought I would seek this opportunity and, for the benefit of those inquisitive Senators who sometimes ask why are things different in different parts of our country and in all of our different States, offer an explanation that I give, certainly, to my colleagues and to others who are interested and concerned about us as a nation maintaining the safe and abundant and affordable supply of food and fiber that exists in this country for which we are all so thankful.

First, and this should come as no surprise, each of our States produces the agricultural products for which its climate and its soil are best suited. That is one of the things we do in Arkansas. It, obviously, has been that way for years. Farms in Arkansas might be older than those in some of the States that exist to our west. As our country was explored and discovered, many of those lands in the West were discovered, and their climates and their soil types were different. As we have grown as a nation, they have adapted themselves to the crops for which they are best suited. For the colder climates of the Midwest, it makes sense to produce corn and wheat and sugar beets. For us in the South, with our more humid climates, and given, certainly, our soil types—we have a large clay content and often sandy soil along our river bottom—we are suited for cotton and rice production. So that is the first explanation I try to give people, to talk about those differences so we better understand what the differences are.

Second, you have to take into consideration what the markets are for our commodities. Again, we are a vast country, full of so many blessings and diversity. As we have grown, international markets have grown and changed as well.

Let's start with corn. By now I think everyone in this body is familiar with the fact that we mandate a corn ethanol market through the renewable fuels standard. It is important that we move toward a renewable fuel. It has multiple purposes. Renewable fuels will help us clean up the environment and will certainly lessen our dependence on foreign oil. It also gives secondary markets for our growers. But so far we have only gotten pretty far on corn-based ethanol.

We have mandated this market for corn, and it has done quite well. We make sure those corn growers' prices stay up because there is a market. There are tax incentives that are built in to ensure those markets are going to be there for corn.

In addition to the creation of the market, we place a prohibitive tariff at the borders of our country to ensure that only American farmers have access to that corn market. That is for good reason. That marketplace has really matured in terms of ethanol production and the direction we are going to the point we are now realizing that renewable fuels are going to need to come from other sources as well; that we cannot just depend on that corn-based ethanol program but that we have to start looking toward cellulosic and biodiesel and biomass and a whole host of other renewable energy sources. But the fact is, we still protect that corn market to a tremendous degree.

For sugar, we have a unique program that doesn't make payments to farmers, but, like ethanol, it limits the international competition, and it supports the processing of these commodities.

Sometimes sugar is supported in the processing facilities, and therefore those protected markets and that payment coming down to those farmers is a little bit trickier to understand than the regular commodity program.

Rather than offering a whole lot of detail on a program that does not directly impact my State, I would rather direct folks to the individuals who represent the States here that are affected by those crops. I think it is most important to let those who understand crops in their States give their descriptions because they have a better intuitive idea of how those programs work and how their growers benefit and how the economy benefits from it and certainly how the American people benefit. There are a lot of Members who can tell you about that.

As the President knows, we on the Ag Committee—everyone has their specialty and certainly their best understanding when it comes to corn and sugar. I kind of focus on the folks who know those the best to be able to provide you the details. But, in short, sugar has an entirely separate program subject to different disciplines but with a market that is very domestic and exclusively limited to American sugar farmers. So you have two of these products now, or commodities, that have very different disciplines in terms of what protects them or what provides them that very defined as well as insured marketplace through both the constricting of the marketplace without allowing imports to come in and also the incentives they have in the way those safety nets are provided to them through their processing.

Now, here is a market that I do know about and that I can talk about, and that is what comes from my region of the Nation, which is cotton and rice.

First and most importantly, I need to point out that these two commodities are subject to very intense global competition. Rather than simply state that as a fact, I will offer a couple of explanations.

Rice is a stable commodity globally, all over the world. As such, it is produced in many regions, including the developing world, those nations which are not as developed as we are or as old and efficient as we are. The same is true for cotton.

What is also true is that our market is open to direct competition from international producers while our access into their foreign marketplace is extremely limited. Now, that means our border is open to their rice and cotton being shipped into our country. So our growers not only have to compete to get into our marketplaces, but they have to compete here with products that are allowed to come in from other countries—the rice and cotton, specifically.

I think the best example or one of the best examples is Japan. Japan's rice tariff comes in at over 400 percent. That is more than enough to keep American rice out of their marketplace, I have to tell you, a 400-percent tariff on rice going into Japan. Yet our markets are open. Our markets are open to commodities coming into this country.

Another good example that can be used is the treatment of rice in the recently negotiated Korean Free Trade Agreement. For every product produced in the United States of America, we reduce the Korean tariff, limiting our access into theirs immediately or phased in over 20 years, every one with the exception of one commodity—it is rice, one commodity that is not allowed to be exported into the Korean marketplace.

So it just goes to show you the fact that our commodities, although they are different and grown differently and a whole host of different things, also are treated differently in the global community and in the global economic venue. At this point, you should start to be seeing a pattern here in terms of the differences not only in how we grow our commodities but also how our commodities are dealt with in the marketplace. Our market is open to competition, while our export markets remain closed to our growers of our commodities.

Now, do not get me wrong, I am not here advocating that we need unabashed free trade for agriculture because I know that to expose the Third World to our productivity would decimate vulnerable parts of their economies that support the poorest of the world's poor. So that is not what we are talking about. This dynamic is more than a reality for U.S. farmers; it is a part of America's obligation within the World Trade Organization.

Now, I will summarize that point just briefly. In the WTO, the United States and other developed nations must report their subsidy level, and they must restrict their tariff level. The conversion is true for the developing nations that are members of the WTO. They are not subject to even reporting their subsidy, and they have little to no obligation with respect to opening their markets.

Now, again, I am not saying this is a total and complete outrage; I am merely trying to paint a more comprehensive picture of what American agriculture is up against in the global economy. Without a doubt, as we have heard in multiple different meetings across the Hill that many of us go to, whether it is our lunch groups or our hearings in committee and others, we hear all of the talk about global trade and about the global economy and developing countries and where they are going, placing priorities in education and infrastructure investment and a host of other things, and we see our trade deficit growing. Yet agriculture has always been one of those areas where not only we as Americans feel it is important to maintain that domestic production of a safe and affordable and available food supply, but we also know it is a big issue to other countries that they can maintain some domestic production and hopefully as much as they possibly can grab hold of in terms of that domestic production.

With that said, it simply cannot be ignored that these disparities in international competition contribute to the world in which the U.S. cotton and rice producers must compete and therefore influence how they must structure their operations. So, again, for us, in meeting different demands, in looking at the global marketplace and trying to figure out how we structure ourselves as growers, it is not just about the soil type or the weather and the climate; it is also about the international marketplace, which leads me to the explanation of the last question which is posed to me; that is, Why are Arkansas farms so big?

It should not be difficult for Members of this Chamber to understand that when you face intense competition and your foreign markets are closed, you have to create efficiencies. You have to create efficiencies elsewhere in your business operation in order to be able to compete because you do not set the world market price. You have to be able to compete on that international global stage by your own efficiencies.

It is the good fortune of everyone in America that our farmers are the most efficient farmers in the world. Certainly, we are the beneficiary of that in this great country, but people all across the globe understand that, that not only are we the most efficient and can do it the most affordably, but we produce the safest and set a standard in many instances across the globe of what is going to be produced in future generations in terms of sustenance of life. We have improved our efficiencies in ways that cannot be described here in a short period of time, but suffice it to say that the American farmer is the most efficient on Earth, and are we not all glad? That is something for us to be proud of in this body and across this land. If you are not or if you take our bounty for granted in this great Nation, you should be ashamed of yourself. That is the reason this bill is so important, is that we have been handed this blessing. We have worked hard on this Earth in this great land of ours. But we certainly have reason to be proud.

Despite our efficiency in cotton and rice country, we are still operating on very thin margins of profit. In some years, we merely hope for profit that really never comes.

What we have done to help level that playing field is to expand our operation to further reduce our per-unit cost and, in turn, create a competitive economy of scale. Now, that means we have to spread our risk out over a greater abundance of production because that is one of the only ways we have to get the efficiency to be able to be competitive in a very restrictive market, and that is to have a large economy of scale and mitigate our risk over a greater area.

Now, unfortunately, many newspapers and some of my colleagues attribute USDA statistics for commercial-size operations to many of our Arkansas and southern farms and assume we are no longer family farms simply because of our size. What a terrible misrepresentation. I think it really diminishes what we are about in this body, which is to embrace our diversity and embrace the good work all of these hard-working farm families do across this Nation. And without a doubt, it is simply untrue. I do not know of too many nonfamily farms in my State. There are a lot of people who are going to tell you that because they belong to a cooperative or because they maybe farm more acreage, they are not a family farm. In fact, I do not even know of one.

What I do know a lot about is fathers and sons, wives, daughters, brothers and sisters who work the land with one another. They have to come together. They have to build their operation, come together, and stay together if they are going to survive. Even when that generation upon generation finds that one of those brothers or sisters happens to move to the city to become a doctor or maybe an electrician or maybe a fireman or maybe a lawyer, they still help share the risk of what that farm has to do, which is to create that economy of scale in order to be competitive.

So hopefully we can still consider those people a family farm, because, guess what, they are still a family, and they are still farming and they are all carrying the risk of what it takes to be competitive in that global marketplace. Now, their operations may exceed several thousand acres, and they most certainly are still family farms.

In fact, I cannot imagine a definition of a family farm that does not include the overwhelming majority of Arkansas farmers, but apparently such a definition exists. USDA seems to come up with these definitions, and they print them out up here in Washington, inside this bubble, and they fail to realize that there is a lot of diversity in this great country. There are a lot of family farms that exist. It is not just family farms in the Midwest, it is not just family farms on the east coast, but it is family farms in other regions of the country too—yes, in our region of the country too.

Now, I will go ahead and put my colleagues on notice that until those misrepresentations cease—and I have to tell you, they have been long and hard for many years in terms of the misrepresentations of what a farm is and who constitutes that farm. You know, I am a daughter of a farmer, but I cannot imagine the way I get labeled as having been this huge farmer when I am not even farming. Yet that misrepresentation continues to come out there just because it is convenient and it is sensational and people can use it.

Well, I have to say that it does not matter to me what happens to me, but it does matter what happens to those hard-working farm families who are working so hard to make sure we enjoy that safe and abundant and affordable food supply regardless of what happens in the international community. My colleagues know they are going to hear a lot more from me on farm policy that supports farmers throughout this great country as the debate goes on.

It is my opportunity to describe and talk about the individuality of each of these areas. I will hone in on my part of the country because I leave how other commodities are farmed up to those who farm them. But I can definitely tell you, having walked rice levees and scouted cotton and chopped down coffee bean plants in a soybean field, how our farms run and why they run that way. I understand the markets. I understand the global trade implications that exist. I understand that all of the programs we design oftentimes in the farm bill don't fit us.

For example, take disaster assistance. I was glad to work with my colleagues in the Midwest who wanted to see a disaster assistance program, even though it doesn't benefit my farmers that much. When you have a farm in the South and you are farming rice, you have to control your environment. Have you ever seen a rice field that has no water on it? Unless it is being harvested, you haven't. The reason is, you have to control that environment. When it comes to disaster assistance, those counties get the same national disaster declaration on a drought. But guess what. They are never going to get that disaster assistance because they hardly ever hit the 35-percent yield loss that comes with another stipulation in disaster assistance, because they have controlled their environment.

I will tell you what: They have spent twice the effort and resources and money in plowing into that crop what they needed to combat that drought and that disaster that was occurring. So they need another tool. They need another tool within the confines of our farm legislation that allows them to market their crop, to market their crop in this competitive global marketplace so the Government doesn't have to do it for them.

As I plow through this—and I know I will have many other opportunities to do so—I hope I have answered some questions or at least demonstrated some of the differences in our ag land down in the southern half of the Nation. We are all a little different. I have to tell you, for that we should be extremely grateful and proud, and we should embrace that diversity. As a nation, that is what makes us strong, our diversity and our willingness to embrace it and our willingness to respect it. That is what makes us Americans. Despite these differences, it has always been my view that regardless of the type of crop or the region of the country you live, if you contribute to the production of safe agricultural commodities, I consider you a farmer. I consider you an American farmer. I don't judge that and I don't judge you as an American farmer based on whether you are in one region or another or how big your family is or how big your farming operation is. I judge you by the fact that you are willing to go to work and work hard every day to do the best you can, to be as efficient as you possibly can, not only in this country but in the global marketplace, with tremendous respect to the environment, the conservation of land, and the ability to produce a safe and productive food supply. That is who farmers are.

If we let other people define who a farmer is and a farm family is, then we will be sorely disappointed when we start to outsource our food to other countries. I think we have become sorely disappointed to find ourselves dependent on foreign oil, to have outsourced our need for energy in the oil arena to other parts of the world. We will find ourselves once again in the next several years with a trade deficit in agriculture, outsourcing our food supply. I don't think Americans want to go there; I really don't. I think they are willing to listen for the diversity and expertise and the hard work that goes on by America's farmers to continue to produce that safe and abundant, affordable food supply. As a farmer, regardless of the region of the country, we have to help our farmers keep meeting that competition.

I have the reputation of being that kind of person, of reaching out and working with people, understanding differences, accepting differences and accepting other people's ideas. I hope we all have that attitude. But mostly, I try to be respectful of people. Unfortunately, my farmers and I have not been given that same respect by everybody. I am going to continue to work hard to prove my point because I am going to earn that respect. I am going to earn that respect not only in what we have done in this underlying bill, in creating the greatest, most substantial reform in decades. We started over here in current law and most of the extremes that people want are way over here. Guess where we have moved. In terms of providing the reforms that the media and others all clamor about, we have come from here all the way over here. That last little bit people want to ask of us will outsource the food supply that southern growers have so proudly provided this country for many years.

I am proud to be here to defend and support and be proud of Arkansas farm families. They have worked hard. They will continue to work hard. I have fought this fight for several years, and I will continue to defend the programs and my farmers who use them within the limits of the law. Creating greater reform is important. Our farmers want to make sure they are in compliance with the law and that they are working hard within the parameters to do their very best. But they also want to be able to be competitive, because they want to continue to provide that safe and abundant supply of food and fiber. And they can—most efficiently, most effectively, most safely, as well as with the greatest respect to the environment. I hope people will not continue the sensationalized stories and misrepresented facts in order to get something done that does nothing but move forward in outsourcing our food and fiber supply.

I hope I have brought some clarity here today. I will continue to try to do that. I look forward to working with my colleagues. We have a long road ahead of us to get something done. But I think everybody will agree it is worth it. It is well worth it, as we return home to be with our families, to give thanks for this wonderful Nation we live in and the bounty it provides. I hope we will come back and sit down and get to work supporting America's farm families and the hard work they do, recognizing all of the tremendous challenges they face, mostly challenges they have no control over. Whether it is the trade agreements they operate under, whether it is the environment and the weather they deal with that they have no control over, it is certainly within the confines of the requirements and the regulations we present them to empower them to do a better job or certainly the best possible job in taking good care of the land and being good stewards of this great land we have.

I thank the Chair. I look forward to working with my colleagues.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand the Senator from Idaho intends to speak. I ask unanimous consent that I be recognized to speak after he is concluded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAPO. Before she leaves the floor, I commend my colleague Senator LINCOLN. I agree with her strong defense and support of America's farmers, particularly our family farms and the need for a farm bill. She and I may come from different parties, but we have shown that you can work together. I consider her to be one of my very good friends and allies as we work toward good policy. I appreciate the opportunity to sit here and hear her remarks. It is great to see someone stand up and respond to the attacks we see coming against American agriculture. It seems every time we have a farm bill, the attacks begin again. Yet it is in America where the American consumers spend the lowest percentage of their disposable income on food and fiber because we have such strong farm policies.

I also agree with her comments about the need for us to remember we are in global markets. Those who produce food and fiber in other nations have tremendous subsidies from their governments where their governments enable them to compete unfairly against our producers. In fact, not only do their governments provide unfair, extensive subsidies to their producers, they also erect significant anticompetitive trade barriers, both tariff and nontariff trade barriers, so that the products they send to us are subsidized and the products we try to send to them are stopped at the border because of these barriers. It is because of these kinds of international market circumstances and the global competition we face these days that it is important for us to recognize the role of the farm bill in helping American producers level that playing field.

Again, I appreciate so much the opportunities I have had to work with Senator LINCOLN on this and many other issues. We have worked together to strengthen and improve American policy.

I came to talk about the farm bill, and I will do that. But before doing so, I want to talk a little bit about the process, because I am very disturbed by the position the Senate is in right now. We could have been debating amendments to the farm bill for a week or two now. Instead we have been stalled by a procedure that has filled the amendment tree, for those who don't follow the rules of the Senate. The amendment tree has been filled up so no one can file amendments to the farm bill. Yet I understand there are over 260 amendments that have been prepared and which are out there waiting in the wings from different Members of the Senate. We are not going to see all 260 of those amendments debated and voted on. That never happens. But we should see a significant number of them debated and voted on.

Those of us who serve on the Agriculture Committee or the Finance Committee have seen both pieces of this farm bill be very vigorously debated at the committee level with all sorts of amendments and work developing the right kinds of process. Now it is time for that same process to occur here on the floor. Yet we have not seen one amendment allowed to be brought forward. The farm bill affects so many people's lives through providing food and fiber and security and enabling global competitiveness and ensuring a better environment. I could go on. But we must allow all Senators the opportunity to bring forth amendments they believe need to be debated before we have the final vote on the farm bill.

We have all heard by now the debate here in the Chamber and in other places about numbers, highlighting the multiple rollcall votes we have had on previous farm bill debates. Let me review a few of those. According to the information I have, during the 2002 farm bill debate, which is the most recent farm bill we have had, there were 49 amendment votes, including 25 rollcall votes. In 1996, on the farm bill preceding the current one, there were 26 amendment votes, including 11 rollcall votes. And during the farm bill debate previous to that in 1990, there were 113 votes, including 22 rollcalls. In 1985, there were 88 votes, 33 of which were rollcalls. Yet now during this debate or nondebate, we have had zero votes on any amendments because the amendment tree has been blocked.

I am discouraged by that because we could have made significant progress on this farm bill. Now what we see is a maneuver which is proposing that cloture be entered which would cut off debate on the farm bill and push it forward without giving us the opportunity for a full and robust debate on amendments.

I encourage our leadership on both sides to get past this impasse. I know there has been a lot of progress made in terms of an effort to limit the number of amendments and try to get a determination of how many amendments will be allocated to each side and allow us to move forward. But for whatever reason, we haven't been able to get that agreement resolved. The farm bill is too important for these kinds of partisan politics and maneuvers. I know there are concerns about certain amendments that may be brought. There are some on either side, depending on the amendment, who would prefer not to see the amendment brought because it could cause an embarrassing vote on behalf of some Members. I will face that same dynamic as amendments are brought forward. There will be amendments that will be difficult to face. But it is something we must do. It is the tradition of the Senate that we fully deliberate on matters such as this and that debate is not closed down.

I say again to our majority leader and our minority leader, we need to work together, avoid cloture votes, and avoid restrictions that prohibit Members from bringing their debate forward in this Chamber and allow us to have a full and robust debate so we can move the farm bill forward.

I remain committed to working together to move this farm bill forward in the Senate through a full, fair, and open process, and I hope we can get to one soon.

Now, let me turn to my comments on the farm bill itself. Many people say we should not call it the farm bill—in fact, I think it actually does have a different title now—because the farm bill is much more than just a bill that deals with commodities programs.

In fact, the farm bill, with the new addition of the Finance Committee title, will have 11 titles in it, only one of which is the commodities title. There are other titles dealing with rural development, with energy policy, and, as most people are not aware, with the food programs of our Nation.

In fact, if you look at the allocation of resources in the farm bill, only about 14 percent of the cost of the farm bill is truly allocated to the agricultural commodity programs. Over 60 percent—I think around 66 percent—of the cost of the bill goes to our Nation's food programs, such as our Food Stamp Program and the other programs that we have in international aid.

Then there are the programs dealing with conservation, which I am going to talk about in a minute, which is probably the most significant conservation effort in which this Congress gets engaged in any kind of an ongoing basis. Yet far too few Americans realize the commitment to the preservation and conservation and improvement of our environment that is contained in the farm bill.

There are more than 25,000 farms and ranches in Idaho producing more than 140 commodities statewide. Idaho leads or is ranked among the top States in the production of potatoes, peas, lentils, mint, sugar beets, onions, hops, dairy products, wheat, wool, cherries, and other commodities. Therefore, the farm bill is of vital importance to a more than $4 billion Idaho agricultural industry, which is an essential part of Idaho's economy.

In preparation for this farm bill authorization, like Chairman HARKIN and Ranking Member CHAMBLISS, the House Agriculture Committee and former Agriculture Secretary Johanns, and others, I sought input from producers and those interested in the farm bill throughout the townhall meetings and hearings I had in Idaho, and I listened to many of my constituents voice their criticisms, bring forward their suggestions, and bring forward their praise of the last farm bill—the current farm bill under which we are operating.

What I heard loudly and clearly was that the basic structure of the 2002 farm bill is solid, and rather than starting from scratch, we should make changes to it and improvements to that basic structure as needed but not lose that structure that has been so helpful to our farmers and to our rural communities in particular throughout America. I have been pleased to work with my colleagues on the Senate Ag Committee and in the Congress in general to craft a bill that I believe sticks with that principle.

The bill before us today does not wipe away existing farm policy but builds on it for a stronger Federal farm policy. As Senator LINCOLN indicated, it makes some very significant and needed reforms to move in the direction of addressing the concerns that many have raised about some inequities in the farm bill processes.

The legislation includes essential provisions, such as the new specialty crops subtitle that strengthens specialty crop block grants and other important programs. I have appreciated working with Senator STABENOW, Senator CRAIG, and others on this effort, and I thank Chairman HARKIN and Ranking Member CHAMBLISS and Senator CONRAD and others who have worked with us in shaping Federal farm policy that bolsters U.S. agriculture through provisions such as these specialty crop programs.

Additionally, I thank Chairman BAUCUS and Ranking Member GRASSLEY on the Finance Committee for the time they spent in crafting a tax title for the farm bill that enables us to make some additions and tweaks that were needed. It has been an honor to be one of the Senators who serves on both the Finance and Agriculture Committees, the two committees with products that will be merged together on the floor of the Senate to make up this year's farm bill.

There are a number of highlights in the tax title of the farm bill I want to mention. In the tax title of the farm bill, I worked with several Senators to include improvements to the Endangered Species Act through incentives for landowners to assist with species recovery. For years we have struggled with the burden that the Endangered Species Act puts on private property owners. Notably, about 80 percent of the endangered or threatened species in America are found on private property. Yet we have put the burden of protecting and preserving and recovering those species unduly on our private property owners.

This bill I have introduced and worked on with many others in the Senate will provide participants with the option of a tax credit instead of the Conservation Reserve Program, Wetlands Reserve Program, and Grasslands Reserve Program.

This farm bill also provides support for wheat, barley, sugar, wool, and pulse crop producers. Pulse crops would become eligible for Counter-Cyclical Program assistance.

The Noninsured Assistance Program would provide coverage for aquacultural producers who are impacted by drought.

There are significant investments in energy programs that would assist producers with efforts that support energy independence.

Changes to Project SEARCH would allow financially distressed rural communities in Idaho and nationwide to access increased Federal assistance for their water infrastructure needs.

The Fresh Fruit and Vegetable Program would be significantly expanded to enable all States to participate. Expanding this program nationwide will further the effort to provide healthy food choices for our children. This program is a win-win for children, students, and producers.

I have visited Idaho schools and have seen firsthand how the Fresh Fruit and Vegetable Program has been a big support to our students, and I look forward to seeing the additional benefits brought through this program by making it available to more students.

There are many other provisions of importance in this extensive legislation that I could bring up and review, but instead I want to just focus on one vital area of the bill—the conservation title—before concluding my remarks.

I have appreciated having the opportunity to work with my colleagues on the conservation title, which provides landowners with both the financial and technical assistance necessary to achieve real environmental results.

As I said earlier, no Federal policy contributes more to the improvement and protection of our environment than the farm bill, through the incentive-driven conservation programs. The conservation title provides $4.4 billion in new spending for conservation programs. The title continues with the current combination of conservation programs with improvements to make them work.

For example, the Senate farm bill makes changes to the EQIP, or Environmental Quality Incentives Program, to ensure that private forest land owners receive the help they need to better manage their land.

Chairman HARKIN made numerous changes to the Conservation Security Program, which has been renamed the Conservation Stewardship Program. The Senate farm bill provides $1.28 billion in new spending for that program.

There are also adjustments made to increase participation of specialty crop producers in the Conservation Stewardship Program, dedicated conservation program resources and higher technical assistance levels to increase participation of beginning and socially disadvantaged farmers and ranchers. The title also provides added emphasis to encourage pollinator habitat improvements on agricultural and forest land.

Funding is provided for the Wetlands Reserve Program and the Grasslands Reserve Program, which did not have baseline funding starting in 2008. The Wetlands Reserve Program would be provided with funds to enroll 250,000 acres per year through 2012. The Grasslands Reserve Program would be provided with $240 million for fiscal years 2008 through 2012.

The Conservation Reserve Program would be maintained at 39.2 million acres. The Wildlife Habitat Incentives Program would be continued with $85 million per year for fiscal years 2008 through 2012. The Farmland Protection Program would be reauthorized at $97 million per year through the duration of the farm bill. The conservation title provides for the creation of a framework to facilitate the participation of farmers in greenhouse gas reduction and other environmental services markets.

Now, I understand the challenges faced in writing this farm bill and the significant investment that has been made in conservation programs, especially having to cover baseline shortfalls for the Wetlands Reserve Program and the Grasslands Reserve Program. However, a broader investment is needed in our conservation programs, such as the Environmental Quality Incentives Program and the Grasslands Reserve Program, so we can better capitalize on the conservation interest and needs across this Nation.

I will continue to work for investments in working lands conservation, such as the EQIP program and GRP, or Grasslands Reserve Program.

With any legislation that is as comprehensive as this, there are always provisions that each of us would like to see come out differently. However, on a whole, this bill before us builds upon past farm bills and sets U.S. agriculture on the right course. Throughout the crafting of this bill, it has been refreshing to see that more people are starting to understand each aspect of this important legislation. Truly, there are few pieces of legislation that have the ability to impact so many lives. This bill affects our Nation's food security, our global competitiveness, the condition of our air, water, and land, as well as many other aspects of our lives.

I look forward to getting past the impasse we face on the Senate floor and moving forward to a timely debate and the enactment of a farm bill that enables sound Federal farm policy.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I rise to address the issue which has been noted by the Senator from Idaho, which is the process under which the farm bill is being considered in the Senate.

A number of the Members on the other side of the aisle, primarily the leadership, have spoken on this process and have made the representation that in some way we, on our side, are slowing down this bill. Nothing could be less accurate, in my opinion.

I know, although I do not happen to support the farm bill because I think it is bloated in many ways and essentially ignores the concept of a marketplace, the farm bill is going to pass. It always does pass. It always passes with a very large majority, which is assured by the fact that enough commodities are put into the subsidy system so that you can add up enough people to support it, so it will always pass with a large majority. And there will be 20 or 25 people who will vote against it.

So I have never held any belief or even thought for a second this farm bill was not going to pass the Senate. It is going to pass the Senate. It has not been my intention to either slow it down or try to defeat it because I know I cannot do either—or I did not think I could do either.

My intention was to improve it and to address issues which I think are relevant to it or which are appropriate to the issues which the Senate should be addressing today generally.

But, unfortunately, on the procedure that has been structured by the majority leader, all Members of the Senate, but especially members of the minority—the Republican Members of the Senate—have been shut out of the ability to amend this bill.

The majority leader has essentially created a system which you could call the "permission slip" approach to legislating. If he does not give you a blue permission slip, you cannot bring forward an amendment on this bill.

Obviously, that does not work for those of us who wish to amend the bill. But, more importantly, it does not work for the institution. The essence of the Senate is the ability to amend legislation when it is on the floor.

Washington described the Senate as the place where the hot coffee from the cup—referring to the House—it is the saucer into which that hot coffee is poured, so it can be looked at, thought about, and reviewed to make sure there is not hasty action, to make sure there is not precipitous action, to make sure there is not action which will come back to haunt us because we did not try our best to anticipate the consequences.

So the Senate was structured to be a deliberative institution. That was its purpose. Our Founding Fathers designed it with that intent in mind, as expressed by George Washington. It has always worked that way. We have always, when we have had major pieces of authorizing legislation on the floor, had the opportunity to amend that legislation. Even if they are not major pieces of legislation, in many instances we have had the ability to amend it in just about any way we wanted. There was a statement that you have to do relevant amendments. Well, under the rules of the Senate, there is no such thing as relevant amendments. Everything is relevant. Irrelevant amendments are relevant because that is the way the Senate is structured. That is the way we work. If there is an issue of the time which a Member wants to bring forward to discuss and have voted on, the idea is the Senate will do that. Now, there is a procedure to cut off and go to relevant or germane amendments, but that procedure is a very formal procedure known as cloture and it takes 60 votes. That should not be done on a bill of this size until there has been adequate debate and a reasonable number of amendments considered.

I noticed that the Senator from Michigan, whom I greatly admire and enjoy working with, had a large chart today which talked about the fact that there have been 55 filibusters by the Republican Party since the Senate has convened. That is sort of like, as I have said on occasion, the fellow who shoots his parents throwing himself on the mercy of the court because he is suddenly saying he is an orphan. The simple fact is the only reason there have been 55 cloture motions filed around here is because the majority party has decided to try to shorten debate and shorten the amendment process at a rate that has never occurred before. Bills are brought to the floor and cloture is filed instantaneously. That never used to happen around here. It is not our party which has been trying to extend these debates; it is the other party which has been trying to essentially foreshorten the debates in an extremely artificial and premature way and limit the capacity of the minority to make its points and to raise the issues it considers to be important.

On almost every one of these bills—the 55 that are noted—agreement could have been reached, timeframes could have been agreed to, an amendment list could have been set, and we could have proceeded under regular order. But regular order was not allowed because the other side of the aisle wants to manage the Senate the way the House is managed: Where the majority party essentially does not allow the minority to offer amendments to the bills unless the majority party agrees to the amendments. Well, I can understand that in the House. There are 435 people there and it would be pretty much chaotic. But in the Senate, we are not designed that way. The whole purpose of this institution is to allow extensive discussion of legislation and amendments on legislation, whether the amendments are relevant or irrelevant.

So the process that is being put in place is harmful, in my opinion, to the fundamental institution of the Senate, when you have a majority leader who comes forward, immediately fills the tree, and then says the majority leader is not going to allow any amendments to the bill unless the amendments are accepted by the majority leader which, of course, on its face is a little absurd. Obviously, if we were all going to offer amendments that agreed with the majority leader, we would all be in the majority leader's party. That is why we have a two-party system. The idea is a two-party system. The one party sometimes disagrees with the other party and tries to make the points we feel are important to govern us. But the majority leader closes the floor down, says we have a permission slip process where you have to get his blue slip of approval before we can move forward, and then he files cloture on the bill after having not allowed any amendments to move forward. I think that does fundamental harm to the institution. It creates a precedent around here that may well be a slippery slope for us as an institution. I remember a couple of years ago there was a big debate about whether we should do cloture, or needed cloture, on the issue of Supreme Court judges. On our side of the aisle, because there was a lot of foot dragging about some of the Supreme Court judges who were being nominated, there were many who felt we should go forward and have a ruling of the Chair which says it only takes 51 votes; the Constitution does not allow filibusters against Supreme Court judges. Well, some on our side of the aisle felt that was a slippery slope, that that type of a procedural heavy-handedness by the majority would harm the institution and would lead to serious ramifications down the road when the parties changed governance.

This institution will not always have a Democratic majority. The facts are pretty obvious. We change around here. The American people like to have Government change. They like change. They get frustrated with the way things are going, so they make a change. There will be a Republican majority; I absolutely guarantee that. But the Democratic leadership, the majority leader, is in the process of setting a precedent, if he is successful, which will be extraordinarily harmful should a Republican majority take control and use that same precedent. So I think it is a huge mistake that this process has proceeded in this way and it is inconsistent with the facts on the ground.

The majority leader has said we can only have relevant amendments—relevant, ironically, as defined by the majority side. Well, history has shown us that is not the case. Even on farm bills—even on farm bills—especially on farm bills, amendments are brought forward which are irrelevant to the farm bill all the time. In fact, ironically, the majority leader has brought forward a number of those amendments. In 1996, for example, he offered an amendment to the farm bill regarding the importation of tea and the Board of Tea experts. In 1990, he offered an amendment to the bill regarding testing consumer products containing hazardous and toxic substances. In the year 2000, he offered an amendment to the farm bill regarding the Social Security trust fund and tax policy. In the year 2000, the majority leader offered an amendment to the farm bill regarding pest management in schools. The manager of the bill, Senator HARKIN, in the year 2000, offered an amendment regarding fees on pesticide manufacturing. In the year 1985, he offered an amendment regarding the creation of additional bankruptcy judges in the State of Iowa.

I would argue that none of those amendments, under the most liberal interpretation of what is relevant, would be defined as relevant in a postcloture exercise and, therefore, by the actions of the majority, and specifically the majority leader and the chairman of the committee; they have set a precedent that even if it weren't the right of the membership of the Senate, they have set a precedent that amendments which are not—which are irrelevant to the underlying bill can be brought forward, and they should be brought forward.

For example, today the majority leader came down and made a very compelling statement relative to the dire straits that people are in who are having their mortgages foreclosed on because of this subprime meltdown we are having. It is serious. It is very serious. It is serious to those people especially, but it is also serious to the Nation as a whole because it is affecting the credit markets and it may be contracting the economy. I filed an amendment which would address that issue. Some farmers I suspect are caught up in this subprime foreclosure exercise, unfortunately. I bet there are some farm families who have been hit by this. I know there have been. So I think it is probably pretty relevant to these people who are farmers and, therefore, an argument could be made it is relevant to the bill. But I am not making that argument. I am saying that issue should be raised right now—we shouldn't wait—that the amendment I have offered which would essentially say that if your home is foreclosed on, you don't get hit with a tax bill for phantom income, which is what happens today. If you happen to be unfortunate enough to have your home foreclosed on, you get a tax bill from the IRS, even though you lost your home and even though you didn't get any income out of the foreclosure sale. That puts a little more pressure on the person who has had their home foreclosed on. That is a traumatic enough event, but to then have the IRS come after you, that is horrible. So this amendment would basically stop that practice. It would say to the IRS: No. You can't deem that as income.

There are going to be some farmers who are going to need that protection, and there are going to be a lot of Americans who are going to need that protection, unfortunately. So we should take that amendment up. I would be happy to offer that amendment right now, but if I offered it right now, it would be objected to under the proposal because the majority leader has deemed it is not relevant to the farm bill and, therefore, he is not going to allow it to be debated. I happen to think it is a pretty darned important amendment.

There are a couple of other amendments I have suggested. I have suggested 11 amendments to the bill. That is not outrageous. Some of them I think could probably be negotiated. I even suggested I would take 15 minutes of debate on them, 7½ minutes divided equally on each one of them. Unfortunately, the other side of the aisle rejected that idea—or they didn't formally object to it, but they told us we would want to talk a little bit more about some of these amendments. But the assistant majority leader on the Democratic side of the aisle came down to the floor and specifically called out a few of my amendments and said that they were the problem. They were the problem because they shouldn't be heard on this farm bill. He mentioned the mortgage amendment which we discussed.

He also mentioned an amendment which I happen to think is pretty darn relevant to this bill, especially to rural America and farm communities, which is that in most of rural America today, there is a crisis relative to the ability of baby doctors to practice their profession. It is virtually impossible, for example, in northern New Hampshire to see an OB/GYN unless you drive through the mountains and down to the southern or mid part of the State. That is true across this country, because OB/GYN doctors—baby doctors—people who deliver babies in rural communities can't generate enough income because the populations aren't large enough to pay the cost of their insurance against frivolous lawsuits or lawsuits generally. So I have suggested that for those doctors specifically, so we can get more of them into the rural communities delivering babies for all the people who live in the rural communities but obviously for farm families, that we give protection to them—protection which tracks—it is not outrageous protection—the California protection for doctors which occurs generally under California law so the cost of their premium for malpractice insurance will not drive them out of practicing and delivering babies in rural America and especially to farm families.

The Senator from Illinois said that was a frivolous—he didn't use the term "frivolous"—he implied the amendment wasn't a good amendment; we shouldn't have to debate that amendment on this bill. Why not? Why not take up that amendment? Fifteen minutes I am willing to debate that amendment, 7½ minutes on both sides, and vote on it.

Well, it is not because it is not relevant and it is not because it shouldn't be taken up; it is because there are a number of Members on their side of the aisle who said we don't want to vote that issue. It is a hard vote. Why? Because it makes sense. That is why I think it is a hard vote. But there are other people on the other side of the aisle who simply don't want to have to cast that vote. It is not about the relevance of that amendment; it is about the desire to avoid casting a difficult vote. Well, you were sent here; you should make difficult votes on public policy that is important, and that happens to be a fairly significant point of public policy that is important, whether women in rural America can have adequate and prompt access to an OB/GYN. I think that is pretty darn important.

Then the assistant leader said an amendment I had on the list, my 11 amendments—a small number of amendments—was not appropriate because it dealt with the Gulf of Mexico. Well, this amendment says, as a follow-on to the Oceans Commission, which did a very large, extensive study of the status of the ocean and America's involvement and what we should be doing relative to the ocean, which was completed about 2 years ago and which was created, authorized, and funded as a result of an initiative by Senator Hollings from South Carolina, with my support as a member of the appropriations subcommittee that had jurisdiction over NOAA, and the conclusion of this Commission, which was filled with the best and most talented scientists and leaders we have on the issue of how the ocean was being impacted, was that the Gulf of Mexico is being uniquely impacted by fertilizer runoff from the Midwest coming down the Missouri, the Mississippi, and the other tributaries of the Mississippi and going into the Gulf of Mexico, and we are getting a dead zone there, a very significant dead zone because of the phosphates and I think the nitrates. The Commission called for action. It said: We have to do something as a country about this.

But what does this farm bill do? It expands dramatically the incentive to put more acreage into production, and I say: Fine. That is great. But it doesn't address the runoff issue, which is that additional production is going to occur, or the runoff issue that is occurring as a result of already existing production. So all this amendment does is say let's give NOAA the ability to go out and study this problem and see if they can come up—working with the Department of Agriculture—with some ideas on how we might be able to abate the harm we are doing as an unintended consequence of expanding our agricultural community, the harm we are doing to the Gulf of Mexico. But no, no, we can't take up that amendment. No, no. It doesn't get a blue slip, permission slip from the majority leader.

Then the fourth amendment which was mentioned or cited by the assistant leader as being something that was problematic—and that is sort of a conservative description of the way he addressed the issues—was an amendment I have that says the firefighters should have the ability to pursue collective bargaining.

Now, maybe farms don't have fires. Maybe barns don't burn down and silos don't blow up. Maybe there weren't any wildfires in San Diego. Maybe I missed all that. But it seems to me that fire protection is a pretty big part of everybody's lifestyle in this country, and having fire departments that know what they are doing and are properly paid, have proper equipment and training is really important whether you happen to be in New York City or on a farm somewhere in the Midwest or the West. So I cannot imagine under what scenario it is deemed that this amendment should not be discussed and voted on.

Again, I am willing to do this for a briefer period of time. I am not trying to slow the bill down. I want to get a few issues up that I think are important to the definition of the problem as I see it in the farm region.

Then I had a series of amendments—well, I only had 11, but 5 of the amendments I had dealt with the budget process.

This farm bill does fundamental harm to the concept of responsible budgeting. It plays games with our budget process. We hear so much from the other side of the aisle about how they use pay-go to discipline spending around here. That is the term, the motherhood term we hear, "pay-go." It turns out that it is "Swiss cheese go" as far as the other side of the aisle is concerned regarding spending restraint. On 15 different occasions, they have gimmicked pay-go, played games with it to the point where they have spent almost $143 billion in this Congress which should have been subject to pay-go but was not subject to a pay-go vote because they managed to gimmick their way around it.

This farm bill is a classic example of that procedure occurring again. By changing dates—1 day—so that they shift years and take items out of the pay-go—what is called the pay-go scorecard—they are able to avoid pay-go charges in this bill to the tune of $10 billion. That is not small change, by the way. We should have a pay-go vote on that $10 billion if we are going to maintain the integrity of the budget process. That is reasonable. I have asked for that vote.

In addition, they have created a new emergency fund—a $5 billion emergency fund. The way we have handled emergencies—and there are, I admit, many emergencies in farm country—is that we have always paid for those emergency costs through an emergency supplemental, whether it is because of a flood or if there is a drought or if there is a hurricane. We fund the costs after they have occurred, and we pay the costs of the emergency. What this would do is set up what amounts to a slush fund—what I am afraid will become basically walking-around money—of $5 billion and a floor so that we are going to be guaranteed that every year for the next 5 years at least a billion dollars will be spent on emergencies, whether there is an emergency or not. You know, if a large wind blows a mailbox over in North Dakota, it is going to be declared an emergency because somebody is going to want to get their hands on that billion dollars. That makes no sense from a budget standpoint. We know that human nature—especially legislative nature—will spend that money once it is allocated, and we should not do it up front, create a floor; we should do it the traditional way, which is to pay for emergencies when they occur. Now, some people here obviously disagree with me. I suspect I will not win that vote. But it doesn't mean we should not have a vote on that point of budget discipline and the importance of budget discipline.

In addition, on the budget issue, there is a $3 billion gimmick in here that is so creative it sets a new standard for creativity. There always has been movement of money from the discretionary side of the account to the mandatory side, and vice versa, to free up more spending. That is a game that has been played a long time, where an expenditure that is discretionary will suddenly find out it is being put under a mandatory account, so the money being spent in the discretionary account can be freed up to spend it on something else. If you get it into the mandatory accounts here, you basically put it on autopilot and don't have to worry about it ever again.

This bill takes this concept to a new dimension. It takes a mandatory spending responsibility and moves it over to a tax credit, so that we now have a $3 billion tax credit where we used to have a $3 billion mandatory expenditure, and then it takes the $3 billion that was being spent on the mandatory side of the account and spends it on a new program. So, essentially, by using the tax law in a very creative way, you have generated new spending of $3 billion. I think that is terrible budget policy. I think we should address it, debate it, talk about it on the floor, and definitely vote on it before we allow this bill to go to cloture.

Obviously, there are a lot of issues raised by this bill; otherwise, there would not be 240 amendments filed. The majority of them have been filed by the other side of the aisle. But the fact that the procedure has been structured in a way that these amendments, which are totally reasonable, which are parts of significant issues of public policy, such as whether women in rural America will be able to see an OB/GYN or whether farmers get the equipment they need or whether a person whose home is foreclosed on will get hit with an IRS tax penalty or whether the Gulf of Mexico should be looked at relative to maintaining its vitality as a environmentally sensitive area—we are not going to be allowed to look at all of these issues because the majority leader set up a blue-slip permission process, which is totally antithetical to the system the Senate historically works under and undermines the capacity of issues to be debated and voted on. I just think, as I said, it is doing fundamental harm to our institution. Even if I didn't want to bring these amendments forward, I would not want to have a process that denied the right of other people to bring amendments like them forward.

The fact that the leadership on the other side of the aisle wants to insulate its membership from making tough votes on things like baby doctors being available to farmers and farms getting the equipment they need and people whose homes are foreclosed on not being subject to IRS penalties—the fact that they want to protect their membership, that is understandable. That is their leadership. Their leadership is clearly trying to protect them in their jobs. To abuse the process of the Senate to accomplish that, to create a procedure where you basically foreclose amendments in a manner that actually is even more strict and more contracted than what the House does, does more harm than good to the institution. As I said earlier, it puts us on an unnecessary and inappropriate slippery slope, and it is a fundamental change in the way the Senate works.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

SENATE CHOICES

Mr. KENNEDY. Madam President, on tomorrow, we will be voting on several items. Two are going to be related to our policy on Iraq. Tonight, I wish to express my views on the choices that are before the Senate and the American people. I know later in the evening a number of colleagues will speak to this issue. I welcome the chance to now express my view.

Madam President, I oppose the minority leader's effort to provide a $70 billion blank check to President Bush for his failed Iraq policy. I will support legislation approved yesterday in the House of Representatives requiring the President to begin to bring our combat troops out of Iraq in 1 month and complete the withdrawal by December of next year. I hope the Senate will support it, and I hope President Bush will sign it into law.

Earlier this month, we reached another tragic milestone in Iraq. We have lost more Americans in Iraq this year than in any other year. It is another painful and somber reminder of the enormous price in precious lives the Iraq war continues to impose. It is long past time for the administration to change course and end the national nightmare the Iraq war has become. Our military has served nobly in Iraq and done everything we have asked them to do. But they are caught in a continuing quagmire. They are policing a civil war and implementing a policy that is not worthy of their enormous sacrifice.

The best way to protect our troops and our national security is to put the Iraqis on notice that they need to take responsibility for their future so that we can bring our troops back home to America safely. As long as our military presence in Iraq is open-ended, Iraq's leaders are unlikely to make the essential compromises for a political solution.

The administration's misguided policy has put our troops in an untenable and unwinnable situation. They are being held hostage to Iraqi politics, in which sectarian leaders are unable or unwilling to make the difficult judgments needed to lift Iraq out of its downward spiral.

BG John F. Campbell, deputy commanding general of the 1st Cavalry Division in Iraq, spoke with clarity about the shortcomings of Iraq's political leaders. He said:

> The ministers, they don't get out. . . . They don't know what the hell is going on on the ground.

Army LTG Mark Fetter said that "it is painful, very painful" dealing with the obstructionism of Iraqi officials.

About conditions on the ground, Army MG Michael Barbero said:

> . . . it's not as good as it's being reported now.

All of these military deserve credit for their courage in speaking the truth. We should commend them for it. These are courageous, brave military speaking the truth.

Yet the President continues to promise that success is just around the corner. He continues to hold out hope that Iraq's leaders are willing and capable of making essential political compromises necessary for reconciliation.

The American people know we are spending hundreds of billions of dollars on a failed policy that is making America more vulnerable and putting our troops at greater risk. The toll is devastating. Nearly 4,000 American troops have died, tens of thousands of Iraqis have been killed or injured, and over 4 million more have been forced to flee their homes. Nearly a half trillion dollars has been spent fighting this war.

It is wrong for Congress to write a blank check to the President for this war. It is obvious that President Bush wants to drag this process out month after month so he can hand off his policy to the next President. It is time to put the brakes on this madness. It is up to us to halt the open-ended commitment of our troops that President Bush has been making year after year. We need to tell the Iraqis now that we intend to leave and leave soon. Only by doing so can we create the urgency that is so clearly necessary for them to end their differences.

We cannot allow the President to drag this process out any longer. This war is his responsibility, and it is his responsibility to do all he can to end it. It is wrong for him to pass the buck to his successor when he knows thousands more of the courageous members of the Armed Forces will be wounded or die because of it. Every day this misguided war goes on, our service men and women and their families continue to shoulder the burden and pay the price.

If this issue were only about the tragedies of the war, there would be reason enough to end it. But it has become about so much more. Now we are also starting to see the fallout at home as the President refuses to deliver the relief our families need.

Earlier this week, the President signed a Defense appropriations bill that includes a 10-percent increase in funding compared to last year, but he vetoed a bill that includes an increase half that big that would fund cancer research, investments in our schools, job training, and protection for our workers. That bill included $4.5 billion more than the President proposed for education. He said that $4.5 billion more for students is too much. Yet he has asked for 35 times that much more for the war in Iraq. He wants us to say yes to $158 billion for Iraq when he says no to $4.5 billion for American children.

In Iraq, anything goes. The sky is the limit. Billions and billions of dollars for Iraq. But here in America, right here at home, a modest investment in our school children gets a veto.

The bill included $3 billion to improve the quality of our teachers. Those funds would have been used to hire 30,000 more teachers, provide high-quality induction and mentoring for 100,000 beginning teachers, and provide high-quality professional development for an additional 200,000 teachers. One week of the failed policy in Iraq is the cost. We could do all of this for our teachers for the cost of a single week in Iraq, but the President says no.

The bill that he vetoed included $7 billion to provide high-quality early education through Head Start. Yesterday, the Senate approved a Head Start bill to strengthen the program and make Head Start even better. The bill goes a long way in strengthening the quality of the personnel, tying Head Start to kindergarten and other education programs in the States and consolidating all the various programs in the States that are available to children to make them more effective. Each of these improvements make an enormous difference in the lives of Head Start children. Funds the President vetoed would be used to build a basic foundation for learning that will help low-income and minority children for the rest of their lives. We can improve this foundation for the cost of a little more than 2 weeks in Iraq.

But even as we work in Congress to improve this vital program, the President says no. No, no, no to this program, no to the Head Start children. We are only reaching half of those who are eligible for the program at this time. We have over 4 million poor children under the age of 5 in the United States of America; we only reach 1 million of them. We all know what a difference early intervention makes for children in education. It is critically important for us to continue strengthening the academic programs, socio-emotional support, and health services delivered through Head Start and yet the President continues to say no.

The same misguided rationale applies to other investments in this bill. The President's choices cast aside urgently needed research on heart disease, diabetes, asthma, infectious disease, and mental health, and many other areas that could find cures and bring relief to millions of our fellow citizens.

This chart shows $4.9 billion in cancer research which would fund over 6,800 grants; diabetes research, pandemic flu, with all the dangers we are facing with the potential for a pandemic flu—that is necessary—support for the CDC, one of the prime health agencies to help protect Americans. It does such a good job in terms of immunizations and community health centers, which is a lifeline for 15 million of our fellow citizens, so many of whom have lost their health insurance. And the answer is no to those individuals.

It is true, in terms of American workers, the President rejects funding to enforce the labor laws that keep workers safe and to give them a level playing field. Instead, the President's veto takes bad employers off the hook and puts the safety and lives of American workers at risk. The President's choices are devastating to veterans as well. Listen to this, Mr. President. Each year nearly 320,000 brave servicemen return to civilian life, many coming from Iraq and Afghanistan. Tens of thousands—here is the chart. These are the returning veterans from Afghanistan and Iraq. Tens of thousands of reservists and National Guard have lost their benefits and even their jobs because they served their country. That is why the appropriations bill provided $228 million to help veterans find jobs, obtain training, and protect their right to return to former jobs. They are guaranteed now under existing law, but what is happening is that law is not being implemented. We found that three-quarters of returning veterans do not even know about their rights and, in many instances, they are losing their jobs, they are losing their overtime pay, and they are losing their pensions. That is why today one out of four homeless people in the United States is a former veteran. The bill we approved would help address this issue, but that was also vetoed.

The bill we will have a chance to vote on tomorrow in the Senate, which was approved by the House of Representatives yesterday, also takes an important step in reining in the Bush administration's use of torture. It is difficult to believe that in this day and age, Congress needs to legislate against the use of torture to prevent the President of the United States from abusing prisoners. Torture and cruel, inhuman, anddegrading treatment are already prohibited by law. Yet, once again, we must legislate, not because the conduct we would prohibit is somehow unlawful, but because the Bush administration continues to twist and distort existing law in its misguided, immoral interrogation practices.

The Nation was shocked by the horrible images from Abu Ghraib prison, and America was shamed in the eyes of the world. The administration tried to whitewash the episode by blaming it on low-level soldiers, but the truth about our use of torture couldn't be concealed. Led by President Bush, Vice President CHENEY, Secretary of Defense Rumsfeld, and Attorney General Gonzales, the administration had set a course that undermined fundamental American values in the craven belief that torture could somehow make us more secure.

Our interrogators were authorized to shackle prisoners in stress positions, induce hypothermia, and use sleep deprivation, extend isolation, bombardment with lights and loud music, and even now the infamous practice of waterboarding. The Justice Department's Office of Legal Counsel—listen to this, Mr. President—the Justice Department's Office of Legal Counsel gave its approval to the legality of these practices in the morally outrageous Bybee torture memorandum. The Bybee torture memorandum was in place for more than 2½ years until Mr. Gonzales appeared before the Judiciary Committee when he wanted to be the Attorney General of the United States. He could look over that committee and tell that if he had to defend that memorandum, he would never make it, and he was right.

What happened? The administration repealed the Bybee torture memorandum, and Mr. Gonzales got through the Judiciary Committee, although there were more than 40 votes in the Senate against his confirmation.

Under the Bybee memorandum, if the President approved the use of torture, no one could be prosecuted for breaking our Nation's laws or international obligations.

Do my colleagues understand? Under the Bybee memorandum, if you were going to prosecute an individual for using torture, you had to demonstrate a specific intent that the purpose of the torture in which you were involved was not to gain information but just to harm the individual. Unless a prosecutor would be able to demonstrate that the purpose of torturing an individual was not to gain information, you were effectively let off, free.

As the distinguished Dean of Yale Law School, Dr. Koh, said, it was the worst piece of legal reasoning he had seen in the history of studying laws in the United States and legal opinions.

The administration withdrew the Bybee memo in embarrassment when it became public. Indeed, the now-Attorney General Mukasey refused to denounce waterboarding as torture.

Only leaders who fail to understand the founding principles of America could approve such behavior. Our country needs to stand beyond reproach for the sanctity of each individual, for freedom, for justice, for the rule of law. But the administration turned its back on all these traditions and on the ideals of America itself.

In 2005, Congress passed the Detainee Treatment Act to ensure that all interrogations conducted by the Department of Defense would comply with the Army Field Manual, a comprehensive and effective approach to interrogation that prohibits the use of torture and cruel, inhuman, and degrading techniques in favor of techniques that are most likely to be effective in gaining necessary information.

LTG John Kimmons said, when releasing the manual:

> No good intelligence is going to come from abusive practices. I think history tells us that. I think the empirical evidence of the last five years, hard years, tells us that. The Manual itself tells us that the use of torture is not only illegal, but also it is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say whatever he thinks the [interrogator] wants to hear.

Last May, General Petraeus echoed these statements in a letter to all our servicemembers in Iraq saying that "torture and other expedient methods to obtain information" are not only illegal and immoral, but also generally "neither useful nor necessary."

We now know, however, that the 2005 act left open a loophole that undermines the basic safeguards against torture and cruel and degrading treatment. We applied the field manual to the Department of Defense, but not to the CIA.

Last year in the Military Commissions Act, Congress left it to the President to define by Executive order the interrogation practices that would bind all Government interrogators, including the CIA. The President's Executive order drove a Mack truck through this small loophole. The vague terms of the order permit many of the most heinous interrogation practices.

The provisions of the bill we will have an opportunity of voting on tomorrow closed that loophole. They require that all U.S. interrogations, including those conducted by the CIA, conform to the Army Field Manual. This very simple and easily implemented reform means no more waterboarding, no more use of dogs or other extreme practices prohibited by the Manual. There will still be great flexibility in use of interrogation methods and our interrogators will be able to effectively get the required information, but torture will be off the table.

This bill is an opportunity to restate our commitment to the ideals and security of our Nation. It is an opportunity to repair the damage done to our reputation by the scandal of Abu Ghraib and the abuses of Guantanamo. It is an opportunity to restore our Nation as the beacon for human rights, fair treatment, and the rule of law. It is an opportunity to protect our brave service men and women, both in and out of uniform, from similar tactics. It is a simple but vital step in returning our Nation to the rule of law and the ideals on which America was founded, and it deserves to be enacted into law as soon as possible.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUBPRIME LENDING CRISIS

Mr. MARTINEZ. Mr. President, I wish to take a moment to express my strong support for modernization of the Federal Housing Administration. As you know, there is a serious financial issue affecting a lot of Americans. The subprime lending crisis is driving up foreclosure rates in Florida and across the country.

The problem is that from 2004 to 2006, financial institutions gave a lot of people mortgages they could not afford. These were low-interest, nothing-down, sometimes no-document loans that made the initial monthly payment very affordable. But because these were adjustable rate mortgages, a lot of people soon found themselves in a lot of financial trouble. After 24 months, or whenever the initial low downpayment period was over, the next market-driven rates set in and monthly mortgage payments climbed substantially.

Another factor compounding the problem, especially in places such as Florida, is that housing prices are stagnant or declining. So with no equity, higher monthly payments, and no chance to sell without taking a substantial loss, a lot of homeowners who have subprime loans are finding themselves in the perfect storm and, sadly, they are facing financial foreclosure.

Imagine the heartbreak of a family losing a home to foreclosure. About 2 million families in America are in that predicament today. This summer we saw the first wave of foreclosures, and because of the lag time between interest rate adjustments, we are likely to see another wave before too long. But the good news is that there is a strong public-private partnership offering help.

The Federal Housing Administration is offering certain homeowners an option to refinance their existing mortgages so they can make their payments and keep their homes. Additionally, FHA is coordinating a wide variety of groups that offer foreclosure counseling. This is to identify homeowners before they face hardships, help them to understand their financial options, and allow them to find a mortgage product that works for them.

I commend President Bush and Housing Secretary Alphonso Jackson for stepping in to help with this difficult situation. I also commend the private institutions that are helping families avoid foreclosure. But where we need more action right now is right here in the Congress.

I am pleased we have put together a bipartisan FHA reform bill that will lower downpayment requirements, allow FHA to insure bigger loans, and give FHA more pricing flexibility. These reforms will empower FHA to reach more families that need help. It would also help first-time home buyers, minorities, and those with low to moderate incomes.

Over the past 72 years, FHA has been a mortgage industry leader, helping more than 34 million Americans become homeowners at no cost to the taxpayer. With this legislation, we build an even better program that complements conventional mortgage products and allows FHA to continue to serve hard-working and creditworthy Americans.

I commend Senators DODD and SHELBY for their leadership on this issue in the Banking Committee. The legislation we have before us is the result of a lot of time and dedication from members of that Senate Banking Committee. It isn't an easy process to get legislation through this committee, but it is a fair one. With this legislation, we have the opportunity to use the resources of the Federal Government in a reasonable and responsible manner in order to mitigate against future home losses.

As former Secretary of Housing and Urban Development, I know this program well, and I would ask my colleagues who may have questions or concerns with this legislation to talk to me about it. I would love to tell you why this is a good idea for America.

I would also add that Senators DODD and SHELBY and I have worked hand in hand with the administration throughout this process, and that this legislation that was reported from the Banking Committee—and, as I said, has bipartisan support—also enjoys the support of the President and the Department of Housing and Urban Development. In fact, I have a letter from Secretary Jackson to Chairman DODD and Ranking Member SHELBY dated September 19 expressing enthusiastic support for the bill.

This is a bill that will help families. At a time when America seems to be looking to Congress for answers on issues from energy to the crisis that is going on with the foreclosure problem, to so many other issues, here is a time when we can come together and get something done that is good for the American people.

To make the argument this legislation has not been given due deliberation is both unfair and unfounded. FHA reform is an issue that has been debated here in Congress for many years. In fact, I know we debated this issue here when I was Secretary of Housing and Urban Development.

The Banking Committee has had hearings and Members have been an active part of the process. At the markup in September, members voted 21 to 1 in favor of reporting the legislation from committee. I believe the one Senator who did object in committee now supports the legislation.

So, again, I ask my colleagues to take a good look at the merits of this legislation and support our efforts to provide hard-working, creditworthy Americans with an avenue to safe, sound, and affordable mortgage lending.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

TRIBUTE TO SENATOR BYRD

Mr. STEVENS. Mr. President, I come to the floor to honor the President pro tempore, our great friend, the senior Senator from West Virginia. Senator BYRD will celebrate his 90th birthday next Tuesday. In Alaska, we call this a significant milepost. Milestones in Alaska get covered with snow too often.

I remember watching from the gallery in 1959 when Senator BYRD took office. I was a member of the Eisenhower administration at the time. He had been here for nearly a decade by the time I came to the Senate in 1968. Senator BYRD and I have worked together on the Appropriations Committee now for 36 years. We have each chaired that committee and we have each had the honor of becoming the President pro tempore. He has been President pro tempore twice.

Senator BYRD has been called a symbol of our history, and those of us who served with him, and continue to serve with him, rely on his knowledge of the Senate and its history and traditions. I wish I had the time to go into some of the times I have listened to Senator BYRD recite poems or history, or tell of his times of researching the history of the Roman Senate. I served as the whip here for 8 years when Senator BYRD was giving his history lessons, and it was my honor to sit here and listen to those history lessons, and I learned a great deal from him.

His devotion to the Senate and to those of us who serve with him are reasons for us to call him the patriarch of the Senate family. I know of no one who has done so much to keep the spirit of the family alive in the Senate. Over the years, Senator BYRD has come to the floor many times to honor me personally and to honor my family. He comforted me here on the floor when my wife Ann passed away. He comforted me in times of sorrow; he comforted me in times of joy.

He came to me on the day I first became a grandfather. And I will never forget that, because he gave a speech about the meaning of becoming a grandfather, and he told me I had my first taste of immortality because I was a grandfather. Those words have stayed with me for a long time. I now have 11 grandchildren, but I will never forget that speech about the first one.

I also remember the kind remarks he has made to me on many other occasions. He came to the floor and offered congratulations of the Senate when I remarried, and he came again when Catherine and I had our first daughter.

our only child, Lilly. Earlier this year, he came to the floor to congratulate Lilly on her graduation from law school. And with Lilly, I remember when she was young and a baby, and I was the whip, we had a birthday party for Lilly every year here, and Senator BYRD never missed one of those. He became Uncle Robert to Lilly. He has had a marvelous relationship with the children of Senators who have served with him.

The nurturing and caring quality that Senator BYRD has brought to this Chamber for so many years reminds us we are a family. We had the sad occasion to gather with him and support him when he lost his beloved wife. But I have come here today to congratulate the Senator from West Virginia not only for his service to our Nation and to the Senate, but for his longevity. He is the only Senator who is older than I am, and I thank him for his friendship and for all he has done for me and my family personally.

Catherine and I wish him a very happy birthday, and we hope the Senate will join in extending to the President pro tempore our sincere congratulations on his birthday.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

NATIONAL ADOPTION DAY

Ms. LANDRIEU. Mr. President, I appreciate the opportunity to be recognized to speak for a moment with my colleague Senator COLEMAN on National Adoption Day, which is this Saturday.

Before I do that, let me thank the Senator from Alaska, the senior Senator, for his beautiful remarks relative to our other colleague from West Virginia, a man whom we have all come to know and love and respect for his years and quality of service to this body and to our country. Many of us will have other words to say on behalf of Senator BYRD on his birthday, which is coming up very soon.

I wanted to come to the floor with my colleague from Minnesota to speak about a very important issue that we try to remember and reflect on through the whole month of November, but particularly on National Adoption Day on November 17. I also wanted to take this opportunity to remind ourselves of the importance of family and the laws we try to pass here in Congress to encourage families to be strengthened and expanded through the miracle of adoption.

Many Members of Congress, including myself, are adoptive parents. We have personally experienced the joy of building our families through adoption. We are proud promoters of this practice that is not uniquely American, but is embraced by Americans in a way that it is not embraced in most countries in the world. And we are proud of that. In America, we like to believe it is not the color of our skin or even being from the same part of the world that makes a family. It is a bond, a love that can be shared between people and families and children, even if those children are of a different race or a different background. It is a very unique aspect of America that is quite open and quite extraordinary.

In America, we adopt many children, thousands of children. Over the last decade, the numbers have increased every year, in good measure due to the work that has been done in the United States, right here in Congress.

Let me back up a minute to say that, obviously, our ultimate hope and wish is that all children could stay with their birth families. In an ideal world, you would want all children born in every country, every day and every year, to be able to be born into families who want them, can care for them, can nurture them, and will stay whole and permanent. But we know in the reality of the world in which we live, that is not possible. War, famine, disease, addiction, violence, and gross neglect separate families, separate children from their birth parents every day.

I think it is one of our primary responsibilities as responsible, functioning governments, particularly democracies, to do what we can to connect those children who are separated from that special bond with a birth parent to another nurturing, loving adult as quickly as possible. It would seem that the most natural thing in the world is to understand that a child without a parent is very vulnerable. Even children with parents who are educated and able to navigate through life still have great challenges. So, you can imagine the vulnerability of children with no parents to protect them, alone to raise themselves. Children don't do that very well. And governments don't raise children. Human beings—parents—do. So we need to do our best.

We are working at it, but we have a long way to go. That is why every November, our Presidents, President Clinton, and before him President Bush, take a minute, as our current President will tomorrow at the White House, to acknowledge that November in America is National Adoption Month. We focus the attention of our country on our efforts and we congratulate ourselves on our progress, but there is still a gap. We have 514,000 children who have been removed from their birth families and placed in the care of the community, in foster care. Today, over 115,000 of these children are waiting to be adopted, and the majority of their parental rights already have had their parental rights terminated. These children are waiting to be placed in a permanent family through adoption, whether kinship or regular, or long-term guardianship.

So I come to the floor today to recognize some of these children who are waiting today, and to say that while we are making progress, we have some beautiful children who are still waiting to be adopted. There are many misconceptions about some of the children who are in our public child welfare and foster care systems. The survey recently conducted by the Dave Thomas Foundation for Adoption indicated that the majority of Americans mistakenly believe that many of the children in foster care are "juvenile delinquents." According to the survey, an unbelievable number of Americans, have thought about adopting a child from foster care, but because of their misperception that there is something wrong with these children, that they are damaged goods, they back up or they back away.

The facts will show that it is not the children who are in foster care who are delinquent. It was a problem from the parental end; that the parents somehow failed to step up or were unable to step up. These children are not damaged goods. They are doing beautifully in school. Many grow up to be quite successful, but they, like all children, need parents and protection.

This is a young girl, Natalyia, who is 8 years old. She has been in foster care since 2001 and is one of the children in Louisiana who is waiting to be adopted.

This is two siblings. Sometimes a child is an only child and sometimes a child has brothers and sisters. I am one of nine children. I know, Mr. President, you came from a fairly large family. Sometimes the unfortunate thing is that parents walk away, or disease or violence separates them from groups of children.

These are two young boys, Terron and Montrell, who are about 7 and 8 years old. They are in foster care in Louisiana, looking for parents here in the United States.

This is two other brothers who have been in foster care for a while. Their names are Ronnie and Kody. They are 11 and 13 years old, also looking for a family here in the United States.

We have thousands and thousands of children of all ages in the United States looking for families. We have millions of orphans around the world. As I said, there are tens of thousands of children right here in the United States who are waiting to be adopted. I am proud of the laws we have tried to pass here on the floor of the Senate, giving appropriate tax credits and providing other opportunities for children to move into loving and permanent families.

I think our time is limited. I don't want to take any more time, but I ask unanimous consent to allow the Senator from Minnesota to finish up our talk here on the Senate floor, to acknowledge National Adoption Day and National Adoption Month, and then turn to the leadership, if I could.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Minnesota.

Mr. REID. Mr. President, I am wondering if my friend from Minnesota will be kind enough to allow the two leaders to engage in a little work here on the floor? As soon as we finish, he would retain the floor.

Mr. COLEMAN. Mr. President, I graciously yield the floor to the two leaders.

Mr. REID. My friend is gracious in everything he does. I appreciate that so much.

CONDITIONAL RECESS OR ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H. Con. Res. 259, the adjournment resolution.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 259) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, could the majority leader tell me what the schedule is likely to be for tomorrow?

Mr. REID. Yes. We will do a unanimous consent request in a minute for your approval or disapproval. What we are going to do is come in in the morning. I want to come in early because of requests from both your side and my side that we vote first on an Iraq matter that the minority has brought to the floor; then we would vote on a motion to proceed to the bridge bill that the House voted on last night; and then we would vote on the motion to invoke cloture on the farm bill. At that time, hopefully, we would be ready to wind things down until after Thanksgiving.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the current resolution be agreed to and the motion be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 259) was considered and agreed to.

The concurrent resolution reads as follows:

H. CON. RES. 259

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, November 15, 2007, or Friday, November 16, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, December 4, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, November 15, 2007, through Thursday, November 29, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 3, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

ORDERS FOR TOMORROW

Mr. REID. Mr. President, I ask unanimous consent that the Senate vote at 9:30 a.m. tomorrow on the cloture motion on the motion to proceed to S. 2340, the Senate Iraq Emergency Supplemental Appropriations bill; if cloture is not invoked, the Senate then vote on cloture on the motion to proceed to H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations bill; if that cloture is not invoked, the Senate then vote on cloture on the substitute amendment to the farm bill; I further ask unanimous consent that the cloture vote on H.R. 2419, the underlying bill, be delayed to occur, if needed, upon the adoption of the substitute amendment; I further ask unanimous consent that the time for debate prior to the first vote be equally divided between the 2 leaders or their designees; that the last 10 minutes be reserved for the 2 leaders, with the majority controlling the last 5 minutes; and that there be 2 minutes for debate before the second and third votes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. I say to my friend, it is my intention to come in in the morning at 8:30. That would allow any Senators who wish to talk about the farm bill and Iraq to do that tonight and in the morning we have a few speakers and you would have some speakers, and that should conclude the events tomorrow. I think we need to come in early because we have had a number of requests, as you know.

I do say this, I appreciate the understanding of my friends on the other side. As they know, there is a debate tonight of all Democratic Presidential candidates, and they needed to be here in the morning. That is required. They probably needed the time anyway, but I couldn't push forward on that tonight, especially with the debate starting in 2 hours in Las Vegas.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, let me say a couple of things before the distinguished Republican leader leaves. We had a brief conversation here in the well of the Senate a couple of minutes ago. I am disappointed we cannot proceed to the Transportation appropriations bill. The President tells us he wants bills. We do everything we can, and it is difficult to get them done, but we have now completed an extremely difficult conference. It has been open. Republicans have participated. I am not going to go into the details of the bill, but it is a transportation bill. It deals with such important parts of America's infrastructure which are so desperately needed.

I hope, I say to my friend, that maybe before we leave here tomorrow there will be another thought given to this. It would be nice if we could send this bill to the President and do it before we leave here for recess. Senator BOND and Senator MURRAY on our side, the managers of this bill, have worked very hard trying to get everything done. They worked today. We got a hold on it here taken off. Somebody objected here. We took that off. I am so grateful for their hard work, their bipartisan work on this legislation.

I do say this, Senator BOND, who has been one of the members of the Appropriations Committee for some time, has been pretty easy to work with over the years. He has been very reasonable. Senator MURRAY told me he has been extremely reasonable during this most difficult bill. I am not going to ask unanimous consent to go forward on it. I have been told by my friend, the distinguished Senator from Kentucky, there would be an objection. I do feel sorry we have not been able to do that.

Finally, I will say a few words on an important issue, breast cancer and environmental research. I indicated earlier this year I was going to move forward, if necessary, on cloture. There is one Republican Senator who has held up this extremely important bill. This legislation would authorize money for 5 years to study the possible links between the development of breast cancer and environment. One key provision in the legislation would create an advisory panel to make recommendations about these grants.

Over the past 6 years, this bill has enjoyed very broad, bipartisan support. During the 109th Congress, this bill was reported out of the HELP Committee, but one Senator on the other side, one Republican, objected to our request to pass it.

I am bound and determined to pass this legislation. Why I have not moved on it earlier is the following reason: We have gotten great work on a bipartisan basis out of the HELP Committee. Senators KENNEDY and ENZI—one would not think they are political soulmates, but they are. They balance each other out. Senator ENZI confided in me—I don't necessarily mean confided in me, but he told me that he was going to have a hearing on this very soon, before the first of the year, to see if he could work out the problems the one Senator had. If that in fact is the case, this matter could be brought out of the committee to the floor and passed very quickly rather than my taking a week or so on the legislation. So I want all those who are so concerned about this legislation to know I have not forgotten about it, but based on Senator ENZI's representations, I am not going to try to invoke cloture on this bill at this time. If we do not get something done during the first few months of the next year, we will do that. Hopefully we can pass it in December.

Mrs. MURRAY. Mr. President, could the majority leader yield for a question?

Mr. REID. I am happy to yield for a question.

Mrs. MURRAY. Mr. President, I am listening carefully to what you said. I am here on the floor working very hard trying to get the Transportation and Housing bill to the President, as he has asked us to do. We worked together in a strong bipartisan way. All of the Republicans and all the Democrats in both the House and Senate signed the conference committee report. This is critical infrastructure. I note the Senator from Minnesota is on the floor. He had a bridge collapse in his State. We have had a housing crisis we addressed within this bill. We know airport expansion is a critical infrastructure piece. I see the Senator from Louisiana is on the floor. There is very important infrastructure there.

If I heard the Senator correctly, we are not going to be able to move forward on this critical piece of legislation that only has one hurdle left to get to the White House. If I could, in effect, clarify it, my understanding is there is an objection and we will not be able to move it past the final hurdle?

Mr. REID. I answer to my friend who has done such an outstanding job on this bill, as she does on everything, this bill did have in it $195 million to replace I-35 West, the bridge in Minneapolis. We all witnessed the tragedy of the collapse of that bridge. A picture is worth 1,000 words so I will not give 1,000 words, other than to say I ask everyone to call up in their mind's eye the devastation that took place when that bridge unexpectedly collapsed. The bill also, I say, includes an additional $1 billion for urgent bridge repairs in all States in the wake of that tragedy. That is only a small part of that legislation and it is unfortunate we couldn't send that to the President before the recess. We still could, maybe when we get back in the morning, and we could do it before we leave here. That is still possible.

Mrs. MURRAY. I say to the majority leader, I thank him for trying to move forward. I hope our minority leader will work with his caucus to try to help us move this forward. It is critical infrastructure that thousands of communities are counting on this week, heading for a jampacked Thanksgiving holiday. Everyone is going to realize the impact of not investing in our infrastructure. I hope we can continue to try to work something out.

I thank the majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 3996

Mr. REID. I ask unanimous consent that the majority leader, after consultation with the Republican leader, may turn to the consideration of H.R. 3996, the Tax Extender/AMT bill, and that it be considered under the following limitations: that there be 2 hours of debate equally divided between Senators BAUCUS and GRASSLEY or their designees prior to a cloture vote on the bill; if cloture is invoked, there be no amendments in order to the bill; if cloture is defeated, there then be 1 hour for debate on Senator LOTT's amendment No. 3620, providing for AMT repeal and 1-year extension of expiring tax provisions; that following that vote there be 1 hour for debate on Senator BAUCUS's amendment providing for a 1-year AMT patch and a 2-year extension of expiring tax provisions with the cost of the expiring tax provisions offset; that each amendment vote would require 60 votes in the affirmative; that following those votes, if an amendment is agreed to, the bill be read a third time and the Senate vote immediately, without any intervening action or debate, on final passage of the bill. If neither amendment achieves 60 votes and cloture is not invoked on the bill, then the bill be returned to the calendar; if cloture is invoked on the bill, then the Senate proceed to complete action on the bill under the provisions of rule XXII.

Mr. McCONNELL. Reserving the right to object.

Ms. LANDRIEU. Reserving the right to object.

Mr. McCONNELL. I know Senators GRASSLEY and BAUCUS are here to discuss this issue. I believe the majority leader knows I am going to be offering another alternative consent agreement to his here momentarily. I ask we both be allowed to do our respective consent agreements and then let others discuss the AMT.

Bearing that in mind, Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. McCONNELL. Mr. President, Senate Republicans have time and time again voted to reform and repeal the alternative minimum tax, a stealth tax that was promulgated in 1969 to ensure some 155 wealthy Americans paid at least some level of Federal tax but which today threatens to entrap more than 20 million American taxpayers this year alone.

I know the majority leader shares my desire to fix the alternative minimum tax and to extend other expiring tax provisions later this year. In fact, as the IRS has told us, the inexplicable inaction at this point has already the potential to wreak havoc on the tax-filing season. I have been encouraging my colleagues on the other side of the aisle to work with us to do this for quite some time.

So both my friend, the majority leader, and I know this is an issue that must be addressed. That is common ground, and that is good. But let's be clear. Republicans want to extend the alternative minimum tax patch and expiring tax provisions without increasing taxes on other Americans. Furthermore, we want to protect 90 million American taxpayers, including small business owners, from a massive tax increase that will soon take effect if Congress does not act to extend rate reductions contained in the tax relief measures we passed in 2001 and 2003.

I would suggest that there are fundamental differences of opinion between the 2 parties on tax policy. This is not a surprise; we all know this. And it is a debate we have been having for years. But on this there is much we can agree on. Let's begin with a base bill that accomplishes what is noncontroversial, what we mutually agree upon; that is, extending the AMT patch for 1 year and extending expiring tax provisions for 2 years.

In view of the differences between the parties on tax increases, let's allow 2 amendments per side to be in order, each of our own choosing. I can tell you now that our amendments will be focused on ensuring tens of millions of Americans do not face tax increases. While I would not presume to tell my friend, the majority leader, what amendments his side should offer, I would suggest it would be an excellent opportunity for him to offer the tax increases that are included in the Baucus proposal and the Rangel AMT bill as passed by the House as the other. Since we object to the majority's efforts to increase taxes, as they apparently will object to our efforts to extend tax relief, let's require that all amendments be subjected to a 60-vote hurdle.

In summary, I propose we start with common ground and say controversial pay-fors and add-ons must get 60 votes.

Therefore, I ask unanimous consent that the majority leader, with the concurrence of the Republican leader, may turn to the consideration of H.R. 3996; provided further that there then be a substitute amendment in order, the text of which is the 1-year alternative minimum tax fix with a 2-year extenders package without the tax-raising offsets; I further ask unanimous consent that each side be allocated four tax-related amendments to be offered to the substitute, and that each amendment under this order and passage of the underlying bill require 60 votes for adoption or passage as the case may be.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, during the past 7 years, we have had an interesting financial program in this country led by President Bush; that is, spend whatever you want, just use a credit card. That is, he wants new programs. He has had plenty. Just write out one of the IOUs that came from the credit card. Or if you want to reduce taxes, do not pay for it, just call for the credit card, which it seems the limit on that never runs out, just more and more.

When this man, this man, President Bush, took office, there was a $7 trillion surplus over 10 years. Now there is a deficit of $9 trillion. That is what the Bush fiscal policy has done to this country.

We in this Democratic-controlled Congress believe things should be paid for. We have done that working with the House on everything. We believe we are going to do our very best to do it on this legislation.

But I would suggest to my friend that one of the requests I had is that we vote on—have every opportunity to vote on—what the House sent us.

But without belaboring the point, I think we have two different ways of how this Government should run. One should be on a pay-go basis. If you want to increase spending, you pay for it. If you want to cut taxes, pay for that. For 7 years the Republicans have not agreed with that. As a result of that, we find ourselves in a difficult situation. So I respectfully object to my friend's request.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I regret that the Republican side has objected to the request offered by the majority leader. But I am very pleased, frankly, with the objection by the majority leader to the minority leader.

The ACTING PRESIDENT pro tempore. If the Senator from Montana would suspend for just a moment.

Under the previous order, the Senator from Louisiana and the Senator from Minnesota had the floor for a few minutes before the leadership.

Mr. BAUCUS. Mr. President, if I might ask my colleagues to indulge me a little because this is an important subject on the issue at hand. I ask their indulgence for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. I thank my friends. Mr. President, the goal is to try to fix the alternative minimum tax and to try to get these tax extenders passed. The goal is not to relitigate the 2001 and 2003 tax cuts, which I think would be the subject of the amendments that the minority side would offer if their consent requests were granted. We are not here to relitigate that; we are here to figure out some way to make sure this Congress allows the alternative minimum tax patch to pass so Americans do not have to pay an alternative minimum tax for tax year 2007, which is the goal.

I am very disappointed, frankly, that we are not allowed to get to that point because the other side objected to the request offered by the majority leader to set up a series of votes which would enable us to get to that point—namely, where this body could pass the legislation, probably an amendment by Senator GRASSLEY and myself—which would accomplish most of the objectives by the other side; namely, dealing with the alternative minimum tax, not paid for, but pay for the extenders.

That would have been the third vote if we were to get there; that is, if the minority party allowed us to get there. But, apparently, they do not care about that. Apparently, they do not care about the alternative minimum tax. Apparently, they want to relitigate the 2001 tax cuts, the 2003 tax cuts, to have it extended with mischievous amendments.

I remind my colleagues we are here today because back in 1969, Congress passed the alternative minimum tax because so many wealthy taxpayers were not paying any taxes. So we passed AMT. But we made a mistake, frankly; we did not index it. And lo and behold, after all of these years, now taxpayers between $100,000, $200,000, $300,000 of income, many of them are going to have to pay the alternative minimum tax very soon.

But, ironically, it is the most wealthy taxpayers in America who are not affected by the alternative minimum tax. It does not hit them. It does not affect them. It does not affect the most wealthy. It just affects those with incomes between, say, $100,000 and $200,000 in income.

Why does it not affect the most wealthy? Because on the alternative minimum tax, the capital gains rates are not the alternative minimum tax rates, rather the capital gains rates under the AMT are the regular capital gains rates, and most wealthy people get most of their income paying capital gains taxes because their income is passive rather than ordinary income.

So it is a bad provision, the AMT, and we have to fix it. And mark my words, we are going to try to find a way to fix it because it has to be fixed. I am very disappointed, frankly, that the other side would not let us fix it now. It is important we fix it now because the IRS is going to send out forms. The programmers who do the programming for the Tax Code, for the tax provisions in the Tax Code, have to get the right programs out to the American people.

If we dally, if we wait—it looks as if now we are going to wait until certainly after Thanksgiving. It looks as if probably we have to wait to the end of the year. Who knows when? Maybe the day before Christmas. That is not the way to do business. So we will find a time. We can bring up legislation to make sure there is a so-called AMT patch, that we do not have AMT affect taxpayers for this year. And we also have to bring up these so-called extender provisions.

I think we should pay for those extenders. But we may not be paying for the AMT, and that was going to be the third amendment that was going to be offered today so we can get moving. But I guess that is going to come up another day. I am very disappointed we are not there.

Mr. President, the journalist Norman Cousins once said: "Wisdom consists of the anticipation of consequences."

By this or any measure, the alternative minimum tax is the most unwise of policy. Congress plainly did not anticipate the AMT's consequences. And the wise course now is plainly to stop it from increasing the taxes of millions of Americans.

The Tax Reform Act of 1969 created the AMT. Congress saw that under the tax code of that time, 155 high-income households took advantage of so many tax benefits that they owed little or no income tax. So Congress responded with the AMT.

But Congress did not anticipate the consequences. Notably, Congress failed to index the AMT for inflation. And now an increasing number of middle-income Americans are finding themselves subject to this tax.

Now, the AMT punishes people for having children. The AMT punishes people for paying high State taxes. And the AMT punishes people with complexity.

And many taxpayers who owe the AMT do not realize it until they prepare their returns. Worse yet, many do not realize it until they get a letter from the IRS. Many never see it coming.

Listen to what the Congressional Budget Office has reported:

> [I]f nothing is changed, one in five taxpayers will have AMT liability and nearly every married taxpayer with income between $100,000 and $500,000 will owe the alternative tax.

But oddly enough, the AMT would have less effect on households higher up the income scale. Surely these are not the consequences that Congress intended.

Protecting working families from the alternative minimum tax is my top tax priority this year. And it remains my goal to repeal AMT altogether.

We could do something about it, today. We have a chance to anticipate the consequences, today. We could enact wiser policy, today.

Last week, the House passed the bill that was the subject of the unanimous consent request that the Leader just made. It would protect more than 23 million families from a tax increase this year under the AMT. It would extend a number of important tax cuts for research, college expenses, and other priorities. And it is paid for. It is fiscally responsible.

Under the unanimous consent agreement just propounded, the Senate could have acted. If we had agreed to this unanimous consent request, we could have prevented the AMT from wielding its unintended consequences 1 more year.

I'm disappointed that the Senate did not consent to consider this bill today. But I am not sorry for choosing to protect taxpayers from the AMT, even at some cost. Too many folks are at risk of an unfair tax increase, if Congress fails to act on the AMT.

Provisions like the college tuition deduction, State and local sales tax relief, and the research and development tax credit are also in this bill. Those provisions make a real difference for America's families and businesses. I am disappointed that we were not able to extend these expiring provisions. People deserve greater certainty about their tax relief.

Now I don't support all of the provisions in the House bill. I would not have written it this way. There are certain targeted provisions that are not strictly extenders that I would not have put in the bill. There are some offsets that I would not have used or that I would write differently.

But I do support tax relief. And I support fiscal responsibility. And this was our chance to both ensure tax relief for 23 million Americans and also to avoid saddling our children and grandchildren with debt.

Mr. President, many of my colleagues have insisted that we pay for extending the Children's Health Insurance Program. Many have insisted that we pay for extending the farm bill. And many have insisted that we pay for preventing cuts to doctors under Medicare.

Well, if paying-as-you-go is good enough for children's health, if it is good enough for America's farmers, and if it is good enough for Medicare, then it ought to be good enough for tax cuts, too.

So I regret that there has been objection to considering the House-passed AMT bill. I regret that those who are objecting have prevented us from saving 23 million Americans from the unintended consequences of the AMT. And I regret that those who are objecting have prevented us from moving forward to enact wiser tax policy.

NATIONAL ADOPTION DAY

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I take the opportunity to turn this body to the attention of a matter that has bipartisan support that will bring us together. There are some very contentious and challenging issues that we have to deal with, but what I am going to talk about now in the moments I have is something that is not a Democratic or Republican issue. It is an issue that concerns all of us.

It was the poet Carl Sandburg who said: Each young child is God's opinion that the world should go on. In our busyness and preoccupation that we have with the affairs of state, we should remember there is probably nothing more important to the future than making life better for a child, something we all agree with.

I am talking on the floor today to share a simple way we can all do that in the Senate and in the country. I am pleased to have the opportunity to join my colleague from Louisiana, Senator LANDRIEU, in supporting a resolution to recognize National Adoption Day, which is coming up this Saturday, November 17.

I would say my colleague from Louisiana brings not only the passion and the intellect to this issue, but she brings a lot of heart to the issue. And I think that is most powerful. I applaud her for her leadership. It is a pleasure to work with her on issues of adoption.

National Adoption Day is an annual series of events designed to draw attention to this crucially important social service of uniting kids who need loving families and families who need kids to share their love. Adoption is one of the greatest win-wins because it fulfills two of the greatest needs of human kind: receiving and giving love. Adoption, since it involves the welfare of the vulnerable children, is a process that must be handled with care. The challenge is not to make it so legalistic and bureaucratically demanding that it keeps needy kids apart from worthy families.

Many legal professionals and nonprofit agencies put in countless hours to facilitate adoption. This is a day to thank them for their efforts and focus our attention as a society on what we can do to create greater opportunities for adoption.

Last year, for the first time, National Adoption Day was celebrated in all 50 States, the District of Columbia, and Puerto Rico. In total, more than 300 events were held throughout the country to finalize the adoptions of more than 3,300 children in foster care and to celebrate all families that adopt.

This year, the partners are anticipating an even greater number of finalized adoptions as a greater number of cities and communities participate in NAD events.

This Saturday, hundreds of volunteer lawyers, foster care professionals, child advocates, and local judges will come together to celebrate adoptions and to draw much needed attention to the 114,000 children in foster care still in need of adoptive homes.

I am thankful my friend from Louisiana showed us the faces of those kids so we understand it is flesh and blood that we are dealing with.

I would like to encourage my colleagues in this Chamber to invest more of their time and effort into this special area of constituent service throughout the year. Each December, my staff and I hold a party in Minnesota to gather and celebrate all of the families, Minnesota families, that we have assisted in adoption. It is the most joyous event that I participate in. The expressions of love and gratitude are simply overwhelming.

One by one, as I see the kids and imagine the circumstances they have come out of to the place where they have found a home, it makes all of the frustrating and seemingly futile hours of this job just melt away.

I also thank my colleagues for their support earlier this year in a provision that Senator LANDRIEU and I championed to ensure adopted teenagers who seek an education were not forced to choose between a loving family and financial aid for college. Previously, youth who "aged out" of the foster care system qualified for virtually all loans and grants, while those who were adopted were essentially penalized in terms of college financial aid eligibility. Our measure simply amended the definition of "independent student" to include foster care youth who were adopted after their 13th birthday. This will ensure that a student does not see his or her financial aid eligibility decline as a result of being adopted.

Since taking office, I have taken great satisfaction in helping hundreds of families navigate the international adoption process. Many of my colleagues are aware of the potential crisis relating to the completion of over 3,000 adoptions between the United States and Guatemala.

Due to the implementation of the Hague Convention on Intercountry Adoption, which is an internal agreement intended to safeguard adopted children from trafficking, significant and necessary changes are taking place in adoption law in the United States and Guatemala.

The Government of Guatemala previously announced their nation will implement The Hague Convention standards as of January 1, 2008, and will require all adoption cases to meet those standards. This would have effectively stopped the processing of all adoption cases with non-Hague countries, including the United States. The United States is expected to complete Hague implementation this spring. However, in the meantime, it is imperative we work to ensure that families currently in the process of adopting have the ability to continue with that adoption. To highlight these concerns, 52 of my Senate colleagues joined with Senator LANDRIEU and me in sending a letter to the President of Guatemala encouraging an interim measure for pending adoption applications in Guatemala. This action by the Guatemalan Government will help ensure that orphaned children do not remain outside the care of a loving family for lengthy periods of time.

Additionally, I have been in close contact with the Department of State, the Guatemalan Government, and anxious Minnesota families as this issued progressed. The Guatemalan Government is currently debating provisions that would allow U.S. adoptions that are in process to continue, despite the implementation of The Hague Convention in Guatemala. I know that matter was being debated. I received a message from the State Department. Originally, I thought the measure was passed, and then I was told they hadn't. The State Department informs me there will be no action taken today, as it was not on the agenda, but both versions of the law are under consideration and do contain grandfather clauses that would protect the in-process cases. This bill apparently will be coming up next week. We have been in touch with the consular general, with the Ambassador. If no bill is passed, The Hague Convention will become effective on December 31. But we have assurances from senior Government officials responsible for implementation that pipeline cases will continue to be processed under the old system.

I will be traveling to Guatemala right after Thanksgiving in order to discuss these critical issues with key United States and Guatemalan officials. They have a new President-elect who was elected in November, President Colom. We will continue to work on this. I will not be traveling alone. Traveling with me will be countless stories of affectionate Minnesota families who are hoping to complete this process so they can receive and give love. I have also had the privilege of working with families on other international adoptions. Many are unaware of the devastating human tragedy of decades of unrest and civil war in Liberia. Recently, I had the honor to escort a new young Minnesotan, Miss Patience Carlson, adopted by a Chaska, MN, family to the White House to be in the Oval Office and to meet with the President. The Carlsons had been within days of completing the adoption of their soon-to-be daughter Patience—what a perfect name for this young lady—when violence broke out in Liberia. As rebel forces moved into Monrovia, the orphanage began to run low on supplies and the Carlsons became desperate to unite with their new daughter. It was an honor to work on their behalf with the U.S. Embassy in Liberia to help complete the adoption.

I have traded stories with Senator LANDRIEU about how we have both been in those situations. We said we are going to get the kids out of the war zones and do what has to be done. That is the passion she brings.

The Carlsons got to meet the President of the United States. I have often related the story about an event in northern Minnesota called the Great Think-Off. Scholars, religious leaders, and regular people gather together to debate the great issues of the day and search for a common solution. One year the question was: What is the ultimate meaning of life? After several days of long-winded attempts by great philosophers and professors and others, a young girl who had patiently waited her turn went up to the microphone and said: The ultimate meaning of life is to do permanent good. She sat down and the meeting was adjourned.

Adoption is such a permanent good. It changes the lives of kids who have been through more in their short lives than most people could handle in a lifetime. It changes the lives of parents and siblings who make room in their lives for another, through which they learn the more you love, the more love there is to give.

I urge my colleagues and those who read this record to find time to reflect on the importance of adoption, visit the Web site at www.nationaladoptionday.org, and find a way they can contribute in a small way to this unique social service that makes such an important difference in the lives of so many people.

I am grateful for the work that the partners of National Adoption Day do. The Congressional Coalition on Adoption Institute, the Alliance for Children's Rights; Children's Action Network, Casey Family Services, Dave Thomas Foundation for Adoption and the Freddie Mac Foundation have once again come together to provide resources, guidance and encouragement to the cities planning events this November.

In the end we all have a responsibility to make sure the world goes on and we do that every time we give a child access to the love every child needs.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would like to conclude our presentation with a few wrap-up remarks. Before my colleague leaves the floor, I wish to say that orphans everywhere have found a bold, brave, and articulate champion on their behalf. I am so pleased that Senator COLEMAN has joined me as a co-chair of the Adoption Caucus to help lead the 213 Members of Congress who have joined our coalition. As the Senator pointed out, it seems that around this place adoption is the only issue on which we can all agree and work so well together. I don't know if it is a tribute to us or to the children who bring us together in a very special way. I thank him.

The States of Arizona, Hawaii, Iowa, Kentucky, North Carolina, Oklahoma, and Wyoming have more than quadrupled the number of public agency adoptions in their States. It takes a lot of effort, not only on what we do in Congress, but for Governors, legislators, caseworkers, social workers, and judges. I wish to call those States out today to thank them for their extraordinary work. All States are making progress, and we are happy with what the statistics will show. But those seven states are making special progress.

Secondly, we want to be sensitive in our movement, if you will, to the role of birth parents and to honor the choices that birth parents make to the process of making good decisions and creating good outcomes. Sometimes we focus a lot of attention on the adopted child and the adoptive family. I am not sure we spend enough time honoring the role of the birth parents who make this very brave and generous choice. I would like our Congress to be sensitive this coming year to what we can do to honor and highlight birth parents who also are part of that great triangle of adoption.

Finally, I urge our State Department to support adoption. I know they are preoccupied with many important, significant and grave issues, from international diplomacy to conducting wars, which are very important and consequential actions. However, our State Department has taken 7 years to implement the rules and changes required by the Intercountry Adoption Act of 2000 that Congress passed. Every day and every week and every month that these rules are delayed, there are literally thousands of children who die. Without these rules, we can't keep open the avenues of international adoption. I will say this to our critics—there aren't many, but there are a few—every time there is a bad story about someone, maybe an agency, maybe a lawyer, maybe a disreputable person—and you know there are many disreputable people in the world, unfortunately—who does something wrong, does not fill out a document correctly or does not go through the proper procedures, and there is a big scandal in international adoption. The whole system is shut down under the guise of trying to get the ethics right.

Nobody is more committed to ethics and adoption than the two of us. We work every day to make it transparent, make it relatively easy, reduce the challenges associated with it, and have it meet every law and cross every T. However, every time a bank is robbed in this country, we don't shut down the banking system. We go after the bank robber. We find them and put them in jail. The banking system stays open. Every day people cash checks and deposit money and take money out and make loans and keep this economy going. Every time we shut down adoptions from a country, millions of children die. That is the consequence of our action. We need to focus on the roots of the problem. We need to find solutions that address the problems and their causes, but which also meet the best needs of the children in that country. I want the State Department—and I hope they are listening—to understand that those of us in Congress understand about ethics. We understand about laws. We want things to be as appropriate and as legal as possible. When mistakes are made in a country, the answer is not to shut down the adoption of children from there. When we do this, we not only break the hearts of thousands of our constituents who are waiting to receive these children and believe they are doing God's will by taking in orphans who would die otherwise and have no one to care for them, we also hurt the children who we are trying to protect. Our State Department very callously brushes that aside. They are going to hear from us this year. They need to finalize the rules required by the law that we passed long ago. We need to continue our efforts to improve our system of international adoption. We have to get the State Department's attention. I intend to work with my colleagues to do so.

I thank the Senator from Minnesota. He will be traveling to Guatemala over the holidays, which is a great testament to his leadership and dedication to helping us do the right thing by the children of Guatemala. We pledge to this Congress to give the best leadership we can on an issue that we all can come together on. It is quite refreshing.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

IRAQ

Mr. MENENDEZ. Mr. President, more than 3,860 men and women of the American military have died in the war in Iraq. At last count, 21 were killed in November alone, and we are only halfway through. In the Senate, we are worried about getting out of work in time for Thanksgiving. In Iraq, they are worried about making it to Thanksgiving. As I speak today, more than 28,450 American soldiers have come home from Iraq with their lives changed forever by wounds, with missing arms and legs, with traumatic brain injuries that will forever alter how they cope with everyday life, with more cases of post-traumatic stress disorder than ever seen before, with life-altering blindness that cuts light from their lives forever.

As I speak, American taxpayers are footing a $455 billion bill for this war, with long-term estimates soaring well beyond $2 trillion. At the same time, children are going without health care. Students are being denied proper education. Our bridges are going without repair. Our borders are going without being completely secured, and we heard today of a case in which we still can't get our screening down pat to secure the possibility of someone bringing an explosive device into our airports. That is the legacy of the war in Iraq.

In the context of this set of grim statistics, while watching images on television of horrific explosions and bloody bodies, Americans were asked at the beginning of the year to accept a so-called surge of our troops into that country, an additional force that was supposed to provide the breathing room for the feuding political factions to achieve reconciliation. Those factions, of course, are Iraqi factions.

The Bush administration knew that peace could not be achieved solely militarily, that it had to be achieved politically. The administration unilaterally decided that more troops, more weapons, more military would make the political reconciliation happen. So we have to ask: What has been the result? Our men and women of the military have carried out their mission with unparalleled skill and bravery. They have sacrificed life and limb for their country. That is why we must ask these questions. Because they always respond, no questions asked. But it is our obligation to ask for them.

Through their excellent work, they have achieved results. But has it brought Iraq closer to a lasting peace? Has the political reconciliation—the very purpose of the additional troops—been achieved? Absolutely not. Absolutely not.

The front page of today's Washington Post paints a startling picture, a picture of the hard truth. Our generals—our generals on the ground—tell us that a political settlement remains elusive. In fact, their concern over this failure is growing. Let me quote from this morning's article in the Washington Post:

> Senior military commanders here now portray the intransigence of Iraq's Shiite-dominated government as the key threat—

"As the key threat"—

> facing the U.S. effort in Iraq, rather than al-Qaeda terrorists, Sunni insurgents or Iranian-backed militias.

Let me read that again.

> Senior military commanders here—

U.S. military commanders—

> now portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq, rather than al-Qaeda terrorists, Sunni insurgents or Iranian-backed militias.

So here we are, 6 months into the surge, with more troops in Iraq right now—175,000—than ever before, and the main purpose of adding these troops remains just an aspiration, well out of our reach.

So I ask my colleagues who supported the surge of troops, is this the result you envisioned? A situation in which dozens of Americans are still dying every month despite a reduction in violence? A situation in which the sons and daughters of America are more than ever acting as the police force—as the police force—in a country that remains volatile and deadly? A situation in which the people we need most to achieve stability—the leaders of the various Iraqi political factions—look at a never-ending American military presence in their country and see little reason to reconcile?

Are we going to remain in the middle of an internal struggle for power, as General Petraeus reported in September? I was shocked when General Petraeus had as part of his testimony that the main conflict in Iraq was a struggle for power and resources within the different factions of Iraqi society. Are we sending our sons and daughters to create the space for the Iraqi politicians to fight over power and resources? That is what we sent our sons and daughters for? That is why we keep them there? Is that what we bargained for?

We cannot accept the status quo in Iraq. When our military commanders say that, in fact, the biggest challenge to us is the intransigence of Iraqi leaders to come together, more so than al-Qaida, more so than Sunni insurgents, more so than Iranian influences, that is one incredible statement.

Things must change, and to change it will take strong action. It requires a choice: Do we stay the course when we know that peace and political stability cannot be achieved looking down the barrel of a gun? Military presence does not achieve political reconciliation. Remember, former General Pace of the Joint Chiefs of Staff said once: Well, we need the Iraqis to love their children more than they hate their neighbors. That is a powerful truism, but that does not come at the point of a rifle. That comes about through reconciliation. It comes through power sharing. It comes through revenue sharing. It comes through all of those things that, notwithstanding the arguments that we are creating the space for the Iraqi leadership to do, the Iraqi leadership has failed to do, and there is no movement in sight toward that goal. Or do we choose a course that impresses upon the political leaders in Iraq that they must reconcile and bring peace to their country swiftly?

We need to make them understand the true urgency of this task. We need to make them understand America will not always be there to play policeman. Instead of continuing to enable an endless and unchanging involvement in Iraq, we can set a timetable to begin bringing American troops back home. I believe that only then will we have the Iraqis understand that we are not there in an endless occupation, that they are going to have to make the hard choices for compromise, negotiations necessary to achieve a government of national unity on those issues of reconciliation, power sharing, revenue sharing, on the core issues that possibly can create the opportunity for a strong federal government in Iraq to survive. But as long as they believe we will stay there in an open-ended set of circumstances—shedding our blood and spending our national treasure—what is the urgency, the impetus for them to stop jostling over power, influence, and resources? Not only could we preserve the lives of countless American troops, not only could we save billions upon billions of taxpayer dollars, we also could make certain that the Iraqis know they will have to stand up to achieve the peace we all seek, the opportunities we would love to see for the Iraqi people, because until the Iraqi Government and military actually believe we will not be there forever, they will not actually take charge of their own country.

Transitioning our troops out of Iraq, that is what I choose. It is what the American people have continuously said they have chosen. It is what I urge my colleagues to choose. We have that opportunity coming tomorrow on the vote on bridge funding. That creates an opportunity to begin such a transition. I hope we will avail ourselves of that opportunity because if we have to read more and more of our generals saying that the intransigence of Iraq's Shiite-dominated Government is the key threat facing the U.S. effort in Iraq rather than al-Qaida terrorists, Sunni insurgents, or Iranian-backed militias, we are in deep trouble—we are in deep trouble.

We have to have an opportunity to change the course, and pride—pride—I hope is not the impediment for people recognizing that. We have lost too many lives already. We have spent an enormous amount of money. It is time for change. It is time for a change in course. It is time to make sure the Iraqis know they have to stand up for their own future, they have to make the hard decisions possible to have a government of national unity. That opportunity comes tomorrow for the Senate. I hope we will avail ourselves of it.

With that, Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, today we had a very interesting hearing where we had General Casey and Secretary Geren and others before the Armed Services Committee. I want to make sure that before we leave on this recess we have one more chance to talk about the significance of the McConnell-Stevens emergency supplemental appropriations bill. It is vital to our troops overseas, and it is important to the future of our Armed Forces.

As Senator MCCONNELL stated earlier today—and I am quoting now—he said:

> Because we have a responsibility to provide this funding to our men and women in uniform as they attempt to protect the American people, we need to get a clean troop funding bill to the President.

I would like to associate myself with these words and these remarks and also express my support for the supplemental he has sponsored.

The emergency supplemental offered by the Democrats, on the other hand, is the epitome of everything that is wrong with the 110th Congress. It is a bill we all know does not have the 60 votes needed to pass. This is not new to this Congress. We have had 61 votes related to Iraq measures; 29 of those votes were here in the Senate. If those on the other side of the aisle want to continue to play politics, now is not the time to do it.

The current war supplemental expires in 2 days—now, the reason I know that is true is that happens to be expiring on my birthday—which I hope I don't—and the Department of Defense will be required to start pulling from their nonwartime budget to pay for ongoing operations in Iraq and Afghanistan.

I understand that some of my colleagues want us out of Iraq regardless of what the facts on the ground may be, but not sending a clean supplemental bill to the President before we go home for the Thanksgiving recess is an absolute travesty. Forcing the Department of Defense to start reprogramming funds to keep our brave men and women fully equipped in Iraq and Afghanistan will jeopardize our efforts to maintain, sustain, and transform our Armed Forces, not to mention create an accounting nightmare. We went through this once before and we saw the trauma that resulted from it.

Deputy Secretary of Defense Gordon England, in a November 8 letter, stated that a delay in war funding would force us in December to begin preparing to close facilities, laying off Department of Defense civilian employees, and delaying contracts. According to England, it would completely drain the Army's operations and maintenance accounts by the end of January, and the training of the Iraqi security forces will be delayed without this supplemental.

While fighting the war on terror, we cannot forget about our efforts to sustain and transform our Armed Forces. Pulling money away from such projects will cost us dividends in the future. We talked about that this morning, that we have a lot of things that are happening for our ground forces. We have the future combat systems we are involved in right now, and we cannot allow FCS to keep sliding as it does.

Other countries that are potential adversaries would be in a position actually to have better equipment than we do. A good case in point would be our best artillery piece happens to be called a Paladin. It is World War II technology. It is actually one where, after every round, you have to get out and swab the breech. People do not realize that. There is an assumption out there in America that America has the best of everything—the best strike vehicles, the best lift vehicles—and it is just not true. We do not. But this is one of the problems we will have if we do not continue to fund these efforts.

I have a hard time understanding why now, of all times, we would withhold funding for operations in Iraq and Afghanistan. Why now, when we are turning the corner in Iraq and our troops are making remarkable progress under the leadership of General Petraeus, would we hand the enemy off, tell them to lay low until December of 2008, and you can have the country then?

This proposed emergency supplemental by the Democrats sends the wrong message to our troops fighting in Iraq and in Afghanistan. It tells them: We will give you the funding to fight your war, but we don't believe in what you are doing.

I do not presume to speak for every American service man and woman fighting overseas, but I have met with a great many of them and have spoken with many of the families back home. It is kind of interesting that I have had the opportunity—and I say opportunity in a very sincere way—to have visited the area of responsibility of Iraq more than any other Member; actually, some 15 times, and I will be returning there in 2 more weeks. So when I talk about the military, these are the ones whom I have talked to on the ground. I watched Ramadi change from the al-Qaida declared capital to Iraqi control. That was a year ago right now when they declared Ramadi would become the terrorist capital of the world. I can remember Fallujah, when we were going from door to door, our marines, who were doing a great job. It is now completely secure, but not by Americans. It is secure by the Iraqi security forces.

I visited the Patrol Base Murray south of Baghdad and met with local Iraqis who came forward and established provisional units of neighborhood security volunteers. These individuals heard that the Americans were coming and were waiting to greet them when they arrived.

I watched these Neighborhood Watch and Concerned Citizens groups take root in Anbar Province—I think everyone realizes now that Anbar Province is kind of the success story over there—local civilians who were willing to take back their cities and their provinces. These citizens actually go out and paint circles around undetonated IEDs and RPGs, and it is something they are doing so we don't have to do it. Now in Iraq, in visiting the joint security stations, you see that our kids, instead of going back to the green zone in Baghdad, for example, go out and actually live with the Iraqi security forces and develop intimate relationships with them. When you see these operations take place, it is very gratifying.

We had the report yesterday up in 407 in a security environment about the successes in Iraq, and while that was a classified briefing, the information they gave is not classified. When you look, you can compare, as shown here—and I wish I had a chart so it could be shown—October of 2005, the Iraqi security forces had 1 division headquarters, 4 brigade headquarters, and 23 battalions they were leading in their own areas of responsibility. Now, 2 years later, in October of 2007, the Iraqi security forces have 10 division headquarters, 33 brigade headquarters, and 85 battalions. It shows that two-thirds of the entire area we have in Baghdad is now under control and under security. More than 67,000 Iraqis are serving as the concerned local citizens assisting coalitions and Iraqi security forces to secure their own neighborhoods.

Locals in Baghdad's east Rashid district are helping secure forces and locate IEDs. All of these things are going on right now.

I want to wind up. I know the majority leader has time he wants to share with us. But I have to say that Lieutenant General Odierno stated on November 1:

> Over the past four months, attacks and security incidents have continued to decline. This trend represents the longest continuous decline in attacks on record.

None of this is to say the war is over. We understand that. But I would have to say this: When I listened to my very good friend, the senior Senator from Massachusetts, talk about the doom and gloom, the facts that he cited just flat aren't true. We are winning. We are aggressively winning. Good things are happening. I have to say you don't get that from reading reports. You need to go over there and look for yourself.

The senior Senator from Massachusetts and I agree on a lot of things. He has been very active with me on doing something about the western Sahara problem. He is concerned about what Joseph Coney is doing in northern Uganda. We are together on a lot of things. But as far as Iraq is concerned, he has never made a trip—not one. I have been to A.O.R. 15 times. You have to go over there. I see it as our responsibility as Members of this Senate body. We are encouraged to go over by the military because this encourages our troops who are over there. When you go, they look at you in the eyes and they say: Why is it a lot of the American people don't agree with what we are doing over here? They know there were actually several terrorist training camps in Iraq prior to the time we were over there. In one they were teaching people how to hijack airplanes. All of those are closed down now. It has been a very significant thing. Nothing is more important than continuing along the lines of victory as we are today and finishing the job we have been carrying on in Iraq.

I applaud all of the young people over there. I said today in this hearing that I was a product of the draft and I always felt we would never be able to conduct this type of activity unless we had compulsory service. I have always supported compulsory service. But when I go over and I see these young volunteers, all of them total volunteers who are over there, the dedication they have, the commitment they have, I get very excited and I realize I was wrong. Those guys are doing a great job and we don't need to have compulsory service because we have great, dedicated Americans who are volunteering on a daily basis. The retention rates have never been higher than they are right now. Those individuals who come to the end of their term are reupping in numbers and in statistics we have never seen before. So good things are happening. We need to get this supplemental finished so we can have the continuity of funding over there and not have to rob other areas of our defense system. I am hoping we will be able to do this.

I thank you very much for the time. I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I appreciate my friend from Oklahoma yielding the floor. I appreciate it very much. He had the right to the floor and I hope he was able to complete his statement.

GOLDEN GAVEL

Mr. President, first, I want to recognize the Presiding Officer. One of the accolades that we are allowed, and certainly look forward to giving to the Members of the Senate, is for those people who preside over the Senate for 100 hours a year. My friend from Colorado has reached that pinnacle an hour or so ago. That is a tremendous accomplishment, 100 hours presiding over the Senate. I congratulate my friend and look forward to the first time we get back after Thanksgiving recess on a caucus day where we make the presentation of the very fine golden gavel. As I have said before, it is a very nice presentation. You will be able, for many years to come, to talk to your children and grandchildren about presiding over the Senate for 100 hours in 1 year.

So thank you very much, I say to my friend from Colorado, who does an outstanding job not only presiding but being the Senator he is representing the people of Colorado.

TRANSPORTATION APPROPRIATIONS CONFERENCE REPORT

Mr. President, it is interesting; one Republican Senator said, when we were trying to clear something earlier, to one of my Democratic friends, the reason they couldn't clear our appropriations bill, the Transportation appropriations bill is that they were told the situation with the Republicans is they don't want us to do anything, so they object to everything they can, and that is pretty obvious. So we were prevented from going to the Transportation appropriations bill. It was quite unique that in the time we were doing this the Senator from Minnesota was on the floor. He, above all others, should be weighing in and trying to help us get the Transportation appropriations bill passed. There is money in it to rebuild the bridge in Minnesota.

But we have something else that is vitally important: terrorism insurance. We are arriving at a point where construction cannot go forward. Now construction is already taking place—certainly it can—but construction projects that are on the drawing boards in a month or so will not be able to go forward because they can't get terrorism insurance because we have not provided it. We have been ready for some time to do that. There is a bill that has been cleared on our side that the Republicans are holding up—a bill dealing with the very foundation of this country—whether the business community in our country is going to have the benefit of terrorism insurance. Without that, it is a dramatic hit to what we need to do in this country for the business community.

I think it is unfortunate. We asked our staffs to check with the minority and they said no, they couldn't clear it; maybe tomorrow. Well, we have a lot of tomorrows around here that seem to never come. It would be a real shame if we could not clear tomorrow the terrorism insurance that is so extremely important to this country.

IRAQ

It was interesting to hear my friend from Oklahoma speak about the war in Iraq. But I would ask everyone to look at—and I am sure it is not only in this newspaper—a daily newspaper that I had the opportunity to read today, the Washington Post, the front page headline:

> Iraqis Wasting An Opportunity. Brigadier General John F. Campbell, deputy commanding general of the 1st Cavalry Division,

> complained last week that Iraqi politicians appear out of touch with everyday citizens. "The ministers, they don't get out. They don't know what the hell is going on on the ground."

If you turn over to page 22, which is carrying this forward—and there are also some interesting things said in this article.

> So how to force political change in Iraq without destabilizing the country further? "I pity the guy who has to reconcile that tension," said Lieutenant Colonel Douglas Ollivant, the chief of planning for U.S. military operations in Baghdad whose tour ends next month.

Mr. President, the situation in Iraq is very desperate. This newspaper article says, among other things:

> The Army officer who requested anonymity said that if the Iraqi government doesn't reach out, then for former Sunni insurgents "it's game on—they're back to attacking again."

We have supported the troops for the entire duration of this war. We are the ones who recognized that there wasn't body armor for our troops, that mothers and fathers and brothers and sisters and wives were writing personal checks to send armor to the valiant troops in Iraq. We are the ones who recognized that. We are the ones who did something about the situation we have at Walter Reed, which was a scandal, how our veterans were being taken care of, but the President wouldn't sign our bill: $4 billion more for these valiant men and women who are suffering from things that have never been suffered in any war ever before. It is a war that has never been fought before. It is a war where these men and women are subject to these phantom attacks, and when they go home after their tour or tours of duty end and they have all their limbs and they can see, they are not paralyzed, they haven't been shot, they still have to get over this post-traumatic stress syndrome, because they have seen their friends get killed or blown up and injured.

I think it is very important to talk about how good our soldiers are, and that is what my friend from Oklahoma is doing. We agree. We have to understand that Iraq is in a state of crisis. You can't have it both ways. The President said he needed these extra troops to get the political situation in tow in Iraq. He has gotten the troops and now he wants to keep them longer. The troops in Iraq now are—because there are some people who are coming home and some who have just gone over there—there are about 180,500 some troops are there now to be exact, right now in Iraq. We don't know how many contractors are there, but there are estimates of up to 150,000. How much longer, Mr. President? How much longer do the American taxpayers have to take care of a country that is the richest or the second richest oil country in the whole world? How much longer?

Yesterday we were told that Iraq has a balanced budget. Isn't that nice. I am glad they do. Why do we need to keep pouring money into them—$12 billion a month. Infrastructure. We have spent billions and billions of dollars on infrastructure in Iraq. How much are we spending here in America? Our President has to look beyond Iraq and look at America.

Earlier today my friend, the Senator from Wisconsin, Senator FEINGOLD, came and asked unanimous consent that we could move forward on the Feingold-Reid legislation, which, in effect, says we have to get our troops out of Iraq very quickly, except those who are there for counterterrorism, force stabilization, and limited training of Iraqis. We are a coequal branch of government. That is why we believe, Senator FEINGOLD and I, that after June 30 of next year, funds would only be used for the programs I have mentioned: counterterrorism, protecting our assets, and limiting training of Iraqis.

But in our legislation it is not a suggestion, not a goal, but binding policy. That legislation recognizes our strong national interest in Iraq and the Middle East, but brings to an end the rubberstamp and unwavering loyalty in a never-ending war which is the hallmark of the Republican-controlled Congress. That legislation fundamentally changes course in Iraq and this almost unimaginably high price that grows every day. And there are 4,000 dead Americans.

(Mr. SANDERS assumed the Chair.)

Mr. REID. Mr. President, I was talking about how unusual this war is. Twelve and a half percent of the wounded have eye injuries. I don't know how many we have lost track of because we don't have recent reports, but more than 35,000 have been injured, and 12½ percent of them have eye injuries. That is how this war is different than other wars in one way.

Last week, a young marine came to my office, 21 years old. He entered the Marines when he was 17. He came to my office with his wife and baby daughter. He had been on his second tour in Iraq. His legs were blown off. I said, "What happened?" He said, "We went to a house where we thought there were some people doing some things that we needed to take a look at. We walked out and somebody detonated a bomb and blew me up." He said it had been difficult to adjust. He was holding his baby in the wheelchair. His wife was over his shoulder. Senator DURBIN was with me when we visited this young man. Senator DURBIN told me today in the cloakroom that he has trouble getting this image out of his mind. We all do. A 21-year-old hero, who will live the rest of his life with these debilitating wounds of war.

He is not the only one, as we know. As if the toll of lives and limbs were not enough, this war also costs billions from our Treasury. We were told by the Joint Economic Committee earlier this week that the war—with the $200 billion he requested—all borrowed money, with a credit card that has no expiration date and certainly no limit. And that is only the direct costs. We were told by the Joint Economic Committee what the cost of extra borrowed money is doing to our energy policy in this country, and the other things they list is double that.

To this point the war has cost America $1.6 trillion. That is a lot of money. We are not just spending our money; we are maxing out on our children and grandchildren's credit cards. But perhaps the most dangerous cost of this war will be measured in the damages done to our Armed Forces' ability to protect and defend our country. Military readiness is at a 30-year low. Our flexibility to respond to emerging threats beyond the borders of Iraq is greatly hampered. I am not saying this, and the Presiding Officer, the Senator from Vermont, is not saying this; this comes from General Casey, the head general of the Army. He said:

> The current demand for our forces exceeds the sustainable supply. We are consumed with meeting the demands of the current fight, and are unable to provide ready forces as rapidly as necessary for other potential contingencies.

That is the lead general of the Army saying that. What is more, we have heard time and time again during the last few months what is happening with recruitment. I have to tell you, I am offended when I hear people from the Pentagon tell us "we are meeting our recruiting goals." You can meet any goal if you keep lowering the standards. You don't need to be a high school graduate anymore. You can have a criminal record. Our military has been hit hard. Not only is recruitment not heading in the direction that I think is appropriate, but what is happening to our officers? These people who go to our military academies are the best and the brightest. I have the opportunity to select people—and I have for a long time—to go to these academies. The best and the brightest of Nevada go to these academies. They finish their mandatory term, and then they are quitting. We are 3,000 captains short right now, and it is going to get worse.

Mid-level officers are so hard to come by. We are doing everything we can to keep them. Huge amounts of money are being given to these people to have them stay in the military.

Let's not forget the cost of the war on the men and women in our National Guard and Reserve. These are men and women we need protecting us and responding to emergencies here at home. But we know, as was exemplified in the storm that hit Kansas, when the Governor said most of his National Guard is in Iraq and the equipment they have is ruined—that is the way it is all over the country. These citizen soldiers have already had 2 to 3 tours of duty of 12 to 18 months each.

Our men and women in uniform have performed more than admirably; they have performed heroically. But these troops—now more than 180,000—awake each morning on that foreign sand to face another day of risk they cannot predict, and the appreciation they get from the Iraqis is that we do everything we can to protect the Shia, the Sunni, and the Kurds, and they all try to kill us.

It is no wonder GEN Colin Powell said that "the Army is about broken." He was being generous.

If Senators cannot find the courage to stand against the President's failed war policy, I fear GEN Colin Powell might be right. The cost of the war extends beyond Iraq. The whole Middle East has been destabilized. There is a civil war going on in Israel with the Palestinians. Lebanon—could we call that a civil war? It is not much of a stretch. They cannot even hold a Presidential election. Iran is basically thumbing their nose at the world, and we are standing by saber rattling with almost no diplomacy for Iran.

What is going on in Iraq? An intractable civil war that has become even more pronounced in recent weeks, when the Turks gathered 100,000 troops on the northern border of Iraq. The crisis in Pakistan exemplifies what is going on. We not only have trouble in the Middle East, but we have lost our moral standing throughout the world as a result of this. The Bush administration focused on a person and a country, and now we have the situation we have in Pakistan.

The border between Pakistan and Afghanistan has become less stable. Musharraf now seems intent on derailing the path toward democracy. Billions of dollars of American taxpayer money is not fully audited or accounted for. And perhaps as bad as any of this, bin Laden is still wandering around and sending, when he feels like it, a tape to us so we can look at that. He continues to make these tapes taunting us, and his al-Qaida network, according to the President's own intelligence, is regrouping and is stronger than ever.

Meanwhile, on the other side of the border, conditions in Afghanistan—once hailed as a victory—continue to unravel. Ten American soldiers were killed this week.

Now Afghanistan supplies 93 percent of the world's opium. This year is going to be another all-time high production year. The people of Afghanistan suffered through the most violent year since the U.S. intervention. This year, 2007, is the bloodiest year in the history of the war for American troops in Iraq. In Afghanistan, violent incidents are up 30 percent. There is a rapidly rising influx of foreign fighters, and there was a report this morning that the Taliban has vastly stepped up the number of improvised and suicide attacks.

We cannot send more troops there. Listen to what General Casey and General Powell said:

> Many costs of the war in Iraq have been quantified: American deaths, Americans wounded, trillions of dollars in taxpayers dollars.

The other costs are not easy to calculate. How long is it going to take to repair our military? The estimated dollar value is hundreds of billions of dollars. How many additional troops and dollars will it take to win in Afghanistan? How do you calculate that?

The risk is that the next national security threat becomes a national security disaster because we don't have the troops to take care of it. And all for a war that our troops are fighting harder to win than the Iraqi politicians, who, after months and months of our troop escalation, have failed to achieve any meaningful political benchmarks.

Now the Secretary of State is saying those benchmarks don't mean anything anymore. But they did at one time, and they do to the American people—$12 billion a month, and they have a balanced budget? Ours isn't balanced. They are doing infrastructure development there. We are not. They are building hospitals over there. We are not. So now in this war—soon to be in the sixth year—our troops are no safer, national security is no better protected, Iraq is no closer to reconciliation than in the fifth or the fourth or third years.

We must not forget that we sent our troops to Afghanistan following 9/11 to go after those who attacked us, break up terrorist cells, and stop future terror plans from becoming reality. Now, 6 years later, we have moved far away from that critical fight.

It is long past time to get our national security strategy back on track, and the only way to do that is to stand up to our President. It is our constitutional duty, and our moral responsibility, to do so.

I compliment my friend from Wisconsin for offering his effort today to move forward on the Feingold-Reid legislation. That is what we need to do—bring our troops home.

Mr. President, I am going to be here in the morning and I will talk about the bill we got from the House. I appreciate the work they did. It wasn't easy to get it over here. It is not nearly strong enough for me. I am going to support it. Earlier this week, we gave the President of the United States $470 billion for the troops. We were all happy to do that. He signed that bill and, on the same day, within minutes, he vetoed a bill for the American people—the Labor-HHS, a bill that takes care of some of the education needs of this country, a bill that allows medical research to go forward for dreaded diseases in this country. He said no. So many things for our communities were in that bill. He said no. But to Iraq, he says yes. Don't you think it is appropriate, I say to the American people and the Presiding Officer, that to this man, who wants an additional $470 billion, we say, OK, but we want some accountability? Don't the American people deserve accountability for a war that has already cost the taxpayers $800 billion directly, and twice that in indirect costs? I think so.

Mr. President, I ask unanimous consent that the pending motion to proceed be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to H.R. 4156 and send a cloture motion to the desk and ask that once the motion is stated, the reading of the names be waived, and the motion to proceed be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations Act, 2008.

Carl Levin, Robert Menendez, Claire McCaskill, Robert P. Casey, Jr., Richard J. Durbin, Tom Carper, Amy Klobuchar, Daniel K. Akaka, Jack Reed, Patty Murray, Sherrod Brown, Frank R. Lautenberg, Charles E. Schumer, Sheldon Whitehouse, Debbie Stabenow, Barbara A. Mikulski, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture motion be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, let me say this: Tomorrow morning, the third vote in order is going to be a vote to invoke cloture on the farm bill. My friends on the other side of the aisle, my Republican friends, are near bringing this bill down. That is a shame. All those farm States out there—and there are lots of them—and all those farm communities—and there are lots of them—need to look to the Republicans for killing the farm bill. If they vote, and they should vote cloture to stop this silliness that has been going on now for 10 days, 11 days, they can still offer amendments. Once cloture is invoked, they have the 30 hours to offer amendments. We can enter into an agreement. If they want to spend a half hour on each amendment, 15 minutes to a side, whatever they want to do that is reasonable, but they have been unwilling to be reasonable. I guess they want, as I indicated earlier, the Democrats not to have an accomplishment. But the fault of the farm bill is at their feet. You don't have to look further than down at their feet. They are stopping an important piece of legislation, a bipartisan piece of legislation, and they are doing it for what I believe are very bad motives.

It is a shame. The American farm programs are good programs. This bill makes them better. Is this bill perfect? Of course not.

I went over the schedule with my staff as to what we can do in December. We don't have the luxury of spending a long time on this farm bill. We could if cloture is invoked. We could come back and finish this bill in a short period of time. If it is not invoked, we are going to be hard pressed to get the farm bill completed very soon.

Mr. SALAZAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, tomorrow morning, the national debate on the war in Iraq will continue on the floor of the Senate. The debate has now reached the stage where we are talking about funding for the war. This war, in its fifth year, has claimed almost 3,900 of our best and bravest soldiers. Some 30,000 have been injured, more than 10,000 with amputations, burns, and traumatic brain injuries, serious injuries that they will struggle with for a long time.

Earlier this week, I watched a television documentary. James Gandolfini, who has been in many movies, television documentaries, and shows, interviewed disabled veterans. I believe it was titled "Alive Day Memories." It was a story of how each of these disabled vets from Iraq recalled the day when they believed they had been killed and their lives lost but somehow survived miraculously. They are extraordinary stories of courage, emotional stories about what they went through, and heartbreaking stories about some of the injuries they brought home. They were victims of traumatic brain injury—a young man with a video showing him in his youth with all the strength and vitality one could ask for, now struggling from a wheelchair to speak and to look forward to a life where he can walk and be anywhere near normal; his mother by his side holding his hand to calm him when the emotions overcame him.

There were amputees talking about returning home. Many of them worried about whether they would be accepted. There were some wonderful, heartwarming stories of families who stood by them through this whole struggle and are with them even to this day.

There was a beautiful young woman who was a lieutenant in the Army in her mid-twenties, red hair, as pretty as can be. A rocket-propelled grenade went off right next to her. It blew off her right arm and right shoulder. She showed extraordinary bravery in talking about what she had been through and putting her life together, and then struggled for words when she talked about whether she would ever have a family, whether she would ever have a child who would look at her as a mother.

I watched that show and thought about my role as a Senator, and I thought about this war. I was 1 of 23 who voted against it in the Senate. It seems so long ago, 5 years. A vote that was at the time politically hard, but a vote that I never ever questioned or regretted.

Now 5 years later, here we are still—still—with these stories, this handful of stories we saw on the documentary just representing a small percentage of the heroism and suffering of this war.

I have had the opportunity to speak with this President directly about these men and women. I have talked with him about Eric Edmundson from North Carolina, a young man, a victim of traumatic brain injury who has become close to me through his family and visited with me just this last week in my office in Washington. I have seen his family up close, and I know the extraordinary love they have for their son and father of their granddaughter. The sacrifices they have made for him, his wife and baby daughter, are extraordinary.

We have a Capitol guide—I wish I knew his name, and I will make it a point of finding it out—who makes a special effort to offer tours late at night for disabled veterans from Walter Reed. I run into him in the corridors after everybody is gone, and it is dark outside. He is giving special, personalized tours to veterans and their families. He always stops and introduces them and asks if we will pose for a picture. Of course, it is the least we can do, and we agree to do it.

He came by last week to Senator HARRY REID's office and brought a young man from New Jersey. I believe his name was Ray. Ray had his young wife and beautiful little daughter with him, Kelsey. Kelsey was about 16 months old, 17 months old. She was running everywhere. She was just a bundle of energy and happy as could be, as her mother worried she might break something.

Ray was in a wheelchair. He had lost both of his legs and lost a few fingers on his left hand. He had served in Iraq. He came back and considered himself lucky. He talked about what he was going to do from this point forward. So many stories of bravery.

Tomorrow morning we will have a vote, and it will be our chance to speak as a Senate about this war. Some people will view it as just another routine vote, predictable outcome, and be on with their lives and head home for Thanksgiving. But for me, it is a chance, just a small chance, to return to a debate which I know consumes the hearts and minds of so many Americans.

I can't tell you how many people I run into, particularly the families of these soldiers, who want this war to end. I want to, too. And tomorrow we will have a chance to do that.

Tomorrow we will have two votes. Senator McCONNELL is going to try to move a spending bill which will provide $70 billion for this war in Iraq with no strings attached. He will hand over this money, if he has his way, to President Bush, and we know what the outcome would be. The war would continue unchanged until this President walks out of office January 20, 2009. That is unacceptable to me, and I think it is unacceptable to many in this Chamber.

We have to change this war. We have to start bringing these troops home. We have to tell the Iraqis: We have given you as much time as you could reasonably ask for to build your country and govern your country and defend your country.

This morning's Washington Post has a front-page headline: "Iraqis Wasting An Opportunity, U.S. Officers Say." Wasting an opportunity. It is an opportunity created by the lives and blood of our soldiers, those who were there dying on the ground to give the Iraqis a chance, and our military leaders have said they are wasting an opportunity.

> Brig. Gen. John F. Campbell, deputy commanding general of the 1st Cavalry Division, complained last week that Iraqi politicians appear out of touch with everyday citizens. "The ministers, they don't get out," he said. "They don't know what the hell is going on on the ground." Soldiers standing, fighting, and dying while these political ministers twiddle their thumbs and waste their time—that is unacceptable. I cannot imagine how we can continue to ask our soldiers to walk into that hell hole in Iraq and risk their lives and come home severely injured while these Iraqi politicians cannot do the most basic things to put their country together.

If Senator McCONNELL has his way tomorrow, we will hand this President $70 billion and say: Mr. President, more of the same; just keep it coming. I will not be part of that.

There is a second choice. Senator HARRY REID, our Democratic majority leader, will offer a chance to provide

$50 billion to this President with the understanding that within 30 days, American soldiers start coming home in a meaningful way, with a goal that by the end of next year, all of our combat forces will be out of Iraq. There will be some remaining. It would not be a complete cutoff, but they will be there for specific reasons—to fight counterterrorism and to protect America's remaining civilian and military personnel, to train the Iraqis with a limited responsibility because we put so much into this so far.

I think that is the reasonable way to go. That bill we will vote on will also say that the President cannot send military units overseas until they are combat ready unless he certifies they are combat ready or gives good reason why they do not have to be combat ready.

I have been there. I have talked with these soldiers. Fifteen months is too long. We had a briefing just the other day from one of the leaders in the Marine Corps. He conceded that point. Fifteen-month deployments are too long to maintain the morale, to maintain the readiness, to separate these soldiers from their families for 15 months. He said something that will stick with me.

He said: Can you imagine what goes through your mind when you are a soldier on the ground in Iraq at Christmas, realizing you are going to be there for another Christmas? That is what these soldiers are facing. That is what this President has put us into, a situation where we have pushed our brave men and women to the limit.

Oh, support our troops and love our soldiers. Well, I do. I want to support our troops by bringing them home as soon as possible in an orderly, responsible way. Not what Senator McCONNELL wants: to let this President continue with 187,000 American soldiers currently on the ground and no end in sight. That is unacceptable.

Some will say it is just another vote and nobody will notice. Maybe that is so. But for those of us who believe very strongly this war needs to come to an end, tomorrow morning is an opportunity. I hope the American people who can follow this debate through C-SPAN, who can follow our votes by referencing Congress on the Internet, will take a look at that rollcall tomorrow morning and will judge which Senators from which States want to change this policy in Iraq and see this war come to an end. We will have our chance tomorrow morning. It is a chance we should not miss.

For all those brave men and women who have served us so well in Iraq and those who may be called tomorrow, we owe them a "yes" vote on the Reid cloture motion tomorrow, and I will be voting that way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

THE FARM BILL

Mr. SALAZAR. Mr. President, I come here at 7:30 p.m. eastern time one more time to implore my colleagues, when we get to the cloture motion tomorrow on the 2007 farm bill, that we vote yes on that cloture motion. I fear if we do not move forward with that cloture motion on the farm bill tomorrow, there is a great possibility that the farm bill is, in fact, dead.

So many people have worked on this farm bill for such a long time—Senator HARKIN, who has led the effort as chairman of the committee; Senator CHAMBLISS, who has worked on this now for 3 years; Senator BAUCUS, who led the efforts in the Finance Committee with Senator GRASSLEY to provide a very robust package that is very important for the future of America. It is important that we move forward and we bring this matter to a close. The only way we are going to do that is if we get cloture tomorrow where people voted yes.

When we do that, what that will then set up is a postcloture timeframe where germane amendments can then be considered to the farm bill, and we can move forward through an orderly process to bring the farm bill to a just conclusion.

For me, what is at stake, when I think about the farmers and ranchers in the San Luis Valley, across the eastern plains of Colorado and Weld County and Adams County and across the western slope, is the future of family farmers and family ranchers, many of whom work much harder than anybody in Washington, DC, or in America; for those farmers and ranchers know the day does not end at 5 or 6 o'clock in the evening. For most farmers and ranchers, their day ends at 10, 11, 12 o'clock at night. Their day begins long before people go to work here in Washington, DC. Their day begins at 4 and 5 in the morning when they get up to tend to the cows or when they get up to make sure they are baling their alfalfa, with dew still on the leaves of their alfalfa so that they have a quality product at the end of the day. Those are the men and women who really are the salt of the earth of America.

Those are the men and women, when you shake their hands, you know they are the hands of working men and women because you feel the calluses and the cuts. These are the men and women who, after they have worked for an entire year, wonder whether they are going to have enough money to pay off their operating line at the bank. These are the men and women who know the weather better than anybody here in Washington, DC, will ever know the weather and will be able to understand the seasons and the days better than most people who stand here on this floor and debate about the issues of the farm policy because these are the men and women who know, when they see a cloud of a certain color coming in their direction, that there is a hailstorm on the way, and they wonder whether or not that hailstorm is going to hit their field or their neighbor's field. They wonder whether they are going to be able to have enough at the end of the day to pay their operating expenses or their mortgage at the bank.

So it is the farmers and ranchers of rural America in all our States, Democratic States and Republican States—South Dakota, the State of my good friend who served with us on the Agriculture Committee and has contributed mightily to the content of this bill. It is all of those men and women in farm country whom we owe this to, to move forward with a process that brings about a conclusion to this farm bill, that sets an orderly process for us to consider amendments, both Republican and Democratic amendments, so that we can bring this legislation to a close.

For me, it is personal because I know many of these people. Many of these people are my family. I spent a lot of my own time as an irrigator on a farm, on a Heston windrower, on John Deere tractors and John Deere balers. I spent a lot of time on a horse. So I know what the life of a farmer and a rancher is all about. But this legislation on the farm bill, Mr. President, is much more to America than just about these farmers and ranchers. Yes, it is important to stand up for them and for them to have champions here on the floor of the Senate, both on the Democratic side as well as on the Republican side. That is why it should not be even close as an issue in terms of us getting to a 60-vote margin tomorrow. It ought to be done easily because we ought to be champions for these people.

But it is more than about the farmers and ranchers in America. It is about a lot of other things. It is about making sure we embrace the clean energy economy of the 21st century. Nowhere in America is there more excitement and enthusiasm than there is in rural America today about how rural America will help us pioneer our way to energy independence the same as with Brazil, a Third World country, through a 20-year dedication to the cause of energy independence, to become energy independent. There is no reason why we in America cannot do the same thing if we put our minds to it and we have the courage to put the right policies in place. And rural America will play a very significant role in creating that energy independence.

This legislation we have brought to the floor of the Senate from both committees, the Finance Committee as well as from the Agriculture Committee, makes a very significant step in the right direction of getting us off the addiction of foreign oil and opening a new opportunity for energy security for America. When I look at the issue of energy, yes, we will be debating and be having votes on the issue of Iraq tomorrow, but part of why we are involved in these issues in the Middle East is because of the fact that oil has been a driver in our foreign policy. We ought not to let that ever happen again in America. We ought not to let oil be a driver in our foreign policy.

So as we embrace this ethic of a clean energy economy for the 21st century, that is part of what is at the heart of the farm bill in title IX. As we look at dealing with the environmental security of our globe, of this planet, that also is at the heart of this legislation. When we look at creating a new economic opportunity, a new tomorrow for rural America, that is also in this legislation.

But it goes beyond energy. It also deals with nutrition. We need to keep reminding the people who are critical of this farm bill that they are wrong because they are aiming at the wrong parts. They aim at the 14 percent of the bill that creates the support, the safety net for farmers and ranchers who are out there in the fields, but we have to recognize that it is almost 67 percent of the money that is set forth in this bill that goes into all the nutrition programs. Those nutrition programs help our children make sure they have the food in their stomachs to be able to learn while they are in school. Those nutrition programs are the ones that help the most vulnerable here in America.

It goes beyond nutrition. It also deals with the issue of conservation and how we take care of our land and water. This bill is a very important step and makes a very important statement in making sure we help take care of the crown jewels of America with the best stewards of our land and water.

So if you are a champion of the farmers and ranchers of this country, you are going to vote yes on cloture on this bill tomorrow. If you are a champion for the new clean energy economy, you are going to vote yes on this cloture motion tomorrow. If you are a champion of taking care of those who are most in need, the most vulnerable in America in our nutrition programs, you are going to vote yes on this cloture motion tomorrow. If you are a champion and a fighter in protecting our land and water, then you will vote yes on this cloture motion tomorrow. Because it is only by getting to yes on this cloture motion tomorrow, with 60 votes, that we can then create the orderly process that can have us consider amendments that will improve this farm bill and get it across the finish line and then moving forward with the rest of the process to get it to the President's desk for signature.

Mr. President, tonight, I urge my colleagues to think about their vote tomorrow, and I ask them to vote yes on this very important motion that will come before us.

MORNING BUSINESS

Mr. SALAZAR. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PASSAGE OF HEAD START CONFERENCE REPORT

Mr. REID. Mr. President, I am pleased to speak today about the conference report for the Improving Head Start for School Readiness Act of 2007.

I appreciate the efforts of Chairman KENNEDY, as well as Senators ENZI, DODD and ALEXANDER, for working together to lead this effort.

This bipartisan legislation reauthorizes the Head Start program, something the Congress has not done since 1998.

In 1965, President Johnson launched a summer program for low-income children and their families called Project Head Start.

The program's mission was simple: to prepare low-income, preschool-aged children for success in school.

Today, Head Start serves children and their families in urban and rural areas across the United States.

Since its inception, more than 20 million children and families have benefited from the Head Start program.

Nevada's eight centers range from a Head Start and Early Head Start Center in rural Ely, to larger, more urban centers in Reno and Las Vegas, to a Tribal Head Start center in Gardnerville.

Each of these programs is unique, because they focus on the needs of children and their families in the communities they serve.

Today, more than 40 years since its inception, Head Start provides comprehensive early education and health services to almost 1 million low-income preschool children to help them prepare for and succeed in school.

Unfortunately, this is only a fraction of the number of children that could benefit from Head Start services.

In Nevada alone, nearly 10,000 3- and 4-year-olds are eligible for Head Start programs. But, last year, only about one quarter of those eligible were able to participate.

This legislation will expand access and eligibility for low-income children and families, which will open the doors to Head Start to tens of thousands of children in Nevada and across America.

The bill also makes a number of other important changes to the Head Start program.

It gives children the tools they need to start school by aligning Head Start standards and services with State and local school standards and requiring new research-based standards and assessments.

And, to ensure that Head Start programs are serving children as effectively as possible, the bill requires greater accountability through improved governance and recompetition for poor performing Head Start centers.

Finally, the bill strengthens the Head Start workforce by setting new education and training goals for Head Start teachers and curriculum specialists.

With proven and lasting results, Head Start is a wise investment in our future.

I urge all of my colleagues to join me in supporting this important legislation.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I rise to celebrate the passage of the Improving Head Start for School Readiness Act to reauthorize the Head Start program yesterday. This legislation is a great accomplishment for the Congress and improves opportunities for nearly a million young children and their families. Head Start represents our understanding that our children must be a top priority. While as children represent one quarter of our population, they represent 100 percent of our future.

I would like to thank Senators KENNEDY, ENZI and ALEXANDER for their leadership on this bill and their strong bipartisan work to complete this conference report. I also commend Chairman MILLER and Ranking Member MCKEON in the House of Representatives and Congressmen KILDEE and CASTLE for their work on this reauthorization. Since 2003, the Senate HELP Committee and the House Education and Labor Committee have worked to reauthorize this legislation. As a result of more than four years of bipartisan efforts, the conference report we adopted yesterday improves and strengthens the already successful Head Start program. I am happy with the unanimous passage of the bill and look forward to its enactment into law.

Since 1965, Head Start has provided comprehensive early childhood development services to low-income children. The evidence is clear: Head Start works for the more than 900,000 children enrolled in its centers throughout the country.

This conference report bolsters the comprehensive nature of Head Start that aids in the social, emotional, physical and cognitive development of low-income preschool children. The program is successful because each center works to address the needs of its local community. Head Start is more than just a school readiness program; it addresses the comprehensive needs of children and their families by providing health and other services to enrolled children.

The role of parents as essential partners and decisionmakers in Head Start is also strengthened in this legislation. Families play the most important role in ensuring the success of their children, and our bill maintains an integral role for parents in the decision-making and day-to-day operations of the program. Parent involvement is a centerpiece of Head Start and I believe this bill strengthens their critical role.

Expanded eligibility, improved accountability, strengthened school readiness for children and enhanced teacher quality are some of the essential elements of this legislation. In addition, collaboration and coordination with other early childhood development programs and outreach to underserved populations is greatly improved. The legislation before us significantly increases resources for Indian Head Start and Migrant and Seasonal Head Start. In addition, Early Head Start is prioritized, so that thousands of additional infants and toddlers will be served. We know that major brain development occurs in the first 3 years of life and I am thrilled that we are putting research into practice by expanding Early Head Start.

The conference report will enable more low-income children to get a head start by allowing programs to serve families with incomes up to 130 percent of the poverty level, while ensuring that the most vulnerable families below the poverty level are served first. This is important for Connecticut and other States where the cost of living is especially high and many working poor families aren't able to access services because they earn just above the poverty level.

Although we do not go as far as I would personally like to see in funding for Head Start, we do authorize additional resources in this bill. Despite the tight budget situation, we authorize an increase of 6 percent from $6.9 billion to $7.35 billion in fiscal year 2008, to $7.65 billion in fiscal year 2009 and to $7.995 billion in fiscal year 2009. I continue to be gravely concerned about the lack of resources for Head Start—funding levels have been essentially flat since 2002. Currently, only half of eligible children are served in Head Start and fewer than 5 percent are served in Early Head Start. The increased funding authorized by this bill will help us to begin to close this gap.

Across the country, Head Start providers are reporting rising costs in transportation health care premiums, facilities maintenance and training for staff. Rising operating costs are coinciding with decreasing state, local and private contributions to Head Start programs. We address these needs by ensuring that all Head Start programs receive a cost of living increase, tied to inflation, each year that funds are available.

Research shows that child outcomes are directly related to the quality of the teachers and professionals who work with them on a daily basis. I am pleased that in the bill we establish strong educational standards for Head Start teachers, curriculum specialists and teacher assistants. In 6 years, all Head Start teachers will be required to have an associate's degree and 50 percent of teachers will be required to have a bachelor's degree. I will continue to work toward increased funding to assist teachers in pursuing additional educational goals.

When Head Start began more than 40 years ago, it was the only preschool program available for low-income children; now there are many approaches. Collaboration and coordination with other early childhood programs is also an essential piece of this Head Start bill, reducing duplication and encouraging opportunities for shared information and resources.

This legislation represents an important step forward and I welcome our continued focus on the needs of our Nation's children.●

SITING FUTUREGEN IN ILLINOIS

Mr. DURBIN. Mr. President, we are nearing an important milestone in the development of an ambitious project to develop new, environmentally friendly ways of using coal. FutureGen is a joint venture between the Department of Energy and an international, nonprofit consortium of coal producers and energy generators. The FutureGen project will explore the viability of capturing and sequestering carbon dioxide an unwanted by-product of coal use.

The plan is to begin facility construction for the project in 2010, with full-scale operation beginning in 2013. The plant will generate approximately 275 megawatts of electricity, which is enough to supply 150,000 homes.

The key to the FutureGen project, of course, is siting it at a location that can best meet the project's goals for carbon capture and sequestration. Right now four sites are under consideration, including Mattoon and Tuscola, IL. Those sites are ideally suited for this project. Illinois is coal country. Our State has 38 billion tons of recoverable bituminous coal reserves, the largest in the Nation. That's one-eighth of the total U.S. coal reserves, representing more energy than the oil reserves of Saudi Arabia and Kuwait combined.

The Illinois sites have an abundant and reliable supply of water. The deep, thick, undisturbed sandstone reservoirs of southern Illinois are well suited for carbon sequestration. Unlike the other sites being considered for FutureGen, Illinois shares geological features with other states likely to build new coal plants capable of carbon capture and sequestration. The experience gained, then, by siting this project in Illinois will be key to extending the technology to new coal-fired plants built in the U.S.

Other States recognize the merits of the Illinois FutureGen proposals. Indiana, Kentucky, Pennsylvania, and Wisconsin have each declared support for the Illinois sites, based on their superior geology and infrastructure compared to competing sites.

A decision on where to site the FutureGen project is around the corner, and it can't come too soon. Global warming is already marring the Earth. Global average surface temperatures are rising at an alarming rate. Cold days are fewer, and heat waves are more common. Mountain glaciers and ice caps are melting. The global average sea level is rising. Coastal regions are threatened. It is no exaggeration to say that global climate change is the most threatening environmental disaster we face.

Through it all, the world's top scientists have clearly advised that man-made greenhouse gases that trap the Sun's heat are a significant factor in this shift in the global climate. Of those greenhouse gases, carbon dioxide is by far the most important. Because of our reliance on fossil fuels for heating, power, and transportation, carbon dioxide levels in the atmosphere today are far greater than any seen in 650,000 years. And those levels are only growing.

In fact, the growth rate of carbon dioxide concentrations over the past 10 years is greater than at any point since we have been taking measurements. The problem will only grow worse as China, India, and others work to catch up economically to more developed countries. Much of that economic growth will be fueled by coal-fired powerplants.

The world is looking to the United States for leadership in finding solutions to carbon dioxide emissions. The U.S. Climate Change Science Program this week reported that the United States was responsible for 23 percent of the world's carbon dioxide emissions in 2003 that is more than 1.5 trillion metric tons.

Unless we stand up and face this problem head on, it is unimaginable that developing countries will be serious about curbing their emissions. And where does that carbon dioxide come from? Well, almost 40 percent comes from the combustion of coal for electricity.

Coal represents just about half of America's electricity production. It isn't going away anytime soon, especially as energy demands grow in the U.S. and the world. How can we balance these needs, then, for affordable, abundant energy supply and stewardship of the earth's environment? Technology may hold part of the solution. Carbon capture and sequestration is one possible option; it is a way to extract carbon dioxide from combustion gases and pump it underground for long-term storage to keep it out of the atmosphere. There is great potential for such technology in the United States, but it has not been demonstrated in a full, integrated facility.

That's where the FutureGen program comes in. In Illinois, we eagerly await word of the project's location. And we look forward to working with the Department of Energy and the private sector partners to explore the potential of this promising new technology.

As the world faces the interconnected prospects of economic expansion and devastating environmental catastrophe, we must search for technological options that will help lead us to a sustainable future. One promising possibility is the use of underground carbon sequestration to keep carbon dioxide out of the atmosphere while employing America's most abundant energy source: coal. FutureGen is a key step to testing that technology, and I am proud that Illinois is in a position to show America's responsible leadership to the world.

HONORING OUR ARMED FORCES

SPECIALIST ADRIAN HIKE

Mr. GRASSLEY. Mr. President, I have the responsibility to pay tribute to a soldier from my home State of Iowa who has fallen in the line of duty. SPC Adrian Hike was killed while serving his country in Afghanistan. He was assigned to A Troop, 1st Squadron, 91st Cavalry Regiment, 173rd Airborne Brigade.

My prayers go out to his mother and father in Iowa and all his family and friends. I understand that his loss has come as a shock to those living in and around Sac City where Adrian attended high school. I know that many Iowans will be saddened to learn of his fate.

At the same time, we can be very proud to call him a fellow Iowan. Specialist Hike was wounded in Iraq, receiving the Purple Heart. After several surgeries, he returned to duty and was even talking about reenlisting. This kind of selfless dedication to our Armed Forces and our country is what has kept us free since the founding of our Nation.

Adrian Hike's honorable service and tremendous sacrifice on behalf of the United States of America should never be forgotten. His was a true patriot and deserves to be remembered as such.

BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT

Mrs. FEINSTEIN. Mr. President, I rise today to thank all of my colleagues for their support in extending the highly successful breast cancer research stamp for 4 additional years.

This bill has the strong bipartisan support of Senator HUTCHISON and 61 other Senators from both sides of the aisle.

Without congressional action, this extraordinary stamp is set to expire on December 31 of this year, and it deserves to be extended.

This legislation would: Permit the sale of the breast cancer research stamp for 4 more years—until December 31, 2011; allow the stamp to continue to have a surcharge above the value of a first-class stamp with the surplus revenues going to breast cancer research programs at the National Institutes of Health and the Department of Defense, and not affect any other semipostal proposals under consideration by the U.S. Postal Service.

A recent report by the Government Accountability Office, GAO, released just last month, confirms that the breast cancer research stamp continues to be an effective fundraiser in the effort to increase funds to fight the disease.

Since the stamp first went on sale 9 years ago, over 790 million breast cancer research stamps have been sold by the U.S. Postal Service—raising $57.8 million for breast cancer research.

These dollars have led to significant advances in the treatment of breast cancer through research at the National Institutes of Health, NIH, which receives 70 percent of the stamp's proceeds, and at the Department of Defense, DOD, which receives the remaining 30 percent of the proceeds.

For example, the GAO reported that: In 2006, NIH began to use the stamp's proceeds for a new program called the Trial Assigning Individualized Options for Treatment to help determine which breast cancer patients are most likely to benefit from chemotherapy. Dr. Susan Neuhausen at the University of California used an NIH award that has led to many insights into breast cancer risks—using both genetic and environmental data to further define the breast and ovarian cancer risk for individuals with a specific genetic mutation. Dr. Archbald Perkins at Yale University used a Department of Defense award to do research to help with the prognosis of some breast cancers by using new techniques to identify novel genes involved in cancer.

In addition to raising much needed funds for breast cancer research, this wonderful stamp has also focused public awareness on this devastating disease, and it is just as necessary today as ever.

About 3 million women in the United States are living with breast cancer, 1 million of whom have yet to be diagnosed. This year alone, about 178,480 new cases of breast cancer will be diagnosed among American women. And one out of every 8 women nationwide will get breast cancer in her lifetime, with the disease claiming another woman's life every 13 minutes.

Extending the life of this remarkable stamp is crucial. With the sale of the breast cancer research stamp, every dollar we continue to raise will provide hope to breast cancer survivors and will help save lives until a cure is found.

Again, I thank my colleagues for supporting this important legislation.

TERRORISM REINSURANCE ACT EXTENSION

Mr. ALLARD. Mr. President, I would like to address extension of the Terrorism Risk Insurance Program or TRIA. I am strongly reminded of the words of the great economist Milton Friedman: "Nothing is so permanent as a temporary government program."

I remember quite clearly when the insurance industry requested a temporary Federal backstop after the terrorist attacks of September 11, 2001. I cannot stress the word temporary strongly enough in this context. Industry witnesses testified before the Banking Committee that they only needed a temporary program in order to give the private markets time to adjust. I was also promised in private meetings that the program would only be temporary. Insurance industry representatives told me repeatedly that they would not come back to seek an extension of the program.

I was quite clear in expressing my disappointment with them when shortly after implementation of the program they began advocating for an extension. I very reluctantly supported the last extension because I believed it made progress in forcing the private sector to step up to the plate. I am here today, though, to say enough. I intend to hold the insurance industry accountable for their pledge of a temporary program by opposing the TRIA reauthorization bill.

I regret that those who utilize insurance are caught in the middle. Unfortunately, there doesn't seem to be another way to spur insurance industry action to address this problem. Unless they are forced to come up with solutions, they will simply continue to rely on the Federal Government.

It is a shame that some consider it "the best we can do" to avoid massively expanding a "temporary" government program. I believe we can do better; we can hold people to their word and say enough is enough.

LEBANON

Mr. BROWNBACK. Mr. President, every so often a defining moment arrives, capable of dramatically altering the future of a Nation and its people. The country of Lebanon, which will hold its Presidential elections as soon as November 21, is on the brink of one of these moments.

Lebanon is a country whose vision for a socially rich, prosperous, and democratic future could serve as a model for what we hope to see in the

Middle East region. Yet in spite of the courageous and unwavering will of the Lebanese people, extremist forces led by Syria, Iran, and terrorist groups—primarily Hezbollah—conspire to undermine the democratic majority in Lebanon and remake the country in their own oppressive image.

Ever since Lebanon's Cedar Revolution in 2005, when a third of the Lebanese people flooded the streets in peaceful protest against Syria's foreign domination, Lebanon has struggled to remain on the path to peace and democracy.

The cultural and media capital of the Arab world, Lebanon is comprised of a uniquely rich social and religious fabric where Christians, Sunnis, and Shias live in relative harmony. Polling data from Lebanon indicates that the majority of the Lebanese people desire an independent and stable country, free from Syrian and Iranian influence. They want the militias, including Hezbollah, disarmed, and they want an international tribunal to investigate the assassinations of Rafiq Hariri and other members of their Parliament.

On November 21, the Lebanese Parliament is scheduled to meet to elect the country's next President, an event which will serve as a harbinger for the future of independence and democracy in the Middle East. The stakes could not be higher—a fact that has not been lost on Syria and Iran and that certainly must not be lost on us.

Desperate to regain its lost foothold in Lebanon, Syria has adopted the macabre strategy of systematically assassinating members of the March 14th parliamentary majority, the embodiment of the Cedar Revolution's ideals. This tactic is designed to ensure the election of a President sympathetic to Syrian hegemony. As the election date approaches, Lebanon's prodemocracy members of Parliament have been forced to enter complete seclusion in Beirut's Phoenicia Hotel. They cannot go outside, or even look out of windows, for fear of a sniper's bullet.

If we are committed to ensuring a free and democratic future for the Middle East, safe from terror and extremism, we must not remain silent or passive about the need to ensure that the constitutional Presidential election process in Lebanon remains untainted by foreign meddling and coercion by terrorist groups like Hezbollah. We must be unequivocally clear in our support for our March 14 allies in Lebanon.

I commend Secretary of State Rice for her recent statement that "any candidate for president or any president [of Lebanon] needs to be committed to Lebanon's sovereignty and independence, needs to be committed to resolutions that Lebanon has signed on to . . . and needs to be committed to carrying on the tribunal." I also strongly agree when she says that "the March 14 majority should not be put in a position of having to accept either extra-constitutional measures or measures that would undermine the program that they stand for."

In light of the precarious situation in Lebanon, we must ensure that the United States will not support anything less than the untainted election of a constitutionally legitimate President in Lebanon.

We must make clear to the regimes in Syria and Iran, in no uncertain terms, that the United States will not support a puppet President that seeks to thwart the will of the Lebanese people, nor will the United States remain silent in the face of the spread of militant Islamic extremism.

We must not allow Lebanon to be dragged back into chaos and war. Lebanon's enemies should understand that we are fully dedicated to Lebanon's future as a model for independent and sovereign democracy in the Middle East. We cannot abandon the Lebanese people and our shared ideals at this critical moment. The stakes are simply too high—for Lebanon, for the Middle East, and for us.

TODAY'S ARMS RACE

Mr. LEVIN. Mr. President, the danger involved in combating crime in our Nation is escalating. Police departments across the country are being forced into a dangerous arms race with criminals and gangs. Increasingly confronted with assault rifles capable of firing up to 600 rounds per minute, law enforcement officers have been forced to carry military-style arms in order to counter such criminal firearm supremacy.

Recently, tensions have increased throughout south Florida's police departments after three Miami-Dade police officers were wounded and another killed by a man using an assault weapon. In a recent interview with CNN, Sergeant Laurie Pfeil, who supervises a sheriff's road patrol in Palm Beach County, stated that, "It's not nice we have to arm ourselves like the soldiers in Iraq. We are like soldiers. It is a war."

Over 60 police officers have been gunned down so far this year in the United States. According to Robert Tessaro, the associate director for law enforcement relations for the Brady Campaign to Prevent Gun Violence, we are currently on pace to set an alltime high. "We're having more than one officer shot and killed a week. It's just outrageous that officers are being targeted. It's something all Americans should be outraged about." Like many others, he lays the blame for this increase on the expiration of the assault weapons ban.

"It's different now. It's shootings on a weekly basis. Ten years ago, that just didn't happen. They don't get out and run from us anymore. They stop, and they're shooting at us," Sergeant Pfeil went on to say. "They don't have .38s anymore. They have AK-47s . . . They have automatic weapons now."

Miami Chief of Police John Timoney said he began noticing a significant increase in the use of automatic weapons used in crimes dating from the time the assault weapons ban was permitted to lapse. This increase includes an 18 percent increase last year and 20 percent increase this year.

The 1994 assault weapons ban prohibited the sale of 19 of the highest powered and most lethal firearms produced. Additionally, it prohibited the sale of semiautomatic weapons that incorporated a detachable magazine and two or more specific military features. These features included folding telescoping stocks, threaded muzzles or flash suppressors, protruding pistol grips, bayonet mounts, barrel shrouds, or grenade launchers.

I voted to establish the assault weapons ban, and 10 years later I joined a bipartisan majority of the Senate in voting to extend the ban for another 10 years. Unfortunately, despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, and bipartisan support in the Senate, neither President Bush nor the Republican congressional leadership acted to protect Americans from assault weapons like the one used in the attack on the Miami-Dade police officers. As a result, police officers across the country are being forced to counter previously banned military-style assault weapons.

This Congress, as in previous ones, I will once again cosponsor the reinstating the assault weapons ban. Congress must take up and pass this piece of sensible gun safety legislation to aid our law enforcement agencies and to help prevent such tragedies from occurring in the future.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

17TH ANNUAL COVENANT HOUSE CANDLELIGHT VIGIL FOR HOMELESS YOUTH

• Mrs. CLINTON. Mr. President, on November 15, 2007, Covenant House will mark their 17th annual Candlelight Vigil for Homeless Youth. This Vigil will bring together individuals from more than 500 sites throughout North America to keep the light of hope burning for homeless youth. Covenant House provides quality, effective care for homeless and runaway youth and we are proud that our State of New York is home to Covenant House's headquarters.

Emergency health care, shelter, and treatment of the homeless in New York City cost an average of $40,000 per person each year, placing a staggering and unsustainable social and economic burden on State and local governments. Covenant House, the Nation's largest privately funded agency for homeless youth and young adults, is helping to relieve some of this burden by providing resident and non-resident services to nearly 66,000 youths in 2006 alone.

Covenant House has provided more than 1 million young people with the support necessary to transition from life on the streets to a life with a future. Covenant House uses successful programs and services—including counseling, transitional living programs, educational and vocational training, health services, and drug abuse treatment and prevention programs—that help transform the lives of these individuals at an early stage.

Still, more work needs to be done. As we speak, nearly 1.3 million children and young adults are homeless and living on the streets throughout our Nation, with roughly 5,000 of these youth dying from assault, illness, or suicide. The Candlelight Vigil for Homeless Youth will honor the memory of these young people who have died alone and anonymously while living on our streets and raise awareness about growing crisis of youth homelessness. As Sister Tricia, executive director of Covenant House, has said, "The Vigil is for every kid who runs away, convinced they'll be safer on the street than at home, where they hope to escape abusive or dangerous environments. That's why we stand together with candles, to light their way to Covenant House, where they will be safe, treated with dignity and loved without condition."

Many of the youth living and dying on our Nation's streets are former foster care children who have aged out of the system. Though they are too old for the foster care system, they are often too young and ill prepared for self-sufficient living without the assistance of a family or support system. Unemployment and a lack of education among these young people can lead to a life of poverty, crime, and drug abuse. The challenges facing young men and women today are overwhelming. For youth who are faced with a life on the streets, the need for a guiding light is often a matter of life and death.

The Covenant House has used successful programs to help transform the lives of these individuals at an early stage. Senator SCHUMER and I are pleased to stand with Covenant House as together we work to keep the light of hope burning bright for all of our young people.•

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VISIT OF THE JAPANESE PRIME MINISTER

• Mr. OBAMA. Mr. President, I rise to extend my welcome to Prime Minister Yasuo Fukuda of Japan, who is visiting Washington today.

Japan is a critical ally and friend of the United States. I believe our alliance is fundamental to a peaceful and prosperous Asia-Pacific region.

The Prime Minister's visit comes at an important time. It is crucial that our two countries maintain the positive momentum in our relationship and work closely together to accomplish shared goals, such as denuclearization of the Korean Peninsula, stability in South Asia, nonproliferation in Iran, and political reform in Burma. As a long-standing ally, we must consult closely and respect Japan's perspectives, even as we contemplate next steps in our negotiations with nations like North Korea.

Thousands of miles away from the Korean peninsula, we face the resurgence of the Taliban and al-Qaida in Afghanistan and in the border regions of Pakistan. We are all too familiar with the reports that suggest the Taliban and al-Qaida are gaining strength. We were reminded of this fact in an unsettling report in Tuesday's Washington Post, but the most troubling report of all was last July, when the declassified National Intelligence Estimate warned of a persistent and growing threat from a reconstituted al-Qaida sanctuary in northwest Pakistan.

It is therefore critical that the U.S. and its partners in the international community, including Japan, maintain our focus and operations in this region.

In particular, I wanted to extend to the Prime Minister my appreciation for the support that Japan's Self Defense Forces have offered U.S. operations in Afghanistan, and hope Japan's deployment of refueling tankers will quickly be reauthorized and be extended.

Our half century alliance with Japan remains vital, based on common values and shared interests. There is ample room for improved efforts to forge an even stronger and enduring global security partnership. I hope that Prime Minister Fukuda's visit will continue the progress toward that goal.•

ADDITIONAL STATEMENTS

IN RECOGNITION OF PROFESSORS OF THE YEAR

• Mr. ALLARD. Mr. President, I wish to congratulate the four national winners of the U.S. Professors of the Year Award. Since 1981, this program has saluted outstanding undergraduate instructors throughout the country. This year, a State Professor of the Year was also recognized in 40 States and the District of Columbia.

This award is recognized as one of the most prestigious honors bestowed upon a professor. To be nominated for this award requires dedication to the art of education and excellence in every aspect of the profession. Professors personally vested in each student shape the leaders of tomorrow. These individuals should be proud of their accomplishment.

I commend and thank all the winners for your leadership and passion for educating. No doubt you have inspired an untold number of students. I wish you the very best in all your endeavors. Congratulations and best regards.

The four national award winners are:

Outstanding Baccalaureate Colleges Professor of the Year: Glenn W. Ellis, associate professor of engineering, Smith College, Northampton, MA;

Outstanding Community Colleges Professor of the Year: Rosemary M. Karr, professor of mathematics, Collin County Community College, Plano, TX;

Outstanding Doctoral and Research Universities Professor of the Year: Christopher M. Sorensen, University Distinguished Professor of Physics, Kansas State University, Manhattan, KS;

Outstanding Master's Universities and Colleges Professor of the Year: Carlos G. Spaht, professor of mathematics, Louisiana State University in Shreveport, Shreveport, LA.

State winners are:

Alabama: Lawrence Davenport, professor of biology, Samford University;

Arizona: John M. Lynch, honors faculty fellow, Arizona State University;

Arkansas: Jay Barth, associate professor of politics, Hendrix College;

California: Andrew Fraknoi, professor of astronomy, Foothill College;

Colorado: Thomas G. McGuire, associate professor of English and fine arts, U.S. Air Force Academy;

Connecticut: Marc Zimmer, Kohn professor of chemistry, Connecticut College;

District of Columbia: Richard P. Tollo, associate professor of geology, the George Washington University;

Florida: Patrick K. Moore, public history program director and associate professor, University of West Florida;

Georgia: Linda Stallworth Williams, associate professor of English, North Georgia College & State University;

Idaho: Heidi Reeder, associate professor of communication, Boise State University;

Illinois: Steven A. Meyers, professor of psychology, Roosevelt University;

Indiana: Kristen L. Mauk, Kreft professor of nursing, Valparaiso University;

Iowa: Gail Romberger Nonnecke, professor of horticulture, Iowa State University;

Kansas: David Littrell, university distinguished professor of music, Kansas State University;

Kentucky: Carol Holzhausen Hunt, professor of English and women's studies, Bluegrass Community and Technical College;

Louisiana: Carol E. O'Neil, Peltier professor of dietetics, Louisiana State University and A&M College;

Maine: Robert A. Strong, university foundation professor of investment education, University of Maine;

Maryland: Ernest Bond, associate professor of education, Salisbury University;

Massachusetts: Robert L. Norton, professor of mechanical engineering, Worcester Polytechnic Institute;

Michigan: Norma J. Bailey, professor of middle level education, Central Michigan University;

Minnesota: Ellen Brisch, professor of biology, Minnesota State University Moorhead;

Mississippi: George J. Bey, professor of anthropology, Millsaps College;

Missouri: Mark Richter, professor of chemistry, Missouri State University;

Montana: Marisa Pedulla, assistant professor of biological science, Montana Tech of The University of Montana;

Nebraska: Isabelle D. Cherney, associate professor of psychology, Creighton University;

New Jersey: Osama M. Eljabiri, senior university lecturer of managament information systems, New Jersey Institute of Technology;

New York: T. Michael Duncan, associate professor of chemical engineering, Cornell University;

North Carolina: Reed M. Perkins, McMahon professor of environmental science, Queens University of Charlotte;

Ohio: Linda Morrow, professor of education, Muskingum College;

Oklahoma: Mickey Hepner, associate professor of economics, University of Central Oklahoma;

Oregon: Dawn J. Wright, professor of geography and oceanography, Oregon State University;

Pennsylvania: John A. Commito, professor of environmental studies, Gettysburg College;

South Carolina: Melissa Walker, Johnson associate professor of history, Converse College;

South Dakota: Ahrar Ahmad, professor of political science, Black Hills State University;

Tennessee: Peter Giordano, professor and chair of psychology, Belmont University;

Texas: Frank Jones, Harding professor of mathematics, Rice University;

Utah: Lyle G. McNeal, professor of animal, dairy and veterinary science, Utah State University;

Virginia: Joe Hoyle, associate professor of accounting, University of Richmond;

Washington: Nancy K. Bristow, professor of history, University of Puget Sound;

West Virginia: Kenneth C. Martis, professor of geography, West Virginia University;

Wisconsin: Kristina M. Ropella, professor of biomedical engineering, Marquette University.•

HONORING MAXINE FROST

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing the accomplishments of Maxine Pierce Frost, a longtime community leader in Riverside, CA, and nationally renown leader in education. This month, Maxine Frost will retire from the Riverside Unified School District after 40 years of dedicated service.

Since 1967, Maxine Frost has provided leadership to her community, the State of California, and our Nation. As a board member of the Riverside Unified School District, Frost has seen great change in education policy throughout her tenure. Being a member of the first large school district in the Nation to voluntarily desegregate, she has helped pave the way for similar changes across America.

Throughout periods of intense growth in the State and the region, Maxine Frost has worked diligently to ensure that students and educators are provided with adequate resources. The Riverside Unified School District has grown from roughly 23,000 students to 43,000 students during Frost's tenure. Throughout this period of intense growth, she has maintained her resolve that every student have the resources they need to succeed.

Numerous academic committees across the State of California and our Nation have benefitted from the leadership and experience of Maxine Frost. She has held a number of leadership posts: president of the Pacific Region of National School Boards Association, the California School Boards Association Legislative Network, the California Association of Suburban School Districts, the Schools Accrediting Commissions, the Council for Basic Education, and the California Association of Student Council's Board of Directors. In 1981, after serving as president of the California School Boards Association, California Governor George Deukmejian appointed her to the Education Commission of the States, in which she served alongside future President William Jefferson Clinton, who chaired the commission at that time.

On October 16, 2006, the Riverside Unified School District adopted a resolution to designate one of its elementary schools as, Maxine Frost Elementary School, in honor of her longtime service and dedication to the community.

As she retires from 4 decades of service and dedication to the students, families, and educators of California and our Nation, I am pleased to ask my colleagues to join me in thanking her for her fine work. Her tremendous leadership will be long remembered.•

IN MEMORIAM: ROBERT GERARD GOULET

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of the late Robert Gerard Goulet, the beloved recording, movie, theater, and television star. Mr. Goulet passed away on October 30, 2007. He was 73 years old.

Robert Gerard Goulet was born on November 26, 1933, in Lawrence, MA, to French Canadian parents, Jeanette and Joseph Goulet. Shortly after his father's untimely passing, he and his family moved to Alberta, Canada. His abundant talents and charisma were evident at a young age, as Mr. Goulet became a popular singer on Canadian television as a precocious teenager.

In 1960, Mr. Goulet made his Broadway debut as Sir Lancelot in the original production of "Camelot," starring opposite Julie Andrews and Richard Burton. After hearing Mr. Goulet sing during the first day of rehearsals, Mr. Burton compared his rich baritone voice to "the voice of an angel." Mr. Goulet's performance won him wide acclaim, including the Theater World Award, and recognition as one of Broadway's most captivating and talented stars. In 1968, Mr. Goulet won the Tony Award for best actor in a musical for his role as Jacques Bonnard in "The Happy Time."

A consummate entertainer, Mr. Goulet, who won a Grammy Award for Best New Artist in 1962, has recorded over 60 albums. Throughout the 1960s and 1970s, he starred in a number of his own television specials and was a popular guest on "The Ed Sullivan Show" and other variety programs. Mr. Goulet could also boast of an impressive resume on the big screen, as he was featured in several successful movies, including "Honeymoon Hotel," "Beetlejuice," and "Toy Story II." Over the course of a career that spanned over half a century, Mr. Goulet's many accomplishments and successes cemented his status as one of America's most versatile and beloved entertainers in recent memory.

A prostate cancer survivor, Mr. Goulet played an active role in helping to increase the awareness of prostate health. He was a spokesman for the American Cancer Society and he regularly visited communities to educate others on the importance of cancer awareness, prevention, and early detection. In 2005, he was awarded the "Human Spirit Award" by The Wellness Community.

Throughout an illustrious career, Robert Gerard Goulet used his prestigious talents to bring joy and entertainment to millions of his fans and admirers from the world over. Mr. Goulet has left behind a legacy of performing excellence. He will be missed.

Mr. Goulet is survived by his wife Vera; 2 sons, Christopher and Michael; daughter Nicolette; 3 grandchildren, Jordan, Gerard, and Solange.•

CONGRATULATING VILLA MADONNA ACADEMY ELEMENTARY AND JUNIOR HIGH SCHOOL

• Mr. BUNNING. Mr. President, I invite my colleagues to join me in congratulating Villa Madonna Academy Elementary and Junior High School of Villa Hills, KY. Villa Madonna Academy Elementary and Junior High School is recognized as a 2007 No Child Left Behind Blue Ribbon School.

The Blue Ribbon Schools Program has been celebrating high achieving schools for 25 years. Established in 1982 by the U.S. Department of Education, the program has recognized more than 5,200 schools since its inception. This year 11 Kentucky schools join this distinguished list, and I am proud to say that this is the second time Villa Madonna Academy Elementary and Junior High School has been a worthy recipient.

By demanding excellence from each and every student, Villa Madonna Academy Elementary and Junior High School truly celebrates the blue ribbon standard of excellence that the No Child Left Behind Program strives to achieve. Villa Madonna Academy Elementary and Junior High School exemplifies what our Kentucky schools can achieve when we have enough faith in our students to challenge them to their full potential.

I congratulate Villa Madonna Academy Elementary and Junior High School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. I look forward to all that Villa Madonna Academy Elementary and Junior High School accomplishes in the future.•

LIEUTENANT GENERAL DAVID POYTHRESS

• Mr. CHAMBLISS. Mr. President, today I recognize the career and achievements of a great military officer, civilian leader, and friend. After a long and distinguished career culminating with nearly 44 years of service, LTG David Poythress will retire from the United States Air National Guard, with the honor of being the first adjutant general of Georgia to reach the rank of lieutenant general.

General Poythress was commissioned as a second lieutenant in 1964, a time in our Nation's history when serving in the military brought with it not only a requirement to face the enemy abroad but also the willingness to serve despite a divided nation.

General Poythress received his law degree from Emory University in 1967 and was a distinguished graduate of Emory's ROTC program. Shortly thereafter, he was called to active duty and served 1 year as chief of military justice at DaNang Air Base, Vietnam. He served as a judge advocate general in the Air Force Reserve, rising from the rank of captain to brigadier general. During this same time period, complimenting his military career, he served the State of Georgia honorably as the assistant attorney general, the deputy state revenue commissioner, the secretary of State of Georgia, and the State labor commissioner.

In 1999, he was appointed as the adjutant general of Georgia, with his tenure encompassing what may be the Georgia National Guard's most dynamic and demanding period in its 243-year history. Under General Poythress's leadership, the Georgia National Guard deployed nearly 10,000 soldiers and airmen around the world in support of the global war on terror, and more than 2,200 guardsmen to help Gulf Coast States following the devastation of Hurricane Katrina. The Georgia Guard completed high profile/high risk security missions following September 11, 2001, and also conducted dangerous operations on the Mexican border.

General Poythress's contributions will be appreciated by generations of Georgia guardsmen far in the future. He was successful in achieving the long-standing Georgia goal of legislation and funding for a State retirement plan for traditional guardsmen. He led the Georgia National Guard in winning the Oglethorpe Award for performance excellence. He also oversaw Robins Air Force Base's 116th Air Control Wing's transition from B-1s to a highly modernized Joint STARS unit.

General Poythress's noteworthy service and responsibilities have been widely recognized. His distinguished honors include the Legion of Merit, the Meritorious Service Medal with one device, the Air Force Commendation Medal with one device, the Vietnam Service Medal with one device and the Vietnam Campaign Medal.

The Georgia National Guard will miss General Poythress's commitment to duty, ceaseless drive for improvement, and unwavering support for guardsmen, soldiers, and airmen everywhere. Although I will miss his service in the capacity as adjutant general, I am especially pleased that he will remain in the great State of Georgia and continue to serve both publicly and privately as he has done throughout his life. I hope my colleagues will join me in wishing him well in all his future endeavors and hope that those who follow in his footsteps will continue his legacy of support to Georgia and our great Nation.•

TRIBUTE TO DICK SMITH

• Mr. CRAPO. Mr. President, from humble beginnings as a seasonal fire fighter in Wyoming in the 1970s, Dick Smith built a fine career and developed an outstanding reputation as a Forest Service employee over his 35 years at the Agency. He retired from Federal service this fall, after achieving the position of Forest Supervisor for the Boise National Forest. Although we are thrilled that he is able to now enjoy retirement, his absence will indeed be felt, to the detriment of the Idaho foresting community. Before taking a position in the Clearwater National Forest, Dick worked seasonally in Alaska, Minnesota, and Wyoming. In the 1970s and 1980s, he developed a strong foundation in forest management, silviculture, fire and project planning and obtained a Master of Science in Forest Ecology. He worked for 15 years as a Forest Silviculturalist. From 1989 to 1999, Dick served as District Ranger in charge of overall management of the 460,000 acre Plains/Thompson Falls District of the Lolo NF, in Plains, MT. During his tenure at this position, he earned a number of awards including the Forest Service Director's Excellence Award for "Positive Action and Community Leadership" for the District's mineral management program and the Forest Service Northern Regional Forester's Honor Award for "Personal and Professional Excellence." His District received the 1995 National Salvage Award for effectively taking advantage of salvage opportunities in an environmentally sensitive manner following large bark beetle outbreaks and significant wildfire activity on the unit under his direction.

It is natural that such an individual would rise to the top in his agency, and Dick did exactly that. In 1999, the Forest Service brought him here to Washington to serve on the policy analysis staff, and it was at this time that I, too, was able to benefit from his hard work and expertise—directly. When I was first elected to the Senate, Dick came to work for me as a Brookings Institute Fellow for 6 months and I greatly benefited from his expertise and experience.

He returned to Idaho and was selected to serve as Supervisor of the 2.6 million acre Boise National Forest in 2003. This position entails coordinating forest management and supervisory activities with state agencies, other Federal agencies and the tribes. Then-Governor Dirk Kempthorne appointed him to serve on the board of the Idaho Rural Partnership and the Citizens Advisory Panel to the Policy Analysis Group for the University of Idaho.

While under Dick's leadership, the Boise National Forest was one of the first national forests to complete and implement a fuels management project under the Healthy Forest Restoration Act. Dick's diligence and commitment to intentional and effective forest management has placed the Boise National Forest at the forefront of implementing hazardous fuels treatment and initiatives that support aquatic restoration, noxious weed mitigation and recreation management. These endeavors are all the more challenging considering the growing wildland urban interface that characterizes the Boise National Forest.

While excelling at his job, Dick maintained his involvement in professional and community organizations. In addition to membership in the American Society of Foresters, Dick has been involved in Boy Scouts, Little League, Jaycees, Lions Club, and various leadership positions with the Rotary Club in the communities in which he has lived over the years.

Dick and his wife, Sandy, plan to stay in the Boise area for retirement, enjoying the outdoors hiking, camping, fishing, backpacking and skiing—fitting pursuits for a man who has worked so hard to preserve and manage Idaho's beautiful natural resources for future generations. I appreciate Dick's wisdom and insight over the years; I have depended on his analysis and advice on many forest management issues, and I wish him and Sandy well in the next chapter of their lives.•

RECOGNIZING DON AMERT

• Mr. THUNE. Mr. President, I wish to recognize Don Amert for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects his hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role he has played in giving back to his local community.

Don Amert with East Central South Dakota Habitat for Humanity is a partner in Amert Construction of Madison, SD. He has provided leadership as the East Central South Dakota Habitat for Humanity's construction chairman. Along with help from volunteers, Don completed the first 2 houses for East Central South Dakota Habitat for Humanity. Not only did Don provide affordable housing, but he also taught his volunteers proper building techniques.

It gives me great pleasure to recognize Don Amert and to congratulate him on receiving this well-earned award and wish him continued success in the years to come.•

RECOGNIZING OWEN BAIN

• Mr. THUNE. Mr. President, today I wish to recognize Owen Bain for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects his hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role he has played in giving back to his local community.

Owen Bain works with the Habitat for Humanity of Beadle County. He is a hobby carpenter and has volunteered more than 180 hours of labor in Habitat's recent projects. Owen played an integral role in the building process, all the while maintaining his humble disposition. Owen is a model volunteer who has contributed greatly to the success of Habitat for Humanity.

It gives me great pleasure to recognize Owen Bain and to congratulate him on receiving this well-earned award and wish him continued success in the years to come.•

RECOGNIZING BENCHMARK FOAM, INC.

• Mr. THUNE. Mr. President, today I wish to recognize Benchmark Foam Inc. for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Benchmark Foam Inc. is partnered with Watertown Region Habitat for Humanity and is based in Watertown, South Dakota. The Benchmark team has produced and provided expanded polystyrene and other specialty plastics for the construction of Habitat homes. Benchmark has developed a longstanding relationship with the Watertown Region affiliate. Benchmark and its employees have made their mark on the Habitat for Humanity progress in the area.

It gives me great pleasure to recognize Benchmark Foam Inc. and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.•

RECOGNIZING CLARK'S RENTALS

• Mr. THUNE. Mr. President, today I wish to recognize Clark's Rentals for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Clark's Rentals is partnered with Habitat for Humanity of Yankton County. Clark's Rentals began operating in 1991, and after only 5 years they supported the new Yankton affiliate of Habitat for Humanity by providing equipment without cost. Through their support of Habitat's mission, Clark's Rentals has enabled the Yankton affiliate to expand their goal of providing affordable housing. Special recognition is due to Larry and Joan Clark of Clark's Rentals as well as their supportive staff members, Carl Clark, Ray Dorat, and Jimmy Olson.

It gives me great pleasure to recognize Clark's Rentals and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.•

RECOGNIZING CAROLYN DOWNS

• Mr. THUNE. Mr. President, Carolyn Downs is the outgoing executive director of The Banquet in Sioux Falls, SD who is stepping down after 20 years of service to the Sioux Falls community.

The Banquet, an ecumenical ministry, has been providing free meals to the Sioux Falls community since 1985. In the past year, The Banquet served 137,000 guests. Since she started her work with The Banquet in 1988, Carolyn has organized thousands of volunteers and served countless meals. Carolyn learned from her mother at a young age that sharing meals was a way that people show their love to others. The secret to her success is her ability to put herself in other people's shoes. Carolyn encourages her volunteers to not only provide food to those that come to her center, but also to express compassion and understanding through conversation and interaction. Carolyn's love for others is reflected in her perpetual smile and her giving spirit.

South Dakota's communities are held together by dedicated individuals like Carolyn Downs who commit their time and energy to helping those around them. She is truly an example of what it means to serve others. Her leadership and dedication to The Banquet will be greatly missed. It gives me great pleasure to congratulate Carolyn on a successful career and wish her the best on her retirement.•

RECOGNIZING DAVE FLECK

• Mr. THUNE. Mr. President, today I wish to recognize Dave Fleck for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects his hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role he has played in giving back to his local community.

Dave Fleck works with the Greater Sioux Falls Habitat for Humanity. His company, Sioux Falls Construction, has donated construction management services to the Greater Sioux Falls Habitat affiliate. Dave has taken on leadership roles in the construction and site selection for 8 years now. He has participated in Habitat activities at every level. Dave is also a member of the chamber of commerce. The Greater Sioux Falls Habitat for Humanity truly benefits from the support that Dave Fleck provides.

It gives me great pleasure to recognize Dave Fleck and to congratulate him on receiving this well-earned award and wish him continued success in the years to come.•

RECOGNIZING THE JOHN T. VUCUREVICH FOUNDATION

• Mr. THUNE. Mr. President, today I wish to recognize the John T. Vucurevich Foundation for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

The John T. Vucurevich Foundation works with the Black Hills Area Habitat for Humanity. With the impressive financial support the John T. Vucurevich Foundation has shown, the Black Hills Area Habitat affiliate has been able to obtain a ReStore Outlet. The John T. Vucurevich Foundation has shown its continued support by providing construction materials and furthering the goals of the Black Hills Area affiliate in many ways.

It gives me great pleasure to recognize the John T. Vucurevich Foundation and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.•

HONORING JUNE JAMES

• Mr. THUNE. Mr. President, today I wish to honor June James of Hazel, SD. June was chosen as the 2007 Spirit of South Dakota Award winner. This impressive award reflects June's vision, courage, and strength of character in the development of her family, community, and State.

June is a lifelong South Dakotan who reflects the values and traditions that make our State great. She is dedicated to her family and the Hazel community. She has demonstrated this dedication through her involvement in her church, her work as an extension coordinator in Codington County and Hamlin County, and her service to the local 4H chapter. In addition to all this, June and her husband run the family's century farm. Clearly June reflects the qualities that make her deserving of this year's 2007 Spirit of South Dakota award.

I am proud to honor June James, along with her friends and family, in celebrating her 50 years of selfless dedication and service to the city of Hazel.•

HONORING THOMAS "EMMETT" KUEHL

• Mr. THUNE. Mr. President, today I wish to honor Thomas "Emmett" Kuehl. Thomas was a volunteer firefighter for the Elkton Fire Department. He served for 17 years and was an EMT for 16 years with the Elkton ambulance crew. He died at 38 years old on April 11, 2006, from injuries sustained while operating at the scene of a fire. The 26th National Fallen Firefighters Memorial Service is honoring Emmett as a fallen hero.

Emmett was not only a brave firefighter, he was a man dedicated to his local community. As a supporter of Elkton athletics, Emmett could be counted on to drive the ambulance for the Elkton football team. For his 16 years of dedication to the team, the Elks dedicated their 2006 season to Emmett and finished runner-up in the class 9AA championships at the State tournament.

Emmett was a great American, and his commitment to the people of Elkton was truly honorable. Today I rise with Emmett Kuehl's family and friends to remember his selfless dedication and service to the Elkton community and the State of South Dakota.•

RECOGNIZING KIM LARSON

• Mr. THUNE. Mr. President, today I wish to recognize Kim Larson for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects her hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role she has played in giving back to her local community.

Kim Larson with Oahe Habitat for Humanity is Executive Assistant for the CEO of BankWest in Pierre where she is instrumental in providing servicing on loans and facilitating the documentation for the partner families. Always available, Kim is able to keep Oahe Habitat representatives and the partner families informed. Kim has proven to be an integral part of the Oahe affiliate of Habitat for Humanity.

It gives me great pleasure to recognize Kim Larson and to congratulate her on receiving this well-earned award and wish her continued success in the years to come.•

RECOGNIZING JERI LEMKE

• Mr. THUNE. Mr. President, today I wish to recognize Jeri Lemke for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects her hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role she has played in giving back to her local community.

Jeri Lemke with Okiciyapi Tipi Habitat for Humanity has worked to increase Habitat's influence in her local community. She is always available to assist Habitat and provides helpful guidance. Okiciyapi Tipi, of the Eagle Butte community, has been transformed by Jeri and her fine leadership.

It gives me great pleasure to recognize Jeri Lemke and to congratulate her on receiving this well-earned award and wish her continued success in the years to come.•

RECOGNIZING LOYOLA ACADEMY

• Mr. THUNE. Mr. President, today I wish to recognize Loyola Academy for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Loyola is a Jesuit High School in Wilmette, IL. They have a longstanding relationship with the Sicangu Tikanga Okiciyapi Habitat for Humanity. For 6 years, Loyola Academy has supported this affiliate, and this past year they provided three groups of volunteers. Loyola Academy's support has been instrumental in making progress in the area that is far reaching.

It gives me great pleasure to recognize Loyola Academy and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.•

RECOGNIZING ARMOND 'RED' OLSON

• Mr. THUNE. Mr. President, I wish to recognize Armond 'Red' Olson for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects his hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role he has played in giving back to his local community.

Armond Olson, known as Red, is with Dacotah Tipis Habitat for Humanity. He has served on the affiliate's Board of Directors for 2 years and has been a volunteer for every phase of the construction process. Since the beginning of the Dacotah Tipis Habitat affiliate program, Red has been an ambitious and inspiring supporter. He is a family man, and has been married for 37 years and has 3 children and 10 grandchildren.

It gives me great pleasure to recognize Armond 'Red' Olson and to congratulate him on receiving this well-earned award and wish him continued success in the years to come.•

RECOGNIZING LARRY PETERSON

• Mr. THUNE. Mr. President, today I wish to recognize Larry Peterson for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects his hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role he has played in giving back to his local community.

Larry Peterson is a valued volunteer with the Wiohanble Yuwita Habitat for Humanity. In Lakota, Wiohanble Yuwita translates into "Building Dreams" and Larry plays a vital role in building these dreams for the Habitat for Humanity recipients.

It gives me great pleasure to recognize Larry Peterson and to congratulate him on receiving this well-earned award and wish him continued success in the years to come.•

THRIVENT AID FOR LUTHERANS

• Mr. THUNE. Mr. President, today I wish to recognize Thrivent Aid for Lutherans for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Thrivent Aid for Lutherans is partnered with the Brookings Area Habitat for Humanity. With the support of innumerable meals and volunteer support, Thrivent, as well as all Lutheran churches in Brookings, has been responsible for great gains in Habitat goals. They have even enlisted the support of Lutheran churches outside of the county. Over the past year, two homes were funded and constructed using Thrivent resources. This continued support has greatly expanded the success of the Brookings Area Habitat for Humanity.

It gives me great pleasure to recognize Thrivent Aid for Lutherans and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.•

RECOGNIZING OKICIYAPI TIPI

• Mr. THUNE. Mr. President, today I wish to recognize Okiciyapi Tipi for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Okiciyapi Tipi works with the Midwest Region Habitat for Humanity International. By creating new progressive partnerships with local banks, Okiciyapi Tipi has helped to facilitate tremendous rehabbing projects for the past two seasons. These projects have drawn volunteers from across the world. Jerry Farlee, executive director of Okiciyapi Tipi, has been nominated for a 3-year term on the U.S. Advisory Council for Habitat for Humanity International in order to further support the goals of the affiliates servicing rural areas.

It gives me great pleasure to recognize Okiciyapi Tipi and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.•

RECOGNIZING KELLI VAN STEENWYK

• Mr. THUNE. Mr. President, today I wish to recognize Kelli Van Steenwyk for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects her hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role she has played in giving back to her local community.

Kelli Van Steenwyk with Hub Area Habitat for Humanity is employed by Wells Fargo Financial and gathered building and committee assistance for Hub Area Habitat for Humanity. Kelli recruited the support of 12 other coworkers. Working alongside Kirstie Hoon, Kelli has shown great leadership. Her fundraising committee has been successful at contributing greatly to Hub Area Habitat for Humanity activities. Kelli is a valuable supporter of the Aberdeen community.

It gives me great pleasure to recognize Kelli Van Steenwyk and to congratulate her on receiving this well-earned award and wish her continued success in the years to come.•

RECOGNIZING WELLS FARGO

• Mr. THUNE. Mr. President, I wish to recognize Wells Fargo for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Wells Fargo works with Habitat for Humanity of South Dakota. Wells Fargo has distributed donations to Habitat for Humanity affiliates across South Dakota. These generous donations have exceeded $883,000. Wells Fargo employees have been a major asset to Habitat for Humanity of South Dakota by volunteering 16,000 hours of labor in the construction of 33 homes across the state. Wells Fargo's financial and volunteer support has allowed Habitat for Humanity to substantially expand its work throughout South Dakota.

It gives me great pleasure to recognize Wells Fargo and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4156, An act making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

At 3:12 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 719. An act to authorize additional appropriations for supervision of Internet access by sex offenders convicted under Federal law, and for other purposes.

H.R. 3320. An act to provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland.

H.R. 3845. An act to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators.

H.R. 4120. An act to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

At 3:38 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 259. Concurrent resolution providing for an adjournment or recess of the two Houses.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–247. A resolution adopted by the Interstate Oil and Gas Compact Commission at their annual meeting relative to the opinions of the oil and gas producing states on certain matters; to the Committee on Energy and Natural Resources.

POM–248. A resolution adopted by the Atlanta World War II Round Table urging Congress to add words to the inscription on the World War II Memorial; to the Committee on Energy and Natural Resources.

POM–249. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to reauthorize Amtrak funding and support states in their efforts to expand passenger rail service; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 107

Whereas, passenger rail service has historically focused on long distance routes. States may provide shorter, regional service if the state pays most of the cost. Fourteen states, including Michigan, Illinois, and Wisconsin, provide funding support to Amtrak to support in-state and regional passenger rail systems; and

Whereas, ridership on these shorter, regional routes has increased dramatically in the past two years. Ticket sales on Midwest intercity rail lines have reached record numbers. In Michigan, ridership has risen by 31 percent on the Blue Water passenger train and 20 percent on the Wolverine passenger train over the past two years. The state hopes to add passenger rail service between Detroit and Ann Arbor. Expanded passenger rail service is being promoted as a solution to rising oil prices, pollution, and increased highway congestion; and

Whereas, states would like federal assistance in funding the shorter passenger rail services. Federal matching dollars are provided for other transportation modes, and states would like to see a similar program for in-state and regional passenger rail projects. Senate Bill 294, currently before the United States Senate, would provide $19.2 billion in reauthorization funds to Amtrak and provide grants to state projects: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to reauthorize Amtrak funding and support states in their efforts to expand passenger rail service; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-250. A resolution adopted by the Senate of the State of New York urging Congress to eliminate the expiration period of the Federal Do Not Call Registry; to the Committee on Commerce, Science, and Transportation.

SENATE NO. 3582

Whereas, the Do Not Call Registry was established in the State of New York in 2000 to protect citizens from unwanted sales calls; it was made more effective in 2003, when it merged with the National Do Not Call Registry; and

Whereas, the National Do Not Call Registry provides citizens across the state and country with the privacy they deserve and adequate penalties for businesses which violate that privacy by persisting with unwanted phone calls; and

Whereas, the merging of the two Do Not Call Registries has effectively protected New York State residents from bothersome and unwanted phone solicitations for the last five years; and

Whereas, due to the five year expiration of the National Do Not Call Registry, many of the first enrollees will soon again be vulnerable to telephone solicitations unless they re-enroll: Now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to urge the New York State Congressional Delegation to eliminate the 5-year expiration date and make the National Do Not Call Registry permanent; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each member of the Congress of the United States from the State of New York.

POM-251. A resolution adopted by the Midwestern Legislative Conference of the Council of State Governments expressing the Council's support for improved vehicle fuel economy; to the Committee on Commerce, Science, and Transportation.

RESOLUTION

Whereas, H.R. 2927 sets tough fuel economy standards without off ramps or loopholes, by requiring separate car and truck standards to meet a total fleet fuel economy between 32 and 35 mpg by 2022—an increase of as much as 40 percent over current fuel economy standards—and requires vehicle fuel economy to be increased to the maximum feasible level in the years leading up to 2022; and

Whereas, H.R. 2927, while challenging, will provide automakers more reasonable lead time to implement technology changes in both the near- and long-term. Model year 2008 vehicles are already available today, and product and manufacturing planning is done through Model Year 2012. H.R. 2927 recognizes the critical need for engineering lead times necessary for manufacturers to make significant changes to their fleets; and

Whereas, H.R. 2927 respects consumer choice by protecting tie important functional differences between passenger cars and light trucks/SUV's. Last year, 2006, was the sixth year in a row that Americans bought more trucks, minivans, and SUVs than passenger cars, because they value attributes such as passenger and cargo load capacity, four-wheel drive, and towing capability hat most cars are not designed to provide; and

Whereas, while some would like fuel economy increases to be much more aggressive and be implemented with much less lead time, Corporate Average Fuel Economy (CAFE) standards must be set at levels and in time frames that do not impose economic harm on the manufacturers, suppliers, dealers, and others in the auto industry; and

Whereas, proponents of unrealistic and unattainable CAFE standards cite Europe's 35 mpg fuel economy, without ever mentioning Europe's $6 per gallon gasoline prices, the high sales of diesel vehicles, the high proportion of Europeans driving manual transmission vehicles (80 percent in Europe vs. 8 percent in the U.S.), the significant differences in the size mix of vehicles, or that trucks and SUVs are virtually nonexistent among European households; and

Whereas, proponents of unreasonable CAFE standards claim they will save consumers billions, but they neglect to talk about the upfront costs of such changes to the manufacturers of meeting unduly strict CAFE standards—more than $100 billion, according to the National Highway Traffic Safety Administration—which will lead to vehicle price increases of several thousand dollars; and

Whereas, proponents of unrealistic CAFE standards ignore the potential safety impacts of downsized vehicles on America's highways and overlook the historical role and critical importance of manufacturing plants to our national and economic security. They seem unconcerned about threats to the 7.5 million jobs that are directly and indirectly dependent on a vibrant auto industry in the United States; and

Whereas, H.R. 2927 is a reasonable bill that balances a number of important public policy concerns. The bill represents a tough but fair compromise that deserves serious consideration and support: Now therefore be it

Resolved, by the Council of State Governments Midwestern Legislative Conference, That we memorialize the United States Congress to enact H.R. 1927, which responsibly balances achievable fuel economy increases with important economic and social concerns, including consumer demand; and be it further

Resolved, That this resolution be submitted to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and the members of the congressional delegations of all Midwestern Legislative Conference states.

POM-252. A resolution adopted by the House of Representatives of the State of Pennsylvania urging Congress to override the President's veto of the Children's Health Insurance Program Reauthorization Act of 2007; to the Committee of Finance.

HOUSE RESOLUTION NO. 447

Whereas, the highly successful State Children's Health Insurance Program (SCHIP), created by the Federal Balanced Budget Act of 1997, has enabled states to provide health care coverage to more than 6 million uninsured low-income children in this country; and

Whereas, through the program's enhanced Federal match funding, Pennsylvania is currently helping to provide health care coverage to more than 164,000 low-income children who do not qualify for Medicaid and would otherwise be uninsured; and

Whereas, Pennsylvania led the nation in launching the first Children's Health Insurance Program (CHIP) in 1992 and provided the model for Federal support of all states; and

Whereas, in 2006, Pennsylvania continued its leadership by expanding affordable health care coverage to uninsured children through its Cover All Kids program; and

Whereas, the Children's Health Insurance Program Reauthorization Act of 2007, H.R. 976, is a bipartisan compromise plan to reauthorize the SCHIP program, which expired on September 30, 2007, and to expand coverage to an additional 3.8 million children; and

Whereas, on October 3, 2007, the President of the United States vetoed H.R. 976, citing philosophical differences with regard to the expansion of the program; and

Whereas, this veto will severely hamper Pennsylvania's efforts to help more than 133,000 remaining uninsured children obtain access to health care coverage; and

Whereas, it is critical that this legislation be enacted to ensure affordable health care coverage for all uninsured children: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania condemn the veto by the President of the United States of the Children's Health Insurance Program Reauthorization Act of 2007; and be it further

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress of the United States to override the veto; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-253 A resolution adopted by the House of Representatives of the State of Michigan urging Congress to override the President's veto of the State Children's Health Insurance Program; to the Committee on Finance.

HOUSE RESOLUTION NO. 201

Whereas, since 1997, the State Children's Health Insurance Program (SCRIP) has provided health insurance for children under age 19 from low income families who are not eligible for Medicaid. The program allocated over $40 billion for SCRIP through 2007 to states that provided matching funds to plan a SCRIP program, to expand their Medicaid program, or to implement a combined program relying on Medicaid and separate private plans; and

Whereas, the compromise SCHIP bill passed by Congress was vetoed by President Bush. This bipartisan measure would have reauthorized the program and added $35 billion over the next five years to cover 10 million children, including the 6.6 million currently covered and 4 million additional uninsured children; and

Whereas, the number of uninsured children declined by 26.6%, resulting in nearly 79,000 more children having health care coverage than ten years ago. MI Child has operated in conjunction with the Medicaid program to provide a much-needed safety net for Michigan's children; and

Whereas, an override of this veto is crucial to providing access to health care for millions of children. Expansion of this successful program is long overdue and strongly supported by the American people. Politics and misplaced priorities should not supersede a bipartisan solution to protect the health and lives of our most vulnerable citizens—innocent children: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to override the President's veto of the State Children's Health Insurance Program (SCHIP); and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–254. A resolution adopted by the House of Representatives of the State of Pennsylvania expressing support for "National Food Safety Education Month"; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 398

Whereas, in 1994, the National Restaurant Association Educational Foundation's (NRAEF) International Food Safety Council created "National Food Safety Education Month" as an annual campaign; and

Whereas, the purpose of "National Food Safety Education Month" is to strengthen food safety education and training among persons in the restaurant and food service business and to educate the public on the safe handling and preparation of food; and

Whereas, there are more than 200 known foodborne diseases caused by viruses, toxins and metals and usually stemming from the improper handling, preparation or storage of food; and

Whereas, bacteria are the common cause of the foodborne illness; and

Whereas, foodborne illness costs the United States economy billions of dollars each year in lost productivity, hospitalization, long-term disability and even death; and

Whereas, the United States Department of Agriculture estimated that in 2000 medical costs and losses in productivity resulting from five bacterial foodborne pathogens was $6.9 billion; and

Whereas, it is estimated that in 2001 the annual cost of salmonellosis caused by the Salmonella bacteria was $2.14 billion, including medical costs, the cost of time lost from work and the cost or value of premature death; and

Whereas, the Centers for Disease Control and Prevention (CDC) estimates that in the United States, there are 76 million illnesses, 325,000 hospitalizations and 5,000 deaths per year due to consumption of food contaminated with pathogenic microorganisms; and

Whereas, numerous cases have occurred in the United States and the Commonwealth of Pennsylvania: 2007—Salmonella from peanut butter in 44 states, 425 cases; 2006—E. coli in eight states from fresh spinach, 205 cases, including 3 deaths; and 2003—hepatitis A from Chi-Chi's sourced green onions in the Commonwealth of Pennsylvania; and

Whereas, up to 2,000 cases of salmonellosis occur each year in the Commonwealth of Pennsylvania; and

Whereas, following four simple steps, consumers can keep food safe from bacteria: clean—wash hands and surfaces often; separate—do not cross-contaminate; cook—cook to proper temperature; and chill—refrigerate promptly: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania express full and enthusiastic support for "National Food Safety Education Month" in September 2007; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–255. A resolution adopted by the Senate of the State of Michigan urging Congress to provide for the construction and maintenance of a national cemetery in Michigan's Upper Peninsula; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 102

Whereas, a measure of the respect our nation accords the men and women who protect us through their military service is how we treat our veterans long after they have finished their military duty. The network of national cemeteries under the administration of the United States Department of Veteran Affairs (VA) is a most appropriate expression of the respect a grateful citizenry holds for those who have worn the nation's uniforms and faced grave perils to safeguard our freedoms; and

Whereas, ever since President Lincoln signed legislation during the Civil War to create national cemeteries as final resting places "for soldiers who have died in the service of the country," this network of cemeteries has grown. Today, there are 141 national cemeteries, with 125 under the VA National Cemetery Administration. New facilities are regularly developed; and

Whereas, despite the growth in the number of national cemeteries, including the addition of the Great Lakes National Cemetery in Holly that opened in 2005, veterans in our Upper Peninsula remain very far from any such facility. In fact, the nearest national cemeteries are hundreds of miles away, near Milwaukee and Minneapolis. This distance presents a significant obstacle for the families of many veterans. We should do all we can to make this measure of honor and respect more readily available to all veterans: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide for the construction and maintenance of a national cemetery in Michigan's Upper Peninsula; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Department of Veterans Affairs.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 719. An act to authorize additional appropriations for supervision of Internet access by sex offenders convicted under Federal law, and for other purposes; to the Committee on the Judiciary.

H.R. 3320. An act to provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland; to the Committee on Foreign Relations.

H.R. 3845. An act to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators; to the Committee on the Judiciary.

H.R. 4120. An act to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4156. An act making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2363. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2008" (Rept. No. 120–230).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 1642, a bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes (Rept. No. 110–231).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 366. A resolution designating November 2007 as "National Methamphetamine Awareness Month", to increase awareness of methamphetamine abuse.

S. Res. 367. A resolution commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall.

By Mr. DODD, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 1970. A bill to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2272. A bill to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John "Marty" Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Douglas A. Brook, of California, to be an Assistant Secretary of the Navy.

*John J. Young, Jr., of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

*Robert L. Smolen, of Pennsylvania, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

Air Force nomination of Lt. Gen. Carrol H. Chandler, 9115, to be General.

Army nomination of Col. Donald L. Rutherford, 5430, to be Brigadier General.

Army nominations beginning with Colonel Joseph Caravalho, Jr. and ending with Colonel Keith W. Gallagher, which nominations were received by the Senate and appeared in the Congressional Record on October 18, 2007.

Army nomination of Lt. Gen. Thomas F. Metz, 5686, to be Lieutenant General.

Army nomination of Maj. Gen. Jeffrey A. Sorenson, 3510, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Michael V. Siebert, 6633, to be Captain.

Air Force nominations beginning with Brian D. O'neil and ending with Frank R. Vidal, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

Army nomination of Anthony Barber, 5447, to be Colonel.

Army nomination of Tim C. Lawson, 5165, to be Colonel.

Army nomination of Richard D. Fox II, 3613, to be Colonel.

Army nomination of John G. Goulet, 3964, to be Colonel.

Army nomination of David L. Patten, 9398, to be Colonel.

Army nominations beginning with Mark J. Benedict and ending with Gustav D. Waterhouse, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

Marine Corps nomination of Melvin L. Chattman, 5718, to be Lieutenant Colonel.

Marine Corps nominations beginning with Dana R. Brown and ending with Mark R. Reid, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

Navy nominations beginning with Julian D. Arellano and ending with Jared W. Wyrick, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

By Mr. LEAHY for the Committee on the Judiciary.

Amul R. Thapar, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

Reed Charles O'Connor, of Texas, to be United States District Judge for the Northern District of Texas.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself and Mrs. DOLE):

S. 2357. A bill to amend the Wild and Scenic Rivers Act to designate the Perquimans River and the tributaries of the Perquimans River in Perquimans County, North Carolina, for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. BURR, Mr. COBURN, Mr. COLEMAN, Mr. CORKER, Mr. CRAIG, Mr. DEMINT, Mrs. DOLE, Mr. ENSIGN, Mr. INHOFE, Mr. KYL, Mr. MARTINEZ, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, and Mr. MCCAIN):

S. 2358. A bill to amend title 18, United States Code, to prohibit human-animal hybrids; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 2359. A bill to establish the St. Augustine 450th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MARTINEZ:

S. 2360. A bill to develop a national system of oversight of States for sexual misconduct in the elementary and secondary school system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 2361. A bill to ensure the privacy of wireless telephone numbers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAYH (for himself, Mr. FEINGOLD, Ms. STABENOW, Mr. NELSON of Nebraska, and Mr. BIDEN):

S. 2362. A bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction for real property taxes for nonitemizers; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. MCCONNELL, Mr. BENNETT, Mr. CRAIG, and Mr. BROWNBACK):

S. 2363. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; read the first time.

By Mr. BURR (for himself and Mrs. DOLE):

S. 2364. A bill to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself, Mr. INHOFE, Mr. BROWNBACK, Mr. DEMINT, Mr. ENSIGN, and Mr. COBURN):

S. 2365. A bill to require educational institutions that receive Federal funds to obtain the affirmative, informed, written consent of a parent before providing a student information regarding sex, to provide parents the opportunity to review such information, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 2366. A bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical verification program; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. BINGAMAN):

S. 2367. A bill to provide funding for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself and Ms. LANDRIEU):

S. 2368. A bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. LEVIN, Mr. WYDEN, Mr. OBAMA, and Mr. BINGAMAN):

S. 2369. A bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2370. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 2371. A bill to amend the Higher Education Act of 1965 to make technical corrections; considered and passed.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 2372. A bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear; to the Committee on Finance.

By Mr. SALAZAR (for himself and Mr. KERRY):

S. 2373. A bill to amend the Internal Revenue Code of 1986 to provide for residents of Puerto Rico who participate in cafeteria plans under the Puerto Rican tax laws an exclusion from employment taxes which is comparable to the exclusion that applies to cafeteria plans under such Code; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2374. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. BINGAMAN, Mr. SCHUMER, and Mr. HATCH):

S. 2375. A bill to amend the Internal Revenue Code of 1986 to modify and make permanent the election to treat certain costs of qualified film and television productions as expenses; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for Mr. OBAMA (for himself, Mr. BROWN, and Mr. VOINOVICH)):

S. Res. 383. A resolution honoring and recognizing the achievements of Carl Stokes, the first African-American mayor of a major American city, in the 40th year since his election as Mayor of Cleveland, Ohio; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Mr. COLEMAN, Mrs. LINCOLN, Mr. INHOFE, Mr. CRAIG, Mr. BROWNBACK, Mr. CASEY, Mrs. CLINTON, Mr. DEMINT, Mr. JOHNSON, Mr. THUNE, Mr. KERRY, Mr. CONRAD, Mr. LEVIN, Mrs. HUTCHISON, Mr. DURBIN, Mr. INOUYE, and Mr. KENNEDY):

S. Res. 384. A resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 380

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 505

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 814

At the request of Mr. SPECTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1169, a bill to ensure the provision of high quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency in the health care system.

S. 1275

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1924

At the request of Mr. CARPER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1930

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1965

At the request of Mr. STEVENS, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 1986

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1986, a bill to authorize the Secretary of Treasury to prescribe the weights and the compositions of circulating coins, and for other purposes.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes.

S. 1992

At the request of Mrs. MCCASKILL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1992, a bill to preserve the recall rights of airline employees, and for other purposes.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2181

At the request of Ms. COLLINS, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2181, supra.

S. 2228

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2228, a bill to extend and improve agricultural programs, and for other purposes.

S. 2289

At the request of Mr. ALEXANDER, the name of the Senator from Alaska (Ms.

MURKOWSKI) was added as a cosponsor of S. 2289, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 2305

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2305, a bill to prevent voter caging.

S. 2324

At the request of Mrs. MCCASKILL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2324, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

S. 2334

At the request of Mr. BARRASSO, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2334, a bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2347

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

At the request of Mr. TESTER, his name was added as a cosponsor of S. 2347, supra.

S. 2348

At the request of Mr. CORNYN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 2348, a bill to ensure control over the United States border and to strengthen enforcement of the immigration laws.

S.J. RES. 22

At the request of Mr. CRAPO, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. RES. 367

At the request of Mr. LIEBERMAN, the names of the Senator from New York (Mr. SCHUMER), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 367, a resolution commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall.

AMENDMENT NO. 3502

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 3502 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3634

At the request of Ms. CANTWELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 3634 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3635

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3635 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3658

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 3658 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3674

At the request of Mr. GREGG, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of amendment No. 3674 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. BURR, Mr. COBURN, Mr. COLEMAN, Mr. CORKER, Mr. CRAIG, Mr. DEMINT, Mrs. DOLE, Mr. ENSIGN, Mr. INHOFE, Mr. KYL, Mr. MARTINEZ, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, and Mr. MCCAIN):

S. 2358. A bill to amend title 18, United States Code, to prohibit human-animal hybrids; to the Committee on the Judiciary.

Mr. BROWNBACK. Mr. President, I rise today to introduce the Human-Animal Hybrid Prohibition Act, joined by Senator LANDRIEU and 15 other cosponsors.

A healthy imagination is a good thing in a young child. Children may dream of becoming a firefighter or an astronaut. In the case of really young children—especially when they love animals—they may even imagine being a horse or a dog. I don't see any harm in this . . . as long as there is a general attachment to reality as the child matures.

However, today, we are starting to see such wildly imaginative dreams being transformed into reality in a few rogue science labs in this country and abroad. Efforts are being marshaled to push us in the direction of experiments to create human-animal hybrids. Amazingly, here at the dawn of the 21st century, the Island of Dr. Moreau is becoming more than a fiction.

The legislation that we introduce today is very modest in scope. Though a few researchers may argue that it goes too far, there are many more who argue that it does not go far enough. I believe that the legislation that we offer today, hits just the right chord to be in tune with our society's needs. We do not want to stifle legitimate science. We only want to stop the efforts of mad scientists. In short, this bill only bans the creation of organisms that truly blur the line between humans and animals.

For instance, the legislation is so modest that it does not view all human-animal mixes as "hybrids." This is because we recognize that some procedures—which currently use such techniques—do not blur the line between species. For example, a human with a replacement pig heart valve—such as our former colleague, Senator Jesse Helms is not considered a hybrid under this bill. Additionally, mixes that do not blur the line between human and animal—such as a mouse created with a human immune system, on which drugs could be tested for AIDS patients would not be banned. Again, this is because there is no blurring of the identity of the creatures involved.

What is banned is the creation of hybrid creatures that blur the line between species. For instance, creating an animal with human reproductive organs or a primarily human brain would be prohibited because such a creature blurs the lines between the species. Additionally banned are the creation of hybrids through experimental cloning techniques and/or the fusion of human and animal gametes. With this common sense bipartisan legislation, we are basically going with the most modest of bans in order to ensure that we do not infringe upon legitimate scientific research.

This ban would only hinder the efforts of mad scientists and rogue researchers. Legitimate scientists should have nothing to fear from the enactment of this legislative proposal.

There are many different reasons to support this legislation. This is reflected in the diverse groups that support this bill. On the right are groups such as the Family Research Council and Concerned Women for America; on the left are groups like Friends of the Earth and the International Center for Technology Assessment. Both sides have different but equally valid reasons for supporting the Human-Animal Hybrid Prohibition Act.

For now though, I would like to focus my attention on what I believe is the central ethical question: Why should we be opposed to human-animal hybrids?

I would submit that it is much more than what some have termed, "the Yuck Factor." Rather, the reason to oppose human-animal hybrids is embedded in our very fabric as human beings. The reason to oppose the creation of human-animal hybrids is that the creation of such entities is a grave violation of human dignity and a defilement of the human person.

Human beings have a fundamental right to be born fully human. To create a human-animal hybrid whose identity as a member of the species Homo sapiens is in doubt is a violation of that human dignity and a grave injustice.

Think about this for a minute. What if—beyond your control—some mad scientist were to have created you as only 80-percent or 50-percent human. That would not be fair to you, but it would be something that you could not change and it would be something that you would have to live with for the whole of your existence on earth.

The fundamental issue is the dignity of the human person, but it does quickly move into other issues, such as the creation of a sub-human servant class, or maybe even a super-human class that comes to dominate humanity.

In the year 2000, one of the first attempts at human-animal hybrids was made. It was a vanguard attempt, which was shamed back into the silence of the mad scientist laboratory from which it came; but now as some scientists are trying to bring human-animal hybrids more into the mainstream, an essay on the year 2000 attempt is worth considering again. The essay, entitled, "The Pig-Man Cometh" appeared in the October 23, 2000, Weekly Standard, and from this piece I will quote extensively. In the piece, J. Bottum wrote:

> On Thursday, October 5, it was revealed that biotechnology researchers had successfully created a hybrid of a human being and a pig. A man-pig. A pig-man. The reality is so unspeakable, the words themselves don't want to go together.
>
> Extracting the nuclei of cells from a human fetus and inserting them into a pig's egg cells, scientists from an Australian company called Stem Cell Sciences and an American company called Biotransplant grew two of the pig-men to 32-cell embryos before destroying them. The embryos would have grown further, the scientists admitted, if they had been implanted in the womb of either a sow or a woman. Either a sow or a woman. A woman or a sow.
>
> There has been some suggestion from the creators that their purpose in designing this human pig is to build a new race of sub-human creatures for scientific and medical use. . . .
>
> But what difference does it make whether the researchers' intention is to create sub-humans or superhumans? Either they want to make a race of slaves, or they want to make a race of masters. And either way, it means the end of our humanity.
>
> You can't say we weren't warned. This is the island of Dr. Moreau. This is the brave new world. This is Dr. Frankenstein's chamber. This is Dr. Jekyll's room. This is Satan's Pandemonium, the city of self-destruction the rebel angels wrought in their all-consuming pride.
>
> But now that it has actually come—manifest, inescapable, real—there don't seem to be words that can describe its horror sufficiently to halt it. May God have mercy on us, for our modern Dr. Moreaus—our proud biotechnicians, our most advanced genetic scientists—have already announced that they will have no mercy.
>
> It's true that Stem Cell Sciences and Biotransplant have now, under the weight of adverse publicity, decided to withdraw their European patent application and modify their American application. But they made no promise to stop their investigations into the procedure. We simply have to rely upon their sense of what is, as Mountford put it, "ethically immoral"—a sense sufficiently attenuated that they could undertake the design of the pig-man in the first place. The elimination of the human race has loomed into clear sight at last.
>
> It used to be that even the imagination of this sort of thing existed only to underscore a moral in a story. . . . But we live at a moment in which British newspapers can report on 19 families who have created test-tube babies solely for the purpose of serving as tissue donors for their relatives—some brought to birth, some merely harvested as embryos and fetuses. A moment in which Harper's Bazaar can advise women to keep their faces unwrinkled by having themselves injected with fat culled from human cadavers. A moment in which the Australian philosopher Peter Singer can receive a chair at Princeton University for advocating the destruction of infants after birth if their lives are likely to be a burden. A moment in which the brains of late-term aborted babies can be vacuumed out and gleaned for stem cells.
>
> In the midst of all this, the creation of a human-pig arrives like a thing expected. We have reached the logical end, at last. We have become the people that, once upon a time, our ancestors used fairy tales to warn their children against—and we will reap exactly the consequences those tales foretold.

This was a grim philosophical essay, but the questions that it poses are worth reflecting upon—even if those questions make us cringe.

Will society exercise some responsibility, or will it be led, mindlessly going wherever the mad scientists want to go? Every week, it seems that there are new developments. Yesterday, the science journal Nature published an article on advances in cloning technology using monkeys. This is a slightly different issue than human-animal hybrids, but it further illustrates the rapid changes, developments, and surprises occurring in science. Such developments must be harnessed by society and directed toward good and ethical ends; and if the developments cannot be directed to good ends, then they should be abandoned to the scrap heap of morally bankrupt ideas. If we neglect to direct our course, we will be led to the brink of destruction.

I am more optimistic than the tone embodied in the Weekly Standard essay. I believe in the goodness of the American people and their elected representatives. I think that we can rise to the challenge to ensure that the marvels of science are properly channeled to serve humanity and human dignity.

Consideration and passage of the "Human-Animal Hybrid Prohibition Act," which we introduce today, would be a wonderful step in the right direction.

Ms. LANDRIEU. Mr. President, I rise today to join with my colleague Senator BROWNBACK of Kansas as a cosponsor of S. 2358, the Human-Animal Hybrid Prohibition Act. As stem cell research has progressed in recent years, Federal law has remained troublingly silent over its proliferation. This bill would place a ban on the creation, transfer, or transportation of a human-animal hybrid. Human-animal hybrids are defined as: a human embryo into which animal cells or genes are introduced, making its humanity uncertain; a hybrid embryo created by fertilizing a human egg with non-human sperm; a hybrid embryo created by fertilizing a non-human egg with human sperm; a hybrid embryo created by introducing a non-human nucleus into a human egg; a hybrid embryo created by introducing a non-human egg with human sperm; an embryo containing mixed sets of chromosomes from both a human and animal; an animal with human reproductive organs; an animal with a whole or predominantly human brain.

In August of 2001, President Bush issued an executive order, allowing for Federal funding for stem cell research on the then-existing stem cell lines. In November of that same year, he appointed a council to monitor stem cell research, to recommend appropriate guidelines and regulations, and to consider all of the medical and ethical ramifications of biomedical innovation. To date, this council has issued numerous reports on the bioethics issues involved in stem cell research.

Meanwhile, the scientific community has moved forward in its research. Just this morning, researchers from Oregon announced that they successfully used cloning to produce monkey embryos and then extract stem cells from the embryos. The National Academies of Science released guidelines for human embryonic stem cell research in 2005 and again in 2007. Everyday we, as Members of Congress, are faced with a fundamental question: How far we should go in the name of science?

There is no doubt that embryonic stem cell research holds the promise of curing diseases such as Parkinson's, diabetes, Alzheimer's and cancer. Even President Bush stressed the importance of federally-funded research in approving the original stem cell lines in 2001—he explicitly stated that Federal dollars help attract the best and brightest scientists and help ensure that new discoveries are widely shared at the largest number of research facilities.

Federal funding not only allows us to encourage and financially support this research, it allows us to use the power of the purse to be sure it is done in the most safe and ethical way possible. I support Federal funding for embryonic stem cell research provided that the embryos used in these studies are those that are in excess from the fertility process and are knowingly donated for this purpose. I have met with many constituents suffering from life altering and fatal diseases and they have told me the impact that this research may have on their lives.

But what Senator BROWNBACK and I come forward with today is not about stem cell research with existing embryos. This is about a practice that has far-reaching ethical implications and brings into question our notion of humanity. Scientists have begun experimenting with injecting human neural stem cells into the brain of an animal. They are looking to insert a human nucleus into the egg of an animal and vice versa. They are looking to fertilize human eggs with non-human sperm and vice versa. They are on the verge of creating human-animal hybrids that truly blur the line between species. While the stated purpose may be a noble one—to advance medical research—the outcome is deplorable. At what point is scientific research going too far?

We believe we have reached that point. Creating human-animal hybrids opens the door to a host of concerns. It is a violation of basic human dignity. It also has the potential to threaten human health by introducing infections from animal populations.

The human body is not a product to be mass produced and stripped for parts, even in the earliest stages of its development. Assembly lines, patents, and warehouses are appropriate terms when talking about cars or computers, but not people. If we allow the creation of human-animal hybrids for research purposes, the end result will be a system of "hatcheries" where such ambiguous embryos are grown in mass. We hold a certain value for the uniqueness of humans. To challenge that in the name of science will have consequences we cannot begin to predict or understand.

A ban on this procedure helps to redirect science to equally promising areas. In addition, such a ban does not ban cloning and nuclear transfer techniques for the production of DNA, molecules, cells other than human embryos, tissues, organs, plants and animals. The type of ban that I support does nothing to restrict the vast majority of medical advancements that have and will continue to pave the way for potential cures for diseases such as Parkinson's, diabetes, spinal cord injuries, and cancer.

But as elected officials, we must take action on matters of such grave importance. Our legislative leadership is badly needed in this area. For this reason, I ask for your support for the Human-Animal Hybrid Prohibition Act.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. LEVIN, Mr. WYDEN, Mr. OBAMA, and Mr. BINGAMAN):

S. 2369. A bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes; to the Committee on the Judiciary.

Mr. BAUCUS. Mr. President, I am pleased to join with my Colleague Senator GRASSLEY in introducing legislation to provide that certain tax planning inventions cannot be patented.

America's patent system promotes innovation and competitiveness in all industries.

Article 1, section 8 of the Constitution authorized Congress to establish a patent system. That system is meant to protect inventors and promote the progress of science and "useful arts." Today, we refer to this as technological innovation.

In the Patent Act of 1793, Congress enacted a broad definition for inventions that can be patented. But conditions were included. The definition for what could be patented in 1793 is remarkably similar to the definition in the United States Code today. And not every process or discovery is patentable.

In 17th century England, the Crown would grant a monopoly over a particular business line. Peter Meinhardt, in his book, "Inventions, Patents and Monopoly," described these "letters-patent" that provided exclusive manufacturing rights as enriching "the grantee at the expense of the community." This is what our Founders and Congress sought to avoid.

Today, a number of attorneys and accountants have begun applying for and obtaining tax patents. These involve financial products, banking, estate and gift, and tax preparation software.

The U.S. Patent and Trademark Office has granted at least 60 of these tax patents. About 90 applications are pending.

I have heard from tax practitioners, including those in Montana, who fear that tax patents will impede their ability to provide advice to their clients. They are concerned that even obvious applications of the tax law may become protected by tax patents. They also tell me that some tax strategy patent applications appear to be for tax shelters and other tax-motivated transactions.

The Treasury is also concerned about patent protection for tax planning methods. In September, Treasury issued proposed regulations requiring the disclosure of transactions that use a patented tax strategy.

While this is a step in the right direction, these rules do not go far enough to fix the real problem.

A taxpayer shouldn't be in the position of choosing to file a return and pay a patent holder a fee for using a tax strategy in the return. No one should have to pay a toll charge to comply with the tax laws.

They also should not have to conduct a due diligence check every time that they comply with the tax laws to see if they are infringing a tax patent.

As I understand it, a taxpayer might use a tax strategy based on advice from a tax practitioner. The practitioner would prepare and file a tax return using the patented strategy. The tax practitioner's advice, the taxpayer's use of the transaction, and the preparation and filing of the tax return could all be considered patent infringement.

These tax patents can also create traps for the unwary. If taxpayers used a patented strategy, not knowing that it is not permitted under the Internal Revenue Code, they could be subject to additional taxes, penalties and interest.

Congress has previously enacted laws to limit what can be patented. Limiting patentability for tax patents is another situation where Congress must act.

I introduce our bill today with Senator GRASSLEY. There are a number of cosponsors from both sides of the aisle.

It would provide that the Patent Trademark Office could not issue patents for tax planning inventions.

Tax planning inventions are generally tax plans, strategies, techniques, schemes, processes, or systems that are designed to reduce, minimize, avoid, or defer a taxpayer's Federal or State tax liability.

There is an important exception. This change would not affect the use of tax preparation software to help practitioners and taxpayers prepare tax or information returns.

Title 26 of the U.S. Code contains the Internal Revenue Code, a public law that is available to everyone. No one should have the capability to monopolize the tax law through the patenting of tax strategies. This is why I believe that these tax planning inventions should not be granted patent protection.

I urge my colleagues to join us in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill and an analysis of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX PLANNING INVENTIONS NOT PATENTABLE.

(a) In General.—Section 101 of title 35, United States Code, is amended—

(1) by striking "Whoever" and inserting "(a) Patentable Inventions.—Whoever", and

(2) by adding at the end the following:

"(b) Tax Planning Inventions.—

"(1) Unpatentable subject matter.—A patent may not be obtained for a tax planning invention.

"(2) Definitions.—For purposes of paragraph (1)—

"(A) the term 'tax planning invention' means a plan, strategy, technique, scheme, process, or system that is designed to reduce, minimize, avoid, or defer, or has, when implemented, the effect of reducing, minimizing, avoiding, or deferring, a taxpayer's tax liability or is designed to facilitate compliance with tax laws, but does not include tax preparation software and other tools or systems used solely to prepare tax or information returns,

"(B) the term 'taxpayer' means an individual, entity, or other person (as defined in section 7701 of the Internal Revenue Code of 1986),

"(C) the terms 'tax', 'tax laws', 'tax liability', and 'taxation' refer to any Federal, State, county, city, municipality, foreign, or other governmental levy, assessment, or imposition, whether measured by income, value, or otherwise, and

"(D) the term 'State' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(b) Applicability.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act,

(2) shall apply to any application for patent or application for a reissue patent that is—

(A) filed on or after the date of the enactment of this Act, or

(B) filed before that date if a patent or reissue patent has not been issued pursuant to the application as of that date, and

(3) shall not be construed as validating any patent issued before the date of the enactment of this Act for an invention described in section 101(b) of title 35, United States Code, as added by this section.

TAX PATENTS

PRESENT LAW

Patents have increasingly been sought and issued for various tax-related inventions, including strategies for reducing a taxpayer's taxes.

In a 1998 case, State Street Bank, the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit Court") held that a method of doing business could be patented. The case involved a data processing system for a partnership structure of mutual funds that had advantageous tax consequences. The case has been considered a key decision allowing the patenting of business methods of all types. Since 1998, numerous tax-related patents have been issued or applied for, in some cases involving tax strategies less related to computer or other mechanical data processing systems. More recently, the Federal Circuit Court has indicated that some business methods are unpatentable.

The patents that have been granted or applied for have involved many aspects of the tax law, including financial products, charitable giving, estate planning, and tax deferred exchanges.

REASONS FOR CHANGE

Tax-related patents, if valid, remove from the public domain particular ways to satisfy a taxpayer's legal obligations. Tax-related inventions that have been patented cannot be practiced without the permission of the patent holder. Thus, a tax-related patent may have the effect of forcing or encouraging taxpayers to pay more tax than they would otherwise lawfully owe, either because taxpayers are not able to engage in a particular transaction or financial structure without the permission of the patent holder or because, if permission is granted, such permission requires payment of an undesirable charge. Taxpayers might seek other, more questionable alternatives to the patented invention in an attempt to avoid the scope of the patent. Unauthorized use of patented inventions may have adverse consequences for taxpayers or their advisers, who may face patent infringement suits for using, or suggesting use, of patented tax-related inventions. This could undermine uniform application of the tax laws, decrease public confidence in the nation's tax laws, and increase public dissatisfaction with tax laws if compliance must be accompanied by patent searches and licensing.

The availability of patent protection also could encourage, in a variety of ways, the further development of aggressive tax shelter transactions or of transactions that do not achieve the expected tax results. For example, tax-related inventions do not necessarily have to deliver their claimed tax benefits to be eligible for a patent; yet strategies or methods that do not achieve the intended tax result might be marketed as "legitimate" based on the existence of a patent.

Finally, the creativity and ingenuity reflected in many tax planning techniques developed over the years without patent protection suggests that even without such protection there are sufficient incentives for tax planning innovation.

EXPLANATION OF PROVISION

Under the provision, a patent may not be obtained for a tax planning invention.

A tax planning invention means a plan, strategy, technique, scheme, process, or system that is designed to reduce, minimize, avoid, or defer, or has, when implemented, the effect of reducing, minimizing, avoiding, or deferring, a taxpayer's tax liability, or is designed to facilitate compliance with tax laws, but does not include tax preparation software and other tools or systems used solely to prepare tax or information returns.

The term "taxpayer" is defined as an individual, entity, or other person (as defined in section 7701 of the Internal Revenue Code of 1986).

The terms "tax," "tax laws," "tax liability," and "taxation" refer to any Federal, State, county, city, municipality, foreign, or other governmental levy, assessment, or imposition, whether measured by income, value, or otherwise.

The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

No inference is intended as to whether any business method, including any tax-related invention, is otherwise patentable under present law, or as to whether any software is entitled under present law to patent protection as distinct from copyright protection.

EFFECTIVE DATE

The provision takes effect on the date of enactment.

The provision shall apply to any application for a patent or application for a reissue patent that is (a) filed on or after such date of enactment; or (b) filed before such date if a patent or reissue patent has not been issued pursuant to the application as of that date.

The provision shall not be construed as validating any patent issued before the date of enactment for an invention described in section 101(b) of title 35, United States Code, as amended by this section.

Mr. GRASSLEY. Mr. President, this legislation that Senator Baucus and I are introducing changes the current rules governing tax patents. Recently, the U.S. Patent and Trademark Office, PTO, has allowed the patenting of tax strategies. Because of the serious policy concerns about this practice, our legislation would make tax strategies an unpatentable subject matter.

Tax patents are a relatively recent phenomenon. The rise of these patents can be traced back to the 1998 opinion of the Federal Circuit in State Street Bank v. Signature Financial Group that rejected a per se rule that business methods could not be patented.

As of September 2007, the U.S. Patent and Trademark Office had identified 60 issued tax related patents, with another 99 published tax patent applications pending. The recent growth of these patents, coupled with their deleterious effect on the tax system, necessitates legislative action in this area.

Tax patents undermine the integrity and fairness of the Federal tax system. They place taxpayers in the undesirable position of having to choose between paying more than legally required in taxes or paying a royalty to a third party for use of a tax planning invention that reduces those taxes.

A patent holder can preclude others from using their tax strategy. This may result in taxpayers paying more in taxes than is otherwise legally required. An exclusive proprietary right should not be granted for methods of compliance with the tax law, which is obligatory for all.

The patentability of tax strategies also adds another layer of complexity to the tax laws by requiring patent searches and potential exposure to patent infringement suits.

This legislation contains a general prohibition on "tax planning inventions," with an exception for tax preparation software and other tools or systems used solely to prepare tax or information returns.

I hope that we can move this legislation quickly. The House has already included a version of prohibiting tax strategy patents in their comprehensive patent reform bill. The Senate should act as well.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2370. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce the Albuquerque Biological Park Title Clarification Act with my colleague Senator DOMENICI. A slightly different version of this bill passed the Senate during the 107th, 108th, and 109th Congress. We are introducing this legislation again in hopes of assisting the City of Albuquerque, New Mexico clear title to several parcels of land located along the Rio Grande. If title is cleared, the city will be free to proceed with plans to improve the properties as part of a biological park project, a city funded initiative to create a premier environmental educational center for its citizens and the entire State of New Mexico.

The biological park project has been in the works since 1987 when the city began to develop an aquarium and botanic garden along the banks of the Rio Grande. Those facilities constitute just a portion of the overall project. As part of this effort, in 1997, the city purchased two properties from the Middle Rio Grande Conservancy District, MRGCD, for $3,875,000. The first property, Tingley Beach, had been leased by the city from MRGCD since 1931 and used for public park purposes. The second property, San Gabriel Park, had been leased by the city since 1963, and also used for public park purposes.

In the year 2000, the city's plans were interrupted when the U.S. Bureau of Reclamation asserted that in 1953, it had acquired ownership of all of MRGCD's property associated with the Middle Rio Grande Project. The United States assertion called into question the validity of the 1997 transaction between the city and MRGCD. Both MRGCD and the city dispute the United States' claim of ownership.

This dispute is unnecessarily complicating the city's progress in developing the biological park project. If the matter is left to litigation, the delay will be indefinite. Reclamation has already determined that the two properties are surplus to the needs of the Middle Rio Grande Project. In fact, the record indicates that Reclamation once considered releasing its interest in the properties for $1.00 each. Obviously, the Federal interest in these properties is low while the local interest is high. This bill is tailored to address this local interest by disclaiming any Federal interest in the two properties at issue. To avoid future complications, the bill also disclaims any Federal interest in several other parcels associated with the BioPark. The general dispute concerning title to Middle Rio Grande Project works is left for the courts to decide.

I hope my colleagues will work with me to resolve this issue. This bill represents a simple solution to a local problem caused by Federal action. I urge my colleagues to once again support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Albuquerque Biological Park Title Clarification Act".

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City, thereby removing a potential cloud on the City's title to these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the City of Albuquerque, New Mexico.

(2) BIOPARK PARCELS.—The term "BioPark Parcels" means a certain area of land containing 19.16 acres, more or less, situated within the Town of Albuquerque Grant, in Projected Section 13, Township 10 North, Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and lot, and MRGCD tracts:

(A) Tracts A and B, Albuquerque Biological Park, as the same are shown and designated on the Plat of Tracts A & B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on February 11, 1994 in Book 94C, Page 44; containing 17.9051 acres, more or less.

(B) Lot B–1, Roger Cox Addition, as the same is shown and designated on the Plat of Lots B–1 and B–2 Roger Cox Addition, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6289 acres, more or less.

(C) Tract 361 of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological Park, on the east by the westerly right-of-way of Central Avenue, on the south by Tract 332B MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park; containing 0.30 acres, more or less.

(D) Tract 332B of MRGCD Map 38; bounded on the north by Tract 361, MRGCD Map 38, on the west by Tract 32A–1–A, MRGCD Map 38, and on the south and east by the westerly right-of-way of Central Avenue; containing 0.25 acres, more or less.

(E) Tract 331A–1A of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the east by Tract 332B, MRGCD Map 38, and on the south by the westerly right-of-way of Central Avenue and Tract A, Albuquerque Biological Park; containing 0.08 acres, more or less.

(3) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms "Middle Rio Grande Conservancy District" and "MRGCD" mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(4) MIDDLE RIO GRANDE PROJECT.—The term "Middle Rio Grande Project" means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80–858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81–516; 64 Stat. 170).

(5) SAN GABRIEL PARK.—The term "San Gabriel Park" means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(6) TINGLEY BEACH.—The term "Tingley Beach" means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, and secs. 18 and 19, T10N, R3E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

SEC. 4. CLARIFICATION OF PROPERTY INTEREST.

(a) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, and the BioPark Parcels to the City.

(b) TIMING.—The Secretary shall carry out the action in subsection (a) as soon as practicable after the date of enactment of this title and in accordance with all applicable law.

(c) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park, Tingley Beach, and the BioPark Parcels.

SEC. 5. OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.

(a) IN GENERAL.—Except as expressly provided in section 4, nothing in this Act shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(b) ONGOING LITIGATION.—Nothing contained in this Act shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, 99–CV–01320–JAP–RHS, entitled Rio Grande Silvery Minnow v. John W. Keys, III, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2374. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today we are pleased to introduce the Tax Technical Corrections Act of 2007. Technical corrections measures are routine for major tax acts, and are necessary to ensure that the provisions of the acts are working consistently with congressional intent, or to provide clerical corrections. Because these measures carry out congressional intent, no revenue gain or loss is scored from them.

Mr. GRASSLEY. Technical corrections are derived from a deliberative and consultative process among the Congressional and Administration tax staffs. That means the Republican and Democratic staffs of the House Ways and Means and Senate Finance Committees are involved, as is the staff of the Treasury Department. All of this work is performed with the participation and guidance of the nonpartisan staff of the Joint Committee on Taxation. A technical enters the list only if all staffs agree it is appropriate.

Mr. BAUCUS. By filing this bill, we hope interested parties and practitioners will comment and provide direction on further edits, additions, or deletions. These comments should be submitted in a timely manner. It is our hope that we can move this package of technicals in December if possible.

Mr. President, I ask consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tax Technical Corrections Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Amendment related to the Tax Relief and Health Care Act of 2006.
Sec. 3. Amendments related to title XII of the Pension Protection Act of 2006.
Sec. 4. Amendments related to the Tax Increase Prevention and Reconciliation Act of 2005.
Sec. 5. Amendments related to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.
Sec. 6. Amendments related to the Energy Policy Act of 2005.
Sec. 7. Amendments related to the American Jobs Creation Act of 2004.
Sec. 8. Amendment related to the Jobs and Growth Tax Relief Reconciliation Act of 2003.
Sec. 9. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 10. Amendments related to the Tax Relief Extension Act of 1999.
Sec. 11. Amendment related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 12. Clerical corrections.

SEC. 2. AMENDMENT RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 402 OF DIVISION A OF THE ACT.—Subparagraph (A) of section 53(e)(2) is amended to read as follows:

"(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

"(i) $5,000,

"(ii) 20 percent of the long-term unused minimum tax credit for such taxable year, or

"(iii) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (as determined before any reduction under subparagraph (B)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which it relates.

SEC. 3. AMENDMENTS RELATED TO TITLE XII OF THE PENSION PROTECTION ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 1201 OF THE ACT.—Subparagraph (D) of section 408(d)(8) is amended by striking "all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72" and inserting "all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible".

(b) AMENDMENT RELATED TO SECTION 1203 OF THE ACT.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

"(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

"(A) the shareholder's pro rata share of such contribution, over

"(B) the shareholder's pro rata share of the adjusted basis of such property.".

(c) AMENDMENT RELATED TO SECTION 1215 OF THE ACT.—Subclause (I) of section 170(e)(7)(D)(i) is amended by striking "related" and inserting "substantial and related".

(d) AMENDMENTS RELATED TO SECTION 1218 OF THE ACT.—

(1) Section 2055 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subsection (e) of section 2522 is amended—

(A) by striking paragraphs (2) and (4),

(B) by redesignating paragraph (3) as paragraph (2), and

(C) by adding at the end of paragraph (2), as so redesignated, the following new subparagraph:

"(C) INITIAL FRACTIONAL CONTRIBUTION.—For purposes of this paragraph, the term 'initial fractional contribution' means, with respect to any donor, the first gift of an undivided portion of the donor's entire interest in any tangible personal property for which a deduction is allowed under subsection (a) or (b).".

(e) AMENDMENTS RELATED TO SECTION 1219 OF THE ACT.—

(1) Paragraph (2) of section 6695A(a) is amended by inserting "a substantial estate or gift tax valuation understatement (within the meaning of section 6662(g))," before "or a gross valuation misstatement".

(2) Paragraph (1) of section 6696(d) is amended by striking "or under section 6695" and inserting ", section 6695, or 6695A".

(f) AMENDMENT RELATED TO SECTION 1221 OF THE ACT.—Subparagraph (A) of section 4940(c)(4) is amended to read as follows:

"(A) There shall not be taken into account any gain or loss from the sale or other disposition of property to the extent that such gain or loss is taken into account for purposes of computing the tax imposed by section 511.".

(g) AMENDMENT RELATED TO SECTION 1225 OF THE ACT.—

(1) Subsection (b) of section 6104 is amended—

(A) by striking "INFORMATION" in the heading, and

(B) by adding at the end the following: "Any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations) shall be treated for purposes of this subsection in the same manner as if furnished under section 6033.".

(2) Clause (ii) of section 6104(d)(1)(A) is amended to read as follows:

"(ii) any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations),".

(3) Paragraph (2) of section 6104(d) is amended by striking "section 6033" and inserting "section 6011 or 6033".

(h) AMENDMENT RELATED TO SECTION 1231 OF THE ACT.—Subsection (b) of section 4962 is amended by striking "or D" and inserting "D, or G".

(i) AMENDMENT RELATED TO SECTION 1242 OF THE ACT.—

(1) Subclause (II) of section 4958(c)(3)(A)(i) is amended by striking "paragraph (1), (2), or (4) of section 509(a)" and inserting "subparagraph (C)(ii)".

(2) Clause (ii) of section 4958(c)(3)(C) is amended to read as follows:

"(ii) EXCEPTION.—Such term shall not include—

"(I) any organization described in paragraph (1), (2), or (4) of section 509(a), and

"(II) any organization which is treated as described in such paragraph (2) by reason of the last sentence of section 509(a) and which is a supported organization (as defined in section 509(f)(3)) of the organization to which subparagraph (A) applies.".

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 4. AMENDMENTS RELATED TO THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 103 OF THE ACT.—Paragraph (6) of section 954(c) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any interest, rent, or royalty to the extent such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart

F income of the payor or another controlled foreign corporation.".

(b) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) Subparagraph (A) of section 355(b)(2) is amended to read as follows:

"(A) it is engaged in the active conduct of a trade or business,".

(2) Paragraph (3) of section 355(b) is amended to read as follows:

"(3) SPECIAL RULES FOR DETERMINING ACTIVE CONDUCT IN THE CASE OF AFFILIATED GROUPS.—

"(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirements of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as one corporation.

"(B) SEPARATE AFFILIATED GROUP.—For purposes of this paragraph, the term 'separate affiliated group' means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

"(C) TREATMENT OF TRADE OR BUSINESS CONDUCTED BY ACQUIRED MEMBER.—If a corporation became a member of a separate affiliated group as a result of one or more transactions in which gain or loss was recognized in whole or in part, any trade or business conducted by such corporation (at the time that such corporation became such a member) shall be treated for purposes of paragraph (2) as acquired in a transaction in which gain or loss was recognized in whole or in part.

"(D) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which provide for the proper application of subparagraphs (B), (C), and (D) of paragraph (2), and modify the application of subsection (a)(3)(B), in connection with the application of this paragraph.".

(3) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005 and by section 410 of division A of the Tax Relief and Health Care Act of 2006 had never been enacted.

(c) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—Subsection (f) of section 911 is amended to read as follows:

"(f) DETERMINATION OF TAX LIABILITY.—

"(1) IN GENERAL.—If, for any taxable year, any amount is excluded from gross income of a taxpayer under subsection (a), then, notwithstanding sections 1 and 55—

"(A) if such taxpayer has taxable income for such taxable year, the tax imposed by section 1 for such taxable year shall be equal to the excess (if any) of—

"(i) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were increased by the amount excluded under subsection (a) for such taxable year, over

"(ii) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for such taxable year, and

"(B) if such taxpayer has a taxable excess (as defined in section 55(b)(1)(A)(ii)) for such taxable year, the amount determined under the first sentence of section 55(b)(1)(A)(i) for such taxable year shall be equal to the excess (if any) of—

"(i) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were increased by the amount excluded under subsection (a) for such taxable year, over

"(ii) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were equal to the amount excluded under subsection (a) for such taxable year.

"(2) TREATMENT OF ORDINARY LOSS.—

"(A) REGULAR TAX.—If, for any taxable year, a taxpayer's net capital gain exceeds taxable income, in determining the tax under paragraph (1)(A)(ii)—

"(i) there shall be treated as adjusted net capital gain the lesser of—

"(I) the adjusted net capital gain (determined without regard to this paragraph), or

"(II) the amount of such excess,

"(ii) there shall be treated as unrecaptured section 1250 gain the lesser of—

"(I) the unrecaptured section 1250 gain (determined without regard to this paragraph), or

"(II) the amount of such excess reduced by adjusted net capital gain (as determined under clause (i)), and

"(iii) there shall be treated as 28-percent rate gain the amount of such excess reduced by the sum of—

"(I) the amount treated as adjusted net capital gain under clause (i), and

"(II) the amount treated as unrecaptured section 1250 gain under clause (ii).

"(B) ALTERNATIVE MINIMUM TAX.—The rules of subparagraph (A) shall apply for purposes of determining the amount under paragraph (1)(B)(ii), except that such subparagraph shall be applied by substituting 'taxable excess (as defined in section 55(b)(1)(A)(ii))' for 'taxable income'.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Tax Increase Prevention and Reconciliation Act of 2005 to which they relate.

(2) MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (b) shall apply to distributions made after May 17, 2006.

(B) TRANSITION RULE.—The amendments made by subsection (b) shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on May 17, 2006, and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(C) ELECTION OUT OF TRANSITION RULE.—Subparagraph (B) shall not apply if the distributing corporation elects not to have such subparagraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

(D) SPECIAL RULE FOR CERTAIN PRE-ENACTMENT DISTRIBUTIONS.—For purposes of determining the continued qualification under section 355(b)(2)(A) of the Internal Revenue Code of 1986 of distributions made on or before May 17, 2006, as a result of an acquisition, disposition, or other restructuring after such date, such distribution shall be treated as made on the date of such acquisition, disposition, or restructuring for purposes of applying subparagraphs (A) through (C) of this paragraph. The preceding sentence shall only apply with respect to the corporation that undertakes such acquisition, disposition, or other restructuring, and only if such application results in continued qualification under section 355(b)(2)(A) of such Code.

(3) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2006.

SEC. 5. AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.

(a) AMENDMENTS RELATED TO SECTION 11113 OF THE ACT.—

(1) Paragraph (3) of section 6427(i) is amended—

(A) by inserting "or under subsection (e)(2) by any person with respect to an alternative fuel (as defined in section 6426(d)(2))" after "section 6426" in subparagraph (A),

(B) by inserting "or (e)(2)" after "subsection (e)(1)" in subparagraphs (A)(i) and (B), and

(C) by striking "ALCOHOL FUEL AND BIODIESEL MIXTURE CREDIT" and inserting "MIXTURE CREDITS AND THE ALTERNATIVE FUEL CREDIT" in the heading thereof.

(2) Subparagraph (F) of section 6426(d)(2) is amended by striking "hydrocarbons" and inserting "fuel".

(3) Section 6426 is amended by adding at the end the following new subsection:

"(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel with respect to which credit may be determined under subsection (b) or (c) or under section 40 or 40A.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the SAFETEA–LU to which they relate.

SEC. 6. AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 1306 OF THE ACT.—Paragraph (2) of section 45J(b) is amended to read as follows:

"(2) AMOUNT OF NATIONAL LIMITATION.—The aggregate amount of national megawatt capacity limitation allocated by the Secretary under paragraph (3) shall not exceed 6,000 megawatts.".

(b) AMENDMENTS RELATED TO SECTION 1342 OF THE ACT.—

(1) So much of subsection (b) of section 30C as precedes paragraph (1) thereof is amended to read as follows:

"(b) LIMITATION.—The credit allowed under subsection (a) with respect to all qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—".

(2) Subsection (c) of section 30C is amended to read as follows:

"(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section, the term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

"(1) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

"(2) only the following were treated as clean-burning fuels for purposes of section 179A(d):

"(A) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

"(B) Any mixture—

"(i) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

"(ii) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.".

(c) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—

(1) Paragraph (3) of section 41(a) is amended by inserting "for energy research" before the period at the end.

(2) Paragraph (6) of section 41(f) is amended by adding at the end the following new subparagraph:

"(E) ENERGY RESEARCH.—The term 'energy research' does not include any research which is not qualified research.".

(d) AMENDMENTS RELATED TO SECTION 1362 OF THE ACT.—

(1)(A) Paragraph (1) of section 4041(d) is amended by adding at the end the following new sentence: "No tax shall be imposed under the preceding sentence on the sale or use of any liquid if tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.".

(B) Paragraph (3) of section 4042(b) is amended to read as follows:

"(3) EXCEPTION FOR FUEL ON WHICH LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE SEPARATELY IMPOSED.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax was imposed with respect to such fuel under section 4041(d) or 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.".

(C) Notwithstanding section 6430 of the Internal Revenue Code of 1986, a refund, credit, or payment may be made under subchapter B of chapter 65 of such Code for taxes imposed with respect to any liquid after September 30, 2005, and before the date of the enactment of this Act under section 4041(d)(1) or 4042 of such Code at the Leaking Underground Storage Tank Trust Fund financing rate to the extent that tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

(2)(A) Paragraph (5) of section 4041(d) is amended—

(i) by striking "(other than with respect to any sale for export under paragraph (3) thereof)", and

(ii) by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to subsection (g)(3) and so much of subsection (g)(1) as relates to vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.".

(B) Section 4082 is amended—

(i) by striking "(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)" in subsection (a), and

(ii) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

"(f) EXCEPTION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—

"(1) IN GENERAL.—Subsection (a) shall not apply to the tax imposed under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

"(2) EXCEPTION FOR EXPORT, ETC.—Paragraph (1) shall not apply with respect to any fuel if the Secretary determines that such fuel is destined for export or for use by the purchaser as supplies for vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.".

(C) Subsection (e) of section 4082 is amended—

(i) by striking "an aircraft, the rate of tax under section 4081(a)(2)(A)(iii) shall be zero." and inserting "an aircraft—

"(1) the rate of tax under section 4081(a)(2)(A)(iii) shall be zero, and

"(2) if such aircraft is employed in foreign trade or trade between the United States and any of its possessions, the increase in such rate under section 4081(a)(2)(B) shall be zero."; and

(ii) by moving the last sentence flush with the margin of such subsection (following the paragraph (2) added by clause (i)).

(D) Section 6430 is amended to read as follows:

"SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

"No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels—

"(1) which are exempt from tax under section 4081(a) by reason of section 4082(f)(2),

"(2) which are exempt from tax under section 4041(d) by reason of the last sentence of paragraph (5) thereof, or

"(3) with respect to which the rate increase under section 4081(a)(2)(B) is zero by reason of section 4082(e)(2).".

(3) Paragraph (5) of section 4041(d) is amended by inserting "(b)(1)(A)," after "subsections".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by subsection (d)(3) shall apply to fuel sold for use or used after the date of the enactment of this Act.

(3) AMENDMENT MADE BY THE SAFETEA–LU.—The amendment made by subsection (d)(2)(C)(ii) shall take effect as if included in section 11161 of the SAFETEA–LU.

SEC. 7. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENT RELATED TO SECTION 248 OF THE ACT.—Subsection (a) of section 1355 is amended by adding at the end the following new paragraph:

"(8) PUERTO RICO TREATED AS PART OF DOMESTIC TRADE.—For purposes of paragraphs (6) and (7), Puerto Rico shall be treated as a place in the United States and not as a foreign place.".

(b) AMENDMENTS RELATED TO SECTION 339 OF THE ACT.—

(1)(A) Section 45H is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(B) Subsection (d) of section 280C is amended to read as follows:

"(d) CREDIT FOR LOW SULFUR DIESEL FUEL PRODUCTION.—The deductions otherwise allowed under this chapter for the taxable year shall be reduced by the amount of the credit determined for the taxable year under section 45H(a).".

(C) Subsection (a) of section 1016 is amended by striking paragraph (31) and by redesignating paragraphs (32) through (37) as paragraphs (31) through (36), respectively.

(2)(A) Section 45H, as amended by paragraph (1), is amended by adding at the end the following new subsection:

"(g) ELECTION TO NOT TAKE CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.".

(B) Subsection (m) of section 6501 is amended by inserting "45H(g)," after "45C(d)(4),".

(3)(A) Subsections (b)(1)(A), (c)(2), (e)(1), and (e)(2) of section 45H (as amended by paragraph (1)) and section 179B(a) are each amended by striking "qualified capital costs" and inserting "qualified costs".

(B) The heading of paragraph (2) of section 45H(c) is amended by striking "CAPITAL".

(C) Subsection (a) of section 179B is amended by inserting "and which are properly chargeable to capital account" before the period at the end.

(c) AMENDMENTS RELATED TO SECTION 710 OF THE ACT.—

(1) Clause (ii) of section 45(c)(3)(A) is amended by striking "which is segregated from other waste materials and".

(2) Subparagraph (B) of section 45(d)(2) is amended by inserting "and" at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(d) AMENDMENTS RELATED TO SECTION 848 OF THE ACT.—

(1) Paragraph (2) of section 470(c) is amended to read as follows:

"(2) TAX-EXEMPT USE PROPERTY.—

"(A) IN GENERAL.—The term 'tax-exempt use property' has the meaning given to such term by section 168(h), except that such section shall be applied—

"(i) without regard to paragraphs (1)(C) and (3) thereof, and

"(ii) as if section 197 intangible property (as defined in section 197), and property described in paragraph (1)(B) or (2) of section 167(f), were tangible property.

"(B) EXCEPTION FOR PARTNERSHIPS.—Such term shall not include any property which would (but for this subparagraph) be tax-exempt use property solely by reason of section 168(h)(6).

"(C) CROSS REFERENCE.—For treatment of partnerships as leases to which section 168(h) applies, see section 7701(e).".

(2) Subparagraph (A) of section 470(d)(1) is amended by striking "(at any time during the lease term)" and inserting "(at all times during the lease term)".

(e) AMENDMENTS RELATED TO SECTION 888 OF THE ACT.—

(1) Subparagraph (A) of section 1092(a)(2) is amended by striking "and" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) if the application of clause (ii) does not result in an increase in the basis of any offsetting position in the identified straddle, the basis of each of the offsetting positions in the identified straddle shall be increased in a manner which—

"(I) is reasonable, consistent with the purposes of this paragraph, and consistently applied by the taxpayer, and

"(II) results in an aggregate increase in the basis of such offsetting positions which is equal to the loss described in clause (ii), and".

(2)(A) Subparagraph (B) of section 1092(a)(2) is amended by adding at the end the following flush sentence:

"A straddle shall be treated as clearly identified for purposes of clause (i) only if such identification includes an identification of the positions in the straddle which are offsetting with respect other positions in the straddle.".

(B) Subparagraph (A) of section 1092(a)(2) is amended—

(i) by striking "identified positions" in clause (i) and inserting "positions",

(ii) by striking "identified position" in clause (ii) and inserting "position", and

(iii) by striking "identified offsetting positions" in clause (ii) and inserting "offsetting positions".

(C) Subparagraph (B) of section 1092(a)(3) is amended by striking "identified offsetting position" and inserting "offsetting position".

(3) Paragraph (2) of section 1092(a) is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following new subparagraph:

"(C) APPLICATION TO LIABILITIES AND OBLIGATIONS.—Except as otherwise provided by the Secretary, rules similar to the rules of clauses (ii) and (iii) of subparagraph (A) shall apply for purposes of this paragraph with respect to any position which is, or has been, a liability or obligation.".

(4) Subparagraph (D) of section 1092(a)(2), as redesignated by paragraph (3), is amended by inserting "the rules for the application of this section to a position which is or has been a liability or obligation, methods of loss allocation which satisfy the requirements of subparagraph (A)(iii)," before "and the ordering rules".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(2) IDENTIFICATION REQUIREMENT OF AMENDMENT RELATED TO SECTION 888 OF THE AMERICAN JOBS CREATION ACT OF 2004.—The amendment made by subsection (d)(2)(A) shall apply to straddles acquired after the date of the enactment of this Act.

SEC. 8. AMENDMENT RELATED TO THE JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.

(a) AMENDMENT RELATED TO SECTION 302 OF THE ACT.—Clause (ii) of section 1(h)(11)(B) is amended by striking "and" at the end of subclause (II), by striking the period at the end of subclause (III) and inserting ", and", and by adding at the end the following new subclause:

"(IV) any dividend received from a corporation which is a DISC or former DISC (as defined in section 992(a)) to the extent such dividend is paid out of the corporation's accumulated DISC income or is a deemed distribution pursuant to section 995(b)(1).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dividends received after December 31, 2007, in taxable years ending after such date.

SEC. 9. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Subclause (II) of section 402(g)(7)(A)(ii) is amended by striking "for prior taxable years" and inserting "permitted for prior taxable years by reason of this paragraph".

(2) Subparagraph (A) of section 3121(v)(1) is amended by inserting "or consisting of designated Roth contributions (as defined in section 402A(c))" before the comma at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 10. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENT RELATED TO SECTION 507 OF THE ACT.—Clause (i) of section 45(e)(7)(A) is amended by striking "placed in service by the taxpayer" and inserting "originally placed in service".

(b) AMENDMENT RELATED TO SECTION 542 OF THE ACT.—Clause (ii) of section 856(d)(9)(D) is amended to read as follows:

"(ii) LODGING FACILITY.—The term 'lodging facility' means a—

"(I) hotel,

"(II) motel, or

"(III) other establishment more than one-half of the dwelling units in which are used on a transient basis.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Relief Extension Act of 1999 to which they relate.

SEC. 11. AMENDMENT RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Paragraph (3) of section 6110(i) is amended by inserting "and related background file documents" after "Chief Counsel advice" in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Internal Revenue Service Restructuring and Reform Act of 1998 to which it relates.

SEC. 12. CLERICAL CORRECTIONS.

(a) IN GENERAL.—

(1) Paragraph (5) of section 21(e) is amended by striking "section 152(e)(3)(A)" in the flush matter after subparagraph (B) and inserting "section 152(e)(4)(A)".

(2) Paragraph (3) of section 25C(c) is amended by striking "section 3280" and inserting "part 3280".

(3) Paragraph (2) of section 26(b) is amended by redesignating subparagraphs (S) and (T) as subparagraphs (U) and (V), respectively, and by inserting after subparagraph (R) the following new subparagraphs:

"(S) sections 106(e)(3)(A)(ii), 223(b)(8)(B)(i)(II), and 408(d)(9)(D)(i)(II) (relating to certain failures to maintain high deductible health plan coverage),

"(T) section 170(o)(3)(B) (relating to recapture of certain deductions for fractional gifts),".

(4) Subsection (a) of section 34 is amended—

(A) in paragraph (1), by striking "with respect to gasoline used during the taxable year on a farm for farming purposes",

(B) in paragraph (2), by striking "with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service", and

(C) in paragraph (3), by striking "with respect to fuels used for nontaxable purposes or resold during the taxable year".

(5) Paragraph (2) of section 35(d) is amended—

(A) by striking "paragraph (2) or (4) of", and

(B) by striking "(within the meaning of section 152(e)(1))" and inserting "(as defined in section 152(e)(4)(A))".

(6) Subsection (b) of section 38 is amended—

(A) by striking "and" each place it appears at the end of any paragraph,

(B) by striking "plus" each place it appears at the end of any paragraph, and

(C) by inserting "plus" at the end of paragraph (30).

(7) Paragraphs (2) and (3) of section 45L(c) are each amended by striking "section 3280" and inserting "part 3280".

(8) Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking "paragraph (1)" and inserting "subsection (a)".

(9) Clause (ii) of section 48A(d)(4)(B) is amended by striking "subsection" both places it appears.

(10)(A) Paragraph (9) of section 121(d) is amended by adding at the end the following new subparagraph:

"(E) TERMINATION WITH RESPECT TO EMPLOYEES OF INTELLIGENCE COMMUNITY.—Clause (iii) of subparagraph (A) shall not apply with respect to any sale or exchange after December 31, 2010.".

(B) Subsection (e) of section 417 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking "and before January 1, 2011".

(11) The last sentence of section 125(b)(2) is amended by striking "last sentence" and inserting "second sentence".

(12) Subclause (II) of section 167(g)(8)(C)(ii) is amended by striking "section 263A(j)(2)" and inserting "section 263A(i)(2)".

(13)(A) Clause (vii) of section 170(b)(1)(A) is amended by striking "subparagraph (E)" and inserting "subparagraph (F)".

(B) Clause (ii) of section 170(e)(1)(B) is amended by striking "subsection (b)(1)(E)" and inserting "subsection (b)(1)(F)".

(C) Clause (i) of section 1400S(a)(2)(A) is amended by striking "subparagraph (F)" and inserting "subparagraph (G)".

(D) Subparagraph (A) of section 4942(i)(1) is amended by striking "section 170(b)(1)(E)(ii)" and inserting "section 170(b)(1)(F)(ii)".

(14) Subclause (II) of section 170(e)(1)(B)(i) is amended by inserting ", but without regard to clause (ii) thereof" after "paragraph (7)(C)".

(15)(A) Subparagraph (A) of section 170(o)(1) and subparagraph (A) of section 2522(e)(1) are each amended by striking "all interest in the property is" and inserting "all interests in the property are".

(B) Section 170(o)(3)(A)(i), and section 2522(e)(2)(A)(i) (as redesignated by section 3(d)(2)), are each amended—

(i) by striking "interest" and inserting "interests", and

(ii) by striking "before" and inserting "on or before".

(16)(A) Subparagraph (C) of section 852(b)(4) is amended to read as follows:

"(C) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock—

"(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

"(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share becomes ex-dividend.".

(B) Subparagraph (B) of section 857(b)(8) is amended to read as follows:

"(B) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock or beneficial interest—

“(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

“(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share or interest becomes ex-dividend.”.

(17) Paragraph (2) of section 856(l) is amended by striking the last sentence and inserting the following: “For purposes of subparagraph (B), securities described in subsection (m)(2)(A) shall not be taken into account.”.

(18) Subparagraph (F) of section 954(c)(1) is amended to read as follows:

“(F) INCOME FROM NOTIONAL PRINCIPAL CONTRACTS.—

“(i) IN GENERAL.—Net income from notional principal contracts.

“(ii) COORDINATION WITH OTHER CATEGORIES OF FOREIGN PERSONAL HOLDING COMPANY INCOME.—Any item of income, gain, deduction, or loss from a notional principal contract entered into for purposes of hedging any item described in any preceding subparagraph shall not be taken into account for purposes of this subparagraph but shall be taken into account under such other subparagraph.”.

(19) Paragraph (1) of section 954(c) is amended by redesignating subparagraph (I) as subparagraph (H).

(20) Paragraph (33) of section 1016(a), as redesignated by section 7(b)(1)(C), is amended by striking “section 25C(e)” and inserting “section 25C(f)”.

(21) Paragraph (36) of section 1016(a), as redesignated by section 7(b)(1)(C), is amended by striking “section 30C(f)” and inserting “section 30C(e)(1)”.

(22) Subparagraph (G) of section 1260(c)(2) is amended by adding “and” at the end.

(23)(A) Section 1297 is amended by striking subsection (d) and by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(B) Subparagraph (G) of section 1260(c)(2) is amended by striking “subsection (e)” and inserting “subsection (d)”.

(C) Subparagraph (B) of section 1298(a)(2) is amended by striking “Section 1297(e)” and inserting “Section 1297(d)”.

(24) Paragraph (1) of section 1362(f) is amended—

(A) by striking “, section 1361(b)(3)(B)(ii), or section 1361(c)(1)(A)(ii)” and inserting “or section 1361(b)(3)(B)(ii)”, and

(B) by striking “, section 1361(b)(3)(C), or section 1361(c)(1)(D)(iii)” in subparagraph (B) and inserting “or section 1361(b)(3)(C)”.

(25) Paragraph (2) of section 1400O is amended by striking “under of” and inserting “under”.

(26) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

“Sec. 1400T. Special rules for mortgage revenue bonds.”.

(27) Subsection (b) of section 4082 is amended to read as follows:

“(b) NONTAXABLE USE.—For purposes of this section, the term ‘nontaxable use’ means—

“(1) any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax,

“(2) any use in a train, and

“(3) any use described in section 4041(a)(1)(C)(iii)(II).

The term ‘nontaxable use’ does not include the use of kerosene in an aircraft and such term shall not include any use described in section 6421(e)(2)(C).”.

(28) Paragraph (4) of section 4101(a) (relating to registration in event of change of ownership) is redesignated as paragraph (5).

(29) Paragraph (6) of section 4965(c) is amended by striking “section 4457(e)(1)(A)” and inserting “section 457(e)(1)(A)”.

(30) Subpart C of part II of subchapter A of chapter 51 is amended by redesignating section 5432 (relating to recordkeeping by wholesale dealers) as section 5121.

(31) Paragraph (2) of section 5732(c), as redesignated by section 11125(b)(20)(A) of the SAFETEA-LU, is amended by striking “this subpart” and inserting “this subchapter”.

(32) Subsection (b) of section 6046 is amended—

(A) by striking “subsection (a)(1)” and inserting “subsection (a)(1)(A)”, and

(B) by striking “paragraph (2) or (3) of subsection (a)” and inserting “subparagraph (B) or (C) of subsection (a)(1)”.

(33)(A) Subparagraph (A) of section 6103(b)(5) is amended by striking “the Canal Zone,”.

(B) Section 7651 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(34) Subparagraph (A) of section 6211(b)(4) is amended by striking “and 34” and inserting “34, and 35”.

(35) Subparagraphs (A) and (B) of section 6230(a)(3) are each amended by striking “section 6013(e)” and inserting “section 6015”.

(36) Paragraph (3) of section 6427(e) (relating to termination), as added by section 11113 of the SAFETEA-LU, is redesignated as paragraph (5) and moved after paragraph (4).

(37) Clause (ii) of section 6427(l)(4)(A) is amended by striking “section 4081(a)(2)(iii)” and inserting “section 4081(a)(2)(A)(iii)”.

(38)(A) Section 6427, as amended by section 1343(b)(1) of the Energy Policy Act of 2005, is amended by striking subsection (p) (relating to gasohol used in noncommercial aviation) and redesignating subsection (q) as subsection (p).

(B) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by paragraph (2) of section 11151(a) of the SAFETEA-LU had never been enacted.

(39) Subparagraph (C) of section 6707A(e)(2) is amended by striking “section 6662A(e)(2)(C)” and inserting “section 6662A(e)(2)(B)”.

(40)(A) Paragraph (3) of section 9002 is amended by striking “section 309(a)(1)” and inserting “section 306(a)(1)”.

(B) Paragraph (1) of section 9004(a) is amended by striking “section 320(b)(1)(B)” and inserting “section 315(b)(1)(B)”.

(C) Paragraph (3) of section 9032 is amended by striking “section 309(a)(1)” and inserting “section 306(a)(1)”.

(D) Subsection (b) of section 9034 is amended by striking “section 320(b)(1)(A)” and inserting “section 315(b)(1)(A)”.

(41) Section 9006 is amended by striking “Comptroller General” each place it appears and inserting “Commission”.

(42) Subsection (c) of section 9503 is amended by redesignating paragraph (7) (relating to transfers from the trust fund for certain aviation fuels taxes) as paragraph (6).

(43) Paragraph (1) of section 1301(g) of the Energy Policy Act of 2005 is amended by striking “shall take effect of the date of the enactment” and inserting “shall take effect on the date of the enactment”.

(44) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 1(a) of Public Law 109-433 had never been enacted.

(b) CLERICAL AMENDMENTS RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.—

(1) AMENDMENT RELATED TO SECTION 209 OF DIVISION A OF THE ACT.—Paragraph (3) of section 168(l) is amended by striking “enzymatic”.

(2) AMENDMENTS RELATED TO SECTION 419 OF DIVISION A OF THE ACT.—

(A) Clause (iv) of section 6724(d)(1)(B) is amended by inserting “or (h)(1)” after “section 6050H(a)”.

(B) Subparagraph (K) of section 6724(d)(2) is amended by inserting “or (h)(2)” after “section 6050H(d)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which they relate.

(c) CLERICAL AMENDMENTS RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.—

(1) AMENDMENTS RELATED TO SECTION 402 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended—

(A) by striking “the excess (if any) of” in the matter preceding clause (i) and inserting “the greater of”, and

(B) by striking “section” in clause (ii)(II) and inserting “section 32”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which they relate.

(d) CLERICAL AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.—

(1) AMENDMENTS RELATED TO SECTION 11163 OF THE ACT.—Subparagraph (C) of section 6416(a)(4) is amended—

(A) by striking “ultimate vendor” and all that follows through “has certified” and inserting “ultimate vendor or credit card issuer has certified”, and

(B) by striking “all ultimate purchasers of the vendor” and all that follows through “are certified” and inserting “all ultimate purchasers of the vendor or credit card issuer are certified”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to which they relate.

(e) CLERICAL AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.—

(1) AMENDMENT RELATED TO SECTION 1344 OF THE ACT.—Subparagraph (B) of section 6427(e)(5), as redesignated by subsection (a)(36), is amended by striking “2006” and inserting “2008”.

(2) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—Subparagraphs (A)(ii) and (B)(ii) of section 41(f)(1) are each amended by striking “qualified research expenses and basic research payments” and inserting “qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(f) CLERICAL AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) AMENDMENT RELATED TO SECTION 413 OF THE ACT.—Subsection (b) of section 1298 is amended by striking paragraph (7) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(2) AMENDMENT RELATED TO SECTION 895 OF THE ACT.—Clause (iv) of section 904(f)(3)(D) is amended by striking “a controlled group” and inserting “an affiliated group”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(g) CLERICAL AMENDMENTS RELATED TO THE FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000.—

(1) Subclause (I) of section 56(g)(4)(C)(ii) is amended by striking "921" and inserting "921 (as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)".

(2) Clause (iv) of section 54(g)(4)(C) is amended by striking "a cooperative described in section 927(a)(4)" and inserting "an organization to which part I of subchapter T (relating to tax treatment of cooperatives) applies which is engaged in the marketing of agricultural or horticultural products".

(3) Paragraph (4) of section 245(c) is amended by adding at the end the following new subparagraph:

"(C) FSC.—The term 'FSC' has the meaning given such term by section 922.".

(4) Subsection (c) of section 245 is amended by inserting at the end the following new paragraph:

"(5) REFERENCES TO PRIOR LAW.—Any reference in this subsection to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.".

(5) Paragraph (4) of section 275(a) is amended by striking "if" and all that follows and inserting "if the taxpayer chooses to take to any extent the benefits of section 901.".

(6)(A) Subsection (a) of section 291 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(B) Paragraph (1) of section 291(c) is amended by striking "subsection (a)(5)" and inserting "subsection (a)(4)".

(7)(A) Paragraph (4) of section 441(b) is amended by striking "FSC or".

(B) Subsection (h) of section 441 is amended—

(i) by striking "FSC or" each place it appears, and

(ii) by striking "FSC'S AND" in the heading thereof.

(8) Subparagraph (B) of section 884(d)(2) is amended by inserting before the comma "(as in effect before their repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)".

(9) Section 901 is amended by striking subsection (h).

(10) Clause (v) of section 904(d)(2)(B) is amended—

(A) by inserting "and" at the end of subclause (I), by striking subclause (II), and by redesignating subclause (III) as subclause (II),

(B) by striking "a FSC (or a former FSC)" in subclause (II) (as so redesignated) and inserting "a former FSC (as defined in section 922)", and

(C) by adding at the end the following:

"Any reference in subclause (II) to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.".

(11) Subsection (b) of section 906 is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(12) Subparagraph (B) of section 936(f)(2) is amended by striking "FSC or".

(13) Section 951 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(14) Subsection (b) of section 952 is amended by striking the second sentence.

(15)(A) Paragraph (2) of section 956(c) is amended—

(i) by striking subparagraph (I) and by redesignating subparagraphs (J) through (M) as subparagraphs (I) through (L), respectively, and

(ii) by striking "subparagraphs (J), (K), and (L)" in the flush sentence at the end and inserting "subparagraphs (I), (J), and (K)".

(B) Clause (ii) of section 954(c)(2)(C) is amended by striking "section 956(c)(2)(J)" and inserting "section 956(c)(2)(I)".

(16) Paragraph (1) of section 992(a) is amended by striking subparagraph (E), by inserting "and" at the end of subparagraph (C), and by striking ", and" at the end of subparagraph (D) and inserting a period.

(17) Paragraph (5) of section 1248(d) is amended—

(A) by inserting "(as defined in section 922)" after "a FSC", and

(B) by adding at the end the following new sentence: "Any reference in this paragraph to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.".

(18) Subparagraph (D) of section 1297(b)(2) is amended by striking "foreign trade income of a FSC or".

(19)(A) Paragraph (1) of section 6011(c) is amended by striking "or former DISC or a FSC or former FSC" and inserting ", former DISC, or former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)".

(B) Subsection (c) of section 6011 is amended by striking "AND FSC'S" in the heading thereof.

(20) Subsection (c) of section 6072 is amended by striking "a FSC or former FSC" and inserting "a former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)".

(21) Section 6686 is amended by inserting "FORMER" before "FSC" in the heading thereof.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 383—HONORING AND RECOGNIZING THE ACHIEVEMENTS OF CARL STOKES, THE FIRST AFRICAN-AMERICAN MAYOR OF A MAJOR AMERICAN CITY, IN THE 40TH YEAR SINCE HIS ELECTION AS MAYOR OF CLEVELAND, OHIO

Mr. REID (for Mr. OBAMA (for himself, Mr. BROWN, and Mr. VOINOVICH)) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 383

Whereas Carl Stokes was a pioneer in cultivating a positive climate for African-Americans to seek election to public office and made great strides toward improving race relations in a tumultuous period of United States history;

Whereas Carl Stokes was born on June 27, 1927, in Cleveland, Ohio to Charles and Louise Stokes;

Whereas Carl Stokes rose from poverty in Outhwaite Homes, Cleveland's first federally funded housing project for the poor, to be elected to the highest political office in Cleveland;

Whereas Carl Stokes earned his bachelor's degree from the University of Minnesota in 1954 and graduated from the Cleveland-Marshall College of Law in 1956, and was admitted to the Ohio State Bar in 1957;

Whereas, in 1962, Carl Stokes was elected to the Ohio General Assembly and served 3 terms as the first African-American Democrat to serve from Cuyahoga County;

Whereas, in 1967, relying on his ability to mobilize support that transcended racial divides, Carl Stokes was elected Mayor of Cleveland and became the first African-American mayor of a major American city;

Whereas, after declining to run for a 3rd term as Mayor of Cleveland, Carl Stokes became the first African-American to appear daily as an anchorman on a New York City television outlet, WNBC-TV;

Whereas Carl Stokes served as a municipal judge in Cleveland from 1983 to 1994, completing a political career encompassing each branch of government; and

Whereas Carl Stokes maintained his dedication to public service throughout his life, serving as Ambassador to the Seychelles and representing the White House on numerous goodwill trips abroad until his death in 1996: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the pioneering career of Carl Stokes, who helped expand political opportunity for minorities by becoming the first African-American mayor of a major American city; and

(2) commemorates the 40th anniversary of the election of Carl Stokes as the Mayor of Cleveland and the first African-American mayor of a major American city, one of the most significant events in the American Civil Rights movement.

SENATE RESOLUTION 384—EXPRESSING SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION AND THE CHILDREN AWAITING FAMILIES, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING AMERICANS TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN

Ms. LANDRIEU (for herself, Mr. COLEMAN, Mrs. LINCOLN, Mr. INHOFE, Mr. CRAIG, Mr. BROWNBACK, Mr. CASEY, Mrs. CLINTON, Mr. DEMINT, Mr. JOHNSON, Mr. THUNE, Mr. KERRY, Mr. CONRAD, Mr. LEVIN, Mrs. HUTCHISON, Mr. DURBIN, Mr. INOUYE, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 384

Whereas there are approximately 514,000 children in the foster care system in the United States, approximately 115,000 of whom are waiting for families to adopt them;

Whereas 52 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 2 years;

Whereas, for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who "age out" of foster care by reaching adulthood without being placed in a permanent home has increased by 41 percent since 1998, and nearly 25,000 foster youth age out every year;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a recent survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though "Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years";

Whereas, while 3 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, nearly 17,000 children have joined forever families during National Adoption Day;

Whereas, in 2006, adoptions were finalized for over 3,300 children through more than 250 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico; and

Whereas, on October 31, 2007, the President proclaimed November 2007 as National Adoption Month, and National Adoption Day is on November 17, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the citizens of the United States to consider adoption during the month of November and all throughout the year.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3679. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3680. Mr. CARDIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 3609 submitted by Mr. CASEY (for himself and Mr. CARDIN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3681. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3682. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3683. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3684. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3685. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3686. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3687. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3688. Mr. KOHL (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3689. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3690. Mr. REED submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3691. Mr. ENZI (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. CONRAD, Mr. JOHNSON, Mr. TESTER, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3692. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3693. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3694. Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3695. Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3696. Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3697. Mr. WYDEN (for himself, Mr. ALEXANDER, Mr. KERRY, Mr. FEINGOLD, Mr. BINGAMAN, Mr. SUNUNU, Mr. DODD, Ms. STABENOW, Mr. BIDEN, Ms. CANTWELL, Mrs. MURRAY, Ms. SNOWE, Mr. GREGG, Mr. BAUCUS, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3698. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3699. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3700. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3701. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3702. Ms. SNOWE (for herself and Mr. CRAIG) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3703. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3704. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3705. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3706. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3707. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3708. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3709. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3710. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3711. Mr. LUGAR (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mr. WHITEHOUSE, Mr. REED, Mr. HATCH, Ms. COLLINS, Mr. DOMENICI, Mr. NELSON of Florida, Mr. SUNUNU, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3712. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3713. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3714. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3715. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3716. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3717. Mr. GRASSLEY (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3718. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3719. Mr. FEINGOLD (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3720. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3721. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3722. Mr. DURBIN (for himself and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3723. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3724. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3725. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3726. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3727. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3728. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3729. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3730. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3731. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3732. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3733. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3734. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3735. Mrs. CLINTON (for herself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3736. Mr. WYDEN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3737. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3738. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3739. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3740. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3741. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3742. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3743. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3744. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3745. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3746. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3747. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3748. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3749. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3750. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3751. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and

Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3752. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3753. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3754. Mr. BROWN (for himself, Mr. SUNUNU, Mrs. MCCASKILL, Mr. DURBIN, Mr. SCHUMER, Mr. MCCAIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3755. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3756. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3757. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3758. Mr. SMITH (for himself, Mr. BARRASSO, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3759. Ms. SNOWE (for herself, Mr. SCHUMER, Mrs. CLINTON, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3760. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3761. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3762. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3763. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3764. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3765. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3766. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3767. Mr. NELSON, of Florida (for himself, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3768. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3769. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3770. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3771. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3772. Mr. HARKIN (for himself, Mr. SMITH, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. CARDIN, Mr. ALLARD, Mr. SESSIONS, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3773. Mr. KOHL (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3774. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4156, making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3775. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3776. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3777. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3701 submitted by Mr. KYL (for himself and Mr. ALLARD) and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3778. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3621 submitted by Mr. COLEMAN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3779. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3559 submitted by Mr. INOUYE (for himself and Mr. AKAKA) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3780. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3665 submitted by Mr. ENSIGN and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3781. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3645 submitted by Mr. ENSIGN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3782. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3764 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3783. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3765 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3679. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CHILDHOOD OBESITY STUDY.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that there needs to be a coordinated effort to understand the various factors which impact childhood obesity including the effect of the subsidization of commodities on Federal nutrition programs as well as the role of marketing in childhood obesity.

(b) STUDY.—

(1) IN GENERAL.—The Government Accountability Office shall—

(A) conduct a study to assess the effect of Federal nutrition assistance programs and agricultural policies on the prevention of childhood obesity, and prepare a report on the results of such study that shall include a description and evaluation of the content and impact of Federal agriculture subsidy and commodity programs and policies as such relate to Federal nutrition programs;

(B) make recommendations to guide or revise Federal policies for ensuring access to nutritional foods in Federal nutrition assistance programs; and

(C) complete the activities provided for under this section not later than 18 months after the date of enactment of this section.

(2) INSTITUTE OF MEDICINE STUDY.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this section, the Secretary of Health and Human Services shall request that the Institute of Medicine (or similar organization) conduct a study and make recommendations on guidelines for nutritional food and physical activity advertising and marketing to prevent childhood obesity. In conducting such study the Institute of Medicine shall—

(i) evaluate children's advertising and marketing guidelines and evidence-based literature relating to the impact of advertising on nutritional foods and physical activity in children and youth; and

(ii) make recommendations on national guidelines for advertising and marketing practices relating to children and youth that—

(I) reduce the exposure of children and youth to advertising and marketing of foods of poor or minimal nutritional value and practices that promote sedentary behavior; and

(II) increase the number of media messages that promote physical activity and sound nutrition.

(B) GUIDELINES.—Not later than 2 years after the date of enactment of this section, the Institute of Medicine shall submit to the appropriate committees of Congress the final report concerning the results of the study, and making the recommendations, required under this paragraph.

SA 3680. Mr. CARDIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 3609 submitted by Mr. CASEY (for himself and Mr. CARDIN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 4 and insert the following:

(a) SAVINGS.—Any savings realized by the amendment made by subsection (b) shall be used by the Secretary to provide matching funds under section 524(b)(4)(C) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(C) (as added by section 1921).

(b) ENTERPRISE AND WHOLE FARM UNITS.—Section 508(e) of the Federal Crop Insurance Act (7

SA 3681. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 73___. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

Title III of the Department of Agriculture Reorganization Act of 1994 is amended by adding after section 309 (as added by section 7402) the following:

"SEC. 310. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

"(a) ESTABLISHMENT.—To enhance the use of real property administered by agencies of the Department, the Secretary may establish a pilot program, in accordance with this section, at the Henry A. Wallace Beltsville Agricultural Research Center of the Agricultural Research Service and the National Agricultural Library to lease property of the Center or the Library to any individual or entity, including agencies or instrumentalities of State or local governments.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary may lease real property at the Beltsville Agricultural Research Center or the National Agricultural Library in accordance with such terms and conditions as the Secretary may prescribe, if the Secretary determines that the lease—

"(A) is consistent with, and will not adversely affect, the mission of the Department agency administering the property;

"(B) will enhance the use of the property;

"(C) will not permit any portion of Department agency property or any facility of the Department to be used for retail, wholesale, commercial, or residential development;

"(D) will not provide authority for the development or improvement of any new property or facility by any Department agency; and

"(E) will not include any property or facility required for any Department agency purpose without prior written authority.

"(2) TERM.—The term of the lease under this section shall not exceed 50 years.

"(3) CONSIDERATION.—

"(A) IN GENERAL.—Consideration provided for a lease under this section shall be—

"(i) in an amount equal to fair market value, as determined by the Secretary; and

"(ii) in the form of cash.

"(B) USE OF FUNDS.—

"(i) IN GENERAL.—Consideration provided for a lease under this section shall be—

"(I) deposited in a capital asset account to be established by the Secretary; and

"(II) available until expended, without further appropriation, for maintenance, capital revitalization, and improvements of the Department properties and facilities covered by the lease.

"(ii) BUDGETARY TREATMENT.—For purposes of the budget, the amounts described in clause (i) shall not be treated as a receipt of any Department agency or any other agency leasing property under this section.

"(4) COSTS.—The lessee shall cover all costs associated with a lease under this section, including the cost of—

"(A) the project to be carried out on property or at a facility covered by the lease;

"(B) provision and administration of the lease;

"(C) construction of any applicable real property;

"(D) provision of applicable utilities; and

"(E) any other facility cost normally associated with the operation of a leased facility.

"(5) PROHIBITION OF USE OF APPROPRIATIONS.—The Secretary shall not use any funds made available to the Secretary in an appropriations Act for the construction or operating costs of any property or facility covered by a lease under this section.

"(c) EFFECT OF OTHER LAWS.—

"(1) UTILIZATION.—Property that is leased pursuant to this section shall not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(2) DISPOSAL.—Property at the Beltsville Agricultural Research Center or the National Agricultural Library that is leased pursuant to this section shall not be considered to be disposed of by sale, lease, rental, excessing, or surplusing for purposes of section 523 of Public Law 100–202 (101 Stat. 1329–417).

"(d) REPORTS.—

"(1) FISCAL YEARS 2008 THROUGH 2013.—For each of fiscal years 2008 through 2013, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the implementation of the pilot program under this section during the preceding fiscal year, including—

"(A) a copy of each lease entered into pursuant to this section;

"(B) an assessment by the Secretary of the success of the pilot program in promoting the mission of the Beltsville Agricultural Research Center and the National Agricultural Library; and

"(C) recommendations regarding whether the pilot program should be expanded or improved with respect to other Department activities.

"(2) FISCAL YEAR 2014 AND THEREAFTER.—For fiscal year 2014 and every 5 fiscal years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report described in paragraph (1) relating to the preceding 5-fiscal-year period.".

SA 3682. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In section 1704, strike subsection (c) and insert the following:

(c) MODIFICATION OF LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is amended by striking subsection (b) and inserting the following:

"(b) LIMITATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during any of the 2009 and subsequent crop years if the average adjusted gross income of the individual or entity exceeds $500,000.

"(2) COVERED BENEFITS.—Paragraph (1) applies with respect to the following:

"(A) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(B) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(C) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.".

In section 1704, add at the end the following:

(e) SAVINGS.—The Secretary shall ensure, to the maximum extent practicable, that any savings resulting from the amendment made by subsection (c) are used in the State in which the savings were realized to provide additional funding in that State for, as determined by the Secretary—

(1) the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.); or

(2) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.).

SA 3683. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle H—Flexible State Funds

SEC. 1941. OFFSET.

(a) OFFSET.—

(1) IN GENERAL.—Except as provided in paragraph (3) and notwithstanding any other provision of this Act, for the period beginning on October 1, 2007, and ending on September 30, 2017, the Secretary shall reduce the total amount of payments described in paragraph (2) received by the producers on a farm by 30 percent.

(2) PAYMENT.—A payment described in this paragraph is a payment in an amount of more than $10,000 for the crop year that is—

(A) a direct payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1103 or 1303; or

(B) the fixed payment component of an average crop revenue payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1401(b)(2).

(3) APPLICATION.—This subsection does not apply to a payment provided under a contract entered into by the Secretary before the date of enactment of this Act.

(b) SAVINGS.—The Secretary shall ensure, to the maximum extent practicable, that any savings resulting from subsection (a) are used to carry out section 379F of the Consolidated Farm and Rural Development Act (as added by section 1942) for each of fiscal years 2008 through 2012.

SEC. 1942. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND IMPROVE QUALITY OF RURAL HEALTH CARE FACILITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6028) is amended by adding at the end the following:

“SEC. 379F. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND QUALITY OF RURAL HEALTH CARE FACILITIES.

“(a) DEFINITIONS.—In this section:

“(1) HEALTH INFORMATION TECHNOLOGY.—The term ‘health information technology’ includes total expenditures incurred for—

“(A) purchasing, leasing, and installing computer software and hardware, including handheld computer technologies, and related services;

“(B) making improvements to computer software and hardware;

“(C) purchasing or leasing communications capabilities necessary for clinical data access, storage, and exchange;

“(D) services associated with acquiring, implementing, operating, or optimizing the use of computer software and hardware and clinical health care informatics systems;

“(E) providing education and training to rural health facility staff on information systems and technology designed to improve patient safety and quality of care; and

“(F) purchasing, leasing, subscribing, or servicing support to establish interoperability that—

“(i) integrates patient-specific clinical data with well-established national treatment guidelines;

“(ii) provides continuous quality improvement functions that allow providers to assess improvement rates over time and against averages for similar providers; and

“(iii) integrates with larger health networks.

“(2) RURAL AREA.—The term ‘rural area’ means any area of the United States that is not—

“(A) included in the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 residents; or

“(B) an urbanized area contiguous and adjacent to such a city, town, borough, or village.

“(3) RURAL HEALTH FACILITY.—The term ‘rural health facility’ means any of—

“(A) a hospital (as defined in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)));

“(B) a critical access hospital (as defined in section 1861(mm) of that Act (42 U.S.C. 1395x(mm)));

“(C) a Federally qualified health center (as defined in section 1861(aa) of that Act (42 U.S.C. 1395x(aa))) that is located in a rural area;

“(D) a rural health clinic (as defined in that section (42 U.S.C. 1395x(aa)));

“(E) a medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G) of that Act (42 U.S.C. 1395ww(d)(5)(G))); and

“(F) a physician or physician group practice that is located in a rural area.

“(b) ESTABLISHMENT OF PROGRAM.—Using amounts provided under section 1941(b) of the Food and Energy Security Act of 2007, the Secretary shall establish a program under which the Secretary shall provide grants to rural health facilities for the purpose of assisting the rural health facilities in—

“(1) purchasing health information technology to improve the quality of health care or patient safety; or

“(2) otherwise improving the quality of health care or patient safety, including through the development of—

“(A) quality improvement support structures to assist rural health facilities and professionals—

“(i) to increase integration of personal and population health services; and

“(ii) to address safety, effectiveness, patient- or community-centeredness, timeliness, efficiency, and equity; and

“(B) innovative approaches to the financing and delivery of health services to achieve rural health quality goals.

“(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant provided under this section.

“(d) PROVISION OF INFORMATION.—A rural health facility that receives a grant under this section shall provide to the Secretary such information as the Secretary may require—

“(1) to evaluate the project for which the grant is used; and

“(2) to ensure that the grant is expended for the purposes for which the grant was provided.”.

SA 3684. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 172, strike line 5 and all that follows through page 173, line 12 and insert the following:

“(a) PROGRAM REQUIRED.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary of Agriculture (referred to in this section as the ‘Secretary’) shall establish a program under which milk producers and cooperative associations of producers are authorized to voluntarily enter into forward price contracts with milk handlers.

“(2) IDENTIFICATION OF CERTAIN REGIONS.—

“(A) IN GENERAL.—Subject to subparagraph (C), the Secretary shall identify regions in which a dairy producer has 3 or less viable purchasers of milk within typical transportation distances, as determined by the Secretary.

“(B) LIMITATION.—Subject to subparagraph (C), in establishing the program under paragraph (1), the Secretary shall allow producers and cooperative associations in regions identified by the Secretary under subparagraph (A) to enter into forward contracts for not more than 50 percent of the annual purchases of the producers and cooperative associations.

“(C) MODIFICATIONS.—If the Secretary determines that it could improve competition or make anti-competitive behavior less likely, the Secretary may—

“(i) increase the number of viable purchasers that may be considered under subparagraph (A); or

“(ii) decrease the percentage of forward contracts described in subparagraph (B).

“(3) SUBMISSION OF CONTRACTS.—

“(A) IN GENERAL.—As a condition of entering into a forward price contract described in paragraph (1), not later than 30 days after the date on which a milk producer or cooperative association of producers enters into the contract, the milk handler shall submit to the Secretary—

“(i) a copy of the contract; and

“(ii) such other supporting information as is necessary for the Secretary to fulfill the reporting requirements of subsection (f), as determined by the Secretary.

“(B) ADMINISTRATION.—Section 8d applies to a contract submitted under subparagraph (A).”;

(3) in subsection (c)—

(A) in the subsection heading, by striking “PILOT”; and

(B) in paragraph (1), by striking “pilot”;

(4) by striking subsections (d) and (e); and

(5) by adding at the end the following:

“(d) VOLUNTARY PROGRAM.—

“(1) IN GENERAL.—A milk handler may not require participation in a forward price contract as a condition of the handler receiving milk from a producer or cooperative association of producers.

“(2) EFFECT OF NONPARTICIPATION.—A producer or cooperative association that does not enter into a forward price contract may continue to have milk priced under the minimum payment provisions of the applicable milk marketing order.

“(3) COMPLAINTS.—The Secretary shall—

"(A) investigate complaints made by producers or cooperative associations of coercion by handlers to enter into forward price contracts; and

"(B) if the Secretary finds evidence of coercion, take appropriate action.

"(e) DURATION.—No forward price contract under this section may—

"(1) be entered into after September 30, 2012; or

"(2) may extend beyond September 30, 2015.

"(f) REPORTING REQUIREMENTS.—

"(1) MONTHLY PRICE AND VOLUME REPORTS.—Each month, the Secretary shall make available to the public a report containing statistics on the volume and price of forward contracts during the preceding month, organized by—

"(A) State, if the number of contracts in the State is large enough to maintain confidentiality, as determined by the Secretary; or

"(B) region.

"(2) ANNUAL REPORT.—Each year, the Secretary shall make available to the public a report that—

"(A) includes a summary and analysis of the monthly price reports;

"(B) analyzes contract terms and price differentials based on the volume and length of the forward contracts; and

"(C) describes, by State or smaller area if possible (as determined by the Secretary), the percentage of milk under forward contracts.".

SA 3685. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11____. GAO REPORT ON ACCESS TO HEALTH CARE FOR FARMERS.

(a) REPORT.—Not later than November 30, 2008, the Comptroller General of the United States shall submit to Congress a report on access to health care for rural Americans and farmers.

(b) CONSULTATION.—The report shall be done in consultation with the Rural Health Research Centers in the Department of Health and Human Services Office of Rural Health Policy.

(c) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) ASSESSMENT.—An assessment of access to health care for rural Americans, including the following:

(A) An overview of the rates of the uninsured among people living in rural areas in the United States and possible factors that cause the uninsurance, specifically—

(i) a synthesis of existing research on the uninsured living in rural America; and

(ii) a detailed analysis of the uninsured and the factors that contribute in uninsurance in 3 to 4 rural areas.

(2) SECOND ASSESSMENT.—An assessment of access to health care for farmers, including the following:

(A) An overview of the rates of the uninsured among farmers in the United States and the factors that cause the uninsurance, specifically—

(i) factors, such as land assets, that keep low-income farmers from qualifying for public insurance programs;

(ii) the effects of the high price of health insurance for individuals purchasing in the individual, non-group market; and

(iii) any other significant factor that contributes to the rates of uninsurance among farmers.

(B) The extent to which farmers depend on a spouse's off-farm job for health care coverage.

(C) The effects of uninsurance on farmers and their families.

(3) ROLE OF CONGRESS.—Recommendations regarding the potential role of Congress in supporting increased access to health insurance for farmers and their families, and rural Americans.

SA 3686. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1208, between lines 10 and 11, insert the following:

SEC. 10004. DISCLOSURE OF COUNTRY OF HARVEST FOR GINSENG.

(a) IN GENERAL.—The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

"Subtitle E—Ginseng

"SEC. 291. DISCLOSURE OF COUNTRY OF HARVEST.

"(a) DEFINITIONS.—In this section:

"(1) GINSENG.—The term 'ginseng' means a plant classified within the genus Panax.

"(2) RAW AGRICULTURAL COMMODITY.—The term 'raw agricultural commodity' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(b) DISCLOSURE.—

"(1) IN GENERAL.—A person that offers ginseng for sale as a raw agricultural commodity or dehydrated whole root shall disclose to a potential purchaser the country of harvest of the ginseng.

"(2) IMPORTATION.—A person that imports ginseng as a raw agricultural commodity or dehydrated whole root into the United States shall disclose at the point of entry into the United States, in accordance with section 304 of the Tariff Act of 1930 (19 U.S.C. 1304), the country in which the ginseng was harvested.

"(c) MANNER OF DISCLOSURE.—

"(1) IN GENERAL.—The disclosure required by subsection (b) shall be provided to a potential purchaser by means of a label, stamp, mark, placard, or other easily legible and visible sign on the ginseng or on the package, display, holding unit, or bin containing the ginseng.

"(2) RETAILERS.—A retailer of ginseng as a raw agricultural commodity shall—

"(A) retain the means of disclosure provided under subsection (b); and

"(B) provide the received means of disclosure to a consumer of ginseng.

"(3) REGULATIONS.—The Secretary shall by regulation prescribe with specificity the manner in which disclosure shall be made in a transaction at the wholesale or retail level (including a transaction by mail, telephone, internet, or in retail stores).

"(d) FINES.—The Secretary may, after providing notice and an opportunity for a hearing before the Secretary, fine a person subject to subsection (b), or a person supplying ginseng to such a person, in an amount of not more than $1,000 for each violation if the Secretary determines that the person—

"(1) has not made a good faith effort to comply with subsection (b); and

"(2) continues to willfully violate subsection (b).

"(e) INFORMATION.—The Secretary shall make information available to wholesalers, importers, retailers, trade associations, and other interested persons concerning the requirements of this section (including regulations promulgated to carry out this section).".

(b) EFFECTIVE DATE.—This section and the amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

SA 3687. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1391, strike line 24 and all that follows through page 1392, line 7, and insert the following:

"(1) IN GENERAL.—There are appropriated to the Agriculture Disaster Relief Trust Fund amounts equivalent to the excess of—

"(A) 3.34 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2012 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States, over

"(B) the sum of any amounts appropriated and designated as an emergency requirement during such fiscal years for assistance payments to eligible producers with respect to any losses described in subsections (b), (c), (d), or (e) of section 901.

SA 3688. Mr. KOHL (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE XIII—HOUSING ASSISTANCE COUNCIL

SEC. 13001. SHORT TITLE.

This title may be cited as the "Housing Assistance Council Authorization Act of 2007".

SEC. 13002. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by such Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Housing Assistance Council.

(b) Authorization of Appropriations.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council—

(1) $10,000,000 for fiscal year 2008; and

(2) $15,000,000 for each of fiscal years 2009 and 2010.

SEC. 13003. AUDITS AND REPORTS.

(a) Audit.—In any year in which the Housing Assistance Council receives funds under this title, the Comptroller General of the United States shall—

(1) audit the financial transactions and activities of such Council only with respect to such funds so received; and

(2) submit a report detailing such audit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(b) GAO Report.—The Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative on the use of any funds appropriated to the Housing Assistance Council over the past 10 years.

SEC. 13004. PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES.

None of the funds made available under this title may be used to provide direct housing assistance to any person not lawfully present in the United States.

SA 3689. Mr. REED (for himself and Mr. Whitehouse) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 20 of the amendment, after line 12, insert the following:

(c) Effect of Section.—Nothing in this section or an amendment made by this section limits the authority of any State to enforce a requirement that is more stringent than the requirements of this section and the amendment made by this section, if the State requirement is in existence on the date of enactment of this Act.

SA 3690. Mr. REED submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. Harkin (for himself, Mr. Chambliss, Mr. Baucus, and Mr. Grassley) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11_____. INCLUSION OF SUBAQUEOUS SOILS.

Section 9 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590i) is amended—

(1) by striking the section designation and heading and all that follows through "The Secretary is authorized to" and inserting the following:

"SEC. 9. SURVEYS, INVESTIGATIONS, AND REPORTS.

"(a) In General.—The Secretary may";

(2) in the second sentence, by striking "Notwithstanding" and inserting the following:

"(b) Publication of Information.—Notwithstanding"; and

(3) by adding at the end the following:

"(c) Inclusion of Subaqueous Soils.—

"(1) Definition of subaqueous soil.—In this subsection, the term 'subaqueous soil' means any soil that forms in a shallow (typically less than 2.5 meters deep), permanently flooded environment.

"(2) Requirement.—In carrying out a soil survey pursuant to this Act, the Secretary shall include an analysis of subaqueous soils in the region subject to the survey, as applicable.

"(3) Standards.—

"(A) In general.—As soon as practicable after the date of enactment of this subsection, the Secretary, acting through the Chief of the Natural Resources Conservation Service, shall develop standards (including protocols, nomenclature, and interpretive materials) for the collection and maintenance of information relating to subaqueous soils in the United States for purposes of this subsection.

"(B) Consultation.—The Secretary, acting through the Chief of the Natural Resources Conservation Service, shall develop the standards under subparagraph (A) in consultation with appropriate Federal, State, and local agencies, nongovernmental organizations, and institutions of higher education.

"(4) Center for subaqueous soil mapping, Rhode Island.—

"(A) Establishment.—The Secretary, acting through the Chief of the Natural Resources Conservation Service, shall establish a center for subaqueous soil mapping in the State of Rhode Island.

"(B) Duties.—The center established under subparagraph (A) shall—

"(i) provide technology transfer leadership relating to subaqueous soil mapping throughout the United States, including by developing standards (including protocols, nomenclature, and interpretive materials) and mapping technologies relating to subaqueous soil mapping; and

"(ii) provide training and information to—

"(I) soil scientists employed by the Natural Resources Conservation Service; and

"(II) other individuals and entities involved in subaqueous soil mapping.".

SA 3691. Mr. ENZI (for himself, Mr. Dorgan, Mr. Grassley, Mr. Conrad, Mr. Johnson, Mr. Tester, and Mr. Barrasso) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. Harkin (for himself, Mr. Chambliss, Mr. Baucus, and Mr. Grassley) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1234, between lines 11 and 12, insert the following:

SEC. 102___. LIMITATION ON USE OF FORWARD CONTRACTS.

(a) In General.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192) (as amended by section 10207(a)), is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

"(g)(1) Use, in effectuating any sale of livestock, a forward contract that—

"(A) does not contain a firm base price that may be equated to a fixed dollar amount on the day on which the forward contract is entered into;

"(B) is not offered for bid in an open, public manner under which—

"(i) buyers and sellers have the opportunity to participate in the bid; more than 1 blind bid is solicited; and buyers and sellers may witness bids that are made and accepted;

"(ii) is based on a formula price; or

"(iii) provides for the sale of livestock in a quantity in excess of—

"(I)(aa) in the case of cattle, 40 cattle;

"(bb) in the case of swine, 30 swine; and

"(cc) in the case of other types of livestock, a comparable quantity of the type of livestock determined by the Secretary; or

"(II) such other quantity, as determined appropriate by the Secretary, except that

"(2) paragraph (1) shall not apply to—

"(A) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

"(i) own, feed, or control livestock; and

"(ii) provide the livestock to the cooperative for slaughter;

"(B) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

"(C) a packer that owns 1 livestock processing plant;".

(b) Definitions.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)) (as amended by section 10203) is amended—

(1) by redesignating paragraphs (5) through (18) as paragraphs (7) through (20), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) Formula price.—

"(A) In general.—The term 'formula price' means any price term that establishes a base from which a purchase price is calculated on the basis of a price that will not be determined or reported until a date after the day the forward price is established.

"(B) Exclusion.—The term 'formula price' does not include—

"(i) any price term that establishes a base from which a purchase price is calculated on the basis of a futures market price; or

"(ii) any adjustment to the base for quality, grade, or other factors relating to the value of livestock or livestock products that are readily verifiable market factors and are outside the control of the packer.

"(6) Forward contract.—The term 'forward contract' means an oral or written contract for the purchase of livestock that provides for the delivery of the livestock to a packer at a date that is more than 7 days after the date on which the contract is entered into, without regard to whether the contract is for—

"(A) a specified lot of livestock; or

"(B) a specified number of livestock over a certain period of time.".

SA 3692. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1587, after line 18, add the following:

Subtitle G—Temporary Repeal of Individual AMT

SEC. 12701. TEMPORARY REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

"For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2006, and before January 1, 2009, shall be zero.".

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 (relating to credit for prior year minimum tax liability) is amended to read as follows:

"(c) LIMITATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

"(B) the tentative minimum tax for the taxable year.

"(2) TAXABLE YEARS BEGINNING AFTER 2006 AND BEFORE 2009.—In the case of any taxable year beginning after 2006 and before 2009, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Subtitle H—Extension of Certain Expiring Provisions Through 2009

SEC. 12801. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to qualified clinical testing expenses) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 12802. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12803. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking "and 2008" and inserting "2008, and 2009".

SEC. 12804. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 12805. MORTGAGE INSURANCE PREMIUMS TREATED AS INTEREST.

(a) IN GENERAL.—Subclause (I) of section 163(h)(3)(E)(iv) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2007.

SEC. 12806. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12807. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 12808. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 12809. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 12810. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 12811. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking "first 2 taxable years" and inserting "first 4 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12812. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12813. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 12814. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 12815. EXTENSION AND MODIFICATION OF CREDIT TO HOLDERS OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subsection (e) of section 1397E (relating to limitation on amount of bonds designated) is amended by striking "1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, and 2007" and inserting "each of calendar years 1998 through 2009".

(b) MODIFICATION OF ARBITRAGE RULES.—

(1) IN GENERAL.—Subsection (g) of section 1397E (relating to special rules relating to arbitrage) is amended to read as follows:

"(g) SPECIAL RULES RELATING TO ARBITRAGE.—

"(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

"(2) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any investment of available project proceeds during the 5-year period described in subsection (f)(1)(A) (including any extension of such period under subsection (f)(2)).

"(3) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any fund which is expected to be used to repay such issue if—

"(A) such fund is funded at a rate not more rapid than equal annual installments,

"(B) such fund is funded in a manner that such fund will not exceed the amount necessary to repay the issue if invested at the maximum rate permitted under subparagraph (C), and

"(C) the yield on such fund is not greater than the discount rate determined under subsection (d)(3) with respect to the issue.".

(2) APPLICATION OF AVAILABLE PROJECT PROCEEDS TO OTHER REQUIREMENTS.—Subsections (d)(1)(A), (d)(2)(A), (f)(1)(A), (f)(1)(B), (f)(1)(C), and (f)(3) of section 1397E are each amended by striking "proceeds" and inserting "available project proceeds"

(3) AVAILABLE PROJECT PROCEEDS DEFINED.—Subsection (i) of section 1397E (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

"(A) the excess of—

"(i) the proceeds from the sale of an issue, over

"(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

"(B) the proceeds from any investment of the excess described in subparagraph (A).".

(c) EFFECTIVE DATE.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2007.

(2) MODIFICATION OF ARBITRAGE RULES.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 12816. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking "2007" both places it appears and inserting "2009".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking "2007" and inserting "2009".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking "2008" each place it appears and inserting "2010".

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking "2012" and inserting "2014", and

(ii) by striking "2012" in the heading thereof and inserting "2014".

(B) Section 1400B(g)(2) is amended by striking "2012" and inserting "2014".

(C) Section 1400F(d) is amended by striking "2012" and inserting "2014".

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking "2008" and inserting "2010".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 12817. DISCLOSURE FOR COMBINED EMPLOYMENT TAX REPORTING.

(a) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

SEC. 12818. DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

SEC. 12819. DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) IN GENERAL.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

SEC. 12820. DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after December 31, 2007.

SEC. 12821. AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "January 1, 2008" each place it appears and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

SEC. 12822. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 12823. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Paragraph (3) of section 9812(f) (relating to application of section) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to benefits for services furnished after December 31, 2007.

SEC. 12824. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking "first two taxable years" and inserting "first 4 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12825. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 12826. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 12827. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 12828. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 12829. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 12830. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) TECHNICAL AMENDMENT RELATED TO SECTION 1203 OF THE PENSION PROTECTION ACT OF 2006.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

"(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

"(A) the shareholder's pro rata share of such contribution, over

"(B) the shareholder's pro rata share of the adjusted basis of such property.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

(2) TECHNICAL AMENDMENT.—The amendment made by subsection (b)shall take effect as if included in the provision of the Pension Protection Act of 2006 to which it relates.

SEC. 12831. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking "or 2007" and inserting "2007, 2008, or 2009".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 12832. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 12833. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) Qualified Mortgage Bonds Used To Finance Residences for Veterans Without Regard to First-Time Homebuyer Requirement.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) Effective Date.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

SEC. 12834. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) In General.—Clause (iv) of section 72(t)(2)(G) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 12835. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) In General.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 12836. QUALIFIED INVESTMENT ENTITIES.

(a) In General.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 2008.

SEC. 12837. DISCLOSURE OF RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS.

(a) In General.—The last sentence of paragraph (7) of section 6103(l) is amended by striking "September 30, 2008" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.

SEC. 12838. RETURNS RELATING TO APPLICABLE INSURANCE CONTRACTS IN WHICH CERTAIN EXEMPT ORGANIZATIONS HOLD INTERESTS.

(a) In General.—Section 6050V(e) (relating to termination) is amended by striking "the date which is 2 years after the date of the enactment of this section" and insert "December 31, 2009".

(b) Effective Date.—The amendment made by subsection (a) shall apply to reportable acquisitions occurring after August 17, 2008.

SEC. 12839. MINE RESCUE TEAM TRAINING CREDIT.

(a) In General.—Section 45N(e) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2008.

SEC. 12840. ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

(a) In General.—Section 179E(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2008.

SEC. 12841. TREATMENT OF CERTAIN QUALIFIED FILM AND TELEVISION PRODUCTIONS.

(a) In General.—Section 181(f) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by subsection (a) shall apply to qualified film and television productions commencing after December 31, 2008.

SEC. 12842. CONTROLLED FOREIGN CORPORATIONS.

(a) Subpart F Exception for Active Financing.—

(1) Exempt insurance income.—Paragraph (10) of section 953(e) (relating to application) is amended—

(A) by striking "January 1, 2009" and inserting "January 1, 2010", and

(B) by striking "December 31, 2008" and inserting "December 31, 2009".

(2) Exception to treatment as foreign personal holding company income.—Paragraph (9) of section 954(h) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

(b) Look-Through Treatment of Payments Between Related Controlled Foreign Corporations Under the Foreign Personal Holding Company Rules.—Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

(c) Effective Date.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2008, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SA 3693. Mr. DeMINT submitted an amendment intended to be proposed to the amendment SA 3500 proposed by Mr. Harkin (for himself, Mr. Chambliss, Mr. Baucus, and Mr. Grassley) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1587, after line 18, add the following:

Subtitle G—Repeal of Federal Estate and Gift Taxes

SEC. 12701. REPEAL OF FEDERAL ESTATE AND GIFT TAXES.

(a) In General.—Subtitle B of the Internal Revenue Code of 1986 (relating to estate, gift, and generation-skipping taxes) is hereby repealed.

(b) Effective Date.—The repeal made by subsection (a) shall apply to estates of decedents dying, gifts made, and generation-skipping transfers made after the date of the enactment of this Act.

SA 3694. Mr. STEVENS (for himself and Ms. Murkowski) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. Harkin (for himself, Mr. Chambliss, Mr. Baucus, and Mr. Grassley) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 246, strike line 23 and all that follows through page 247, line 2, and insert the following:

"(c) Minimum Grant Amount.—

"(1) In general.—Notwithstanding subsection (b), each State shall receive a grant under this section for each fiscal year in an amount that is at least ½ of 1 percent of the total amount of funding made available to carry out this section for the fiscal year.

"(2) Eligibility of seafood.—For purposes of providing grants to States under this subsection only, seafood shall be considered to be a specialty crop.";

SA 3695. Mr. DORGAN (for himself and Mr. Grassley) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 187, strike line 8 and all that follows through page 209, line 18, and insert the following:

SEC. 1703. PAYMENT LIMITATIONS.

(a) In General.—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

"(A) In general.—The term 'entity' means—

"(i) an organization that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under a provision of law referred to in subsection (b) or (c);

"(ii) a corporation, joint stock company, association, limited partnership, limited liability company, limited liability partnership, charitable organization, estate, irrevocable trust, grantor of a revocable trust, or other similar entity (as determined by the Secretary); and

"(iii) an organization that is participating in a farming operation as a partner in a general partnership or as a participant in a joint venture.

"(B) Exclusion.—The term 'entity' does not include a general partnership or joint venture.

"(C) Estates.—In promulgating regulations to define the term 'entity' as the term applies to estates, the Secretary shall ensure that fair and equitable treatment is given to estates and the beneficiaries of estates.

"(D) Irrevocable trusts.—In promulgating regulations to define the term 'entity' as the term applies to irrevocable trusts, the Secretary shall ensure that irrevocable trusts are legitimate entities that have not been created for the purpose of avoiding a payment limitation.

"(2) Individual.—The term 'individual' means—

"(A) a natural person, and any minor child of the natural person (as determined by the Secretary), who, subject to the requirements of this section and section 1001A, is eligible to receive a payment under a provision of law referred to in subsection (b), (c), or (d); and

"(B) a natural person participating in a farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or a participant in a similar entity (as determined by the Secretary).";

(2) by striking subsection (b) and inserting the following:

"(b) Limitation on Direct Payments.—The total amount of direct payments that an individual or entity may receive, directly or indirectly, during any crop year under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007 for 1 or more covered commodities and peanuts, or average crop revenue payments determined under section 1401(b)(2) of that Act, shall not exceed $20,000.";

(3) by striking subsection (c) and inserting the following:

"(c) LIMITATION ON COUNTER-CYCLICAL PAYMENTS.—The total amount of counter-cyclical payments that an individual or entity may receive, directly or indirectly, during any crop year under part I or III of subtitle A or C of title I of the Food and Energy Security Act of 2007 for 1 or more covered commodities and peanuts, or average crop revenue payments determined under section 1401(b)(3) of that Act, shall not exceed $30,000.";

(4) by striking subsection (d) and inserting the following:

"(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—The total amount of the following gains and payments that an individual or entity may receive during any crop year may not exceed $75,000:

"(1)(A) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities and peanuts under part II of subtitle A of title I of the Food and Energy Security Act of 2007 at a lower level than the original loan rate established for the loan commodity under that subtitle.

"(B) In the case of settlement of a marketing assistance loan for 1 or more loan commodities and peanuts under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

"(2) Any loan deficiency payments received for 1 or more loan commodities and peanuts under that subtitle.

"(3) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities and peanuts, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle or section 1307 of that Act (7 U.S.C. 7957).";

(5) by striking subsection (e);

(6) by redesignating subsections (f) and (g) as subsections (i) and (j), respectively;

(7) by inserting after subsection (d) the following:

"(e) PAYMENTS TO INDIVIDUALS AND ENTITIES.—Notwithstanding, subsections (b) through (d), an individual or entity may receive, directly or indirectly, through all ownership interests of the individual or entity, from all sources, payments or gains (as applicable) for a crop year that shall not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

"(f) SINGLE FARMING OPERATION.—Notwithstanding subsections (b) through (d), if an individual or entity participates only in a single farming operation and receives, directly or indirectly, any payment or gain covered by this section through the farming operation, the total amount of payments or gains (as applicable) covered by this section that the individual or entity may receive during any crop year shall not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

"(g) SPOUSAL EQUITY.—

"(1) IN GENERAL.—Notwithstanding subsections (b) through (f), except as provided in paragraph (2), if an individual and the spouse of the individual are covered by paragraph (2) and receive, directly or indirectly, any payment or gain covered by this section, the total amount of payments or gains (as applicable) covered by this section that the individual and spouse may jointly receive during any crop year may not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

"(2) EXCEPTIONS.—

"(A) SEPARATE FARMING OPERATIONS.—In the case of a married couple in which each spouse, before the marriage, was separately engaged in an unrelated farming operation, each spouse shall be treated as a separate individual with respect to a farming operation brought into the marriage by a spouse, subject to the condition that the farming operation shall remain a separate farming operation, as determined by the Secretary.

"(B) ELECTION TO RECEIVE SEPARATE PAYMENTS.—A married couple may elect to receive payments separately in the name of each spouse if the total amount of payments and benefits described in subsections (b), (c), and (d) that the married couple receives, directly or indirectly, does not exceed an amount equal to twice the applicable dollar amounts specified in those subsections.

"(h) ATTRIBUTION OF PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall issue such regulations as are necessary to ensure that all payments or gains (as applicable) are attributed to an individual by taking into account the direct and indirect ownership interests of the individual in an entity that is eligible to receive such payments or gains (as applicable).

"(2) PAYMENTS TO AN INDIVIDUAL.—Every payment made directly to an individual shall be combined with the individual's pro rata interest in payments received by an entity or entities in which the individual has a direct or indirect ownership interest.

"(3) PAYMENTS TO AN ENTITY.—

"(A) IN GENERAL.—Every payment or gain (as applicable) made to an entity shall be attributed to those individuals who have a direct or indirect ownership in the entity.

"(B) ATTRIBUTION OF PAYMENTS.—

"(i) PAYMENT LIMITS.—Except as provided by clause (ii), payments or gains (as applicable) made to an entity shall not exceed twice the amounts specified in subsections (b) through (d).

"(ii) EXCEPTION.—Payments or gains (as applicable) made to a joint venture or a general partnership shall not exceed, for each payment or gain (as applicable) specified in subsections (b) through (d), the amount determined by multiplying twice the maximum payment amount specified in subsections (b), (c), and (d) by the number of individuals and entities (other than joint ventures and general partnerships) that comprise the ownership of the joint venture or general partnership.

"(4) 4 LEVELS OF ATTRIBUTION FOR EMBEDDED ENTITIES.—

"(A) IN GENERAL.—Attribution of payments or gains (as applicable) made to entities shall be traced through 4 levels of ownership in entities.

"(B) FIRST LEVEL.—Any payments or gains (as applicable) made to an entity (a first-tier entity) that is owned in whole or in part by an individual shall be attributed to the individual in an amount that represents the direct ownership in the first-tier entity by the individual.

"(C) SECOND LEVEL.—

"(i) IN GENERAL.—Any payments or gains (as applicable) made to a first-tier entity that is owned in whole or in part by another entity (a second-tier entity) shall be attributed to the second-tier entity in proportion to the ownership interest of the second-tier entity in the first-tier entity.

"(ii) OWNERSHIP BY INDIVIDUAL.—If the second-tier entity is owned in whole or in part by an individual, the amount of the payment made to the first-tier entity shall be attributed to the individual in the amount the Secretary determines to represent the indirect ownership in the first-tier entity by the individual.

"(D) THIRD AND FOURTH LEVELS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall attribute payments or gains (as applicable) at the third and fourth tiers of ownership in the same manner as specified in subparagraph (C).

"(ii) FOURTH-TIER OWNERSHIP BY ENTITY.—If the fourth-tier of ownership is that of a fourth-tier entity, the Secretary shall reduce the amount of the payment to be made to the first-tier entity in the amount that the Secretary determines to represent the indirect ownership in the first-tier entity by the fourth-tier entity."; and

(8) in subsection (i) (as redesignated by paragraph (6)), by striking "person" and inserting "individual or entity".

(b) SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308-1) is amended—

(1) by striking the section designation and heading and all that follows through the end of subsection (a) and inserting the following:

"SEC. 1001A. SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.

"(a) SUBSTANTIVE CHANGE.—

"(1) IN GENERAL.—For purposes of the application of limitations under this section, the Secretary shall not approve any change in a farming operation that otherwise would increase the number of individuals or entities (as defined in section 1001(a)) to which the limitations under this section apply, unless the Secretary determines that the change is bona fide and substantive.

"(2) FAMILY MEMBERS.—For the purpose of paragraph (1), the addition of a family member (as defined in subsection (b)(2)(A)) to a farming operation under the criteria established under subsection (b)(3)(B) shall be considered to be a bona fide and substantive change in the farming operation.

"(3) PRIMARY CONTROL.—To prevent a farm from reorganizing in a manner that is inconsistent with the purposes of this Act, the Secretary shall promulgate such regulations as the Secretary determines to be necessary to simultaneously attribute payments for a farming operation to more than 1 individual or entity, including the individual or entity that exercises primary control over the farming operation, including to respond to—

"(A)(i) any instance in which ownership of a farming operation is transferred to an individual or entity under an arrangement that provides for the sale or exchange of any asset or ownership interest in 1 or more entities at less than fair market value; and

"(ii) the transferor is provided preferential rights to repurchase the asset or interest at less than fair market value; or

"(B) a sale or exchange of any asset or ownership interest in 1 or more entities under an arrangement under which rights to exercise control over the asset or interest are retained, directly or indirectly, by the transferor.";

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—To be eligible to receive, directly or indirectly, payments or benefits described as being subject to limitation in subsection (b) through (d) of section 1001 with respect to a particular farming operation, an individual or entity (as defined in section 1001(a)) shall be actively engaged in farming with respect to the farming operation, in accordance with paragraphs (2), (3), and (4).'';

(B) in paragraph (2)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

"(A) DEFINITIONS.—In this paragraph:

"(i) ACTIVE PERSONAL MANAGEMENT.—The term 'active personal management' means, with respect to an individual, administrative duties carried out by the individual for a farming operation—

"(I) that are personally provided by the individual on a regular, substantial, and continuing basis; and

"(II) relating to the supervision and direction of—

"(aa) activities and labor involved in the farming operation; and

"(bb) onsite services directly related and necessary to the farming operation.

"(ii) FAMILY MEMBER.—The term 'family member', with respect to an individual participating in a farming operation, means an individual who is related to the individual as a lineal ancestor, a lineal descendant, or a sibling (including a spouse of such an individual).

"(B) ACTIVE ENGAGEMENT.—Except as provided in paragraph (3), for purposes of paragraph (1), the following shall apply:

"(i) An individual shall be considered to be actively engaged in farming with respect to a farming operation if—

"(I) the individual makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of—

"(aa) capital, equipment, or land; and

"(bb) personal labor and active personal management;

"(II) the share of the individual of the profits or losses from the farming operation is commensurate with the contributions of the individual to the operation; and

"(III) a contribution of the individual is at risk.

"(ii) An entity shall be considered to be actively engaged in farming with respect to a farming operation if—

"(I) the entity makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of capital, equipment, or land;

"(II)(aa) the stockholders or members that collectively own at least 51 percent of the combined beneficial interest in the entity each make a significant contribution of personal labor and active personal management to the operation; or

"(bb) in the case of an entity in which all of the beneficial interests are held by family members, any stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) who owns at least 10 percent of the beneficial interest in the entity makes a significant contribution of personal labor or active personal management; and

"(III) the entity meets the requirements of subclauses (II) and (III) of clause (i).'';

(ii) in subparagraph (C), by striking "and the standards provided'' and all that follows through "active personal management'' and inserting "the partners or members making a significant contribution of personal labor or active personal management and meeting the standards provided in subclauses (II) and (III) of subparagraph (B)(i)''; and

(iii) by adding at the end the following:

"(E) SIGNIFICANT CONTRIBUTION OF PERSONAL LABOR OR ACTIVE PERSONAL MANAGEMENT.—

"(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (B), an individual shall be considered to be providing, on behalf of the individual or an entity, a significant contribution of personal labor or active personal management, if the total contribution of personal labor and active personal management is at least equal to the lesser of—

"(I) 1,000 hours; and

"(II) a period of time equal to—

"(aa) 50 percent of the commensurate share of the total number of hours of personal labor and active personal management required to conduct the farming operation; or

"(bb) in the case of a stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) that owns at least 10 percent of the beneficial interest in an entity in which all of the beneficial interests are held by family members, 50 percent of the commensurate share of hours of the personal labor and active personal management of all family members required to conduct the farming operation.

"(ii) MINIMUM LABOR HOURS.—For the purpose of clause (i), the minimum number of labor hours required to produce a commodity shall be equal to the number of hours that would be necessary to conduct a farming operation for the production of each commodity that is comparable in size to the commensurate share of an individual or entity in the farming operation for the production of the commodity, based on the minimum number of hours per acre required to produce the commodity in the State in which the farming operation is located, as determined by the Secretary.'';

(C) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

"(A) LANDOWNERS.—An individual or entity that is a landowner contributing owned land, and that meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), if, as determined by the Secretary—

"(i) the landowner share-rents the land at a rate that is usual and customary; and

"(ii) the share received by the landowner is commensurate with the share of the crop or income received as rent.'';

(ii) in subparagraph (B)—

(I) in the first sentence—

(aa) by striking "persons, a majority of whom are individuals who'' and inserting "individuals who are family members, or an entity the majority of the stockholders or members of which''; and

(bb) by striking "standards provided in clauses (ii) and (iii) of paragraph (2)(A)'' and inserting "requirements of subclauses (II) and (III) of paragraph (2)(B)(i)''; and

(II) by striking the second sentence; and

(iii) in subparagraph (C), by striking "standards provided in clauses (ii) and (iii) of paragraph (2)(A)'' and inserting "requirements of subclauses (II) and (III) of paragraph (2)(B)(i), and who was receiving payments from the landowner as a sharecropper prior to the effective date of the Food and Energy Security Act of 2007'';

(D) in paragraph (4)—

(i) in the paragraph heading, by striking "PERSONS'' and inserting "INDIVIDUALS AND ENTITIES'';

(ii) in the matter preceding subparagraph (A), by striking "persons'' and inserting "individuals and entities''; and

(iii) by striking subparagraph (B) and inserting the following:

"(B) OTHER INDIVIDUALS AND ENTITIES.—Any other individual or entity, or class of individuals or entities, that fails to meet the requirements of paragraphs (2) and (3), as determined by the Secretary.'';

(E) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(F) by inserting after paragraph (4) the following:

"(5) PERSONAL LABOR AND ACTIVE PERSONAL MANAGEMENT.—No stockholder or member may provide personal labor or active personal management to meet the requirements of this subsection for individuals or entities that collectively receive, directly or indirectly, an amount equal to more than twice the applicable limits under subsections (b), (c), and (d) of section 1001.''; and

(G) in paragraph (6) (as redesignated by subparagraph (E))—

(i) in the first sentence—

(I) by striking "A person'' and inserting "An individual or entity''; and

(II) by striking "such person'' and inserting "the individual or entity''; and

(ii) by striking the second sentence; and

(3) by adding at the end the following:

"(c) NOTIFICATION BY ENTITIES.—To facilitate the administration of this section, each entity that receives payments or benefits described as being subject to limitation in subsection (b), (c), or (d) of section 1001 with respect to a particular farming operation shall—

"(1) notify each individual or other entity that acquires or holds a beneficial interest in the farming operation of the requirements and limitations under this section; and

"(2) provide to the Secretary, at such times and in such manner as the Secretary may require, the name and social security number of each individual, or the name and taxpayer identification number of each entity, that holds or acquires such a beneficial interest.''.

(c) SCHEMES OR DEVICES.—Section 1001B of the Food Security Act of 1985 (7 U.S.C. 1308–2) is amended—

(1) by inserting "(a) IN GENERAL.—'' before "If'';

(2) in subsection (a) (as designated by paragraph (1)), by striking "person'' each place it appears and inserting "individual or entity''; and

(3) by adding at the end the following:

"(b) EXTENDED INELIGIBILITY.—If the Secretary determines that an individual or entity, for the benefit of the individual or entity or of any other individual or entity, has knowingly engaged in, or aided in the creation of fraudulent documents, failed to disclose material information relevant to the administration of this subtitle requested by the Secretary, or committed other equally serious actions as identified in regulations issued by the Secretary, the Secretary may for a period not to exceed 5 crop years deny the issuance of payments to the individual or entity.

"(c) FRAUD.—If fraud is committed by an individual or entity in connection with a scheme or device to evade, or that has the purpose of evading, section 1001, 1001A, or 1001C, the individual or entity shall be ineligible to receive farm program payments described as being subject to limitation in subsection (b), (c), or (d) of section 1001 for—

"(1) the crop year for which the scheme or device is adopted; and

"(2) the succeeding 5 crop years.

"(d) JOINT AND SEVERAL LIABILITY.—Any individual or entity that participates in a scheme or device described in subsection (a) or (b) shall be jointly and severally liable for any and all overpayments resulting from the scheme or device, and subject to program ineligibility resulting from the scheme or device, regardless of whether a particular individual or entity was a payment recipient.

"(e) WAIVER AUTHORITY.—

"(1) IN GENERAL.—The Secretary may fully or partially release an individual or entity from liability for repayment of program proceeds under subsection (d) if the individual or entity cooperates with the Department of Agriculture by disclosing a scheme or device to evade section 1001, 1001A, or 1001C or any other provision of law administered by the Secretary that imposes a payment limitation.

"(2) DISCRETION.—The decision of the Secretary under this subsection is vested in the sole discretion of the Secretary.".

(d) FOREIGN INDIVIDUALS AND ENTITIES MADE INELIGIBLE FOR PROGRAM BENEFITS.—Section 1001C of the Food Security Act of 1985 (7 U.S.C. 1308–3) is amended—

(1) in the section heading, by striking "**PERSONS**" and inserting "**INDIVIDUALS AND ENTITIES**";

(2) in subsection (a), by striking "person" each place it appears and inserting "individual";

(3) in subsection (b)—

(A) in the subsection heading, by striking "CORPORATION OR OTHER"; and

(B) in the first sentence—

(i) by striking "a corporation or other entity shall be considered a person that" and inserting "an entity"; and

(ii) by striking "persons" both places it appears and inserting "individuals"; and

(4) in subsection (c), by striking "person" and inserting "entity or individual".

(e) TREATMENT OF MULTIYEAR PROGRAM CONTACT PAYMENTS.—Section 1001F of the Food Security Act of 1985 (7 U.S.C. 1308–5) is repealed.

(f) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(1) the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) (as amended by section 1812), an additional $5,000,000 for each of fiscal years 2009 through 2011;

(2) the national organic certification cost-share program established under section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) (as amended by section 1823), an additional $3,000,000 for fiscal year 2012;

(3) the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the "Farm and Ranch Lands Protection Program"), an additional—

(A) $17,000,000 for each of fiscal years 2009 and 2010; and

(B) $18,000,000 for fiscal year 2011;

(4) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $45,000,000 for the period of fiscal years 2008 through 2012;

(5) the availability of commodities for the emergency food assistance program under section 27(a) of the Food and Nutrition Act of 2007 (7 U.S.C. 2036(a)) (as amended by section 4110(a)), an additional $63,000,000 for each of fiscal years 2013 through 2017;

(6) the emergency food assistance program under section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) (as amended by section 4802(a)), an additional—

(A) $13,000,000 for fiscal year 2009;

(B) $14,000,000 for each of fiscal years 2010 and 2011; and

(C) $15,000,000 for fiscal year 2012;

(7) the improvements to the food and nutrition program made by sections 4103, 4108, 4110(a)(2), 4208, and 4801(g) (and the amendments made by those sections) without regard to section 4908(b);

(8) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2009 through 2012;

(9) the determination on the merits of Pigford claims under section 5402, an additional $20,000,000 for fiscal year 2008 and $40,000,000 for each of fiscal years 2009 and 2010 (including by providing an increased maximum amount under subsection (c)(2) of that section of $200,000,000);

(10) the rural microenterprise assistance program established under section 366 of the Consolidated Farm and Rural Development Act (as added by section 6022), an additional $40,000,000 for fiscal year 2009; and

(11) the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2009 through 2012.

SA 3696. Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

Subtitle C—Disaster Loan Program

SEC. 11101. SHORT TITLE.

This subtitle may be cited as the "Small Business Disaster Response and Loan Improvements Act of 2007".

SEC. 11102. DEFINITIONS.

In this subtitle—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "Small Business Act catastrophic national disaster" means a Small Business Act catastrophic national disaster declared under section 7(b)(11) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act;

(3) the term "declared disaster" means a major disaster or a Small Business Act catastrophic national disaster;

(4) the term "disaster area" means an area affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), during the period of such declaration;

(5) the term "disaster loan program of the Administration" means assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(6) the term "disaster update period" means the period beginning on the date on which the President declares a major disaster or a Small Business Act catastrophic national disaster and ending on the date on which such declaration terminates;

(7) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(8) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(9) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

PART I—DISASTER PLANNING AND RESPONSE

SEC. 11121. DISASTER LOANS TO NONPROFITS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) LOANS TO NONPROFITS.—In addition to any other loan authorized by this subsection, the Administrator may make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a nonprofit organization located or operating in an area affected by a natural or other disaster, as determined under paragraph (1) or (2), or providing services to persons who have evacuated from any such area.".

SEC. 11122. DISASTER LOAN AMOUNTS.

(a) INCREASED LOAN CAPS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (4), as added by this Act, the following:

"(5) INCREASED LOAN CAPS.—

"(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $2,000,000.

"(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, increase the aggregate loan amount under subparagraph (A) for loans relating to a disaster to a level established by the Administrator, based on appropriate economic indicators for the region in which that disaster occurred.".

(b) DISASTER MITIGATION.—

(1) IN GENERAL.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting "of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)" after "20 per centum".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "the, Administration" and inserting "the Administration";

(2) in paragraph (2)(A), by striking "Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (in this subsection referred to as a 'major disaster')"; and

(3) in the undesignated matter at the end—

(A) by striking ", (2), and (4)" and inserting "and (2)"; and

(B) by striking ", (2), or (4)" and inserting "(2)".

SEC. 11123. SMALL BUSINESS DEVELOPMENT CENTER PORTABILITY GRANTS.

Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended—

(1) in the first sentence, by striking "as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability" and inserting "due to events that have resulted or will result in, business or government facility downsizing or closing"; and

(2) by adding at the end "At the discretion of the Administrator, the Administrator may make an award greater than $100,000 to a recipient to accommodate extraordinary occurrences having a catastrophic impact on the small business concerns in a community.".

SEC. 11124. ASSISTANCE TO OUT-OF-STATE BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking "At the discretion" and inserting the following: "SMALL BUSINESS DEVELOPMENT CENTERS.—

"(A) IN GENERAL.—At the discretion"; and

(2) by adding at the end the following:

"(B) DURING DISASTERS.—

"(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide such assistance to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in a disaster area declared under section 7(b)(2)(A).

"(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which such small business development center otherwise provides services.

"(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of providing disaster recovery assistance under this subparagraph, the Administrator shall, to the maximum extent practicable, permit small business development center personnel to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.".

SEC. 11125. OUTREACH PROGRAMS.

(a) IN GENERAL.—Not later than 30 days after the date of the declaration of a disaster area, the Administrator may establish a contracting outreach and technical assistance program for small business concerns which have had a primary place of business in, or other significant presence in, such disaster area.

(b) ADMINISTRATOR ACTION.—The Administrator may carry out subsection (a) by acting through—

(1) the Administration;

(2) the Federal agency small business officials designated under section 15(k)(1) of the Small Business Act (15 U.S.C. 644(k)(1)); or

(3) any Federal, State, or local government entity, higher education institution, procurement technical assistance center, or private nonprofit organization that the Administrator may determine appropriate, upon conclusion of a memorandum of understanding or assistance agreement, as appropriate, with the Administrator.

SEC. 11126. SMALL BUSINESS BONDING THRESHOLD.

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, for any procurement related to a major disaster, the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

(b) INCREASE OF AMOUNT.—Upon request of the head of any Federal agency other than the Administration involved in reconstruction efforts in response to a major disaster, the Administrator may guarantee and enter into a commitment to guarantee any security against loss under subsection (a) on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

SEC. 11127. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after "January 1, 1989" the following: ", and shall terminate on the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007".

SEC. 11128. INCREASING COLLATERAL REQUIREMENTS.

Section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)) is amended by striking "$10,000 or less" and inserting "$14,000 or less (or such higher amount as the Administrator determines appropriate in the event of a Small Business Act catastrophic national disaster declared under subsection (b)(11))".

SEC. 11129. PUBLIC AWARENESS OF DISASTER DECLARATION AND APPLICATION PERIODS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

"(6) COORDINATION WITH FEMA.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, for any disaster (including a Small Business Act catastrophic national disaster) declared under this subsection or major disaster, the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act correspond with application deadlines established under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or as extended by the President.

"(B) DEADLINES.—Notwithstanding any other provision of law, not later than 10 days before the closing date of an application period for a major disaster (including a Small Business Act catastrophic national disaster), the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

"(i) the deadline for submitting applications for assistance under this Act relating to that major disaster;

"(ii) information regarding the number of loan applications and disbursements processed by the Administrator relating to that major disaster for each day during the period beginning on the date on which that major disaster was declared and ending on the date of that report; and

"(iii) an estimate of the number of potential applicants that have not submitted an application relating to that major disaster.

"(7) PUBLIC AWARENESS OF DISASTERS.—If a disaster (including a Small Business Act catastrophic national disaster) is declared under this subsection, the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan applicants, including—

"(A) the date of such declaration;

"(B) cities and towns within the area of such declaration;

"(C) loan application deadlines related to such disaster;

"(D) all relevant contact information for victim services available through the Administration (including links to small business development center websites);

"(E) links to relevant Federal and State disaster assistance websites, including links to websites providing information regarding assistance available from the Federal Emergency Management Agency;

"(F) information on eligibility criteria for Administration loan programs, including where such applications can be found; and

"(G) application materials that clearly state the function of the Administration as the Federal source of disaster loans for homeowners and renters.".

(b) MARKETING AND OUTREACH.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration;

(2) makes clear the services provided by the Administration, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are made available and the eligibility requirements for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

SEC. 11130. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARD OPERATING PROCEDURES.

(a) IN GENERAL.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster loan program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administration shall submit to Congress a report containing all findings and recommendations of the study conducted under subsection (a).

SEC. 11131. PROCESSING DISASTER LOANS.

(a) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS TO PROCESS DISASTER LOANS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (7), as added by this Act, the following:

"(8) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS.—

"(A) DISASTER LOAN PROCESSING.—The Administrator may enter into an agreement with a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster or a Small Business Act catastrophic national disaster declared under paragraph (11), under which the Administrator shall pay the contractor a fee for each loan processed.

"(B) LOAN LOSS VERIFICATION SERVICES.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this subsection in the event of a major disaster or a Small Business Act catastrophic national disaster declared under paragraph (11), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.".

(b) COORDINATION OF EFFORTS BETWEEN THE ADMINISTRATOR AND THE INTERNAL REVENUE SERVICE TO EXPEDITE LOAN PROCESSING.—The Administrator and the Commissioner of Internal Revenue shall, to the maximum extent practicable, ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner, upon request by the Administrator.

SEC. 11132. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) by rule, amend the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the "disaster response plan") to apply to major disasters; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the amendments to the disaster response plan.

(b) CONTENTS.—The report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted to Congress on July 14, 2006;

(2) a description of how the Administrator plans to utilize and integrate District Office personnel of the Administration in the response to a major disaster, including information on the utilization of personnel for loan processing and loan disbursement;

(3) a description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;

(4) a description of how the agency-wide Disaster Oversight Council is structured, which offices comprise its membership, and whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;

(5) a description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government officials, including recommendations on how to better incorporate State initiatives or programs, such as State-administered bridge loan programs, into the disaster response of the Administration;

(6) recommendations, if any, on how the Administration can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;

(7) any surge plan for the disaster loan program of the Administration in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(8) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(9) the in-service and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster;

(11) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and

(12) a plan for how the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.

(c) EXERCISES.—Not later than 6 months after the date of the submission of the report under subsection (a)(2), the Administrator shall develop and execute simulation exercises to demonstrate the effectiveness of the amended disaster response plan required under this section.

SEC. 11133. DISASTER PLANNING RESPONSIBILITIES.

(a) ASSIGNMENT OF SMALL BUSINESS ADMINISTRATION DISASTER PLANNING RESPONSIBILITIES.—The Administrator shall specifically assign the disaster planning responsibilities described in subsection (b) to an employee of the Administration who—

(1) is not an employee of the Office of Disaster Assistance of the Administration;

(2) shall report directly to the Administrator; and

(3) has a background and expertise demonstrating significant experience in the area of disaster planning.

(b) RESPONSIBILITIES.—The responsibilities described in this subsection are—

(1) creating and maintaining the comprehensive disaster response plan of the Administration;

(2) ensuring in-service and pre-service training procedures for the disaster response staff of the Administration;

(3) coordinating and directing Administration training exercises, including mock disaster responses, with other Federal agencies; and

(4) other responsibilities, as determined by the Administrator.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(1) a description of the actions of the Administrator to assign an employee under subsection (a);

(2) information detailing the background and expertise of the employee assigned under subsection (a); and

(3) information on the status of the implementation of the responsibilities described in subsection (b).

SEC. 11134. ADDITIONAL AUTHORITY FOR DISTRICT OFFICES OF THE ADMINISTRATION.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (8), as added by this Act, the following:

"(9) USE OF DISTRICT OFFICES.—In the event of a major disaster, the Administrator may authorize a district office of the Administration to process loans under paragraph (1) or (2).".

(b) DESIGNATION.—

(1) IN GENERAL.—The Administrator may designate an employee in each district office of the Administration to act as a disaster loan liaison between the disaster processing center and applicants under the disaster loan program of the Administration.

(2) RESPONSIBILITIES.—Each employee designated under paragraph (1) shall—

(A) be responsible for coordinating and facilitating communications between applicants under the disaster loan program of the Administration and disaster loan processing staff regarding documentation and information required for completion of an application; and

(B) provide information to applicants under the disaster loan program of the Administration regarding additional services and benefits that may be available to such applicants to assist with recovery.

(3) OUTREACH.—In providing outreach to disaster victims following a declared disaster, the Administrator shall make disaster victims aware of—

(A) any relevant employee designated under paragraph (1); and

(B) how to contact that employee.

SEC. 11135. ASSIGNMENT OF EMPLOYEES OF THE OFFICE OF DISASTER ASSISTANCE AND DISASTER CADRE.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (9), as added by this Act, the following:

"(10) DISASTER ASSISTANCE EMPLOYEES.—

"(A) IN GENERAL.—In carrying out this section, the Administrator may, where practicable, ensure that the number of full-time equivalent employees—

"(i) in the Office of the Disaster Assistance is not fewer than 800; and

"(ii) in the Disaster Cadre of the Administration is not fewer than 750.

"(B) REPORT.—In carrying out this subsection, if the number of full-time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Administration is below the level described in subparagraph (A) for that office, not later than 21 days after the date on which that staffing level decreased below the level described in subparagraph (A), the Administrator shall submit to the Committee on Appropriations and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Appropriations and Committee on Small Business of the House of Representatives, a report—

"(i) detailing staffing levels on that date;

"(ii) requesting, if practicable and determined appropriate by the Administrator, additional funds for additional employees; and

"(iii) containing such additional information, as determined appropriate by the Administrator.".

PART II—DISASTER LENDING

SEC. 11141. SMALL BUSINESS ACT CATASTROPHIC NATIONAL DISASTER DECLARATION.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (10), as added by this Act, the following:

"(11) SMALL BUSINESS ACT CATASTROPHIC NATIONAL DISASTERS.—

"(A) IN GENERAL.—The President may make a Small Business Act catastrophic national disaster declaration in accordance with this paragraph.

"(B) PROMULGATION OF RULES.—

"(i) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Administrator, with the concurrence of the Secretary of Homeland Security and the Administrator of the Federal Emergency Management Agency, shall promulgate regulations establishing a threshold for a Small Business Act catastrophic national disaster declaration.

"(ii) CONSIDERATIONS.—In promulgating the regulations required under clause (i), the Administrator shall establish a threshold that—

"(I) requires that the incident for which the President declares a Small Business Act catastrophic national disaster declaration under this paragraph has resulted in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

"(II) requires that the President declares a major disaster before making a Small Business Act catastrophic national disaster declaration under this paragraph;

"(III) requires consideration of—

"(aa) the dollar amount per capita of damage to the State, its political subdivisions, or a region;

"(bb) the number of small business concerns damaged, physically or economically, as a direct result of the event;

"(cc) the number of individuals and households displaced from their predisaster residences by the event;

"(dd) the severity of the impact on employment rates in the State, its political subdivisions, or a region;

"(ee) the anticipated length and difficulty of the recovery process;

"(ff) whether the events leading to the relevant major disaster declaration are of an unusually large and calamitous nature that is orders of magnitude larger than for an average major disaster; and

"(gg) any other factor determined relevant by the Administrator.

"(C) AUTHORIZATION.—If the President makes a Small Business Act catastrophic national disaster declaration under this paragraph, the Administrator may make such loans under this paragraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to small business concerns located anywhere in the United States that are economically adversely impacted as a result of that Small Business Act catastrophic national disaster.

"(D) LOAN TERMS.—A loan under this paragraph shall be made on the same terms as a loan under paragraph (2).".

SEC. 11142. PRIVATE DISASTER LOANS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) PRIVATE DISASTER LOANS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'disaster area' means any area for which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) that subsequently results in the President making a Small Business Act catastrophic national disaster declaration under subsection (b)(11);

"(B) the term 'eligible small business concern' means a business concern that is—

"(i) a small business concern, as defined in this Act; or

"(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958; and

"(C) the term 'qualified private lender' means any privately-owned bank or other lending institution that the Administrator determines meets the criteria established under paragraph (9).

"(2) AUTHORIZATION.—The Administrator may guarantee timely payment of principal and interest, as scheduled on any loan issued by a qualified private lender to an eligible small business concern located in a disaster area.

"(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (b).

"(4) ONLINE APPLICATIONS.—

"(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

"(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

"(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

"(5) MAXIMUM AMOUNTS.—

"(A) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

"(B) LOAN AMOUNTS.—The maximum amount of a loan guaranteed under this subsection shall be $2,000,000.

"(6) LOAN TERM.—The longest term of a loan for a loan guaranteed under this subsection shall be—

"(A) 15 years for any loan that is issued without collateral; and

"(B) 25 years for any loan that is issued with collateral.

"(7) FEES.—

"(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

"(B) ORIGINATION FEE.—The Administrator may pay a qualified private lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender and the Administrator.

"(8) DOCUMENTATION.—A qualified private lender may use its own loan documentation for a loan guaranteed by the Administrator, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan guaranteed under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (9).

"(9) IMPLEMENTATION REGULATIONS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

"(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

"(10) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration to carry out subsection (b).

"(B) AUTHORITY TO REDUCE INTEREST RATES.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator, to the extent available, to reduce the rate of interest for any loan guaranteed under this subsection by not more than 3 percentage points.

"(11) PURCHASE OF LOANS.—The Administrator may enter into an agreement with a qualified private lender to purchase any loan issued under this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters declared under section 7(b)(2) of the Small Business Act (631 U.S.C. 636(b)(2)) before, on, or after the date of enactment of this Act.

SEC. 11143. TECHNICAL AND CONFORMING AMENDMENTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking "7(c)(2)" and inserting "7(d)(2)"; and

(B) in paragraph (2)—

(i) by striking "7(c)(2)" and inserting "7(d)(2)"; and

(ii) by striking "7(e),"; and

(2) in section 7(b), in the undesignated matter following paragraph (3)—

(A) by striking "That the provisions of paragraph (1) of subsection (c)" and inserting "That the provisions of paragraph (1) of subsection (d)"; and

(B) by striking "Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c)," and inserting "Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under subsection (b)".

SEC. 11144. EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term "immediate disaster assistance" means assistance provided during the period beginning on the date on which the President makes a Small Business Act catastrophic disaster declaration under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act, and ending on the date that an impacted small business concern is able to secure funding through insurance claims, Federal assistance programs, or other sources; and

(2) the term "program" means the expedited disaster assistance business loan program established under subsection (b).

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program to provide small business concerns with immediate disaster assistance under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act.

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue rules in final form establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the declared disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan made by the Administration under this section—

(A) shall be for not more than $150,000;

(B) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(C) shall have an interest rate not to exceed 1 percentage point above the prime rate of interest that a private lender may charge;

(D) shall have no prepayment penalty;

(E) may only be made to a borrower that meets the requirements for a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(F) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act;

(G) may receive expedited loss verification and loan processing, if the applicant is—

(i) a major source of employment in the disaster area (which shall be determined in the same manner as under section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)(3)(B))); or

(ii) vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials); and

(H) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 11145. HUBZONES.

(a) IN GENERAL.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking "or";

(B) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(F) areas in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005, during the time period described in paragraph (8); or

"(G) Small Business Act catastrophic national disaster areas.";

(2) in paragraph (4), by adding at the end the following:

"(E) SMALL BUSINESS ACT CATASTROPHIC NATIONAL DISASTER AREA.—

"(i) IN GENERAL.—The term 'Small Business Act catastrophic national disaster area' means an area—

"(I) affected by a Small Business Act catastrophic national disaster declared under section 7(b)(11), during the time period described in clause (ii); and

"(II) for which the Administrator determines that designation as a HUBZone would substantially contribute to the reconstruction and recovery effort in that area.

"(ii) TIME PERIOD.—The time period for the purposes of clause (i)—

"(I) shall be the 2-year period beginning on the date that the applicable Small Business Act catastrophic national disaster was declared under section 7(b)(11); and

"(II) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in subclause (I)."; and

(3) by adding at the end the following:

"(8) TIME PERIOD.—The time period for the purposes of paragraph (1)(F)—

"(A) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

"(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.".

(b) TOLLING OF GRADUATION.—Section 7(j)(10)(C) of the Small Business Act (15 U.S.C. 636(j)(10)(C)) is amended by adding at the end the following:

"(iii)(I) For purposes of this subparagraph, if the Administrator designates an area as a HUBZone under section 3(p)(4)(E)(i)(II), the Administrator shall not count the time period described in subclause (II) of this clause for any small business concern—

"(aa) that is participating in any program, activity, or contract under section 8(a); and

"(bb) the principal place of business of which is located in that area.

"(II) The time period for purposes of subclause (I)—

"(aa) shall be the 2-year period beginning on the date that the applicable Small Business Act catastrophic national disaster was declared under section 7(b)(11); and

"(bb) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in item (aa).".

(c) STUDY OF HUBZONE DISASTER AREAS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives evaluating the designation by the Administrator of Small Business Act catastrophic national disaster areas, as that term is defined in section 3(p)(4)(E) of the Small Business Act (as added by this Act), as HUBZones.

PART III—DISASTER ASSISTANCE OVERSIGHT

SEC. 11161. CONGRESSIONAL OVERSIGHT.

(a) MONTHLY ACCOUNTING REPORT TO CONGRESS.—

(1) REPORTING REQUIREMENTS.—Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for that major disaster during the preceding month.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(B) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(C) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(D) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding;

(E) an estimate of how long the available funding for such loans will last, based on the spending rate;

(F) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(G) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under paragraph (1);

(H) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding; and

(I) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

(b) DAILY DISASTER UPDATES TO CONGRESS FOR PRESIDENTIALLY DECLARED DISASTERS.—

(1) IN GENERAL.—Each day during a disaster update period, excluding Federal holidays and weekends, the Administration shall provide to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the

House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared a major disaster.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the number of Administration staff performing loan processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily amount of loans dispersed, both partially and fully, by the Administration to applicants in the relevant area, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans disbursed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully disbursed, including dollar amounts, since the last report under paragraph (1); and

(M) the declaration date, physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) NOTICE OF THE NEED FOR SUPPLEMENTAL FUNDS.—On the same date that the Administrator notifies any committee of the Senate or the House of Representatives that supplemental funding is necessary for the disaster loan program of the Administration in any fiscal year, the Administrator shall notify in writing the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the need for supplemental funds for that loan program.

(d) REPORT ON CONTRACTING.—

(1) IN GENERAL.—Not later than 6 months after the date on which the President declares a major disaster, and every 6 months thereafter until the date that is 18 months after the date on which the major disaster was declared, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding Federal contracts awarded as a result of that major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the total number of contracts awarded as a result of that major disaster;

(B) the total number of contracts awarded to small business concerns as a result of that major disaster;

(C) the total number of contracts awarded to women and minority-owned businesses as a result of that major disaster; and

(D) the total number of contracts awarded to local businesses as a result of that major disaster.

(e) REPORT ON LOAN APPROVAL RATE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing how the Administration can improve the processing of applications under the disaster loan program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) recommendations, if any, regarding—

(i) staffing levels during a major disaster;

(ii) how to improve the process for processing, approving, and disbursing loans under the disaster loan program of the Administration, to ensure that the maximum assistance is provided to victims in a timely manner;

(iii) the viability of using alternative methods for assessing the ability of an applicant to repay a loan, including the credit score of the applicant on the day before the date on which the disaster for which the applicant is seeking assistance was declared;

(iv) methods, if any, for the Administration to expedite loss verification and loan processing of disaster loans during a major disaster for businesses affected by, and located in the area for which the President declared, the major disaster that are a major source of employment in the area or are vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials);

(v) legislative changes, if any, needed to implement findings from the Accelerated Disaster Response Initiative of the Administration; and

(vi) a description of how the Administration plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration; and

(B) the plans of the Administrator for implementing any recommendation made under subparagraph (A).

SA 3697. Mr. WYDEN (for himself, Mr. ALEXANDER, Mr. KERRY, Mr. FEINGOLD, Mr. BINGAMAN, Mr. SUNUNU, Mr. DODD, Ms. STABENOW, Mr. BIDEN, Ms. CANTWELL, Mrs. MURRAY, Ms. SNOWE, Mr. GREGG, Mr. BAUCUS, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 82____. PREVENTION OF ILLEGAL LOGGING PRACTICES.

(a) IN GENERAL.—The Lacey Act Amendments of 1981 are amended—

(1) in section 2 (16 U.S.C. 3371)—

(A) by striking subsection (f) and inserting the following:

"(f) PLANT.—

"(1) IN GENERAL.—The term 'plant' means any wild member of the plant kingdom, including roots, seeds, parts, and products thereof.

"(2) EXCLUSIONS.—The term 'plant' excludes any common food crop or cultivar that is a species not listed—

"(A) on the most recent appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on March 3, 1973 (27 UST 1087; TIAS 8249); or

"(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).";

(B) in subsection (h), by inserting "also" after "plants the term"; and

(C) by striking subsection (j) and inserting the following:

"(j) TAKE.—The term 'take' means—

"(1) to capture, kill, or collect; and

"(2) with respect to a plant, also to harvest, cut, log, or remove.";

(2) in section 3 (16 U.S.C. 3372)—

(A) in subsection (a)—

(i) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) any plant—

"(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

"(I) the theft of plants;

"(II) the taking of plants from a park, forest reserve, or other officially protected area;

"(III) the taking of plants from an officially designated area; or

"(IV) the taking of plants without, or contrary to, required authorization;

"(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

"(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or"; and

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

"(B) to possess any plant—

"(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

"(I) the theft of plants;

"(II) the taking of plants from a park, forest reserve, or other officially protected area;

"(III) the taking of plants from an officially designated area; or

"(IV) the taking of plants without, or contrary to, required authorization;

"(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

"(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or"; and

(B) by adding at the end the following:

"(f) PLANT DECLARATIONS.—

"(1) IN GENERAL.—Effective 180 days from the date of enactment of this subsection and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation where clearance is requested a declaration that contains—

"(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

"(B) a description of—

"(i) the value of the importation; and

"(ii) the quantity, including the unit of measure, of the plant; and

"(C) the name of the country from which the plant was taken.

"(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

"(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product; and

"(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than 1 country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken.

"(3) EXCLUSIONS.—Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging materials to support, protect, or carry another item, unless the packaging materials are the items being imported.

"(4) REVIEW.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement described in paragraphs (1) and (2).

"(B) REVIEW OF EXCLUDED WOOD AND PAPER PACKAGING MATERIALS.—The Secretary—

"(i) shall, in conducting the review under subparagraph (A), consider the effect of excluding the materials described in paragraph (3); and

"(ii) may limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review, that the limitations in scope are warranted.

"(5) REPORT.—

"(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

"(i) an evaluation of—

"(I) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of section 3; and

"(II) the potential to harmonize each requirement described in paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

"(ii) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of section 3; and

"(iii) an analysis of the effect of the provisions of subsection (a) and (f) on—

"(I) the cost of legal plant imports; and

"(II) the extent and methodology of illegal logging practices and trafficking.

"(B) PUBLIC PARTICIPATION.—In conducting the review under paragraph (4), the Secretary shall provide public notice and an opportunity for comment.

"(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

"(A) to limit the applicability of any requirement described in paragraph (2) to specific plant products;

"(B) to make any other necessary modification to any requirement described in paragraph (2), as determined by the Secretary based on the review under paragraph (4); and

"(C) to limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review under paragraph (4), that the limitations in scope are warranted.";

(3) in section 4 (16 U.S.C. 3373)—

(A) by striking "subsections (b) and (d)" each place it appears and inserting "subsections (b), (d), and (f)";

(B) by striking "section 3(d)" each place it appears and inserting "subsection (d) or (f) of section 3"; and

(C) in subsection (a)(2), by striking "subsection 3(b)" and inserting "subsection (b) or subsection (f) of section 3, except as provided in paragraph (1),";

(4) by adding at the end of section 5 (16 U.S.C. 3374) the following:

"(d) CIVIL FORFEITURES.—Civil forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code."; and

(5) in section 7(a)(1) (16 U.S.C. 3376(a)(1)), by striking "section 4" and inserting "section 3(f), section 4,".

(b) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 102(c) of Public Law 100–653 (102 Stat. 3825) is amended by striking "(other than section 3(b))" and inserting "(other than subsection 3(b))".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on November 14, 1988.

SA 3698. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. PREVENTION OF ILLEGAL LOGGING PRACTICES.

(a) IN GENERAL.—The Lacey Act Amendments of 1981 are amended—

(1) in section 2 (16 U.S.C. 3371)—

(A) by striking subsection (f) and inserting the following:

"(f) PLANT.—

"(1) IN GENERAL.—The term 'plant' means any wild member of the plant kingdom, including roots, seeds, parts, and products thereof.

"(2) EXCLUSIONS.—The term 'plant' excludes any common food crop or cultivar that is a species not listed—

"(A) on the most recent appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on March 3, 1973 (27 UST 1087; TIAS 8249); or

"(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).";

(B) in subsection (h), by inserting "also" after "plants the term"; and

(C) by striking subsection (j) and inserting the following:

"(j) TAKE.—The term 'take' means—

"(1) to capture, kill, or collect; and

"(2) with respect to a plant, also to harvest, cut, log, or remove.";

(2) in section 3 (16 U.S.C. 3372)—

(A) in subsection (a)—

(i) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) any plant—

"(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

"(I) the theft of plants;

"(II) the taking of plants from a park, forest reserve, or other officially protected area;

"(III) the taking of plants from an officially designated area; or

"(IV) the taking of plants without, or contrary to, required authorization;

"(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

"(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or"; and

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

"(B) to possess any plant—

"(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

"(I) the theft of plants;

"(II) the taking of plants from a park, forest reserve, or other officially protected area;

"(III) the taking of plants from an officially designated area; or

"(IV) the taking of plants without, or contrary to, required authorization;

"(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

"(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or"; and

(B) by adding at the end the following:

"(f) PLANT DECLARATIONS.—

"(1) IN GENERAL.—Effective 180 days from the date of enactment of this subsection and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation where clearance is requested a declaration that contains—

"(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

"(B) a description of—

"(i) the value of the importation; and

"(ii) the quantity, including the unit of measure, of the plant; and

"(C) the name of the country from which the plant was taken.

"(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

"(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product; and

"(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than 1 country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken.

"(3) EXCLUSIONS.—Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging materials to support, protect, or carry another item, unless the packaging materials are the items being imported.

"(4) REVIEW.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement described in paragraphs (1) and (2).

"(B) REVIEW OF EXCLUDED WOOD AND PAPER PACKAGING MATERIALS.—The Secretary—

"(i) shall, in conducting the review under subparagraph (A), consider the effect of excluding the materials described in paragraph (3); and

"(ii) may limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review, that the limitations in scope are warranted.

"(5) REPORT.—

"(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

"(i) an evaluation of—

"(I) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of section 3; and

"(II) the potential to harmonize each requirement described in paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

"(ii) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of section 3; and

"(iii) an analysis of the effect of the provisions of subsection (a) and (f) on—

"(I) the cost of legal plant imports; and

"(II) the extent and methodology of illegal logging practices and trafficking.

"(B) PUBLIC PARTICIPATION.—In conducting the review under paragraph (4), the Secretary shall provide public notice and an opportunity for comment.

"(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

"(A) to limit the applicability of any requirement described in paragraph (2) to specific plant products;

"(B) to make any other necessary modification to any requirement described in paragraph (2), as determined by the Secretary based on the review under paragraph (4); and

"(C) to limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review under paragraph (4), that the limitations in scope are warranted.";

(3) in section 4 (16 U.S.C. 3373)—

(A) by striking "subsections (b) and (d)" each place it appears and inserting "subsections (b), (d), and (f)";

(B) by striking "section 3(d)" each place it appears and inserting "subsection (d) or (f) of section 3"; and

(C) in subsection (a)(2), by striking "subsection 3(b)" and inserting "subsection (b) or subsection (f) of section 3, except as provided in paragraph (1),";

(4) by adding at the end of section 5 (16 U.S.C. 3374) the following:

"(d) CIVIL FORFEITURES.—Civil forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code."; and

(5) in section 7(a)(1) (16 U.S.C. 3376(a)(1)), by striking "section 4" and inserting "section 3(f), section 4,".

(b) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 102(c) of Public Law 100–653 (102 Stat. 3825) is amended by striking "(other than section 3(b))" and inserting "(other than subsection 3(b))".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on November 14, 1988.

SA 3699. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title IV, add the following:

SEC. 4____. INFRASTRUCTURE AND TRANSPORTATION GRANTS TO SUPPORT RURAL FOOD BANK DELIVERY OF HEALTHY PERISHABLE FOODS.

(a) PURPOSE.—The purpose of this section is to provide grants to State and local food banks and other emergency feeding organizations (as defined in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501))—

(1) to support and expand the efforts of food banks operating in rural areas to procure and transport highly perishable and healthy food;

(2) to improve identification of potential providers of donated food and to enhance the nonprofit food donation system, particularly in and for rural areas; and

(3) to support the procurement of locally produced food from small and family farms and ranches for distribution to needy people.

(b) DEFINITION OF TIME-SENSITIVE FOOD PRODUCT.—

(1) IN GENERAL.—In this section, the term "time-sensitive food product" means a fresh, raw, or processed food with a short time limitation for safe and acceptable consumption, as determined by the Secretary.

(2) INCLUSIONS.—The term "time-sensitive food product" includes—

(A) fruits;

(B) vegetables;

(C) dairy products;

(D) meat;

(E) fish; and

(F) poultry.

(c) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall provide grants, on a competitive basis, to expand the capacity and infrastructure of food banks, statewide food bank associations, and regional food bank collboratives that operate in rural areas to improve the capacity of the food banks to receive, store, distribute, track, collect, and deliver time-sensitive food products made available from national and local food donors.

(2) MAXIMUM AMOUNT.—The maximum amount of a grant provided under this subsection shall be not more than $1,000,000 for a fiscal year.

(3) USE OF FUNDS.—A food bank may use a grant provided under this section for—

(A) the development and maintenance of a computerized system for the tracking of time-sensitive food products;

(B) capital, infrastructure, and operating costs associated with—

(i) the collection and transportation of time-sensitive food products; or

(ii) the storage and distribution of time-sensitive food products;

(C) improving the security and diversity of the emergency food distribution and recovery systems of the United States through the support of—

(i) small, midsize, or family farms and ranches;

(ii) fisheries and aquaculture; and

(iii) donations from local food producers and manufacturers to persons in need;

(D) providing recovered healthy foods to food banks and similar nonprofit emergency food providers to reduce hunger in the United States; and

(E) improving the identification of—

(i) potential providers of donated foods;

(ii) potential nonprofit emergency food providers; and

(iii) persons in need of emergency food assistance in rural areas.

(d) AUDITS.—The Secretary shall establish fair and reasonable procedures to audit the use of funds made available to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

SA 3700. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

Subtitle G—Kansas Disaster Tax Relief Assistance

SEC. 12701. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting "May 4, 2007" for "August 25, 2005".

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting "on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados" for "on or after August 25, 2005, by reason of Hurricane Katrina".

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting "May 4, 2007" for "August 28, 2005" each place it appears,

(B) by substituting "January 1, 2008" for "January 1, 2006" both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" each place it appears,

(B) by substituting "May 5, 2007" for "August 28, 2005" each place it appears,

(C) by substituting "December 31, 2008" for "December 31, 2007" in paragraph (2)(A)(v),

(D) by substituting "December 31, 2009" for "December 31, 2008" in paragraph (2)(A)(v),

(E) by substituting "May 4, 2007" for "August 27, 2005" in paragraph (3)(A),

(F) by substituting "January 1, 2009" for "January 1, 2008" in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting "qualified section 179 Recovery Assistance property" for "qualified section 179 Gulf Opportunity Zone property" each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting "qualified Recovery Assistance clean-up cost" for "qualified Gulf Opportunity Zone clean-up cost" each place it appears, and

(B) by substituting "beginning on May 4, 2007, and ending on December 31, 2009" for "beginning on August 28, 2005, and ending on December 31, 2007" in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting "qualified Recovery Assistance loss" for "qualified Gulf Opportunity Zone loss" each place it appears,

(B) by substituting "after May 3, 2007, and before on January 1, 2010" for "after August 27, 2005, and before January 1, 2008" each place it appears,

(C) by substituting "May 4, 2007" for "August 28, 2005" in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" in paragraph (2)(B)(iv) thereof, and

(E) by substituting "qualified Recovery Assistance casualty loss" for "qualified Gulf Opportunity Zone casualty loss" each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting "qualified Recovery Assistance distribution" for "qualified hurricane distribution" each place it appears,

(B) by substituting "on or after May 4, 2007, and before January 1, 2009" for "on or after August 25, 2005, and before January 1, 2007" in subsection (a)(4)(A)(i),

(C) by substituting "qualified storm distribution" for "qualified Katrina distribution" each place it appears,

(D) by substituting "after November 4, 2006, and before May 5, 2007" for "after February 28, 2005, and before August 29, 2005" in subsection (b)(2)(B)(ii),

(E) by substituting "beginning on May 4, 2007, and ending on November 5, 2007" for "beginning on August 25, 2005, and ending on February 28, 2006" in subsection (b)(3)(A),

(F) by substituting "qualified storm individual" for "qualified Hurricane Katrina individual" each place it appears,

(G) by substituting "December 31, 2007" for "December 31, 2006" in subsection (c)(2)(A),

(H) by substituting "beginning on June 4, 2007, and ending on December 31, 2007" for "beginning on September 24, 2005, and ending on December 31, 2006" in subsection (c)(4)(A)(i),

(I) by substituting "May 4, 2007" for "August 25, 2005" in subsection (c)(4)(A)(ii), and

(J) by substituting "January 1, 2008" for "January 1, 2007" in subsection (d)(2)(A)(ii).

SA 3701. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1072, after line 25, add the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

(2) by inserting after subsection (g) the following:

"(h) CANCELLATION OR TERMINATION COSTS.—

"(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary shall not obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

"(2) COST OF CANCELLATION OR TERMINATION.—The costs of any cancellation or termination of a multiyear stewardship contract may be paid from any appropriations that are made available to the Forest Service.

"(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary shall seek a supplemental appropriation.".

On page 1237, strike lines 9 through 18 and insert the following:

"(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.".

SA 3702. Ms. SNOWE (for herself and Mr. CRAIG) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11_____. OVERSIGHT OF NATIONAL AQUATIC ANIMAL HEALTH PLAN.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term "advisory committee" means the General Advisory Committee for Oversight of National Aquatic Animal Health established under subsection (b)(1).

(2) PLAN.—The term "plan" means the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force, composed of representatives of the Department of Agriculture, the Department of Commerce (including the National Oceanic and Atmospheric Administration), and the Department of the Interior (including the United States Fish and Wildlife Service).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service.

(b) GENERAL ADVISORY COMMITTEE FOR OVERSIGHT OF NATIONAL AQUATIC ANIMAL HEALTH.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with States and the private sector, shall establish an advisory committee, to be known as the "General Advisory Committee for Oversight of National Aquatic Animal Health".

(2) MEMBERSHIP.—

(A) COMPOSITION.—The advisory committee shall—

(i) be composed equally of representatives of—

(I) State and tribal governments; and

(II) commercial aquaculture interests; and

(ii) consist of not more than 20 members, to be appointed by the Secretary, of whom—

(I) not less than 3 shall be representatives of Federal departments or agencies;

(II) not less than 6 shall be representatives of State or tribal governments that elect to participate in the plan under subsection (d);

(III) not less than 6 shall be representatives of affected commercial aquaculture interests; and

(IV) not less than 2 shall be aquatic animal health experts, as determined by the Secretary.

(B) NOMINATIONS.—The Secretary shall publish in the Federal Register a solicitation for, and may accept, nominations for members of the advisory committee from appropriate entities, as determined by the Secretary.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the advisory committee shall develop and submit to the Secretary recommendations regarding—

(A) the establishment and membership of appropriate expert and representative commissions to efficiently implement and administer the plan;

(B) disease- and species-specific best management practices relating to activities carried out under the plan; and

(C) the establishment and administration of the indemnification fund under subsection (e).

(2) FACTORS FOR CONSIDERATION.—In developing recommendations under paragraph (1), the advisory committee shall take into consideration all emergency aquaculture-related projects that have been or are being carried out under the plan as of the date of submission of the recommendations.

(3) REGULATIONS.—After consideration of the recommendations submitted under this

subsection, the Secretary shall promulgate regulations to establish a national aquatic animal health improvement program, in accordance with the Animal Health Protection Act (7 U.S.C. 8301 et seq.).

(d) PARTICIPATION BY STATE AND TRIBAL GOVERNMENTS AND PRIVATE SECTOR.—

(1) IN GENERAL.—Any State or tribal government, and any entity in the private sector, may elect to participate in the plan.

(2) DUTIES.—On election by a State or tribal government or entity in the private sector to participate in the plan under paragraph (1), the State or tribal government or entity shall—

(A) submit to the Secretary—

(i) a notification of the election; and

(ii) nominations for members of the advisory committee, as appropriate; and

(B) as a condition of participation, enter into an agreement with the Secretary under which the State or tribal government or entity—

(i) assumes responsibility for a portion of the non-Federal share of the costs of carrying out the plan, as described in paragraph (3); and

(ii) agrees to act in accordance with applicable disease- and species-specific best management practices relating to activities carried out under the plan by the State or tribal government or entity, as the Secretary determines to be appropriate.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the cost of carrying out the plan—

(i) shall be determined—

(I) by the Secretary, in consultation with the advisory committee; and

(II) on a case-by-case basis for each project carried out under the plan; and

(ii) may be provided by State and tribal governments and entities in the private sector in cash or in-kind.

(B) DEPOSITS INTO INDEMNIFICATION FUND.—The non-Federal share of amounts in the indemnification fund provided by each State or tribal government or entity in the private sector shall be—

(i) zero with respect to the initial deposit into the fund; and

(ii) determined on a case-by-case basis for each project carried out under the plan.

(e) INDEMNIFICATION FUND.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the advisory committee, shall establish a fund, to be known as the "indemnification fund", consisting of such amounts as are initially deposited into the fund by the Secretary under subsection (g)(1).

(2) USES.—The Secretary shall use amounts in the indemnification fund only to compensate aquatic farmers—

(A) the entire inventory of livestock or gametes of which is eradicated as a result of a disease control or eradication measure carried out under the plan; or

(B) for the cost of disinfecting, destruction, and cleaning products or equipment in response to a depopulation order carried out under the plan.

(3) UNUSED AMOUNTS.—Amounts remaining in the indemnification fund on September 30 of the fiscal year for which the amounts were appropriated—

(A) shall remain in the fund;

(B) may be used in any subsequent fiscal year in accordance with paragraph (2); and

(C) shall not be reprogrammed by the Secretary for any other use.

(f) REVIEW.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the advisory committee, shall review, and submit to Congress a report regarding—

(1) activities carried out under the plan during the preceding 2 years;

(2) activities carried out by the advisory committee; and

(3) recommendations for funding for subsequent fiscal years to carry out this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 and 2009, of which—

(1) not less than 50 percent shall be deposited into the indemnification fund established under subsection (e) for use in accordance with that subsection; and

(2) not more than 50 percent shall be used for the costs of carrying out the plan, including the costs of—

(A) administration of the plan;

(B) implementation of the plan;

(C) training and laboratory testing;

(D) cleaning and disinfection associated with depopulation orders; and

(E) public education and outreach activities.

SA 3703. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1363, strike line 7 and all that follows through page 1395, line 19 and insert the following:

Subtitle A—Individuals With Disabilities Education Trust Fund

SEC. 12101. ASSISTANCE FOR EDUCATING INDIVIDUALS WITH DISABILITIES.

The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

"TITLE IX—ASSISTANCE FOR EDUCATING INDIVIDUALS WITH DISABILITIES

"SEC. 901. INDIVIDUALS WITH DISABILITIES EDUCATION TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Individuals with Disabilities Education Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

"(b) TRANSFER TO TRUST FUND.—

"(1) IN GENERAL.—There are appropriated to the Individuals with Disabilities Education Trust Fund amounts equivalent to 3.34 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2012 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States.

"(2) AMOUNTS BASED ON ESTIMATES.—The amounts appropriated under this section shall be transferred at least monthly from the general fund of the Treasury of the United States to the Individuals with Disabilities Education Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(c) REPORTS.—The Secretary of the Treasury shall be the trustee of the Individuals with Disabilities Education Trust Fund and shall submit an annual report to Congress each year on the financial condition and the results of the operations of such Trust Fund during the preceding fiscal year and on its expected condition and operations during the 5 fiscal years succeeding such fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

"(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Individuals with Disabilities Education Trust Fund shall be available to the Secretary of Education to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(e) AUTHORITY TO BORROW.—

"(1) IN GENERAL.—There are authorized to be appropriated, and are appropriated, to the Individuals with Disabilities Education Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

"(2) REPAYMENT OF ADVANCES.—

"(A) IN GENERAL.—Advances made to the Individuals with Disabilities Education Trust Fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in such Trust Fund.

"(B) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be—

"(i) at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding, and

"(ii) compounded annually.".

SA 3704. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, line 11, strike "pulse crops,".

On page 21, line 23, strike "camelina,".

On page 23, strike lines 7 through 9.

On page 24, strike lines 18 and 19.

On page 24, line 20, strike "(D)" and insert "(C)".

On page 26, strike lines 6 through 10.

On page 26, line 6, strike "(E)" and insert "(D)".

Beginning on page 27, strike line 12 and all that follows through page 29, line 20.

On page 29, line 24, strike "(other than pulse crops)".

On page 35, strike lines 8 through 13.

On page 85, strike lines 4 and 5.

On page 85, line 6, strike "(D)" and insert "(C)".

On page 86, strike lines 18 through 22.

On page 86, line 23, strike "(E)" and insert "(D)".

Beginning on page 217, strike line 13 and all that follows through page 219, line 24.

On page 220, line 22, strike "pulse crops,".

Beginning on page 254, strike line 19 and all that follows through page 255, line 22.

SA 3705. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON COMMODITY PAYMENTS FOR FARM OPERATIONS IN A SANCTUARY CITY.

(a) PROHIBITION.—No type of price support, loan, or payment made available under title I of the Food and Energy Security Act of 2007 (or an amendment made by that title), the Commodity Credit Charter Act (15 U.S.C. 714 et seq.), or any other Act may be made available to a producer for a fiscal year on the basis of the operations of a farm located in a sanctuary city unless the producer submits a certification described in subsection (c) for such fiscal year.

(b) SANCTUARY CITY DEFINED.—In this section, the term "sanctuary city" means a subdivision of a State that prohibits the employees of such subdivision, including law enforcement officers, from seeking information from an individual regarding the individual's immigration status or providing such information to an appropriate employee of an agency or department of the United States.

(c) CERTIFICATION.—A certification described in this subsection is a certification submitted to the Secretary of Agriculture by a producer for a fiscal year that the operations described in subsection (a) have not employed within the past 12 months, or have utilized a contractor or subcontractor that has employed within the past 12 months, an alien who was unlawfully present in the United States at the time such alien was hired.

SA 3706. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 444, after line 22, insert the following:

SEC. 2____. DISCOVERY WATERSHED-ESTUARY ECOSYSTEM PROTECTION DEMONSTRATION PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) (as amended by section 2399) is amended by adding at the end the following:

"SEC. 1240T. DISCOVERY WATERSHED-ESTUARY ECOSYSTEM PROTECTION DEMONSTRATION PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Commerce and the Administrator of the National Oceanic and Atmospheric Administration, shall establish and carry out a demonstration program in not less than 30 coastal watersheds throughout the United States to achieve the purposes described in subsection (b).

"(b) PURPOSES.—The purposes of the demonstration program under this section are—

"(1) to prevent the impacts of nutrients, soil pollutants, anthropogenic airborne contaminants, and agricultural products on sensitive estuarine ecosystems located downstream in coastal watersheds;

"(2) to monitor the effect of waterborne and airborne agents on the watersheds of estuarine ecosystems;

"(3) to model the impacts on watersheds of estuarine ecosystems using information made available to managers, decisionmakers, and related stakeholders;

"(4) to mitigate those impacts using innovative environmental technologies; and

"(5) to assess the cost-effectiveness and performance of those technologies to provide guidance with respect to the implementation of best practices.

"(c) INTERAGENCY AGREEMENTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall enter into an agreement with the Secretary of Commerce and the Administrator of the National Oceanic and Atmospheric Administration to carry out this section.

"(2) CONTENTS.—The agreement entered into under paragraph (1) shall, to the maximum extent practicable—

"(A) facilitate coordination among research programs within agencies to ensure the success of the demonstration program under this section;

"(B) ensure the use of the best efforts of each applicable department and agency to integrate the sharing of information and best practices;

"(C) require the provision of timely, evaluated information to assist the Secretary in assessing the cost-effectiveness and performance of the demonstration program under this section;

"(D) provide for specific connectivity for research programs within the National Oceanic and Atmospheric Administration; and

"(E) facilitate the leveraging of resources in support of the demonstration program under this section.

"(d) SELECTION OF COASTAL WATERSHEDS.—

"(1) IN GENERAL.—In selecting the 30 coastal watersheds for purposes of subsection (a), the Secretary shall take into consideration the extent to which—

"(A) reducing impacts on an estuarine ecosystem of a coastal watershed is possible;

"(B) a project carried out at a coastal watershed under the demonstration program—

"(i) would use innovative approaches to attract a high level of participation in the watershed to ensure success;

"(ii) could be implemented through a third party, including—

"(I) the National Oceanic and Atmospheric Administration;

"(II) a unit of State or local government;

"(III) a conservation organization; or

"(IV) another organization with appropriate expertise;

"(iii) would leverage funding from Federal, State, local, and private sources; and

"(iv) would demonstrate best practices to manage—

"(I) pollutant impact and habitat restoration;

"(II) coastal and estuarine environmental technology evaluations and adoption;

"(III) watershed modeling from whitewater to bluewater; and

"(IV) air mass contaminant monitoring;

"(C) baseline data relating to water quality and agricultural practices and contributions from nonagricultural sources relevant to the watershed has been collected or could be readily collected; and

"(D) water and air quality monitoring infrastructure is in place or could reasonably be put in place in a small watershed.

"(2) REQUIREMENT.—The Secretary shall select to participate in the demonstration program under this section each coastal watershed that is challenged with an anthropogenic input, including the coastal watersheds of—

"(A) the Gulf of Maine;

"(B) Long Island Sound;

"(C) Chesapeake Bay; and

"(D) coastal Georgia, Mississippi, and South Carolina.

"(e) USE OF FUNDS.—The Secretary shall use funds made available to carry out this section in each coastal watershed selected for purposes of subsection (a)—

"(1) to support demonstration projects in the coastal watershed;

"(2) to provide and assess financial incentives for leveraging the demonstration projects;

"(3) to monitor the performance and costs of best practices; and

"(4) to provide the Federal share of the cost of data collection, monitoring, and analysis.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not less than $30,000,000 shall be made available to the National Oceanic and Atmospheric Administration for each fiscal year to support the demonstration program under this section.".

SA 3707. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON COMMODITY PAYMENTS FOR FARM OPERATIONS IN A SANCTUARY CITY.

No type of price support, loan, or payment made available under title I of the Food and Energy Security Act of 2007 (or an amendment made by that title), the Commodity Credit Charter Act (15 U.S.C. 714 et seq.), or any other Act may be made available to a producer on the basis of the operations of a farm located in a subdivision of a State that prohibits the employees of such subdivision, including law enforcement officers, from seeking information from an individual regarding the individual's immigration status or providing such information to an appropriate employee of an agency or department of the United States.

SA 3708. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, line 17, insert "wild salmon," after "nursery crops,".

SA 3709. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 402, strike lines 17 through 21 and insert the following:

(iv) allow for monitoring and evaluation;

(v) assist producers in meeting Federal, State, and local regulatory requirements; and

(vi) assist producers in enhancing fish and wildlife habitat.

SA 3710. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 32___. CORRECTIVE LEGISLATION.

(a) DEFINITION OF JOINT RESOLUTION.—In this section, the term "joint resolution" means only a joint resolution introduced during the 90-day period beginning on the date on which the report referred to in subsection (b) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: "That Congress approves the draft legislation included in the report required under section ___(b) of the Food and Energy Security Act of 2007 submitted by the President to Congress on _______, and the legislation shall have force and effect." (The blank spaces being appropriately filled in).

(b) REPORT.—Not later than 90 days after the date of final adjudication of any appeals by the President relating to a finding that any United States commodity program is in violation of a trading rule of the World Trade Organization, the President may submit to each House of Congress a report that includes—

(1) a notification of any effective date of sanctions to be imposed for failure to correct the violation; and

(2) draft legislation for use in correcting the violation.

(c) CONGRESSIONAL ACTION.—Subject to subsection (f), if Congress receives a notification described in subsection (b)(1), the approval of Congress of the draft legislation submitted under subsection (b)(2) shall be effective if, and only if, a joint resolution is enacted into law pursuant to subsections (d) and (e).

(d) PROCEDURAL PROVISIONS.—

(1) IN GENERAL.—The requirements of this subsection are met if—

(A) a joint resolution is adopted under subsection (e); and

(B)(i) Congress transmits the joint resolution to the President before the end of the 90-day period beginning on the date on which Congress receives the report of the President under subsection (b); and

(ii)(I) the President signs the joint resolution; or

(II) if the President vetoes the joint resolution, each House of Congress votes to override that veto on or before the later of—

(aa) the last day of the 90-day period referred to in clause (i); or

(bb) the last day of the 15-day period beginning on the date on which Congress receives the veto message from the President.

(2) INTRODUCTION.—A joint resolution to which this subsection applies may be introduced at any time on or after the date on which Congress receives the report of the President under subsection (b).

(e) JOINT RESOLUTION.—

(1) PROCEDURES.—

(A) IN GENERAL.—Joint resolutions—

(i) may be introduced in either House of Congress by any Member of such House; and

(ii) shall be referred—

(I) to the Committee on Agriculture of the House of Representatives, if the joint resolution is introduced in the House of Representatives; or

(II) to the Committee on Agriculture, Nutrition, and Forestry of the Senate, if the joint resolution is introduced in the Senate.

(B) APPLICATION OF SECTION 151 OF THE TRADE ACT OF 1974.—Subject to the provisions of this subsection, the provisions of subsections (c), (d), (f), and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191(c), (d), (f), and (g)) shall apply to joint resolutions to the same extent as such provisions apply to implementing bills under that section.

(C) DISCHARGE OF COMMITTEE.—If a committee of either House to which a joint resolution has been referred has not reported the joint resolution by the close of the 45th day after its introduction—

(i) the committee shall be automatically discharged from further consideration of the joint resolution; and

(ii) the joint resolution shall be placed on the appropriate calendar.

(D) FLOOR CONSIDERATION.—It shall not be in order for—

(i) the Senate to consider any joint resolution unless the joint resolution has been reported by the Committee on Agriculture, Nutrition, or Forestry of the Senate or the committee has been discharged under subparagraph (C);

(ii) the House of Representatives to consider any joint resolution unless the joint resolution has been reported by the Committee on Agriculture of the House of Representatives or the committee has been discharged under subparagraph (C); or

(iii) either House to consider any joint resolution or take any action under clause (i) or (ii) of subsection (d)(1)(B), if the President has notified the appropriate committees that the decision to impose sanctions described in subsection (b)(1) has been withdrawn and the sanctions have not actually been imposed.

(E) CONSIDERATION IN THE HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces his or her intention to do so.

(2) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider another joint resolution under this section (other than a joint resolution received from the other House), if that House has previously voted on a joint resolution under this section with respect to the same presidential notification described in subsection (b)(1).

(3) COMPUTATION OF TIME PERIOD.—For the purpose of subsection (d)(1)(B)(ii)(II) and paragraph (1)(C), the 90-day period, the 15-day period, and the 45 days referred to in those provisions shall be computed by excluding—

(A) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House is not in session.

(4) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and such procedures supersede other rules only to the extent that such procedures are inconsistent with such other rules; and

(B) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

(f) INTERVENING ENACTMENT.—A joint resolution shall not be required under this section if, during the period beginning on the date on which the President submits to Congress draft legislation under subsection (b)(2) and ending on the date on which Congress enacts a joint resolution under subsection (e), a law containing or preempting the draft legislation is enacted.

SA 3711. Mr. LUGAR (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mr. WHITEHOUSE, Mr. REED, Mr. HATCH, Ms. COLLINS, Mr. DOMENICI, Mr. NELSON of Florida, Mr. SUNUNU, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 24, strike line 1 and all follows through page 124, line 20, and insert the following:

Subtitle A—Traditional Payments and Loans

SEC. 1101. COMMODITY PROGRAMS.

(a) REPEALS.—Subtitles A through C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.) (other than sections 1001, 1101, 1102, 1103, 1104, and 1106) are repealed.

(b) BASE ACRES AND PAYMENT ACRES.—Section 1101 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911) is amended—

(1) in subsections (a)(1) and (e)(2), by striking "and counter-cyclical payments" each place it appears; and

(2) by adding at the end the following:

"(i) PRODUCTION OF FRUITS OR VEGETABLES FOR PROCESSING.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the producers on a farm, with the consent of the owner of and any other producers on the farm, may reduce the base acres for a covered commodity for the farm if the reduced acres are used for the planting and production of fruits or vegetables for processing.

"(2) REVERSION TO BASE ACRES FOR COVERED COMMODITY.—Any reduced acres on a farm devoted to the planting and production of fruits or vegetables during a crop year under paragraph (1) shall be included in base acres for the covered commodity for the subsequent crop year, unless the producers on the farm make the election described in paragraph (1) for the subsequent crop year.

"(3) RECALCULATION OF BASE ACRES.—

"(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary recalculates base acres for a farm, the planting and production of fruits or vegetables for processing under paragraph (1) shall be considered to be the same as the planting, prevented planting, or production of the covered commodity.

"(B) AUTHORITY.—Nothing in this subsection provides authority for the Secretary to recalculate base acres for a farm.".

(c) PAYMENT YIELDS.—Section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) is amended—

(1) in subsection (a), by striking "and counter-cyclical payments";

(2) in subsection (b), by striking "2007" and inserting "2012";

(3) in subsection (c), by striking ", but before" and all that follows through "subsection (e)"; and

(4) by striking subsection (e).

(d) RECOURSE LOAN PROGRAM.—Subtitle F of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991 et seq.) is amended by adding at the end the following:

"SEC. 1619. RECOURSE LOAN PROGRAM.

"For each of the 2008 through 2012 crop years, the Secretary shall establish a recourse loan program for each loan commodity at a rate of interest to be determined by the Secretary.".

(e) ADMINISTRATION.—

(1) SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.—Section 1602 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7992) is amended by striking "2007" each place it appears and inserting "2012".

(2) ADJUSTED GROSS INCOME LIMITATION.—Section 1001D(e) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(e)) is amended by striking "2007" and inserting "2012".

(f) AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.—Section 1104 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7914) is amended—

(1) by striking "2007" each place it appears (other than paragraphs (3)(B) and (4)(B) of subsection (f)) and inserting "2008"; and

(2) in subsection (f)—

(A) in paragraph (3)(B)—

(i) in the subparagraph heading, by striking "2007 CROP YEAR" and inserting "2007 AND 2008 CROP YEARS"; and

(ii) by striking "the 2007 crop year" and inserting "each of the 2007 and 2008 crop years"; and

(B) in paragraph (4)(B)—

(i) in the subparagraph heading, by striking "2007 CROP YEAR" and inserting "2007 AND 2008 CROP YEARS"; and

(ii) by striking "the 2007 crop year" each place it appears and inserting "each of the 2007 and 2008 crop years".

(g) AVAILABILITY OF DIRECT PAYMENTS.—Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended—

(1) in subsection (a), by striking "For each of the 2002 through 2007" and inserting "For each of the 2008 through 2012"; and

(2) in subsection (c), by adding at the end the following:

"(4)(A) In each of crop years 2008 and 2009, 25 percent.

"(B) In each of crop years 2010 and 2011, 20 percent.

"(C) In crop year 2012, 0 percent.".

On page 233, strikes lines 8 through 13 and insert the following:

"(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,0000 for each of fiscal years 2008 through 2012.".

On page 246, strike lines 3 through 10 and insert the following:

"(i) FUNDING.—

"(1) IN GENERAL.—Subject to paragraph (2), of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make grants under this section, using—

"(A) $135,000,000 for fiscal year 2008;

"(B) $140,000,000 for fiscal year 2009;

"(C) $145,000,000 for fiscal year 2010;

"(D) $150,000,000 for fiscal year 2011; and

"(E) $0 for fiscal year 2012.

"(2) AQUACULTURE AND SEAFOOD PRODUCTS.—Of the amount made available under subparagraphs (A) through (D) of paragraph (1), the Secretary shall ensure that at least $50,000 is used each fiscal year to promote the competitiveness of aquacultural and seafood products.".

On page 247, line 17, insert "seafood products, aquaculture (including ornamental fish), sea grass, sea oats," after "floriculture,".

On page 265, strike lines 9 and 10 and insert the following:

(1) by striking subparagraph (A) and inserting the following:

"(A) BASIC FEE.—

"(i) IN GENERAL.—Except as provided in clause (ii), each producer shall pay an administrative fee for catastrophic risk protection in an amount that is, as determined by the Corporation, equal to 25 percent of the premium amount for catastrophic risk protection established under subsection (d)(2)(A) per crop per county.

"(ii) MAXIMUM AMOUNT.—The total amount of administrative fees for catastrophic risk protection payable by a producer under clause (i) shall not exceed $5,000 for all crops in all counties.".

Beginning on page 273, strike line 1 and all that follows through page 274, line 2.

On page 276, between lines 2 and 3, insert the following:

SEC. 19___. CONTROLLING CROP INSURANCE PROGRAM COSTS.

(a) SHARE OF RISK.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended by striking paragraph (3) and inserting the following:

"(3) SHARE OF RISK.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the reinsurance agreements of the Corporation with a reinsured company shall require the reinsured company to provide to the Corporation 30 percent of the cumulative underwriting gain or loss of the reinsured company.

"(B) LIVESTOCK.—In the case of a policy or plan of insurance covering livestock, the reinsurance agreements of the Corporation with the reinsured companies shall require the reinsured companies to bear a sufficient share of any potential loss under the agreement so as to ensure that the reinsured company will sell and service policies of insurance in a sound and prudent manner, taking into consideration the financial condition of the reinsured companies and the availability of private reinsurance.".

(b) REIMBURSEMENT RATE.—Section 508(k)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(A)) is amended by striking clause (ii) and inserting the following:

"(ii) for each of the 2008 and subsequent reinsurance years—

"(I) 15 percent of the premium used to define loss ratio; and

"(II) in the case of a policy or plan of insurance covering livestock, 27 percent of the premium used to define loss ratio.".

SEC. 19___. SUPPLEMENTAL DEDUCTIBLE COVERAGE.

(a) IN GENERAL.—Section 508(c)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(4)) is amended—

(1) by striking "The level of coverage" and inserting the following:

"(A) BASIC COVERAGE.—The level of coverage"; and

(2) by adding at the end the following:

"(B) SUPPLEMENTAL COVERAGE.—

"(i) IN GENERAL.—Notwithstanding paragraph (3) and subparagraph (A), the Corporation may offer supplemental coverage, based on an area yield and loss basis, to cover that portion of a crop loss not covered under the individual yield and loss basis plan of insurance of a producer, including any revenue plan of insurance with coverage based in part on individual yield and loss.

"(ii) LIMITATION.—The sum of the indemnity paid to the producer under the individual yield and loss plan of insurance and the supplemental coverage may not exceed 100 percent of the loss incurred by the producer for the crop.

"(iii) ADMINISTRATIVE AND OPERATING EXPENSE REIMBURSEMENT.—Notwithstanding subsection (k)(4), the reimbursement rate for approved insurance providers for the supplemental coverage shall equal 6 percent of the premium used to define the loss ratio.

"(iv) DIRECT COVERAGE.—If the Corporation determines that it is in the best interests of producers, the Corporation may offer supplemental coverage as a Corporation endorsement to existing plans and policies of crop insurance authorized under this title.

"(v) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—Notwithstanding subsection (e), the amount of the premium to be paid by the Corporation for supplemental coverage offered pursuant to this subparagraph shall be determined by the Corporation, but may not exceed the sum of—

"(I) 50 percent of the amount of premium established under subsection (d)(2)(C)(i); and

"(II) the amount determined under subsection (d)(2)(C)(ii) for the coverage level selected to cover operating and administrative expenses.".

(b) CONFORMING AMENDMENTS.—Section 508(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(2)) is amended—

(1) by striking "additional coverage" the first place it appears and inserting "additional and supplemental coverages"; and

(2) by adding at the end the following:

"(C) SUPPLEMENTAL COVERAGE.—In the case of supplemental coverage offered under subsection (c)(4)(B), the amount of the premium shall—

"(i) be sufficient to cover anticipated losses and a reasonable reserve; and

"(ii) include an amount for operating and administrative expenses, as determined by the Corporation on an industry-wide basis as a percentage of the amount of the premium used to define loss ratio.".

SEC. 19___. REVENUE-BASED SAFETY NET.

(a) ESTABLISHMENT.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by adding at the end the following:

"(11) GROUP RISK INCOME PROTECTION AND GROUP RISK PROTECTION.—The Corporation shall offer, at no cost to a producer, revenue and yield coverage plans that allow producers in a county to qualify for an indemnity if the actual revenue or yield per acre in the county in which the producer is located is below 85 percent of the average revenue or yield per acre for the county, for each agricultural commodity for which a futures price is available, or as otherwise approved by the Secretary, to the extent the coverage is actuarially sound.".

(b) PREMIUMS.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended by adding at the end the following:

"(H) In the case of a group risk income protection and group risk protection offered under subsection (c)(11) beginning in fiscal year 2009, and the whole farm insurance plan offered under subsection (c)(12) beginning in fiscal year 2010, the entire amount of the premium for the plan shall be paid by the Corporation.".

SEC. 19___. WHOLE FARM INSURANCE.

(a) ESTABLISHMENT.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) (as amended by section 19___(a)) is amended by adding at the end the following:

"(12) WHOLE FARM INSURANCE PLAN.—The Corporation shall offer, at no cost to a producer described in paragraph (11), a whole farm insurance plan that allows the producer to qualify for an indemnity if actual gross farm revenue is below 80 percent of the average gross farm revenue of the producer.".

(b) ADJUSTED GROSS REVENUE INSURANCE PILOT PROGRAM.—Section 523(e) of the Federal Crop Insurance Act (7 U.S.C. 1523(e)) is amended—

(1) in paragraph (1), by striking "2004" and inserting "2012";

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—In addition to counties otherwise included in the pilot program, the Corporation shall include in the pilot program for each of the 2010 through 2012 reinsurance years all States and counties that meet the criteria for selection (pending required rating), as determined by the Corporation."; and

(3) by adding at the end the following:

"(3) ELIGIBLE PRODUCERS.—The Corporation shall permit the producer of any type of agricultural commodity (including a producer of specialty crops, floricultural, ornamental nursery, and Christmas tree crops, turfgrass sod, seed crops, aquacultural products (including ornamental fish), sea grass and sea oats, and industrial crops) to participate in a pilot program established under this subsection.".

(c) PREVENTION OF DUPLICATION.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) (as amended by subsection (a)) is amended by adding at the end the following:

"(13) PREVENTION OF DUPLICATION.—The Administrator of the Risk Management Agency and Administrator of the Farm Service Agency shall cooperate to ensure, to the maximum extent practicable, that producers on a farm do not receive duplicative compensation under Federal law for the same loss, including by reducing crop insurance indemnity payments.".

On page 295, between lines 16 and 17, insert the following:

SEC. 19___. CROP INSURANCE EDUCATION ASSISTANCE.

(a) PARTNERSHIPS FOR RISK MANAGEMENT EDUCATION.—Section 524(a)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)(3)) is amended—

(1) in subparagraph (B), by striking "A grant" and inserting "Subject to subparagraph (E), a grant"; and

(2) by adding at the end the following:

"(E) ALLOCATION TO STATES.—The Secretary shall allocate funds made available to carry out this subsection for each fiscal year in a manner that ensures that grants are provided to eligible entities in States based on the ratio that the value of agricultural production of each State bears to the total value of agricultural production in all States, as determined by the Secretary.".

(b) FUNDING.—Paragraph (5) of section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) (as redesignated by section 1920(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) for the partnerships for risk management education program established under paragraph (3)—

"(i) $20,000,000 for fiscal year 2008, of which not less than $15,000,000 shall be used to provide educational assistance with respect to whole farm and adjusted gross revenue insurance plans;

"(ii) $15,000,000 for fiscal year 2009, of which not less than $10,000,000 shall be used to provide educational assistance described in clause (i);

"(iii) $10,000,000 for fiscal year 2010, of which not less than $5,000,000 shall be used to provide educational assistance described in clause (i); and

"(iv) $5,000,000 for fiscal year 2011 and each fiscal year thereafter.".

On page 299, between lines 15 and 16, insert the following:

Subtitle B—Risk Management Accounts

SEC. 1931. DEFINITIONS.

In this subtitle:

(1) ADJUSTED GROSS REVENUE.—The term "adjusted gross revenue", with respect to a farm of an operator or producer, means the adjusted gross income of the farm, as determined by the Secretary, from the sale or transfer of eligible commodities of the farm, as calculated—

(A) taking into consideration the gross receipts (including insurance indemnities) from each sale;

(B) including all farm payments received by the operator or producer from any Federal, State, or local government agency relating to the eligible commodities;

(C) by deducting the cost or basis of any eligible livestock or other item purchased for resale, such as feeder livestock, by the farm;

(D) excluding any revenue that does not arise from the sale of eligible commodities of the farm, such as revenue associated with the packaging, merchandising, marketing, or reprocessing beyond what is typically carried out by a producer of the eligible commodity, as determined by the Secretary; and

(E) using such adjustments, additions, and additional documentation as the Secretary determines to be appropriate, as presented on—

(i) a schedule F form of the Federal income tax returns of the operator or producer; or

(ii) a comparable tax form relating to the farm, as approved by the Secretary.

(2) APPLICABLE YEAR.—The term "applicable year" means a fiscal year covered by a risk management account contract.

(3) AVERAGE ADJUSTED GROSS REVENUE.—The term "average adjusted gross revenue" means—

(A) the rolling average of the adjusted gross revenue of an operator or producer for each of the 5 preceding taxable years; or

(B) in the case of a beginning farmer or rancher, or another agricultural operation that does not have adjusted gross revenue for each of the 5 preceding taxable years, the estimated income of the operation for the applicable year, as determined by the Secretary.

(4) ELIGIBLE COMMODITY.—The term "eligible commodity" means any annual or perennial crop raised or produced by an operator or producer.

(5) FARM.—

(A) IN GENERAL.—The term "farm" means any parcel of land used for the raising or production of an eligible commodity that is considered to be a separate operation, as determined by the Secretary.

(B) INCLUSIONS.—The term "farm" includes—

(i) any parcel of land and related agricultural production facilities on which an operator or producer has more than de minimis operational control; and

(ii) any parcel of land subject to more than de minimis common ownership, as determined by the Secretary, unless the common owners of the parcel—

(I) except with respect to a conservation condition established in an applicable rental agreement, do not have operational control regarding any portion of the parcel; and

(II) do not share in the proceeds of the parcel, other than cash rent.

(C) EXCLUSION.—The term "farm" does not include a parcel that is not a portion of a farm subject to a risk management account contract.

(D) APPLICABILITY OF CFR.—Except as otherwise provided in this subtitle or by the Secretary, by regulation, part 718 of title 7, Code of Federal Regulations (or successor regulations), shall apply to the definition, constitution, and reconstitution of a farm for purposes of this paragraph.

(6) OPERATOR.—The term "operator" means a producer who controls an agricultural operation on a farm, as determined by the Secretary.

(7) PRODUCER.—The term "producer" means a person that, as determined by the Secretary, for an applicable year—

(A) shares in the risk of producing, or provides a material contribution in producing, an eligible commodity;

(B) has a substantial beneficial interest in the farm on which the eligible commodity is produced;

(C)(i) for each of the 5 preceding taxable years, has filed—

(I) a schedule F form of the Federal income tax return relating to the eligible commodity; or

(II) a comparable tax form related to the eligible commodity, as approved by the Secretary; or

(ii) is a beginning farmer or rancher, or another producer that does not have adjusted gross revenue for each of the 5 preceding taxable years, as determined by the Secretary; and

(D)(i) during the 5 preceding taxable years, has earned at least $10,000 in average adjusted gross revenue;

(ii) is a limited resource farmer or rancher, as determined by the Secretary; or

(iii) in the case of a beginning farmer or rancher, or another producer that does not have adjusted gross revenue for each of the 5 preceding taxable years, has at least $10,000 in estimated income from all farms for the applicable year, as determined by the Secretary.

(8) RISK MANAGEMENT ACCOUNT.—The term "risk management account" means a farm income stabilization assistance account maintained at a qualified financial institution in accordance with such terms as the Secretary may establish.

SEC. 1932. RISK MANAGEMENT ACCOUNT CONTRACTS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program under which the Secretary shall offer to enter into contracts with eligible operators and producers in accordance with this section—

(1) to provide to the operators and producers a reserve to assist in the stabilization of farm income during low-revenue years;

(2) to assist operators and producers to invest in value-added farms; and

(3) to recognize high levels of environmental stewardship.

(b) ELIGIBILITY.—

(1) IN GENERAL.—Any operator that has participated in a commodity program under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.), and that otherwise meets each eligibility requirement under this subtitle, shall be eligible to enter into a risk management account contract for agricultural production during each of fiscal years 2008 through 2012.

(2) OTHER PRODUCERS.—A producer that is not an operator described in paragraph (1) shall be eligible to enter into a risk management account contract for agricultural production during each of fiscal years 2008 through 2012.

(3) LIMITATIONS.—

(A) IN GENERAL.—No farm or portion of a farm shall be subject to more than 1 risk management account contract during any fiscal year.

(B) MULTIPLE RISK MANAGEMENT ACCOUNT CONTRACTS.—

(i) IN GENERAL.—Except as provided in clause (ii), no operator or producer shall participate or have a beneficial interest in more than 1 risk management account contract during any fiscal year.

(ii) EXCEPTION.—Notwithstanding clause (i), an operator that is eligible to receive a transition payment during a fiscal year, and that participates or has a beneficial interest in a risk management account contract during that fiscal year, may enter into an additional risk management account contract during the fiscal year if—

(I) the additional risk management account contract is entered into solely for the purpose of receiving the transition payment; and

(II) the operator is not otherwise eligible to participate or have a beneficial interest in the additional risk management account contract.

(c) RISK MANAGEMENT ACCOUNTS.—

(1) IN GENERAL.—Each risk management account contract entered into under this section shall establish, in the name of the farm of the operator or producer, as applicable, in an appropriate financial institution and subject to such investment rules and other procedures as the Secretary, on approval of the Secretary of the Treasury, determines to be necessary to provide reasonable assurance of the viability and stability of the account, a risk management account, to consist of—

(A) such amounts as are transferred to the risk management account by the Secretary during an applicable year in accordance with paragraph (2) (including the amendments made by that paragraph); and

(B) such amounts as are voluntarily contributed by the operator or producer during the applicable year in accordance with paragraph (6).

(2) TRANSFERS.—Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended by adding at the end the following:

"(e) RISK MANAGEMENT ACCOUNTS.—Of the total amount of direct payments made to producers, payments in excess of $10,000 for a crop year shall be deposited into risk management accounts established under section 1102 of the Food and Energy Security Act of 2007.".

(3) OPERATOR AND PRODUCER CONTRIBUTIONS.—During any applicable year, an operator or producer may voluntarily contribute to the risk management account of the operator or producer.

(4) WITHDRAWALS.—

(A) IN GENERAL.—An operator or producer may withdraw amounts in the risk management account of the operator or producer only—

(i) for an applicable year during which the adjusted gross revenue of the operator or producer is equal to less than 95 percent of the average adjusted gross revenue of the operator or producer, in an amount that is equal to the lesser of—

(I) the difference between—

(aa) the average adjusted gross revenue of the operator or producer; and

(bb) the adjusted gross revenue of the operator or producer; and

(II) the amount of coverage that could be purchased under an adjusted gross revenue product available to the operator or producer through the Federal crop insurance program;

(ii) for investment in a value-added agricultural operation that contributes to the agricultural economy, as determined by the Secretary, and is not farmland or equipment used to produce raw agricultural products, an amount equal to the product obtained by multiplying—

(I) the total amount in the risk management account of the operator or producer on September 30 of the preceding applicable year; and

(II) 10 percent;

(iii) as the Secretary determines to be necessary to protect the solvency of a farm of the operator or producer; or

(iv) to purchase revenue insurance or crop insurance.

(B) TRANSFER TO IRA ACCOUNT.—In any calendar year, an individual operator or producer aged 65 years or older who is the holder of a risk management account in existence for at least 5 years may elect to rollover not more than 15 percent of the balance of the risk management account into an individual retirement account pursuant to section 408 of the Internal Revenue Code of 1986.

(5) LIMITATIONS.—

(A) ATTRIBUTION REQUIREMENT.—The Secretary shall ensure that each payment transferred to a risk management account under this subsection is attributed to an individual operator or producer that is a party to the applicable risk management account contract.

(B) NO INDIVIDUAL BENEFIT.—

(i) IN GENERAL.—The Secretary shall ensure that no individual operator or producer receives a direct benefit from more than 1 risk management account.

(ii) PROPORTIONAL REDUCTION.—The Secretary shall reduce the amount of a standard payment under this subsection in an amount equal to the proportion that—

(I) the amount of each direct or indirect benefit received by the applicable individual operator or producer under the applicable risk management account contract; bears to

(II) the amount of any direct or indirect benefit received by the individual operator or producer under any other risk management account contract under which a standard payment is transferred to a risk management account.

(6) CONSERVATION COMPLIANCE.—Each operator, and each holder of a beneficial interest in a farm subject to a risk management account contract, shall comply with—

(A) applicable highly erodible land conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

(B) applicable wetland conservation requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

(7) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this subsection.

SEC. 1933. TREATMENT OF RISK MANAGEMENT ACCOUNT ACCOUNTS ON TRANSFER.

(a) IN GENERAL.—In transferring, by sale or other means, any interest in a farm subject to a risk management account, an operator or producer may elect—

(1) to transfer the risk management account to another farm in which the operator or producer—

(A) has a controlling ownership interest; or

(B) not later than 2 years after the date of the transfer, will acquire a controlling ownership interest;

(2) to transfer the risk management account to the purchaser of the interest in the farm, if the purchaser is not already a holder of a risk management account; or

(3)(A) if the operator or producer is an individual, to rollover amounts in the risk management account into an individual retirement account of the operator or producer pursuant to section 408 of the Internal Revenue Code of 1986; or

(B) if the operator or producer is not an individual, to transfer amounts in the risk management account into an account of any individual who has a substantial beneficial interest in the farm (including a substantial beneficiary of a trust that holds at least a 50 percent ownership interest in the farm).

(b) TRANSFER OR ACQUISITION OF LAND OR PORTION OF OPERATION.—The Secretary shall promulgate such regulations as the Secretary determines to be appropriate to require reformulation, reaffirmation, or abandonment of a risk management account contract—

(1) on transfer of all or part of a farm under this section; or

(2) on any other major change to the farm, as determined by the Secretary.

SEC. 1934. ADMINISTRATION OF RISK MANAGEMENT ACCOUNTS.

(a) IMPLEMENTATION.—The Secretary shall carry out this subtitle through the Farm Service Agency.

(b) COMPLIANCE.—The Secretary shall conduct random audits of operators and producers subject to risk management account contracts under this subtitle as the Secretary determines to be necessary to ensure compliance with the risk management account contracts.

(c) VIOLATIONS.—If the Secretary determines that an operator or producer is in violation of the terms of an applicable risk management account contract—

(1) the operator or producer shall refund to the Secretary an amount equal to the amount transferred by the Secretary under section 1103(e) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913(e)) to the affected risk management account during the applicable year in which the violation occurred; and

(2) for a serious or deliberate violation, as determined by the Secretary—

(A) the risk management account contract shall be terminated; and

(B) amounts remaining in each applicable risk management account as the result of a transfer by the Secretary under section 1103(e) of that Act shall be refunded to the Secretary.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this subtitle.

(e) ADJUSTED GROSS INCOME LIMITATION.—The adjusted gross income limitation under section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall apply to participation in the farm income stabilization assistance program under this subtitle.

(f) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subtitle.

On page 347, strike lines 17 through 20 and insert the following:

"SEC. 1237T. FUNDING.

"Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this subchapter $70,000,0000 for each of the fiscal years 2008 through 2012.".

On page 408, line 15, strike "$165,000,000" and "$265,000,000".

On page 444, after line 22, add the following:

SEC. 23___. MIGRATORY BIRD HABITAT CONSERVATION SECURITY PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) (as amended by section 2399) is amended by adding at the end the following:

“SEC. 1240S–1. MIGRATORY BIRD HABITAT CONSERVATION SECURITY PROGRAM.

“(a) IN GENERAL.—The Secretary, acting through the Natural Resources Conservation Service, shall establish a migratory bird habitat conservation program under which the Secretary shall provide payments and technical assistance to rice producers to promote the conservation of migratory bird habitat.

“(b) ELIGIBILITY.—To be eligible for payments and technical assistance under this section, an eligible producer shall maintain on rice acreage of the producer (as determined by the Secretary)—

“(1) straw residue on a minimum of 50 percent of the rice acreage by flooding, rolling, or stomping, and maintaining, water depths of at least 4 inches from November through February in a manner that benefits migratory waterfowl; or

“(2) if supplemental water is not available, planting a winter cover crop (such as vetch) on the rice acreage.

“(c) ADMINISTRATION.—In carrying out this section, the Secretary shall—

“(1) enroll not more than 100,000 acres of irrigated rice; and

“(2) provide payments to a participating rice producer for the value of the ecological benefit, but not less than $25 per acre.

“(d) REVIEW.—In cooperation with a national, State, or regional association of rice producers, the Secretary shall periodically review—

“(1) the value of the ecological benefit of practices for which assistance is provided under this section on a per acre basis; and

“(2) the practices for which assistance is provided under this section to maximize the wildlife benefit to migratory bird populations on land in rice production.

“(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $13,000,000 for the period of fiscal years 2008 through 2012.”.

On page 445, line 20, strike “$97,000,000” and insert “$120,000,000”.

On page 445, line 24 , strike “$240,000,000” and insert “$400,000,000”.

On page 446, line 4, strike “$1,270,000,000” and insert “$1,410,000,000”.

On page 446, line 6, strike “$1,300,000,000” and insert “$1,420,000,000”.

On page 446, line 10, strike “$85,000,000” and insert “$100,000,000”.

On page 508, between lines 20 and 21, insert the following:

SEC. 26___. CONSERVATION OF GREATER EVERGLADES ECOSYSTEM.

Of the funds of the Commodity Credit Corporation, the Secretary shall use $7,000,000 for each of fiscal years 2008 through 2012 to provide assistance to 1 or more States to carry out conservation activities in or for the greater Everglades ecosystem.

On page 552, strike lines 3 through 6 and insert the following:

(5) in subsection (l)—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the President shall use $450,000,000 for each of fiscal years 2008 through 2012 to carry out this section.”; and

(B) by redesignating paragraph (3) as paragraph (2).

On page 566, lines 9 and 10, strike “$140, $239, $197, and $123” and insert “$145, $248, $205, and $128”.

On page 567, line 3, strike “$281” and insert “$291”.

On page 574, line 6, strike “10 percent” and inserting “20 percent”.

Beginning on page 574, strike line 23 and all that follows through page 575, line 3, and insert the following:

“(2) AMOUNTS.—In addition to the amounts made available under paragraph (1), from amounts made available to carry out this Act, the Secretary shall use to carry out this subsection—

“(A) for fiscal year 2008, $110,000,000; and

“(B) for fiscal year 2009 and each fiscal year thereafter, an amount that is equal to the amount made available for the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”.

On page 658, lines 18 through 21, strike “for fiscal year 2008 and each fiscal year thereafter, of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use $10,000,000” and insert “for fiscal year 2008 and each fiscal year thereafter, of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use $50,000,000”.

On page 659, between lines 19 and 20, insert the following:

SEC. 4703. WIC FARMERS' MARKET NUTRITION PROGRAM.

Section 17(m)(9)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)(A)) is amended—

(1) in clause (i), by striking “each of fiscal years 2004 through 2009” and inserting “each fiscal year”; and

(2) by striking clause (ii) and inserting the following:

“(ii) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection, $40,000,000 for each fiscal year.”.

On page 664, between lines 15 and 16, insert the following:

SEC. 49___. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) PAYMENTS TO SERVICE INSTITUTIONS.—Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;

(C) in subparagraph (A) (as redesignated by subparagraph (B)), by striking “(A)” and all that follows through “shall not exceed—” and inserting the following:

“(A) IN GENERAL.—Subject to subparagraph (B), in addition to amounts made available under paragraph (3), payments to service institutions shall be—”;

(D) in subparagraph (B) (as redesignated by subparagraph (B)), by striking “subparagraph (B)” and inserting “subparagraph (A)”; and

(E) in subparagraph (C) (as redesignated by subparagraph (B)), by striking “(A), (B), and (C)” and inserting “(A) and (B)”; and

(2) in the second sentence of paragraph (3), by striking “full amount of State approved” and all that follows through “maximum allowable”.

(b) CONFORMING AMENDMENTS.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) through (k) as subsections (f) through (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1 of the first full calendar year following the date of enactment of this Act.

On page 663, between lines 17 and 18, insert the following:

Subtitle F—Food Employment Empowerment and Development Program

SEC. 4851. SHORT TITLE.

This subtitle may be cited as the “Food Employment Empowerment and Development Program Act of 2007” or the “FEED Act of 2007”.

SEC. 4852. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means an entity that meets the requirements of section 4013(b).

(2) VULNERABLE SUBPOPULATION.—

(A) IN GENERAL.—The term “vulnerable subpopulation” means low-income individuals, unemployed individuals, and other subpopulations identified by the Secretary as being likely to experience special risks from hunger or a special need for job training.

(B) INCLUSIONS.—The term “vulnerable subpopulation” includes—

(i) addicts (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(ii) at-risk youths (as defined in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472));

(iii) individuals that are basic skills deficient (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

(iv) homeless individuals (as defined in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b));

(v) homeless youths (as defined in section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a));

(vi) individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102));

(vii) low-income individuals (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); and

(viii) older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)).

SEC. 4853. FOOD EMPLOYMENT EMPOWERMENT AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a food employment empowerment and development program under which the Secretary shall make grants to eligible entities to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a public agency, or private nonprofit institution, that conducts, or will conduct, 2 or more of the following activities as an integral part of the normal operation of the entity:

(1) Recovery of donated food from area restaurants, caterers, hotels, cafeterias, farms, or other food service businesses.

(2) Distribution of meals or recovered food to—

(A) nonprofit organizations described in section 501(c)(3) of the Internal Revenue Code of 1986;

(B) entities that feed vulnerable subpopulations; and

(C) other agencies considered appropriate by the Secretary.

(3) Training of unemployed and underemployed adults for careers in the food service industry.

(4) Carrying out of a welfare-to-work job training program in combination with—

(A) production of school meals, such as school meals served under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

(B) support for after-school programs, such as programs conducted by community learning centers (as defined in section 4201(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171(b))).

(c) USE OF FUNDS.—An eligible entity may use a grant awarded under this section for—

(1) capital investments related to the operation of the eligible entity;

(2) support services for clients, including staff, of the eligible entity and individuals enrolled in job training programs;

(3) purchase of equipment and supplies related to the operation of the eligible entity or that improve or directly affect service delivery;

(4) building and kitchen renovations that improve or directly affect service delivery;

(5) educational material and services;

(6) administrative costs, in accordance with guidelines established by the Secretary; and

(7) additional activities determined appropriate by the Secretary.

(d) PREFERENCES.—In awarding grants under this section, the Secretary shall give preference to eligible entities that perform, or will perform, any of the following activities:

(1) Carrying out food recovery programs that are integrated with—

(A) culinary worker training programs, such as programs conducted by a food service management institute under section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1);

(B) school education programs; or

(C) programs of service-learning (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)).

(2) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(3) Integrating recovery and distribution of food with a job training program.

(4) Maximizing the use of an established school, community, or private food service facility or resource in meal preparation and culinary skills training.

(5) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(e) ELIGIBILITY FOR JOB TRAINING.—To be eligible to receive job training assistance from an eligible entity using a grant made available under this section, an individual shall be a member of a vulnerable subpopulation.

(f) PERFORMANCE INDICATORS.—The Secretary shall establish, for each year of the program, performance indicators and expected levels of performance for meal and food distribution and job training for eligible entities to continue to receive and use grants under this section.

(g) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide technical assistance to eligible entities that receive grants under this section to assist the eligible entities in carrying out programs under this section using the grants.

(2) FORM.—Technical assistance for a program provided under this subsection includes—

(A) maintenance of a website, newsletters, email communications, and other tools to promote shared communications, expertise, and best practices;

(B) hosting of an annual meeting or other forums to provide education and outreach to all programs participants;

(C) collection of data for each program to ensure that the performance indicators and purposes of the program are met or exceeded;

(D) intervention (if necessary) to assist an eligible entity to carry out the program in a manner that meets or exceeds the performance indicators and purposes of the program;

(E) consultation and assistance to an eligible entity to assist the eligible entity in providing the best services practicable to the community served by the eligible entity, including consultation and assistance related to—

(i) strategic plans;

(ii) board development;

(iii) fund development;

(iv) mission development; and

(v) other activities considered appropriate by the Secretary;

(F) assistance considered appropriate by the Secretary regarding—

(i) the status of program participants;

(ii) the demographic characteristics of program participants that affect program services;

(iii) any new idea that could be integrated into the program; and

(iv) the review of grant proposals; and

(G) any other forms of technical assistance the Secretary considers appropriate.

(h) RELATIONSHIP TO OTHER LAW.—

(1) BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT.—An action taken by an eligible entity using a grant provided under this section shall be covered by the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

(2) FOOD HANDLING GUIDELINES.—In using a grant provided under this section, an eligible entity shall comply with any applicable food handling guideline established by a State or local authority.

(3) INSPECTIONS.—An eligible entity using a grant provided under this section shall be exempt from inspection under sections 303.1(d)(2)(iii) and 381.10(d)(2)(iii) of volume 9, Code of Federal Regulations (or a successor regulation), if the eligible entity—

(A) has a hazard analysis and critical control point (HACCP) plan;

(B) has a sanitation standard operating procedure (SSOP); and

(C) otherwise complies with the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

(i) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to an eligible entity for a fiscal year under this section shall not exceed $200,000.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2008 through 2012.

(2) TECHNICAL ASSISTANCE.—Of the amount of funds that are made available for a fiscal year under paragraph (1), the Secretary shall use to provide technical assistance under subsection (g) not more than the greater of—

(A) 5 percent of the amount of funds that are made available for the fiscal year under paragraph (1); or

(B) $1,000,000.

Beginning on page 691, strike line 21 and all that follows through page 692, line 17.

On page 981, line 12, strike "$16,000,000" and insert "$30,000,000".

Beginning on page 1046, strike line 15 and all that follows through page 1053, line 23, and insert the following:

SEC. 8002. COMMUNITY FORESTS WORKING LAND PROGRAM.

Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) by redesignating subsection (m) as subsection (n); and

(2) by inserting after subsection (l) the following:

"(m) COMMUNITY FORESTS WORKING LAND PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) COMMUNITY FOREST LAND.—The term 'community forest land' means a parcel of land that is—

"(i) forested; and

"(ii) located, as determined by the Secretary, within, or in close proximity to, a population center.

"(B) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means a town, city, or other unit of local government.

"(2) PURPOSES.—The purposes of the community forests working land program are—

"(A) to help protect environmentally important forest land near population centers, as determined by the Secretary;

"(B) to facilitate land use planning by units of local government; and

"(C) to facilitate the donations, acceptance, and enforcement of conservation easements on community forest land.

"(3) ESTABLISHMENT.—The Secretary, in cooperation with the States, shall offer financial and technical assistance to units of local government by providing, in priority areas (as defined by the Secretary)—

"(A) financial assistance to purchase conservation easements on, facilitate the donation, acceptance, and enforcement of conservation easements on, or otherwise acquire, community forest land; and

"(B) technical assistance to facilitate—

"(i) conservation of community forests;

"(ii) management of community forests;

"(iii) training related to forest management and forest conservation; and

"(iv) other forest conservation activities, as determined by the Secretary.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $65,000,000 for each of fiscal years 2008 through 2012.".

On page 1112, line 8, strike "$300,000,000" and insert "$360,000,000".

On page 1129, line 18, strike "$230,000,000" and insert "$300,000,000".

On page 1150, strike lines 11 through 24 and insert the following:

"(h) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section $345,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.".

On page 1295, strike lines 6 through 11 and insert the following:

"(A) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection $15,000,000 for each of fiscal years 2008 through 2012.";

(ii) in subparagraph (B), by striking "authorized to be appropriated under subparagraph (A)" and inserting "made available under subparagraph (A)"; and

(iii) by adding at the end the following:

SA 3712. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 755, after line 22, insert the following:

SEC. 60_. WATER OR WASTE DISPOSAL LOANS.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) (as amended by section 6010) is amended by adding at the end the following:

"(29) WATER OR WASTE DISPOSAL LOANS.—For fiscal year 2008 and each subsequent fiscal year, the Secretary shall make or guarantee water or waste disposal loans under this title, and the loan guarantee programs funded from the Agricultural Credit Insurance Fund, under the authority and conditions (including the fees, borrower interest rate, and the economic assumptions of the President, as of September 1, 2006) provided by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109-97; 119 Stat. 2120).".

SA 3713. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1491, between lines 11 and 12, insert the following:

SEC. 12319. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) (defining qualifying income) is amended by inserting ", or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, any alcohol fuel as defined in section 6426(b)(4)(A) (including any neat alcohol fuel), or any biodiesel fuel as defined in section 40A(d)(1)(A) (including neat biodiesel fuel)" after "timber".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SA 3714. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1491, between lines 11 and 12, insert the following:

SEC. 12319. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) (defining qualifying income) is amended by inserting ", or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, any alcohol fuel as defined in section 6426(b)(4)(A) (including any neat alcohol fuel), or any biodiesel fuel as defined in section 40A(d)(1)(A) (including neat biodiesel fuel)" after "timber)".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SA 3715. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 110___. COMPETITION REQUIREMENTS FOR PURCHASES FROM FEDERAL PRISON INDUSTRIES.

(a) IN GENERAL.—The Secretary shall cause the Acquisition Regulation of the Department of Agriculture established under chapter 4 of title 48, Code of Federal Regulations, to be modified in accordance with subsection (b).

(b) ADMINISTRATION.—

(1) COMPETITIVE PROCEDURES.—A purchase of a product from Federal Prison Industries shall be made using competitive procedures (including the competition requirements applicable to a purchase under a multiple award contract), if—

(A) market research conducted by the Department of Agriculture determines that the product offered by Federal Prison Industries is comparable in price, quality, or time of delivery to products of the private sector that best meets the needs of the Department in terms of price, quality, and time of delivery; or

(B) Federal Prison Industries has a significant share of the Federal market for a product listed in the latest edition of the Federal Prison Industries catalog issued pursuant to section 4124(d) of title 18, United States Code.

(2) OFFERS.—In conducting a purchase described in paragraph (1), the Secretary shall consider a timely offer made by Federal Prison Industries.

(3) SIGNIFICANT SHARE OF FEDERAL MARKET.—For the purposes of this subsection, Federal Prison Industries shall be treated as having a significant share of the Federal market for a product if the Secretary, in consultation with the Administrator of the Office of Federal Procurement Policy, determines that the share of Federal Prison Industries of the Federal market for the category of the product is significant.

SA 3716. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1511, line 25, strike all through page 1517, line 19, and insert the following:

"(2) ALLOCATION BY SECRETARY.—

"(A) IN GENERAL.—In accordance with subparagraph (B), the Secretary shall allocate the amount described in paragraph (1) among at least 20 qualified projects, or such lesser number of qualified projects—

"(i) with proper applications filed after 12 months after the adoption of the selection process under subparagraph (B), and

"(ii) for purposes provided for in regional investment strategies for which regional innovation grants are awarded under section 385F of subtitle I of the Consolidated Farm and Rural Development Act.

"(B) SELECTION PROCESS.—In consultation with the Secretary of Agriculture, the Secretary shall adopt a process to select projects described in subparagraph (A). Under such process, the Secretary shall not allocate more than 15 percent of the allocation under subparagraph (A) to qualified projects within a single State.

"(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

"(h) SPECIAL RULES RELATING TO EXPENDITURES.—

"(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

"(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the rural renaissance bond,

"(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the rural renaissance bond or, in the case of a rural renaissance bond the proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower, and

"(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

"(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

"(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a rural renaissance bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

"(j) DEFINITIONS AND SPECIAL RULES RELATING TO ISSUERS AND BORROWERS.—For purposes of this section—

"(1) QUALIFIED ISSUER.—The term 'qualified issuer' means—

"(A) a rural renaissance bond lender,

"(B) a cooperative electric company, or

"(C) a governmental body.

"(2) QUALIFIED BORROWER.—The term 'qualified borrower' means—

"(A) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2)(C), or

"(B) a governmental body.

"(3) RURAL RENAISSANCE BOND LENDER.—The term 'rural renaissance bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

"(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

"(5) GOVERNMENTAL BODY.—The term 'governmental body' means any State, territory, possession of the United States, the District of Columbia, Indian tribal government, and any political subdivision thereof.

"(k) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

"(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BOND.—The term 'bond' includes any obligation.

"(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

"(3) RURAL AREA.—The term 'rural area' shall have the meaning given such term by section 1393(a)(2).

"(4) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

"(A) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

"(B) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

"(5) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any rural renaissance bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(6) REPORTING.—Issuers of rural renaissance bonds shall submit reports similar to the reports required under section 149(e).

"(7) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2008.".

SA 3717. Mr. GRASSLEY (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1214, strike line 6 and all that follows through page 1220, line 11, and insert the following:

SEC. 10201. SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity"—

(A) has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602); and

(B) does not include biofuels.

(2) AGRICULTURAL COOPERATIVE.—The term "agricultural cooperative" means an association of persons that meets the requirements of the Capper-Volstead Act (7 U.S.C. 291 et seq.).

(3) AGRICULTURAL INDUSTRY.—The term "agricultural industry"—

(A) means any dealer, processor, commission merchant, or broker involved in the buying or selling of agricultural commodities; and

(B) does not include sale or marketing at the retail level.

(4) ANTITRUST LAWS.—The term "antitrust laws" has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

(5) ASSISTANT ATTORNEY GENERAL.—The term "Assistant Attorney General" means the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice.

(6) BIOFUEL.—The term "biofuel" has the meaning given that term in section 9001 of the Farm Security and Rural Investment Act of 2002, as amended by section 9001 of this Act.

(7) BROKER.—The term "broker" means any person (excluding an agricultural cooperative) engaged in the business of negotiating sales and purchases of any agricultural commodity in commerce for or on behalf of the vendor or the purchaser.

(8) CHAIRMAN.—The term "Chairman" means the Chairman of the Federal Trade Commission.

(9) COMMISSION MERCHANT.—The term "commission merchant" means any person (excluding an agricultural cooperative) engaged in the business of receiving in commerce any agricultural commodity for sale, on commission, or for or on behalf of another.

(10) DEALER.—The term "dealer" means any person (excluding an agricultural cooperative) engaged in the business of buying, selling, or marketing agricultural commodities in commerce, except that no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity produced by that person.

(11) PROCESSOR.—The term "processor" means any person (excluding an agricultural cooperative) engaged in the business of handling, preparing, or manufacturing (including slaughtering) an agricultural commodity, or the products of such agricultural commodity, for sale or marketing in commerce for human consumption (excluding sale or marketing at the retail level).

(12) SPECIAL COUNSEL.—The term "Special Counsel" means the Special Counsel for Agricultural Competition of the Department of Agriculture established under section 11 of the Packers and Stockyards Act, 1921, as added by this Act.

(13) TASK FORCE.—The term "Task Force" means the Agriculture Competition Task Force established under subsection (b).

(b) AGRICULTURE COMPETITION TASK FORCE.—

(1) ESTABLISHMENT.—There is established, under the authority of the Attorney General, the Agriculture Competition Task Force, to examine problems in agricultural competition.

(2) MEMBERSHIP.—The Task Force shall consist of—

(A) the Assistant Attorney General, who shall serve as chairperson of the Task Force;

(B) the Special Counsel;

(C) a representative from the Federal Trade Commission;

(D) a representative from the Department of Agriculture, Office of Packers and Stockyards;

(E) 1 representative selected jointly by the attorneys general of States desiring to participate in the Task Force;

(F) 1 representative selected jointly by the heads of the departments of agriculture (or similar such agency) of States desiring to participate in the Task Force;

(G) 8 individuals who represent the interests of small family farmers, ranchers, independent producers, packers, processors, and other components of the agricultural industry—

(i) 2 of whom shall be selected by the Majority Leader of the Senate;

(ii) 2 of whom shall be selected by the Minority Leader of the Senate;

(iii) 2 of whom shall be selected by the Speaker of the House of Representatives; and

(iv) 2 of whom shall be selected by the Minority Leader of the House of Representatives; and

(H) 4 academics or other independent experts working in the field of agriculture, agricultural law, antitrust law, or economics—

(i) 1 of whom shall be selected by the Majority Leader of the Senate;

(ii) 1 of whom shall be selected by the Minority Leader of the Senate;

(iii) 1 of whom shall be selected by the Speaker of the House of Representatives; and

(iv) 1 of whom shall be selected by the Minority Leader of the House of Representatives.

(3) DUTIES.—The Task Force shall—

(A) study problems in competition in the agricultural industry;

(B) establish ways to coordinate Federal and State activities to address unfair and deceptive practices and concentration in the agricultural industry;

(C) work with representatives from agriculture and rural communities to identify abusive practices in the agricultural industry;

(D) submit to Congress such reports as the Task Force determines appropriate on the state of family farmers and ranchers, and the impact of agricultural concentration and unfair business practices on rural communities in the United States; and

(E) make such recommendations to Congress as the Task Force determines appropriate on agricultural competition issues, which shall include any additional or dissenting views of the members of the Task Force.

(4) WORKING GROUP.—

(A) IN GENERAL.—The Task Force shall establish a working group on buyer power to study the effects of concentration, monopsony, and oligopsony in agriculture, make recommendations to the Assistant Attorney General and the Chairman, and assist the Assistant Attorney General and the Chairman in drafting agricultural guidelines under subsection (d)(1).

(B) MEMBERS.—The working group shall include any member of the Task Force selected under paragraph (2)(H).

(5) MEETINGS.—

(A) FIRST MEETING.—The Task Force shall hold its initial meeting not later than the later of—

(i) 90 days after the date of enactment of this Act; and

(ii) 30 days after the date of enactment of an Act making appropriations to carry out this subsection.

(B) MINIMUM NUMBER.—The Task Force shall meet not less than once each year, at the call of the chairperson.

(6) COMPENSATION.—

(A) IN GENERAL.—The members of the Task Force shall serve without compensation.

(B) TRAVEL EXPENSES.—Members of the Task Force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(7) STAFF OF TASK FORCE; EXPERTS AND CONSULTANTS.—

(A) STAFF.—

(i) APPOINTMENT.—The chairperson of the Task Force may, without regard to the provisions of chapter 51 of title 5, United States Code (relating to appointments in the competitive service), appoint and terminate an executive director and such other staff as are necessary to enable the Task Force to perform its duties. The appointment of an executive director shall be subject to approval by the Task Force.

(ii) COMPENSATION.—The chairperson of the Task Force may fix the compensation of the executive director and other staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification of positions and General Schedule pay rates), except that the rate of pay for the executive director and other staff may not exceed the rate of basic pay payable for level V of the Executive Schedule under section 5315 of title 5, United States Code, as in effect from time to time.

(B) EXPERTS AND CONSULTANTS.—The Task Force may procure temporary and intermittent services of experts and consultants in accordance with section 3109(b) of title 5, United States Code.

(8) POWERS OF THE TASK FORCE.—

(A) HEARINGS AND MEETINGS.—The Task Force, or a member of the Task Force if authorized by the Task Force, may hold such hearings, sit and act at such time and places, take such testimony, receive such evidence, and administer such oaths or affirmations as the Task Force considers to be appropriate.

(B) OFFICIAL DATA.—

(i) IN GENERAL.—The Task Force may obtain directly from any executive agency (as defined in section 105 of title 5, United States Code) or court information necessary to enable it to carry out its duties under this subsection. On the request of the chairperson of the Task Force, and consistent with any other law, the head of an executive agency or of a Federal court shall provide such information to the Task Force.

(ii) CONFIDENTIAL INFORMATION.—The Task Force shall adopt procedures that ensure that confidential information is adequately protected.

(C) FACILITIES AND SUPPORT SERVICES.—The Administrator of General Services shall provide to the Task Force on a reimbursable basis such facilities and support services as the Task Force may request. On request of the Task Force, the head of an executive agency may make any of the facilities or services of such agency available to the Task Force, on a reimbursable or nonreimbursable basis, to assist the Task Force in carrying out its duties under this subsection.

(D) EXPENDITURES AND CONTRACTS.—The Task Force or, on authorization of the Task Force, a member of the Task Force may make expenditures and enter into contracts for the procurement of such supplies, services, and property as the Task Force or such member considers to be appropriate for the purpose of carrying out the duties of the Task Force. Such expenditures and contracts may be made only to such extent or in such amounts as are provided in advance in appropriation Acts.

(E) MAILS.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(F) GIFTS, BEQUESTS, AND DEVISES.—The Task Force may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Task Force. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Task Force.

(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2008, 2009, and 2010.

(c) AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING.—There are authorized to be appropriated such sums as are necessary to hire additional employees (including agricultural law and economics experts) for the Transportation, Energy, and Agriculture Section of the Antitrust Division of the Department of Justice, to enhance the review of agricultural transactions and monitor, investigate, and prosecute unfair and deceptive practices in the agricultural industry.

(d) ENSURING FULL AND FREE COMPETITION IN AGRICULTURE.—

(1) AGRICULTURAL GUIDELINES.—

(A) FINDINGS.—Congress finds the following:

(i) The effective enforcement of the antitrust laws in agriculture requires that the antitrust enforcement agencies have guidelines with respect to mergers and other anticompetitive conduct that are focused on the special circumstances of agricultural commodity markets.

(ii) There has been a substantial increase in concentration in the markets in which agricultural commodities are sold, with the result that buyers of agricultural commodities often possess regional dominance in the form of oligopsony or monopsony relative to sellers of such commodities. A substantial part of this increase in market concentration is the direct result of mergers and acquisitions that the antitrust enforcement agencies did not challenge, in part because of the lack of guidelines focused on identifying particular structural characteristics in the agricultural industry and the adverse competitive effects that such acquisitions and mergers would create.

(iii) The cost of transportation, impact on quality, and delay in sales of agricultural commodities if they are to be transported to more distant buyers may result in narrow geographic markets with respect to buyer power.

(iv) Buyers have no economic incentive to bid up the price of agricultural commodities in the absence of effective competition. Further, the nature of buying may make it feasible for larger numbers of buyers to engage in tacit or overt collusion to restrain price competition.

(v) Buyers with oligopsonistic or monopsonistic power have incentives to engage in unfair, discriminatory, and exclusionary acts that cause producers of agricultural commodities to receive less than a competitive price for their goods, transfer economic risks to sellers without reasonable compensation, and exclude sellers from access to the market.

(vi) Markets for agricultural commodities often involve contexts in which many producers have relatively limited information and bargaining power with respect to the sale of their commodities. These conditions invite buyers with significant oligopsonistic or monopsonistic power to exercise that power in ways that involve discrimination and undue differentiation among sellers.

(B) ISSUANCE OF GUIDELINES.—After consideration of the findings under subparagraph (A), the Assistant Attorney General and the Chairman, in consultation with the Special Counsel, shall issue agricultural guidelines that—

(i) facilitate a fair, open, accessible, transparent, and efficient market system for agricultural products;

(ii) recognize that not decreasing competition in the purchase of agricultural products by highly concentrated firms from a sector in perfect competition is entirely consistent with the objective of the antitrust laws to protect consumers and enhance consumer benefits from competition; and

(iii) require the Assistant Attorney General or the Chairman, as the case may be, to challenge any merger or acquisition in the agricultural industry, if the effect of that merger or acquisition may be to substantially lessen competition or tend to create a monopoly.

(C) CONTENTS.—The agricultural guidelines issued under subparagraph (B) shall consist of merger guidelines relating to existing and potential competition and vertical integration that—

(i) establish appropriate methodologies for determining the geographic and product markets for mergers affecting agricultural commodity markets;

(ii) establish thresholds of increased concentration that raise a concern that the merger will have an adverse effect on competition in the affected agricultural commodities markets;

(iii) identify potential adverse competitive effects of mergers in agricultural commodities markets in a nonexclusive manner; and

(iv) identify the factors that would permit an enforcement agency to determine when a merger in the agricultural commodities market might avoid liability because it is not likely to have an adverse effect on competition.

(2) AGRICULTURE COMPETITION TASK FORCE WORKING GROUP ON BUYING POWER.—In issuing agricultural guidelines under this subsection, the Chairman and the Assistant Attorney General shall consult with the working group on buyer power of the Task Force established under subsection (b)(4).

(3) COMPLETION.—Not later than 2 years after the date of enactment of this Act, the Chairman and the Assistant Attorney General shall—

(A) issue agricultural guidelines under this subsection;

(B) submit to Congress the agricultural guidelines issued under this subsection; and

(C) submit to Congress a report explaining the basis for the guidelines, including why it incorporated or did not incorporate each recommendation of the working group on buyer power of the Task Force established under subsection (b)(4).

(4) REPORT.—Not later than 30 months after the date of enactment of this Act, the Chairman and the Assistant Attorney General shall jointly submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the issuing of agricultural guidelines under this subsection.

(e) SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.—

(1) IN GENERAL.—The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) is amended—

(A) by striking the title I heading and all that follows through "This Act" and inserting the following:

"TITLE I—GENERAL PROVISIONS

"Subtitle A—Definitions

"SEC. 1. SHORT TITLE.

"This Act"; and

(B) by inserting after section 2 (7 U.S.C. 183) the following:

"Subtitle B—Special Counsel for Agricultural Competition

"SEC. 11. SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Department of Agriculture an office to be known as the 'Office of Special Counsel for Agricultural Competition' (referred to in this section as the 'Office').

"(2) DUTIES.—The Office shall—

"(A) have responsibility for all duties and functions of the Packers and Stockyards programs of the Department of Agriculture;

"(B) investigate and prosecute violations of this Act and the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.);

"(C) analyze mergers within the food and agricultural sectors, in consultation with the Chief Economist of the Department of Agriculture, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice, and the Chairman of the Federal Trade Commission, as required under section 10201(f) of the Food and Energy Security Act of 2007;

"(D) serve as a liaison between, and act in consultation with, the Department of Agriculture, the Department of Justice, and the Federal Trade Commission with respect to competition and trade practices in the food and agricultural sector; and

"(E) maintain sufficient employees (including antitrust and litigation attorneys, economists, investigators, and other professionals with the appropriate expertise) to appropriately carry out the responsibilities of the Office.

"(b) SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.—

"(1) IN GENERAL.—The Office shall be headed by the Special Counsel for Agricultural Competition (referred to in this section as the 'Special Counsel'), who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) INDEPENDENCE OF SPECIAL AUTHORITY.—

"(A) IN GENERAL.—The Special Counsel shall report to and be under the general supervision of the Secretary.

"(B) DIRECTION, CONTROL, AND SUPPORT.—The Special Counsel shall be free from the direction and control of any person in the Department of Agriculture other than the Secretary.

"(C) PROHIBITION ON DELEGATION.—The Secretary may not delegate any duty described in subsection (a)(2) to any other officer or employee of the Department other than the Special Counsel.

"(D) REPORTING REQUIREMENT.—

"(i) IN GENERAL.—Twice each year, the Special Counsel shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that shall include, for the relevant reporting period, a description of—

"(I) the number of complaints that the Special Counsel has received and closed;

"(II)(aa) the number of investigations and civil and administrative actions that the Special Counsel has initiated, carried out, and completed, including the number of notices given to regulated entities for violations of this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.);

"(bb) the number and types of decisions agreed to; and

"(cc) the number of stipulation agreements; and

"(III) the number of investigations and civil and administrative actions that the Secretary objected to or prohibited from being carried out, and the stated purpose of the Secretary for each objection or prohibition.

"(ii) REQUIREMENT.—The basis for each complaint, investigation, or civil or administrative action described in a report under clause (i) shall—

"(I) be organized by species; and

"(II) indicate if the complaint, investigation, or civil or administration action was for anti-competitive, unfair, or deceptive practices under this Act or was a violation of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.).

"(E) REMOVAL.—

"(i) IN GENERAL.—The Special Counsel may be removed from office by the President.

"(ii) COMMUNICATION.—The President shall communicate the reasons for any such removal to both Houses of Congress.

"(3) PROSECUTORIAL AUTHORITY.—Subject to paragraph (4), the Special Counsel may commence, defend, or intervene in, and supervise the litigation of, any civil or administrative action authorized under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.).

"(4) PROCEDURE FOR EXERCISE OF AUTHORITY TO LITIGATE OR APPEAL.—

"(A) IN GENERAL.—Prior to commencing, defending, or intervening in any civil action under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.), the Special Counsel shall give written notification to, and attempt to consult with, the Attorney General with respect to the proposed action.

"(B) FAILURE TO RESPOND.—If, not later than 45 days after the date of provision of notification under subparagraph (A), the Attorney General has failed to commence, defend, or intervene in the proposed action, the Special Counsel may commence, defend, or intervene in, and supervise the litigation of, the action and any appeal of the action in the name of the Special Counsel.

"(C) AUTHORITY OF ATTORNEY GENERAL TO INTERVENE.—Nothing in this paragraph precludes the Attorney General from intervening on behalf of the United States in any civil action under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.), or in any appeal of such action, as may be otherwise provided by law.

"(c) RELATIONSHIP TO OTHER PROVISIONS.—Nothing in this section modifies or otherwise effects subsections (a) and (b) of section 406.

"(d) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a)(2)(E).".

(2) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Special Counsel for Agricultural Competition.".

(f) AGRIBUSINESS MERGER REVIEW AND ENFORCEMENT BY THE DEPARTMENT OF AGRICULTURE.—

(1) NOTICE.—The Assistant Attorney General or the Commissioner, as appropriate, shall notify the Secretary of any filing under section 7A of the Clayton Act (15 U.S.C. 18a) involving a merger or acquisition in the agricultural industry, and shall give the Secretary the opportunity to participate in the review proceedings.

(2) REVIEW.—

(A) IN GENERAL.—After receiving notice of a merger or acquisition under paragraph (1), the Secretary may submit to the Assistant Attorney General or the Commissioner, as appropriate, and publish the comments of the Secretary regarding that merger or acquisition, including a determination regarding whether the merger or acquisition may present significant competition and buyer power concerns, such that further review by the Assistant Attorney General or the Commissioner, as appropriate, is warranted.

(B) SECOND REQUESTS.—For any merger or acquisition described in paragraph (1), if the Assistant Attorney General or the Chairman, as the case may be, requires the submission of additional information or documentary material under section 7A(e)(1)(A) of the Clayton Act (15 U.S.C. 18a(e)(1)(A))—

(i) copies of any materials provided in response to such a request shall be made available to the Secretary; and

(ii) the Secretary—

(I) shall submit to the Assistant Attorney General or the Chairman such additional comments as the Secretary determines appropriate; and

(II) shall publish a summary of any comments submitted under subclause (I).

(3) REPORT.—

(A) IN GENERAL.—The Secretary shall submit an annual report to Congress regarding the review of mergers and acquisitions described in paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall provide a description of each merger or acquisition described in paragraph (1) that was reviewed by the Secretary during the year before the date that report is submitted, including—

(i) the name and total resources of each entity involved in that merger or acquisition;

(ii) a statement of the views of the Secretary regarding the competitive effects of that merger or acquisition on agricultural markets, including rural communities and small, independent producers; and

(iii) a statement indicating whether the Assistant Attorney General or the Chairman, as the case may be, instituted a proceeding or action under the antitrust laws, and if so, the status of that proceeding or action.

(g) AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING FOR THE GRAIN INSPECTION, PACKERS, AND STOCKYARDS ADMINISTRATION.—There are authorized to be appropriated such sums as are necessary to enhance the capability of the Grain Inspection, Packers, and Stockyards Administration to monitor, investigate, and pursue the competitive implications of structural changes in the meat packing and poultry industries by hiring litigating attorneys to allow the Grain Inspection, Packers, and Stockyards Administration to more comprehensively and effectively pursue its enforcement activities.

SA 3718. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 391, strike lines 24 and 25 and insert the following:

(A) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

On page 392, line 18, insert "and" after the semicolon.

On page 392, between lines 18 and 19, by inserting the following:

(ii) by adding at the end the following:

"(C) CERTAIN PAYMENTS.—Once a producer receives over $240,000 in cumulative payments under the program, regardless of the number of contracts entered into by the producer under this chapter, the cost-share applicable to payments to that producer shall be not more than 25 percent.";

SA 3719. Mr. FEINGOLD (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle H—Flexible State Funds

SEC. 1941. OFFSET.

(a) OFFSET.—

(1) IN GENERAL.—Except as provided in paragraph (3) and notwithstanding any other provision of this Act, for the period beginning on October 1, 2007, and ending on September 30, 2012, the Secretary shall reduce the total amount of payments described in paragraph (2) received by the producers on a farm by 35 percent.

(2) PAYMENT.—A payment described in this paragraph is a payment in an amount of more than $10,000 for the crop year that is—

(A) a direct payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1103 or 1303; or

(B) the fixed payment component of an average crop revenue payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1401(b)(2).

(3) APPLICATION.—This subsection does not apply to a payment provided under a contract entered into by the Secretary before the date of enactment of this Act.

(b) SAVINGS.—The Secretary shall ensure, to the maximum extent practicable, that any savings resulting from subsection (a) are used—

(1) to provide $15,000,000 for each of fiscal years 2008 through 2012 to carry out section 379F of the Consolidated Farm and Rural Development Act (as added by section 1943);

(2) to provide an additional $35,000,000 for fiscal year 2008 and $40,000,000 for each of fiscal years 2009 through 2012 to carry out section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) (as amended by section 6401);

(3) to provide an additional $5,000,000 for each of fiscal years 2008 through 2012 to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.);

(4) to provide an additional $10,000,000 for each of fiscal years 2008 through 2012 to carry out section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279)) (as amended by section 11052);

(5) to provide an additional $30,000,000 for each of fiscal years 2008 through 2012 to carry out the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the "Farm and Ranch Lands Protection Program") ;

(6) to provide an additional $5,000,000 for fiscal year 2008 to carry out the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005);

(7) to carry out sections 4101 and 4013 (and the amendments made by those sections), without regards to paragraphs (1) and (3) of section 4908(b); and

(8) to make any funds that remain available after providing funds under paragraphs (1) through (7) to the Commodity Credit Corporation for use in carrying out section 1942.

SEC. 1942. FLEXIBLE STATE FUNDS.

(a) FUNDING.—

(1) BASE GRANTS.—The Secretary shall make a grant to each State to be used to benefit agricultural producers and rural communities in the State, in the amount of—

(A) for fiscal year 2008, $220,000; and

(B) for the period of fiscal years 2009 through 2017, $2,500,000.

(2) PROPORTIONAL FUNDING.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall allocate amounts described in section 1941(b)(4) among the States based on the proportion of savings realized under section 1941(a) for each State.

(B) STATE FUNDS.—The Secretary shall maintain a separate account for each State consisting of amounts allocated for the State in accordance with subparagraph (A).

(C) USE OF FUNDS.—The Secretary shall use amounts maintained in a State account described in subparagraph (B) to carry out eligible programs in the appropriate State in accordance with a determination made by a State board under subsection (b)(4).

(b) STATE BOARDS.—

(1) IN GENERAL.—Each State shall establish a State board that consists of the State directors of—

(A) the Farm Service Agency;

(B) the Natural Resources Conservation Service; and

(C) the programs carried out by the Under Secretary for Rural Development.

(2) STATE CONCURRENCE.—Before any allocation of funds is made to a State board, the Secretary shall ensure that the applicable State department of agriculture reviews and is in concurrence with the proposed allocation.

(3) PRODUCER STAKEHOLDER INPUT.—A State board established under paragraph (1) shall conduct appropriate outreach activities with respect to producers and local rural and agriculture industry leaders to collect information and provide advice regarding the needs and preferred uses of the funds provided under this section.

(4) DETERMINATION.—

(A) IN GENERAL.—Each State board shall determine the use of funds allocated under subsection (a)(2) among the eligible programs described in subsection (c)(1).

(B) REQUIREMENT.—Of the funds allocated under subsection (a)(2) during each 5-year period, at least 20 percent of the funds shall be used to carry out eligible programs described in subparagraphs (M) through (P) of subsection (c)(1).

(c) ELIGIBLE PROGRAMS.—

(1) IN GENERAL.—Funds allocated to a State under subsection (b) may be used in the State—

(A) to provide stewardship payments for conservation practices under the conservation security program established under subchapter A of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.);

(B) to provide cost share for projects to reduce pollution under the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), including manure management;

(C) to assist States and local groups to purchase development rights from farms and slow suburban sprawl under the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the "Farm and Ranch Lands Protection Program");

(D) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.);

(E) to provide loans and loan guarantees to improve broadband access in rural areas in accordance with the program under section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb);

(F) to provide to rural community facilities loans and grants under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a));

(G) to provide water or waste disposal grants or direct or guaranteed loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a));

(H) to make value-added agricultural product market development grants under section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224);

(I) the rural microenterprise assistance program under section 366 of the Consolidated Farm and Rural Development Act (as added by section 6022);

(J) to provide organic certification cost share or transition funds under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

(K) to provide grants under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural

Investment Act of 2002 (as amended by section 9001);

(L) to provide grants under the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005);

(M) to provide vouchers for the seniors farmers' market nutrition program under section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007);

(N) to provide vouchers for the farmers' market nutrition program established under section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m));

(O) to provide grants to improve access to local foods and school gardens under section 18(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(i)); and

(P) subject to paragraph (2), to provide additional locally or regionally produced commodities for use by the State any of—

(i) the fresh fruit and vegetable program under section 19 of the Richard B. Russell National School Lunch Act (as added by section 4903);

(ii) the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86);

(iii) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

(iv) the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(v) the food distribution program on Indian reservations established under section 4(b) of the Food and Nutrition Act of 2007 (7 U.S.C. 2013(b)).

(2) WAIVERS.—

(A) IN GENERAL.—The Secretary may waive a local or regional purchase requirement under any program described in clauses (i) through (v) of paragraph (1)(P) if the applicable State board demonstrates to the satisfaction of the Secretary that a sufficient quality or quantity of a local or regional product is not available.

(B) EFFECT.—A product purchased by a State board that receives a waiver under subparagraph (A) in lieu of a local or regional product shall be produced in the United States.

(d) MAINTENANCE OF EFFORT.—Funds made available to a program of a State under this section shall be in addition to, and shall not supplant, any other funds provided to the program under any other Federal, State, or local law (including regulations).

SEC. 1943. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND IMPROVE QUALITY OF RURAL HEALTH CARE FACILITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6028) is amended by adding at the end the following:

"SEC. 379F. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND QUALITY OF RURAL HEALTH CARE FACILITIES.

"(a) DEFINITIONS.—In this section:

"(1) HEALTH INFORMATION TECHNOLOGY.—The term 'health information technology' includes total expenditures incurred for—

"(A) purchasing, leasing, and installing computer software and hardware, including handheld computer technologies, and related services;

"(B) making improvements to computer software and hardware;

"(C) purchasing or leasing communications capabilities necessary for clinical data access, storage, and exchange;

"(D) services associated with acquiring, implementing, operating, or optimizing the use of computer software and hardware and clinical health care informatics systems;

"(E) providing education and training to rural health facility staff on information systems and technology designed to improve patient safety and quality of care; and

"(F) purchasing, leasing, subscribing, or servicing support to establish interoperability that—

"(i) integrates patient-specific clinical data with well-established national treatment guidelines;

"(ii) provides continuous quality improvement functions that allow providers to assess improvement rates over time and against averages for similar providers; and

"(iii) integrates with larger health networks.

"(2) RURAL AREA.—The term 'rural area' means any area of the United States that is not—

"(A) included in the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 residents; or

"(B) an urbanized area contiguous and adjacent to such a city, town, borough, or village.

"(3) RURAL HEALTH FACILITY.—The term 'rural health facility' means any of—

"(A) a hospital (as defined in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)));

"(B) a critical access hospital (as defined in section 1861(mm) of that Act (42 U.S.C. 1395x(mm)));

"(C) a Federally qualified health center (as defined in section 1861(aa) of that Act (42 U.S.C. 1395x(aa))) that is located in a rural area;

"(D) a rural health clinic (as defined in that section (42 U.S.C. 1395x(aa)));

"(E) a medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G) of that Act (42 U.S.C. 1395ww(d)(5)(G))); and

"(F) a physician or physician group practice that is located in a rural area.

"(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary shall provide grants to rural health facilities for the purpose of assisting the rural health facilities in—

"(1) purchasing health information technology to improve the quality of health care or patient safety; or

"(2) otherwise improving the quality of health care or patient safety, including through the development of—

"(A) quality improvement support structures to assist rural health facilities and professionals—

"(i) to increase integration of personal and population health services; and

"(ii) to address safety, effectiveness, patient- or community-centeredness, timeliness, efficiency, and equity; and

"(B) innovative approaches to the financing and delivery of health services to achieve rural health quality goals.

"(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant provided under this section.

"(d) PROVISION OF INFORMATION.—A rural health facility that receives a grant under this section shall provide to the Secretary such information as the Secretary may require—

"(1) to evaluate the project for which the grant is used; and

"(2) to ensure that the grant is expended for the purposes for which the grant was provided.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.".

SA 3720. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 272, after line 24, add the following:

SEC. 19___ SHARE OF RISK; REIMBURSEMENT RATE; FUNDING AND ADMINISTRATION.

(a) SHARE OF RISK.—

(1) IN GENERAL.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended—

(A) by striking "require the reinsured" and inserting the following: "require—

"(A) the reinsured";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B)(i) the cumulative underwriting gain or loss, and the associated premium and losses with such amount, calculated under any reinsurance agreement (except livestock) ceded to the Corporation by each approved insurance provider to be not less than 12.5 percent; and

"(ii) the Corporation to pay a ceding commission to reinsured companies of 2 percent of the premium used to define the loss ratio for the book of business of the approved insurance provider that is described in clause (i).".

(2) CONFORMING AMENDMENTS.—Section 516(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)) is amended by adding at the end the following:

"(E) Costs associated with the ceding commissions described in section 508(k)(3)(B)(ii).".

(3) EFFECTIVE DATE.—The amendments made by this section take effect on June 30, 2008.

(b) REIMBURSEMENT RATE.—Notwithstanding section 1911, section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 1906(2)) is amended—

(1) in subparagraph (A), by striking "Except as provided in subparagraph (B)" and inserting "Except as otherwise provided in this paragraph"; and

(2) by adding at the end the following:

"(E) REIMBURSEMENT RATE REDUCTION.—For each of the 2009 and subsequent reinsurance years, the reimbursement rates for administrative and operating costs shall be 4.0 percentage points below the rates in effect as of the date of enactment of the Food and Energy Security Act of 2007 for all crop insurance policies used to define loss ratio, except that the reduction shall not apply in a reinsurance year to the total premium written in a State in which the State loss ratio is greater than 1.2.

"(F) REIMBURSEMENT RATE FOR AREA POLICIES AND PLANS OF INSURANCE.—Notwithstanding subparagraphs (A) through (E), for each of the 2009 and subsequent reinsurance years, the reimbursement rate for area policies and plans of insurance shall be 17 percent of the premium used to define loss ratio for that reinsurance year.".

(c) FUNDING AND ADMINISTRATION.—Notwithstanding section 2401, section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “2007” and inserting “2012”; and

(2) by striking paragraphs (3) through (7) and inserting the following:

“(3) The conservation security program under subchapter A of chapter 2, using $2,317,000,000 to administer contracts entered into as of the day before the date of enactment of the Food and Energy Security Act of 2007, to remain available until expended.

“(4) The conservation stewardship program under subchapter B of chapter 6.

“(5) The farmland protection program under subchapter B of chapter 2, using, to the maximum extent practicable, $110,000,000 for each of fiscal years 2008 through 2012.

“(6) The grassland reserve program under chapter C of chapter 2, using, to the maximum extent practicable, $300,000,000 for the period of fiscal years 2008 through 2012.

“(7) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

“(A) $1,345,000,000 for fiscal year 2008;

“(B) $1,350,000,000 for fiscal year 2009;

“(C) $1,385,000,000 for fiscal year 2010; and

“(D) $1,420,000,000 for each of fiscal years 2011 and 2012.”.

SA 3721. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 305, after line 19, add the following:

SEC. 2202. MUCK SOIL CONSERVATION GRANT PROGRAM.

(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a muck soil conservation grant program under which the Secretary shall make grants to eligible owners and operators of land described in subsection (b) to assist the owners and operators to conserve and improve the soil, water, and wildlife resources of the land.

(b) ELIGIBLE OWNER OR OPERATOR.—To be eligible to receive a grant under this section, an individual shall be an owner of operator of land—

(1) that is comprised of soil that qualifies as muck, as determined by the Secretary;

(2) that is used for production of an agricultural crop;

(3) within which is planted, during each appropriate growing season—

(A) a spring cover crop that is planted in conjunction with a primary agricultural crop described in paragraph (2); and

(B) a winter crop; and

(4) that has ditch banks that are—

(A) seeded with grass; and

(B) maintained on a year-round basis.

(c) AMOUNT OF GRANT.—A grant provided under this section shall be in an amount that is—

(1) not less than $300 per acre, per year; and

(2) not greater than $500 per acre, per year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.

SA 3722. Mr. DURBIN (for himself and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 552, strike lines 3 through 6 and insert the following:

(5) in subsection (l)—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the President shall use to carry out this section—

“(A) $140,000,000 for fiscal year 2009;

“(B) $180,000,000 for fiscal year 2010;

“(C) $220,000,000 for fiscal year 2011; and

“(D) $260,000,000 for fiscal year 2012.”; and

(B) in paragraph (2), by striking “such sums” and all that follows through “2007” and inserting “$300,000,000 for each of fiscal years 2008 through 2012”.

SEC. 3109. OFFSET.

Section 901(b)(4)(A) of the Trade Act of 1974 (as added by section 12101(a)) is amended by striking clause (ii) and inserting the following:

“(ii)(I) 30 percent of the amount of any direct payments made to the producer under section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) or section 1103 of the Food and Energy Security Act of 2007 or of any fixed direct payments made at the election of the producer in lieu of that section or a subsequent section; and

“(II) 20 percent of the amount of any counter-cyclical payments made to the producer under section 1104 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7914) or section 1104 of the Food and Energy Security Act of 2007 or of any revenue enhancement payment made at the election of the producer in lieu of that section or a subsequent section;”.

SA 3723. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. REGULATION OF THE PET INDUSTRY.

(a) HIGH-VOLUME RETAILERS AND IMPORTERS.—

(1) IN GENERAL.—The Animal Welfare Act is amended by adding after section 19 (7 U.S.C. 2149) the following:

“SEC. 20. REGULATION OF HIGH-VOLUME RETAILERS AND IMPORTERS.

“(a) DEFINITIONS.—In this section:

“(1) CERTIFIED THIRD-PARTY INSPECTOR.—The term ‘certified third-party inspector’ means a nonprofit organization certified by the Secretary in accordance with subsection (d).

“(2) IMPORTER.—The term ‘importer’ has the same meaning as the term ‘regulated person’, except that the term also includes any person that imports into the United States any dog or cat for resale.

“(3) REGULATED PERSON.—

“(A) IN GENERAL.—The term ‘regulated person’ means any person who in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of—

“(i) any dog or other animal (whether alive or dead) for research, teaching, or exhibition;

“(ii) any dog or cat (whether alive or dead) at wholesale or retail; or

“(iii) any dog or cat imported into the United States for resale.

“(B) EXCEPTIONS.—The term ‘regulated person’ does not include—

“(i) a retail pet store, except for a retail pet store that sells—

“(I) any animal to a research facility, an exhibitor, or a regulated person; or

“(II) any dog or cat imported into the United States directly by the retail pet store;

“(ii) any animal shelter, rescue organization, or other person that does not operate for profit; or

“(iii) any person that—

“(I) sells dogs and cats only at retail;

“(II) does not import dogs and cats for resale; and

“(III)(aa) sells not more than the total number of dogs and cats described in subparagraph (C); or

“(bb) in accordance with regulations promulgated by the Secretary, is determined to be in compliance with the standards of a third-party inspector certified under subsection (d).

“(C) DESCRIPTION.—The number of dogs and cats referred to in subparagraph (B)(iii)(III)(aa) is not more than—

“(i) a total of 25 dogs and cats not bred or raised on the premises of the seller during a calendar year; or

“(ii)(I) the number of dogs and cats bred or raised during a calendar year on the premises of the seller and sold directly at retail to persons who purchase the dogs and cats for personal use and enjoyment and not for resale, provided that the total number sold during a calendar year is not more than the greater of 25 dogs and cats or the dogs and cats from not more than 6 litters; and

“(II) a total of 25 other dogs and cats not bred or raised on the premises of the seller during the calendar year.

“(4) RETAIL.—The term ‘retail’ means any sale that is not at wholesale.

“(5) RETAIL PET STORE.—

“(A) IN GENERAL.—The term ‘retail pet store’ means a retail business establishment that—

“(i) maintains a physical premises that is open to the public; and

“(ii) sells pet animals directly to the public from the retail business premises.

“(B) EXCLUSION.—The term ‘retail pet store’ does not include—

“(i) a person breeding dogs or cats to sell at wholesale or retail; or

“(ii) a person importing dogs or cats from outside the United States for resale.

“(6) WHOLESALE.—The term ‘wholesale’ means the sale of an animal for resale.

“(b) TREATMENT OF REGULATED PERSONS.—The Secretary shall treat a regulated person in the same manner that the Secretary treats a dealer under this Act.

“(c) ALTERNATIVE LICENSING OPTION.—The Secretary may issue a license under section 3 to a regulated person that deals in dogs or cats if the regulated person—

“(1) has demonstrated that the facilities of the regulated person comply with standards promulgated by the Secretary in accordance with section 13; or

"(2) has demonstrated in accordance with regulations promulgated by the Secretary that the facilities of the regulated person comply with standards established by a certified third-party inspector.

"(d) THIRD-PARTY INSPECTORS.—

"(1) REGULATIONS.—

"(A) IN GENERAL.—Not later than 36 months after the date of enactment of this subsection, the Secretary shall promulgate regulations under which the Secretary may certify nonprofit organizations that the Secretary determines to have standards and inspection protocols that are at least as protective of animal welfare as those promulgated by the Secretary in accordance with section 13(a)(2).

"(B) REQUIREMENTS.—Regulations promulgated under subparagraph (A) shall—

"(i) establish procedures under which the Secretary may certify third-party inspectors, including provisions for public notice of—

"(I) third-party certification applications;

"(II) certification decisions by the Secretary; and

"(III) the standards and inspection protocols of certified third-party inspectors;

"(ii) require each certified third-party inspector to be recertified not less than once every 3 years;

"(iii) establish procedures under which the Secretary shall decertify a certified third-party inspector that the Secretary determines has failed to maintain standards and inspection protocols that are at least as protective of animal welfare as those promulgated by the Secretary in accordance with section 13(a)(2);

"(iv) require each certified third-party inspector to immediately notify the Secretary of any person inspected by the certified third-party inspector—

"(I) whose conduct places the health of an animal in serious danger; or

"(II) who otherwise fails to comply with the standards established by the inspector (including a description of the specific failure);

"(v) require each certified third-party inspector to submit to the Secretary an annual summary report describing—

"(I) the number of inspections conducted;

"(II) the number of persons found to be out-of-compliance with the standards of the certified third-party inspector and the response actions taken;

"(III) the types of non-compliance found; and

"(IV) such other information about the program of the certified third-party inspector as the Secretary shall require, without revealing personal information about inspected persons, to ensure that the program of the third-party inspector is maintaining standards and inspection protocols that are at least as protective of animal welfare as those promulgated by the Secretary in accordance with section 13(a)(2);

"(vi) require certified third-party inspectors to submit to the Secretary copies of all inspection reports on an annual basis;

"(vii) establish procedures under which the Secretary may require certified third-party inspectors to participate in training and education programs carried out through the Animal and Plant Health Inspection Service; and

"(viii) establish procedures for compliance audits of third-party inspections.

"(C) FOIA EXEMPTION.—Section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act') shall not apply to reports described in subparagraph (B)(vi).

"(2) INSPECTIONS.—

"(A) IN GENERAL.—The Secretary shall promulgate regulations under which a regulated person dealing in dogs and cats may elect to have a certified third-party inspector inspect the regulated person and report the results of the inspection to the Secretary in lieu of inspection by the Secretary.

"(B) THIRD-PARTY INSPECTIONS OPTIONAL.—No regulated person shall be required under this Act to be inspected by a certified third-party inspector.

"(C) LIMITATION.—No person other than a regulated person may make the election described in subparagraph (A).

"(3) ENFORCEMENT.—

"(A) IN GENERAL.—The Secretary shall have exclusive enforcement authority over any violation of this Act.

"(B) INITIATION OF ACTION.—The Secretary shall investigate and, if appropriate, initiate enforcement action under this Act, immediately upon receiving notification under paragraph (1)(B)(iv).

"(4) USE OF APPROPRIATED FUNDS.—

"(A) IN GENERAL.—The Secretary may use funds appropriated to the Department of Agriculture to carry out this subsection.

"(B) PROHIBITION.—A certified third-party inspector may not use funds appropriated to Department of Agriculture.

"(e) ACCESS TO SOURCE RECORDS FOR DOGS AND CATS.—Notwithstanding any other provision of this Act, all regulated persons and retail pet stores shall prepare, retain, and make available at all reasonable times for inspection and copying by the Secretary, for such reasonable period of time as the Secretary may prescribe, a record of—

"(1)(A) the name and address of the person from whom each dog or cat acquired for resale was purchased or otherwise acquired; or

"(B) if that information is not known, the source of the dog or cat; and

"(2) if the person from whom the dog or cat was obtained is a dealer licensed by the Secretary, the Federal dealer identification number of the person.

"(f) IMPORTATION OF LIVE DOGS AND CATS.—

"(1) FINDINGS.—Congress finds that—

"(A) regulating imports of dogs and cats for resale, including restricting importation of puppies and kittens for resale, is consistent with provisions of international agreements to which the United States is a party that expressly allow for measures that are necessary—

"(i) to protect animal life or health;

"(ii) to protect human health; and

"(iii) to enjoin the use of deceptive trade practices in international and domestic commerce;

"(B) the importation of puppies into the United States for resale is increasing;

"(C) the breeding of puppies and kittens in foreign countries for resale in the United States creates opportunities and incentives for evasion of United States laws (including regulations) relating to the humane care and treatment of breeding stock, puppies, and kittens;

"(D) the conditions under which puppies are transported into the United States for resale are frequently inhumane and in violation of domestic and international standards;

"(E) there is an unacceptably high incidence of disease and death among puppies imported into the United States for resale;

"(F) the importation of puppies and kittens for resale creates unacceptable incentives for evasion of United States laws (including regulations) intended to protect animal and human health in the United States, including quarantine regulations; and

"(G) puppies and kittens imported for resale may be accompanied by fraudulent health and breeding documents, imposing high economic and emotional costs and fraud on United States citizens.

"(2) ENFORCEMENT.—An importer that fails to comply with any Federal law (including a regulation) relating to the importation of live dogs and cats into the United States shall be subject to this Act, including penalties under section 19.

"(3) REGULATIONS.—Not later than 24 months after the date of enactment of this section, the Secretary, in consultation with the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security, shall promulgate regulations relating to the importation of live dogs and cats into the United States for resale.

"(4) REQUIREMENTS.—Regulations promulgated under paragraph (3) shall require that—

"(A) any importer that imports into the United States a dog or cat in violation of this Act shall provide for the care, forfeiture, and adoption of the dog or cat, at the expense of the importer; and

"(B) dogs imported into the United States for resale—

"(i) be not less than 6 months of age;

"(ii) have received all necessary vaccinations, as determined by the Secretary; and

"(iii) be in good health, as determined by the Secretary.".

(2) REGULATIONS.—Not later than 36 months after the date of enactment of this Act, the Secretary shall promulgate final regulations to carry out the amendment made by paragraph (1)

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date on which final regulations described in paragraph (2) take effect.

(b) EXTENSION OF TEMPORARY SUSPENSION PERIOD.—Section 19(a) of the Animal Welfare Act (7 U.S.C. 2149) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) EXTENSION OF TEMPORARY SUSPENSION PERIOD.—If the Secretary has reason to believe that a violation that results in a temporary suspension pursuant to paragraph (1) is continuing or will continue after the expiration of the 21-day temporary suspension period described in that paragraph, and the violation will place the health of any animal in serious danger in violation of this Act, the Secretary may extend the temporary suspension period for such additional period as is necessary to ensure that the health of an animal is not in serious danger, as determined by the Secretary, but not to exceed 60 days.".

(c) AUTHORITY TO APPLY FOR INJUNCTIONS.—Section 29 of the Animal Welfare Act (7 U.S.C. 2159) is amended—

(1) in subsection (a), by inserting "or that any person is acting as a dealer or exhibitor without a valid license that has not been suspended or revoked, as required by this Act," after "promulgated thereunder,";

(2) in subsection (b), by striking the last sentence; and

(3) by adding at the end the following:

"(c) INJUNCTIONS; REPRESENTATION.—

"(1) INJUNCTIONS.—The Secretary may apply directly to the appropriate United States district court for a temporary restraining order or injunction described in subsection (a).

"(2) REPRESENTATION.—Attorneys of the Department of Agriculture may represent the Secretary in United States district court in any civil action brought under this section.".

(d) EFFECT ON STATE LAW.—Nothing in this section or the amendments made by this section (including any regulations promulgated as a result of this section) preempts any State law (including a regulation) that provides stricter requirements than the requirements provided in the amendments made by this section.

SA 3724. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 108, strike line 3 and all that follows through page 123, line 8 and insert the following:

(A) the 2009, 2010, 2011, and 2012 crop years;

(B) the 2010, 2011, and 2012 crop years;

(C) the 2011 and 2012 crop years; or

(D) the 2012 crop year.

(2) ELECTION; TIME FOR ELECTION.—

(A) IN GENERAL.—The Secretary shall provide notice to producers regarding the opportunity to make the election described in paragraph (1).

(B) NOTICE REQUIREMENTS.—The notice shall include—

(i) notice of the opportunity of the producers on a farm to make the election; and

(ii) information regarding the manner in which the election must be made and the time periods and manner in which notice of the election must be submitted to the Secretary.

(3) ELECTION DEADLINE.—Within the time period and in the manner prescribed pursuant to paragraph (2), the producers on a farm shall submit to the Secretary notice of the election made under paragraph (1).

(4) EFFECT OF FAILURE TO MAKE ELECTION.—If the producers on a farm fail to make the election under paragraph (1) or fail to timely notify the Secretary of the election made, as required by paragraph (3), the producers shall be deemed to have made the election to receive payments and loans under subtitle A for all covered commodities and peanuts on the farm for the applicable crop year.

(b) PAYMENTS REQUIRED.—

(1) IN GENERAL.—In the case of producers on a farm who make the election under subsection (a) to receive average crop revenue payments, for any of the 2009 through 2012 crop years for all covered commodities and peanuts, the Secretary shall make average crop revenue payments available to the producers on a farm in accordance with this subsection.

(2) FIXED PAYMENT COMPONENT.—Subject to paragraph (3), in the case of producers on a farm described in paragraph (1), the Secretary shall make average crop revenue payments available to the producers on a farm for each crop year in an amount equal to not less than the product obtained by multiplying—

(A) $15 per acre; and

(B) 100 percent of the lower of—

(i) the quantity of base acres on the farm for all covered commodities and peanuts (as adjusted in accordance with the terms and conditions of section 1101 or 1302, as determined by the Secretary); or

(ii) the average of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm during the 2002 through 2007 crop years.

(3) REVENUE COMPONENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall increase the amount of the average crop revenue payments available to the producers on a farm in a State for a crop year if—

(i) the actual State revenue for the crop year for the covered commodity or peanuts in the State determined under subsection (c); is less than

(ii) the average crop revenue program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d).

(B) PRICES.—The Secretary shall increase the amount of the average crop revenue payments available to the producers on a farm in a State for a crop year only if (as determined by the Secretary)—

(i) the amount determined by multiplying—

(I) the actual yield for the covered commodity or peanuts of the producers on the farm; and

(II) the average crop revenue program harvest price for the crop year for the covered commodity or peanuts determined under subsection (c)(3); is less than

(ii) the amount determined by multiplying—

(I) the yield used to calculate crop insurance coverage for the covered commodity or peanuts on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (commonly referred to as "actual production history"); and

(II) the pre-planting price for the applicable crop year for the covered commodity or peanuts in a State determined under subsection (d)(3).

(4) TIME FOR PAYMENTS.—In the case of each of the 2009 through 2012 crop years, the Secretary shall make—

(A) payments under the fixed payment component described in paragraph (2) not earlier than October 1 of the calendar year in which the crop of the covered commodity or peanuts is harvested; and

(B) payments under the revenue component described in paragraph (3) beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity or peanuts.

(c) ACTUAL STATE REVENUE.—

(1) IN GENERAL.—For purposes of subsection (b)(3)(A), the amount of the actual State revenue for a crop year of a covered commodity shall equal the product obtained by multiplying—

(A) the actual State yield for each planted acre for the crop year for the covered commodity or peanuts determined under paragraph (2); and

(B) the average crop revenue program harvest price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(2) ACTUAL STATE YIELD.—For purposes of paragraph (1)(A) and subsection (d)(1)(A), the actual State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal (as determined by the Secretary)—

(A) the quantity of the covered commodity or peanuts that is produced in the State during the crop year; divided by

(B) the number of acres that are planted to the covered commodity or peanuts in the State during the crop year.

(3) AVERAGE CROP REVENUE PROGRAM HARVEST PRICE.—

(A) IN GENERAL.—For purposes of paragraph (1)(B), subject to subparagraph (B), the average crop revenue program harvest price for a crop year for a covered commodity or peanuts in a State shall equal the harvest price that is used to calculate revenue under revenue coverage plans that are offered for the crop year for the covered commodity or peanuts in the State under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(B) ASSIGNED PRICE.—If the Secretary cannot establish the harvest price for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A), the Secretary shall assign a price for the covered commodity or peanuts in the State on the basis of comparable price data.

(d) AVERAGE CROP REVENUE PROGRAM GUARANTEE.—

(1) IN GENERAL.—The average crop revenue program guarantee for a crop year for a covered commodity or peanuts in a State shall equal 90 percent of the product obtained by multiplying—

(A) the expected State yield for each planted acre for the crop year for the covered commodity or peanuts in a State determined under paragraph (2); and

(B) the average crop revenue program pre-planting price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(2) EXPECTED STATE YIELD.—

(A) IN GENERAL.—For purposes of paragraph (1)(A), subject to subparagraph (B), the expected State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal the projected yield for the crop year for the covered commodity or peanuts in the State, based on a linear regression trend of the yield per acre planted to the covered commodity or peanuts in the State during the 1980 through 2006 period using National Agricultural Statistics Service data.

(B) ASSIGNED YIELD.—If the Secretary cannot establish the expected State yield for each planted acre for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A) or if the linear regression trend of the yield per acre planted to the covered commodity or peanuts in the State (as determined under subparagraph (A)) is negative, the Secretary shall assign an expected State yield for each planted acre for the crop year for the covered commodity or peanuts in the State on the basis of expected State yields for planted acres for the crop year for the covered commodity or peanuts in similar States.

(3) AVERAGE CROP REVENUE PROGRAM PRE-PLANTING PRICE.—

(A) IN GENERAL.—For purposes of paragraph (1)(B), subject to subparagraphs (B) and (C), the average crop revenue program pre-planting price for a crop year for a covered commodity or peanuts in a State shall equal the average price that is used to calculate revenue under revenue coverage plans that are offered for the covered commodity in the State under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop year and the preceding 2 crop years.

(B) ASSIGNED PRICE.—If the Secretary cannot establish the pre-planting price for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A), the Secretary shall assign a price for the covered commodity or peanuts in the State on the basis of comparable price data.

(C) MINIMUM AND MAXIMUM PRICE.—In the case of each of the 2011 through 2012 crop years, the average crop revenue program pre-planting price for a crop year for a covered commodity or peanuts under subparagraph (A) shall not decrease or increase more than

15 percent from the pre-planting price for the preceding year.

(e) Payment Amount.—Subject to subsection (f), if average crop revenue payments are required to be paid for any of the 2009 through 2012 crop years of a covered commodity or peanuts under subsection (b)(3), in addition to the amount payable under subsection (b)(2), the amount of the average crop revenue payment to be paid to the producers on the farm for the crop year under this section shall be increased by an amount equal to the product obtained by multiplying—

(1) the difference between—

(A) the average crop revenue program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d); and

(B) the actual State revenue from the crop year for the covered commodity or peanuts in the State determined under subsection (c);

(2) 95 percent of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm in the crop year;

(3) the quotient obtained by dividing—

(A) the expected county yield for the crop year, determined for the county in the same manner as the expected State yield is determined for a State under subsection (d)(2); by

(B) the expected State yield for the crop year, as determined under subsection (d)(2); and

(4) 90 percent.

(f) Limitation on Payment Amount.—The amount of the average crop revenue payment to be paid to the producers on a farm for a crop year of a covered commodity or peanuts under subsection (e) shall not exceed 25 percent of the average crop revenue program guarantee for the crop year for the covered commodity or peanuts in a State determined under subsection (d)(1).

(g) Recourse Loans.—For each of the 2009 through 2012 crops of a covered commodity or peanuts, the Secretary shall make available to producers on a farm who elect to receive payments under this section recourse loans, as determined by the Secretary, on any production of the covered commodity.

SEC. 1402. PRODUCER AGREEMENT AS CONDITION OF AVERAGE CROP REVENUE PAYMENTS.

(a) Compliance With Certain Requirements.—

(1) Requirements.—Before the producers on a farm may receive average crop revenue payments with respect to the farm, the producers shall agree, and in the case of subparagraph (C), the Farm Service Agency shall certify, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.); and

(C) that the individuals or entities receiving payments are producers;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for the farm and any base acres for peanuts for the farm under part III of subtitle A, for an agricultural or conserving use, and not for a nonagricultural commercial, industrial, or residential use (including land subdivided and developed into residential units or other nonfarming uses, or that is otherwise no longer intended to be used in conjunction with a farming operation), as determined by the Secretary; and

(E) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (D).

(2) Compliance.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) Modification.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) Transfer or Change of Interest in Farm.—

(1) Termination.—

(A) In general.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm for which average crop revenue payments are made shall result in the termination of the payments, unless the transferee or owner of the farm agrees to assume all obligations under subsection (a).

(B) Effective date.—The termination shall take effect on the date determined by the Secretary.

(2) Exception.—If a producer entitled to an average crop revenue payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) Acreage Reports.—

(1) In general.—As a condition on the receipt of any benefits under this subtitle, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(2) Penalties.—No penalty with respect to benefits under subtitle shall be assessed against the producers on a farm for an inaccurate acreage report unless the producers on the farm knowingly and willfully falsified the acreage report.

(d) Tenants and Sharecroppers.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(e) Sharing of Payments.—The Secretary shall provide for the sharing of average crop revenue payments among the producers on a farm on a fair and equitable basis.

(f) Audit and Report.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall—

(1) conduct an audit of average crop revenue payments; and

(2) submit to Congress a report that describes the results of that audit.

SEC. 1403. PLANTING FLEXIBILITY.

(a) Permitted Crops.—Subject to subsection (b), any commodity or crop may be planted on base acres on a farm for which the producers on a farm elect to receive average crop revenue payments (referred to in this section as "base acres").

(b) Limitations Regarding Certain Commodities.—

(1) General limitation.—The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres unless the commodity, if planted, is destroyed before harvest.

(2) Treatment of trees and other perennials.—The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres.

(3) Covered agricultural commodities.—Paragraphs (1) and (2) apply to the following agricultural commodities:

(A) Fruits.

(B) Vegetables (other than mung beans and pulse crops).

(C) Wild rice.

(c) Exceptions.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of covered commodities with agricultural commodities specified in subsection (b)(3), as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) on base acres, except that average crop revenue payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in subsection (b)(3), except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) average crop revenue payments shall be reduced by an acre for each acre planted to such agricultural commodity.

(d) Planting Transferability Pilot Project.—Producers on a farm that elect to receive average crop revenue payments shall be eligible to participate in the pilot program established under section 1106(d) under the same terms and conditions as producers that receive direct payments and counter-cyclical payments.

(e) Production of Fruits or Vegetables for Processing.—

(1) In general.—Subject to paragraphs (2) through (4), effective beginning with the 2009 crop.

SA 3725. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. Harkin (for himself, Mr. Chambliss, Mr. Baucus, and Mr. Grassley) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 336, strike lines 6 through 21 and insert the following:

"(4) Compensation.—Effective on the date of enactment of this paragraph, the Secretary shall pay the lowest amount of compensation for a conservation easement, as determined by a comparison of—

"(A) the amount necessary to encourage the enrollment of parcels of land that are of importance in achieving the purposes of the program, as determined by the State Conservationist, in cooperation with the State technical committee, based on—

"(i) the net present value of 30 years of annual rental payments based on the county simple average soil rental rates developed under subchapter B;

"(ii) an area-wide market analysis or survey; or

"(iii) an amount not less than the value of the agricultural or otherwise undeveloped raw land based on the Uniform Standards of Professional Appraisal Practices;

"(B) the amount corresponding to a geographical area value limitation, as determined by the State Conservationist, in cooperation with the State technical committee; and

"(C) the amount contained in the offer made by the landowner.

"(5) PAYMENT SCHEDULE.—Except as otherwise provided in this subchapter, payments may be provided under this subchapter pursuant to an easement agreement, contract, or other agreement, in a lump sum payment, or in not more than 30 annual payments in equal or unequal amounts, as agreed to by the Secretary and the landowner.".

SA 3726. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2359 and insert the following:

SEC. 2359. GROUND AND SURFACE WATER CONSERVATION.

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9) is amended by striking subsection (c) and inserting the following:

"(c) FUNDING.—

"(1) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, in addition to amounts made available under section 1241(a) to carry out this chapter, the Secretary shall use $60,000,000 for each of fiscal years 2008 through 2012.

"(2) FUNDING FOR CERTAIN STATES.—Of the funds made available under paragraph (1), the Secretary shall provide to each State the boundaries of which encompass a multistate aquifer from which documented groundwater withdrawals exceed 16,000,000,000 gallons per day, for water conservation or irrigation practices, an amount equal to not less than the greater of—

"(A) $3,000,000; or

"(B) the simple average of amounts allocated to producers in the State under this section for the period of fiscal years 2002 through 2007.

"(3) EASTERN SNAKE PLAIN AQUIFER PILOT.—

"(A) IN GENERAL.—Of the funds made available under paragraph (1), the Secretary shall reserve not less than $2,000,000, to remain available until expended, for regional water conservation activities in the Eastern Snake Aquifer region.

"(B) APPROVAL.—The Secretary may approve regional water conservation activities under this paragraph that address, in whole or in part, water quality issues.".

SA 3727. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2359 and insert the following:

SEC. 2359. GROUND AND SURFACE WATER CONSERVATION.

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9) is amended by striking subsection (c) and inserting the following:

"(c) FUNDING.—

"(1) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, in addition to amounts made available under section 1241(a) to carry out this chapter, the Secretary shall use $60,000,000 for each of fiscal years 2008 through 2012.

"(2) FUNDING FOR CERTAIN STATES.—Of the funds made available under paragraph (1), the Secretary shall provide to each State the boundaries of which encompass a multistate aquifer from which documented groundwater withdrawals exceed 16,000,000,000 gallons per day, for water conservation or irrigation practices, an amount equal to not less than the greater of—

"(A) $3,000,000; or

"(B) the simple average of amounts allocated to producers in the State under this section for the period of fiscal years 2002 through 2007.".

SA 3728. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 471, strike line 22 and insert the following:

"(iv) IDENTIFICATION OF WATER QUALITY AND WATER QUANTITY PRIORITY AREAS.—

"(I) IN GENERAL.—Subject to subclause (II), the Secretary shall identify areas in which protecting or improving water quality or water quantity is a priority.

"(II) MANDATORY INCLUSIONS.—The Secretary shall include in any identification of areas under subclause (I)—

"(aa) the Chesapeake Bay;

"(bb) the Upper Mississippi River basin;

"(cc) the greater Everglades ecosystem;

"(dd) the Klamath River basin;

"(ee) the Sacramento/San Joaquin River watershed;

"(ff) the Mobile River Basin; and

"(gg) the Ogallala Aquifer.

"(III) FUNDING.—The Secretary shall reserve for use in areas identified under this clause not more than 50 percent of amounts made available for regional water enhancement activities under this paragraph.

"(v) DURATION.—

SA 3729. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 398, strike lines 22 through 26 and insert the following:

"(8) to assist producers in developing water conservation plans;

"(9) to reduce groundwater depletion, with priority given to regions that have significant rates of withdrawal or historic depletions due to agricultural use; and

"(10) to promote any other measures that improve groundwater and surface water conservation, as determined by the Secretary.

SA 3730. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 775, strike line 22 and all that follows through page 776, line 19 and insert the following:

"(B) WATER AND WASTE DISPOSAL GRANTS AND DIRECT AND GUARANTEED LOANS.—For the purpose of water and waste disposal grants and direct and guaranteed loans provided under paragraphs (1), (2), and (24) of section 306(a), the terms 'rural' and 'rural area' mean a city, town, or unincorporated area that has a population of no more than 10,000 inhabitants.

"(C) COMMUNITY FACILITY LOANS AND GRANTS.—For the purpose of community facility direct and guaranteed loans and grants under paragraphs (1), (19), (20), (21), and (24) of section 306(a), the terms 'rural' and 'rural area' mean any area other than—

"(i) an area described in clause (i), (ii), or (iii) of subparagraph (A); and

"(ii) a city, town, or unincorporated area that has a population of greater than 20,000 inhabitants.

"(D) AREAS RURAL IN CHARACTER.—

"(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, the Under Secretary for Rural Development may determine (pursuant to a petition by a local comunity or on the inititative of the Under Secretary) that an area described in clause (ii) or (iii) of subparagraph (A) is a rural area for the purposes of this paragraph, if the Under Secretary finds that the area is rural in character, as determined by the Under Secretary.

"(ii) ADMINISTRATION.—In carrying out clause (i), the Under Secretary for Rural Development—

"(I) shall not delegate the authority described in clause (i); but

"(II) shall consult with the applicable rural development State or regional director of the Department of Agriculture.

"(E) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because the cluster is adjacent to not more than 2 census blocks that are otherwise considered not in a rural area under this paragraph.".

(b) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) assesses the various definitions of the term "rural" and "rural area"that are used with respect to programs administered by the Secretary;

(2) describes the effects that the variations in those definitions have on those programs;

(3) make recommendations for ways to better target funds provided through rural development programs;

(4) describes the effects the changes to the definitions of the terms "rural" and "rural area" in the Farm Security and Rural Investment Act of 2002 and this Act had on those programs and eligible areas; and

(5) determines what effects the changes had on the level of rural development funding and participation in those programs in each State.

SA 3731. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 776 strike line 19 and insert the following:

20,000 inhabitants.

"(D) AREAS RURAL IN CHARACTER.—

"(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, the Under Secretary for Rural Development may determine that an area described in clause (ii) or (iii) of subparagraph (A) is a rural area for the purposes of this paragraph, if the Under Secretary finds that the area is rural in character, as determined by the Under Secretary.

"(ii) DELEGATIONS.—The authority described in clause (i) may not be delegated by the Under Secretary for Rural Development.

"(E) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because a census block in the cluster is adjacent to only 1 census block that—

"(i) is otherwise considered not in a rural area under this paragraph; and

"(ii) is also adjacent to only 1 census block that is otherwise considered not in a rural area.".

SA 3732. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agrucultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 774, strike line 10 and all that follows through page 776, line 19, and insert the following:

(a) RURAL AREA.—

(1) DEFINITION.—Section 343(a)(13) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)) is amended by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—The terms 'rural' and 'rural area' mean—

"(i) any area other than a city or town that has a population of greater than 50,000 inhabitants, except that, for all activities under programs in the rural development mission area within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Secretary may designate any portion of the areas as a rural area or eligible rural community that the Secretary determines is not urban in character, other than any area included in the Honolulu Census Designated Place or the San Juan Census Designated Place; and

"(ii) any urbanized area contiguous and adjacent to such a city or town.".

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(A) assesses the various definitions of the term "rural" that are used with respect to programs administered by the Secretary addressed in this title of this Act;

(B) describes the effects that the variations in those definitions have on those programs; and

(C) makes recommendations for ways to better target funds provided through rural development programs addressed in this title of this Act.

SA 3733. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 905, between lines 17 and 18, insert the following:

SEC. 7013. PURPOSES AND FINDINGS RELATING TO ANIMAL HEALTH AND DISEASE RESEARCH.

Section 1429 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191) is amended—

(1) in paragraph (8), by striking "and" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(10) support work with agricultural colleges and universities to develop methods and practices of animal husbandry that reduce dependence on antibiotic use.".

On page 987, line 18, insert after "genomics)" the following: ", the movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters, and methods and practices to ensure health and reduce the use of antibiotics; and methods to transition to practices and systems that minimize antibiotic use".

On page 1002, after line 21, insert the following:

SEC. 73___. RESEARCH AND EDUCATION GRANTS TO PREVENT ANTIBIOTIC RESISTANT BACTERIA THAT MAY BE TRANSFERRED FROM LIVESTOCK TO HUMANS.

(a) IN GENERAL.—The Secretary shall award research and education grants to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans.

(b) ELIGIBILITY AND APPLICATION.—To be eligible to receive a grant under this section, an entity shall—

(1) be an institution of higher education, a public or private nonprofit organization, or an individual; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—An entity shall use a grant awarded under this section to conduct research to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans, including research on—

(1) methods and practices of animal husbandry that reduce dependence on antibiotic use;

(2) movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters;

(3) methods and practices that ensure health and reduce use of antibiotics;

(4) methods to transition to practices and systems that avoid antibiotic use; and

(5) the transmission of antibiotic resistant traits among related and unrelated bacteria.

(d) ADMINISTRATION.—Grants under this section shall be awarded on a competitive and formula basis.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SA 3734. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 905, between lines 17 and 18, insert the following:

SEC. 7013. PURPOSES AND FINDINGS RELATING TO ANIMAL HEALTH AND DISEASE RESEARCH.

Section 1429 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191) is amended—

(1) in paragraph (8), by striking "and" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(10) support work with agricultural colleges and universities to develop methods and practices of animal husbandry that reduce dependence on antibiotic use.".

On page 987, line 18, insert after "genomics)" the following: ", the movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters, and methods and practices to ensure health and reduce the use of antibiotics; and methods to transition to practices and systems that minimize antibiotic use".

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SEC. 73___. RESEARCH AND EDUCATION GRANTS TO PREVENT ANTIBIOTIC RESISTANT BACTERIA THAT MAY BE TRANSFERRED FROM LIVESTOCK TO HUMANS.

(a) IN GENERAL.—The Secretary shall award research and education grants to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans.

(b) ELIGIBILITY AND APPLICATION.—To be eligible to receive a grant under this section, an entity shall—

(1) be an institution of higher education, a public or private nonprofit organization, or an individual; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) Use of Funds.—An entity shall use a grant awarded under this section to conduct research to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans, including research on—

(1) methods and practices of animal husbandry that reduce dependence on antibiotic use;

(2) movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters;

(3) methods and practices that ensure health and reduce use of antibiotics;

(4) methods to transition to practices and systems that avoid antibiotic use; and

(5) the transmission of antibiotic resistant traits among related and unrelated bacteria.

(d) Administration.—Grants under this section shall be awarded on a competitive and formula basis.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SA 3735. Mrs. CLINTON (for herself and Mr. Brown) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. Harkin (for himself, Mr. Chambliss, Mr. Baucus, and Mr. Grassley) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 863, strike line 24 and insert the following:

"(j) Comprehensive Rural Broadband Strategy.—

"(1) In general.—Not later than 1 year after the date of enactment of the Food and Energy Security Act of 2007, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing a comprehensive rural broadband strategy that includes—

"(A) recommendations—

"(i) to promote interagency coordination of Federal agencies in regards to policies, procedures, and targeted resources, and to improve and streamline the polices, programs, and services;

"(ii) to coordinate among Federal agencies regarding existing rural broadband or rural initiatives that could be of value to rural broadband development;

"(iii) to address both short- and long-term solutions and needs assessments for a rapid build-out of rural broadband solutions and applications for Federal, State, regional, and local government policy makers;

"(iv) to identify how specific Federal agency programs and resources can best respond to rural broadband requirements and overcome obstacles that currently impede rural broadband deployment; and

"(v) to promote successful model deployments and appropriate technologies being used in rural areas so that State, regional, and local governments can benefit from the cataloging and successes of other State, regional, and local governments; and

"(B) a description of goals and timeframes to achieve the strategic plans and visions identified in the report.

"(2) Updates.—The Under Secretary shall update and evaluate the report described in paragraph (1) on an annual basis.

"(k) Funding.—

SA 3736. Mr. WYDEN (for himself and Mr. Harkin) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. Harkin (for himself, Mr. Chambliss, Mr. Baucus, and Mr. Grassley) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1097, strike line 1 and all that follows through page 1103, line 15, and insert the following:

"SEC. 9004. BIOENERGY CROP TRANSITION ASSISTANCE.

"(a) Bioenergy Crop Transition Assistance Program.—

"(1) Purposes.—The purposes of the program established under this subsection are—

"(A) to promote the production of a diverse array of eligible bioenergy crops across the United States in a sustainable manner that protects the soil, air, water, and wildlife, to the maximum extent practicable;

"(B) to provide financial and technical assistance to owners and operators of eligible cropland to produce perennial bioenergy crops of suitable quality and in sufficient quantities to support and induce development and expansion of the use of the bioenergy crops for—

"(i) biofuels; or

"(ii) power or heat generation to supplement or replace nonbiobased energy resources; and

"(C) to gather technical information necessary to increase sustainable bioenergy crop production in the future.

"(2) Definitions.—In this section:

"(A) Bioenergy crop.—

"(i) In general.—The term 'bioenergy crop' means a perennial tree or plant native to the United States or another perennial plant as determined by the Secretary, that can be grown to provide raw renewable biomass energy or biofuels.

"(ii) Exclusions.—The term 'bioenergy crop' does not include—

"(I) any crop that is eligible for benefits under title I of the Food and Energy Security Act of 2007;

"(II) any plant that—

"(aa) the Secretary determines to be invasive or noxious on a regional basis under the Plant Protection Act (7 U.S.C. 7701 et seq.); or

"(bb) has the potential to become invasive or noxious on a regional basis as determined by the Secretary, in consultation with other appropriate Federal or State departments and agencies; or

"(III) any plant produced on land that, as of the date of enactment of the Food and Energy Security Act of 2007, is—

"(aa) in accordance with clause (iii), grassland that was not previously tilled or broken, as defined by the Secretary, in consultation with the Secretary of the Interior;

"(bb) native forest; or

"(cc) wetland.

"(iii) Grassland.—Grassland described in clause (ii)(III)(aa) does not include land that, for at least 3 of the 5 crop years preceding the date of enactment of the Food and Energy Security Act of 2007, has been devoted to managed pasture.

"(B) Bioenergy crop transition assistance payment.—The term 'bioenergy crop transition assistance payment' means an annual payment to a bioenergy crop producer who is participating in an approved bioenergy crop transition assistance program project under this subsection.

"(C) Comprehensive stewardship incentives program.—The term 'comprehensive stewardship incentives program' means the program established under chapter 6 of subtitle D of title XII of the Food Security Act of 1985.

"(D) Eligible applicant.—The term 'eligible applicant' means a group of agricultural landowners and operators producing or proposing to produce eligible bioenergy crops together with the owner or operator of an existing or proposed biomass conversion facility that intends to use the bioenergy crops.

"(3) Program.—

"(A) In general.—The Secretary shall establish a competitive process under which the Secretary, acting through the Natural Resources Conservation Service, shall select projects of eligible applicants from geographically-diverse areas of the United States to participate in the bioenergy crop transition assistance program under this subsection.

"(B) Application assistance.—

"(i) In general.—An eligible applicant may apply for a project planning grant of up to $50,000 to assist in assembling a bioenergy crop transition assistance program application.

"(ii) Matching requirement.—To receive a planning grant under clause (i), the eligible applicant shall provide 100 percent matching funding.

"(C) Application requirements.—An application submitted under the competitive process described in subparagraph (A) shall include—

"(i) the designation of a proposed bioenergy supply region at a distance economically practicable for transportation of the bioenergy crop to the biomass conversion facility;

"(ii) letters of intent from the agricultural landowners and operators applying for the project application, in the proposed supply region to produce a minimum specified number of acres of bioenergy crops;

"(iii) documentation from the eligible applicants that describes—

"(I) the variety of bioenergy crop the owners and operators have committed to producing; and

"(II) the variety of crop that the owners and operators would have grown if the owners and operators had not committee to producing the bioenergy crop; and

"(iv) a letter of intent from the owners or operators of the existing or proposed biomass conversion facility in the bioenergy supply region to use the bioenergy crops described in clause (iii)(I).

"(D) Selection criteria.—In selecting projects from applications submitted under this subsection, the Secretary shall—

"(i) consider—

"(I) the likelihood that the project will become viable; and

"(II) the geographic diversity of the projects; and

"(ii) give priority to projects that—

"(I) involve ecologically appropriate proposed bioenergy crops;

"(II) have the highest estimated benefits to wildlife, air, soil, and water quality improvement;

"(III) include plans to grow polycultures of at least 2 species;

"(IV) include the participation of beginning farmers or ranchers or socially disadvantaged farmers or ranchers; or

"(V) include local ownership of the biomass conversion facility of the project.

"(4) CONTRACT REQUIREMENTS.—

"(A) IN GENERAL.—An agricultural producer described in an application for a project selected by the Secretary under paragraph (3) shall have the opportunity to enroll eligible cropland of the agricultural producer under a contract entered into with the Secretary, acting through the Natural Resources Conservation Service.

"(B) REQUIREMENTS.—Under a contract described in subparagraph (A), an agricultural producer shall be required—

"(i) to produce 1 or more perennial eligible bioenergy crops;

"(ii) to meet the stewardship threshold (as determined under the comprehensive stewardship incentives program) for water, wildlife, and soil quality by the end of the last year of the contract described in subparagraph (A);

"(iii) to cooperate with the Secretary in the process of gathering such information as the Secretary shall require for the purposes of the study under paragraph (6); and

"(iv) to restrict the harvesting of bioenergy crops until after the end of the brooding and nesting season, in accordance with regional regulations promulgated by the Secretary in consultation with—

"(I) State Conservationists of the Natural Resources Conservation Service;

"(II) the United States Fish and Wildlife Service; and

"(III) State wildlife agencies.

"(5) CONTRACT BENEFITS.—

"(A) IN GENERAL.—An agricultural producer that has entered into a contract described in paragraph (4) shall be eligible to receive, as determined by the Secretary—

"(i) a Federal cost share for the cost of establishing the bioenergy crop produced by the agricultural producer under the project in an amount that is equal to—

"(I) 50 percent of the total cost;

"(II) in the case of a beginning farmer or rancher or a socially disadvantaged farmer or ranchers, 75 percent of the total cost; or

"(III) in the case of eligible producers that establish a polyculture crop mix of at least 3 perennial species, 90 percent of the total cost; and

"(ii) an annual bioenergy crop transition incentive payment in an amount determined by the Secretary.

"(B) COMPREHENSIVE STEWARDSHIP INCENTIVES PROGRAM PRIORITY.—During the project contract period, an agricultural producer that meets comprehensive stewardship incentives program eligibility requirements shall have a priority for enrollment in the stewardship section of that program, including enhanced payments for—

"(i) the maintenance and active management of a conservation system that incorporates 2 or more native perennial bioenergy crop species; and.

"(ii) participation in a research and demonstration project.

"(C) USE OF CROP.—If the bioenergy crop cannot be sold to the biomass conversion facility designated in the project application, the agricultural producer may use the crop for other purposes that are in compliance with the contract requirements described in paragraph (4).

"(6) STUDY AND REPORT.—The Secretary shall carry out a study of the results of the projects funded under this section, including—

"(A) the production potential of a variety of bioenergy crops and crop mixes;

"(B) the effect of the harvesting of bioenergy crops on—

"(i) wildlife and stand establishment;

"(ii) carbon and nitrogen cycles; and

"(iii) erosion, sedimentation, soil compaction, and soil health;

"(C) the impacts on water quality and consumption;

"(D) the soil carbon content and lifecycle greenhouse gas emissions of different bioenergy crops and the uses of the crops; and

"(E) the economic effectiveness of the incentives under this section in encouraging agricultural producers to produce bioenergy crops.

"(b) FOREST BIOMASS PLANNING GRANTS.—The Secretary shall provide forest biomass planning assistance grants to private landowners to develop forest stewardship plans that involve sustainable management of biomass from forest land of the private landowners that will preserve diversity, soil, water, or wildlife values of the land, while ensuring a steady supply of biomass material, through—

"(1) State forestry agencies, in consultation with State wildlife agencies; and

"(2) technical service provider arrangements with third parties.

"(c) ASSISTANCE FOR COLLECTION, HARVEST, STORAGE, AND TRANSPORTATION OF RENEWABLE BIOMASS.—

"(1) IN GENERAL.—The Secretary shall establish a program to provide assistance to an agricultural producer, forest land owner, or timber harvester holding the right to collect or harvest renewable biomass, for collecting, harvesting, transporting, and storing renewable biomass that is sustainably harvested and collected to be used in the production of advanced biofuels, heat, or power from a biomass conversion facility.

"(2) PAYMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (C), an entity described in paragraph (1) shall receive payments under this subsection for each ton of renewable biomass delivered to a biomass conversion facility, based on a fixed rate to be established by the Secretary in accordance with subparagraph (B).

"(B) FIXED RATE.—The Secretary shall establish a fixed payment rate for purposes of subparagraph (A) to reflect—

"(i) the estimated cost of collecting, harvesting, storing, and transporting the applicable renewable biomass; and

"(ii) such other factors as the Secretary determines to be appropriate.

"(C) FOREST LAND OWNER ELIGIBILITY.—Owners of forest land shall be eligible to receive payments under this subsection only if the owners are acting pursuant to a forest stewardship plan.

"(d) FUNDING.—

"(1) BIOMASS CROP TRANSITION ASSISTANCE.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out subsections (a) and (b) $130,000,000 for fiscal year 2008, to remain available until expended, of which not more than 10 percent shall be used to carry out subsection (b).

"(2) ASSISTANCE FOR COLLECTION, HARVEST, STORAGE AND TRANSPORT OF RENEWABLE BIOMASS.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out subsection (c) $10,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

SA 3737. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning with line 1 on page 872, strike through line 3 on page 879 and insert the following:

SUBTITLE C—BROADBAND DATA IMPROVEMENT

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the "Broadband Data Improvement Act".

SEC. 6202. FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary state efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

SEC. 6203. IMPROVING FEDERAL DATA ON BROADBAND.

(a) IMPROVING FCC BROADBAND DATA.—Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall issue an order in WC docket No. 07-38 which shall, at a minimum—

(1) identify tiers of broadband service, among those used by the Commission in collecting Form 477 data, in which a substantial majority of the connections in such tier provide consumers with an information transfer rate capable of reliably transmitting full-motion, high definition video; and

(2) revise its Form 477 reporting requirements as necessary to enable the Commission to identify actual numbers of broadband connections subscribed to by residential and business customers, separately, either within a relevant census tract from the most recent decennial census, a 9-digit postal zip code, or a 5-digit postal zip code, as the Commission deems appropriate.

(b) EXCEPTION.—The Commission shall exempt an entity from the reporting requirements of subsection (a)(3) if the Commission determines that a compliance by that entity with the requirements is cost prohibitive, as defined by the Commission.

(c) PROPRIETARY INFORMATION.—Nothing in this section shall reduce or remove any obligation the Commission has to protect proprietary information, nor shall this section be construed to compel the Commission to make publically available any proprietary information. Any information collected by the Commission pursuant to this section that reveals any competitively sensitive information of an individual provider of broadband service capability shall not be disclosed by the Commission.

(d) IMPROVING SECTION 706 INQUIRY.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 nt) is amended—

(1) by striking "regularly" in subsection (b) and inserting "annually";

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

"(c) MEASUREMENT OF EXTENT OF DEPLOYMENT.—In determining under subsection (b) whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion, the Commission shall consider data collected through Form 477 reporting requirements.

"(d) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required by subsection (b), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 nt)) and to the extent that data from the Census Bureau is available, determine, for each such unserved area—

"(1) the population;

"(2) the population density; and

"(3) the average per capita income.".

(e) IMPROVING CENSUS DATA ON BROADBAND.—The Secretary of Commerce, in consultation with the Federal Communications Commission, shall expand the American Community Survey conducted by the Bureau of the Census to elicit information for residential households, including those located on native lands, to determine whether persons at such households own or use a computer at that address, whether persons at that address subscribe to Internet service and, if so, whether such persons subscribe to dial-up or broadband Internet service at that address.

SEC. 6204. STUDY ON ADDITIONAL BROADBAND METRICS AND STANDARDS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to consider and evaluate additional broadband metrics or standards that may be used by industry and the Federal Government to provide users with more accurate information about the cost and capability of their broadband connection, and to better compare the deployment and penetration of broadband in the United States with other countries. At a minimum, such study shall consider potential standards or metrics that may be used—

(1) to calculate the average price per megabit per second of broadband offerings;

(2) to reflect the average actual speed of broadband offerings compared to advertised potential speeds and to consider factors affecting speed that may be outside the control of a broadband provider;

(3) to compare, using comparable metrics and standards, the availability and quality of broadband offerings in the United States with the availability and quality of broadband offerings in other industrialized nations, including countries that are members of the Organization for Economic Cooperation and Development; and

(4) to distinguish between complementary and substitutable broadband offerings in evaluating deployment and penetration.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the results of the study, with recommendations for how industry and the Federal Communications Commission can use such metrics and comparisons to improve the quality of broadband data and to better evaluate the deployment and penetration of comparable broadband service at comparable rates across all regions of the Nation.

SEC. 6205. STUDY ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.

(a) IN GENERAL.—The Small Business Administration Office of Advocacy shall conduct a study evaluating the impact of broadband speed and price on small businesses.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Small Business and Entrepreneurship, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Small Business on the results of the study, including—

(1) a survey of broadband speeds available to small businesses;

(2) a survey of the cost of broadband speeds available to small businesses;

(3) a survey of the type of broadband technology used by small businesses; and

(4) any policy recommendations that may improve small businesses access to comparable broadband services at comparable rates in all regions of the Nation.

SEC. 6206. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) PURPOSES.—The purposes of any grant under subsection (b) are—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;

(2) to achieve improved technology literacy, increased computer ownership, and home broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State.

(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require;

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant; and

(3) agree to comply with confidentiality requirements in subsection (h)(2) of this section.

(d) PEER REVIEW; NONDISCLOSURE.—

(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed; and

(B) provide the results of any review by such group to the Secretary of Commerce; and

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.

(e) USE OF FUNDS.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business users adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to identify the speeds of broadband connections made available to individuals and businesses within the State, and, at a minimum, to rely on the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, including information transfer rates identified under section 6203(a)(2) of this subtitle, to promote greater consistency of data among the States;

(5) to create and facilitate in each county or designated region in a State a local technology planning team—

(A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(6) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved areas and areas in which broadband penetration is significantly below the national average, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(7) to establish programs to improve computer ownership and Internet access for unserved areas and areas in which broadband penetration is significantly below the national average;

(8) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(9) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(10) to create within each State a geographic inventory map of broadband service, including the availability of broadband service connections meeting information transfer rates identified by the Commission under section 6203(a)(2) of this subtitle, which shall—

(A) identify gaps in such service through a method of geographic information system mapping of service availability at the census block level among residential or business customers; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.

(f) PARTICIPATION LIMIT.—For each State, an eligible entity may not receive a new grant under this section to fund the activities described in subsection (d) within such State if such organization obtained prior grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) REPORTING.—The Secretary of Commerce shall—

(1) require each recipient of a grant under subsection (b) to submit a report on the use of the funds provided by the grant; and

(2) create a web page on the Department of Commerce web site that aggregates relevant information made available to the public by grant recipients, including, where appropriate, hypertext links to any geographic inventory maps created by grant recipients under subsection (e)(10).

(h) ACCESS TO AGGREGATE DATA.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall provide eligible entities access, in electronic form, to aggregate data collected by the Commission based on the Form 477 submissions of broadband service providers.

(2) LIMITATION.—Notwithstanding any provision of Federal or State law to the contrary, an eligible entity shall treat any matter that is a trade secret, commercial or financial information, or privileged or confidential, as a record not subject to public disclosure except as otherwise mutually agreed to by the broadband service provider and the eligible entity. This paragraph applies only to information submitted by the Commission or a broadband provider to carry out the provisions of this subtitle and shall not otherwise limit or affect the rules governing public disclosure of information collected by any Federal or State entity under any other Federal or State law or regulation.

(i) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means a non-profit organization that is selected by a State to work in partnership with State agencies and private sector partners in identifying and tracking the availability and adoption of broadband services within each State.

(3) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means an organization—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(B) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(C) that has an established competency and proven record of working with public and private sectors to accomplish widescale deployment and adoption of broadband services and information technology;

(D) that has a board of directors a majority of which is not composed of individuals who are also employed by, or otherwise associated with, any Federal, State, or local government or any Federal, State, or local agency; and

(E) that has a board of directors which does not include any member that is employed either by a broadband service provider or by any other company in which a broadband service provider owns a controlling or attributable interest.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2008 through 2012.

(k) NO REGULATORY AUTHORITY.—Nothing in this section shall be construed as giving any public or private entity established or affected by this subtitle any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

SA 3738. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VII, add the following:

SEC. 7_____. VITICULTURE STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the ways in which the projected changes in climate conditions, including projected increase in global temperature, during the 25-year period beginning on the date of enactment of this Act will—

(A) change the vineyard suitability of the 10 largest wine-producing States with respect to vineyard location and varieties of grape grown; and

(B) cause vineyard grape growers to change vineyard management practices.

(2) SURVEY.—The study under paragraph (1) shall include a survey of the state of plant breeding science that could allow cultivars or rootstocks to better adapt to warmer environments and soil conditions expected as a result of the projected change in climate conditions described in paragraph (1).

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the study under subsection (a), including recommendations of the Secretary, if any, regarding whether increased granular modeling of the climate of grape-growing regions should be required to mitigate the impacts of the projected changes in climate conditions, including projected increase in global temperature, on viticulture in the United States.

SA 3739. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 20 and all that follows through page 213, line 5, and insert the following:

"(1) CROP YEARS.—

"(A) 2009 CROP YEAR.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during the 2009 crop year if the average adjusted gross income of the individual or entity exceeds $1,000,000, unless not less than 66.66 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.

"(B) 2010 AND SUBSEQUENT CROP YEARS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during any of the 2010 and subsequent crop years if the average adjusted gross income of the individual or entity exceeds $750,000, unless not less than 66.66 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.

"(2) COVERED BENEFITS.—Paragraph (1) applies with respect to the following:

"(A) Title XII of this Act.

"(B) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(C) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(D) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

"(E) Title II of the Food and Energy Security Act of 2007.

"(F) Title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223).

SA 3740. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, strike lines 4 through 14, and insert the following:

Act, may not exceed $40,000 (as adjusted under paragraph (3) in the case of corn).

"(2) COUNTER-CYCLICAL PAYMENTS.—The total amount of counter-cyclical payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under part I of subtitle A of title I of the Food and Energy Security Act of 2007 for one or more covered commodities (except for peanuts), or average crop revenue payments determined under section 1401(b)(3) of that Act, may not exceed $60,000 (as adjusted under paragraph (3) in the case of corn).

"(3) SPECIAL RULE FOR CORN.—

"(A) IN GENERAL.—For each crop year, the Secretary shall calculate a per bushel ethanol benefit for corn resulting from Federal incentives for ethanol.

"(B) REDUCTION IN PAYMENTS.—

"(i) REDUCTION OF DIRECT PAYMENT.—The maximum amount of direct payments that a person or legal entity is entitled to receive for a crop year for corn under paragraph (1), or average crop revenue payments determined under section 1401(b)(2) of the Food and Energy Security Act of 2007, shall be reduced by an amount equal to the product obtained by multiplying—

"(I) the amount of the ethanol benefit calculated under subparagraph (A); by

"(II) the actual quantity of corn produced by the individual or entity during the preceding crop year.

"(ii) REDUCTION OF COUNTER-CYCLICAL PAYMENTS.—If the amount calculated under subclauses (I) and (II) of clause (i) for a person or legal entity exceeds the amount of direct payments the person or legal entity would otherwise be entitled to receive under paragraph (1) for corn, the maximum amount of counter-cyclical payments for corn that the person or legal entity is entitled to receive under paragraph (2), or average crop revenue payments determined under section 1401(b)(3) of the Food and Energy Security Act of 2007, shall be reduced by the excess amount.

SA 3741. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1486, line17, strike all through page 1487, line 7, and insert the following:

"(3) REDUCED AMOUNT AFTER SALE OF 5,000,000,000 GALLONS.—

"(A) IN GENERAL.—In the case of any calendar year beginning after the date described in subparagraph (B), the last row in the table in paragraph (2) shall be applied by substituting '46 cents' for '51 cents'.

"(B) DATE DESCRIBED.—The date described in this subparagraph is the first date on which 5,000,000,000 gallons of ethanol (including cellulosic ethanol) have been produced in or imported into the United States after the date of the enactment of this paragraph, as certified by the Secretary, in consultation with the Administrator of the Environmental Protection Agency.".

SA 3742. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1491, between lines 11 and 12, insert the following:

SEC. ___. ENERGY SAVINGS CERTIFICATION REQUIREMENT WITH RESPECT TO CREDIT FOR ETHANOL FUELS.

(a) INCOME TAX CREDIT.—Paragraph (2) of section 40(h) (relating to reduced credit amount for ethanol blenders) is amended—

(1) by striking "For purposes of paragraph (1), the blender amount" and inserting "For purposes of paragraph (1)—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the blender amount", and

(2) by adding at the end the following new subparagraph:

"(B) SPECIAL RULE WITH RESPECT TO UNCERTIFIED ETHANOL.—

"(i) IN GENERAL.—In the case of any alcohol or alcohol fuel mixture which contains ethanol that does not meet the requirements of clause (ii), the blender amount and the low-proof blender amount shall be zero.

"(ii) CERTIFICATION OF NET ENERGY SAVINGS FOR ETHANOL.—Ethanol meets the requirements of this paragraph if such ethanol has been produced at a facility at which the process for the production of ethanol is certified by the Environmental Protection Agency as resulting in a net energy savings.".

(b) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 6426(b) is amended to read as follows:

"(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is—

"(A) 60 cents in the case of an alcohol fuel mixture in which none of the alcohol is ethanol, and

"(B) in the case of an alcohol fuel mixture which contains ethanol—

"(i) 51 cents if all ethanol used in the alcohol fuel mixture meets the requirement of paragraph (5), and

"(ii) zero in any other case.".

(2) CERTIFICATION.—Subsection (b) of section 6426 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) CERTIFICATION OF NET ENERGY SAVINGS FOR ETHANOL.—Ethanol meets the requirements of this paragraph if such ethanol has been produced at a facility at which the process for the production of ethanol is certified by the Environmental Protection Agency as resulting in a net energy savings.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale or use after the date of the enactment of this Act.

SA 3743. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1045, between lines 2 and 3, insert the following:

SEC. 750_. ANIMAL BIOSCIENCE FACILITY, BOZEMAN, MONTANA.

There is authorized to be appropriated to the Secretary for the period of fiscal years 2008 through 2012 $16,000,000, to remain available until expended, for the construction in Bozeman, Montana, of an animal bioscience facility within the Agricultural Research Service.

SA 3744. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 692, between lines 17 and 18, insert the following:

SEC. 49___. EFFECT OF PARTICIPATION IN FARMERS' MARKET NUTRITION PROGRAM.

Section 17(m)(6) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(6)) is amended by adding at the end the following:

"(G) EFFECT OF PARTICIPATION.—The Secretary shall not restrict any State that participates in the program under this subsection to a per recipient cap for the amount of Federal food benefits allocated for recipients under the program.".

SA 3745. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 664, strike line 23 and all that follows through page 665, line 5, and insert the following:

(2) by redesignating paragraph (2) as paragraph (4);

(3) by inserting after paragraph (1) the following:

"(2) ADMINISTRATION.—In providing grants under paragraph (1), the Secretary shall give priority to projects that can be replicated in schools.

"(3) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) ELIGIBLE PROGRAM.—The term 'eligible program' means—

"(I) a school-based program with hands-on vegetable gardening and nutrition education that is incorporated into the curriculum for 1 or more grades at 2 or more eligible schools; or

"(II) a community-based summer program with hands-on vegetable gardening and nutrition education that is part of, or coordinated with, a summer enrichment program at 2 or more eligible schools.

"(ii) ELIGIBLE SCHOOL.—The term 'eligible school' means a public school, at least 50 percent of the students of which are eligible for free or reduced price meals under this Act.

"(B) ESTABLISHMENT.—The Secretary shall carry out a pilot program under which the Secretary shall provide to nonprofit organizations or public entities in not more than 5 States grants to develop and run, through eligible programs, community gardens at eligible schools in the States that would—

"(i) be planted, cared for, and harvested by students at the eligible schools; and

"(ii) teach the students participating in the community gardens about agriculture, sound farming practices, and diet.

"(C) PRIORITY STATES.—Of the States provided a grant under this paragraph—

"(i) at least 1 State shall be among the 15 largest States, as determined by the Secretary;

"(ii) at least 1 State shall be among the 16th to 30th largest States, as determined by the Secretary; and

"(iii) at least 1 State shall be a State that is not described in clause (i) or (ii).

"(D) USE OF PRODUCE.—Produce from a community garden provided a grant under this paragraph may be—

"(i) used to supplement food provided at the eligible school;

"(ii) distributed to students to bring home to the families of the students; or

"(iii) donated to a local food bank or senior center nutrition program.

"(E) NO COST-SHARING REQUIREMENT.—A nonprofit organization or public entity that receives a grant under this paragraph shall not be required to share the cost of carrying out the activities assisted under this paragraph.

"(F) EVALUATION.—A nonprofit organization or public entity that receives a grant under this paragraph shall be required to cooperate in an evaluation in accordance with paragraph (1)(H).

"(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $10,000,000."; and

(4) in paragraph (4) (as redesignated by paragraph (2)), by inserting "(other than paragraph (3))" after "this subsection".

SA 3746. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. REPORT RELATING TO THE ENDING OF CHILDHOOD HUNGER IN THE UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the United States has the highest rate of childhood poverty in the industrialized world, with over ⅕ of all children of the United States living in poverty, and almost half of those children living in extreme poverty;

(2) childhood poverty in the United States is growing rather than diminishing;

(3) households with children experience hunger at more than double the rate as compared to households without children;

(4) hunger is a major problem in the United States, with the Department of Agriculture reporting that 12 percent of the citizens of the United States (approximately 35,000,000 citizens) could not put food on the table of those citizens at some point during 2006;

(5) of the 35,000,000 citizens of the United States that have very low food security—

(A) 98 percent of those citizens worried that money would run out before those citizens acquired more money to buy more food;

(B) 96 percent of those citizens had to cut the size of the meals of those citizens or even go without meals because those citizens did not have enough money to purchase appropriate quantities of food; and

(C) 94 percent of those citizens could not afford to eat balanced meals;

(6) the phrase "people with very low food security", a new phrase in our national lexicon, in simple terms means "people who are hungry";

(7) 30 percent of black and Hispanic children, and 40 percent of low income children, live in households that do not have access to nutritionally adequate diets that are necessary for an active and healthy life;

(8) the increasing lack of access of the citizens of the United States to nutritionally adequate diets is a significant factor from which the Director of the Centers for Disease Control and Prevention concluded that "during the past 20 years there has been a dramatic increase in obesity in the United States";

(9) during the last 3 decades, childhood obesity has—

(A) more than doubled for preschool children and adolescents; and

(B) more than tripled for children between the ages of 6 and 11 years;

(10) as of the date of enactment of this Act, approximately 9,000,000 children who are 6 years old or older are considered obese;

(11) scientists have demonstrated that there is an inverse relation between obesity and doing well in school; and

(12) a study published in Pediatrics found that "6- to 11-year-old food-insufficient children had significantly lower arithmetic scores and were more likely to have repeated a grade, have seen a psychologist, and have had difficulty getting along with other children".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a national disgrace that many millions of citizens of the United States, a disproportionate number of whom are children, are going hungry in this great nation, which is the wealthiest country in the history of the world;

(2) because the strong commitment of the United States to family values is deeply undermined when families and children go hungry, the United States has a moral obligation to abolish hunger; and

(3) through a variety of initiatives (including large funding increases in nutrition programs of the Federal Government), the United States should abolish child hunger and food insufficiency in the United States by the 2013.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the relevant committees of Congress a report that describes the best and most cost-effected manner by which the Federal Government could allocate an increased amount of funds to new programs and programs in existence as of the date of enactment of this Act to achieve the goal of abolishing child hunger and food insufficiency in the United States by 2013.

SA 3747. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1563, line 6, strike through page 1564, line 15, and insert following:

SEC. 12504. MODIFICATION OF SECTION 1031 TREATMENT FOR CERTAIN REAL ESTATE.

(a) IN GENERAL.—Section 1031 (relating to exchange of property held for productive use or investment), as amended by this Act, is amended by adding at the end the following new subsection:

"(j) SPECIAL RULE FOR SUBSIDIZED AGRICULTURAL REAL PROPERTY.—

"(1) IN GENERAL.—Subsidized agricultural real property and nonagricultural real property are not property of a like kind.

"(2) SUBSIDIZED AGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'subsidized agricultural real property' means real property—

"(A) which is used as a farm for farming purposes (within the meaning of section 2032A(e)(5)); and

"(B) with respect to which a taxpayer receives, in the taxable year in which an exchange of such property is made, any payment or benefit under—

"(i) part I of subtitle A,

"(ii) part III (other than sections 1307 and 1308) of subtitle A, or

"(iii) subtitle B,

of title I of the Food and Energy Security Act of 2007.

"(3) NONAGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'nonagricultural real property' means real property which is not used as a farm for farming purposes (within the meaning of section 2032A(e)(5)).

"(4) EXCEPTION.—Paragraph (1) shall not apply with respect to any subsidized agricultural real property which, not later than the date of the exchange, is permanently retired from any program under which any payment or benefit described in paragraph (2)(B) is made.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to exchanges completed after the date of the enactment of this Act.

SA 3748. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1488, strike lines 1 through 21, and insert following:

SEC. 12316. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking "5 percent" and inserting "2 percent".

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2007.

SA 3749. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1473, strike line 3 and all that follows through page 1480, line 3, and insert the following:

SEC. 12312. CREDIT FOR PRODUCTION OF CELLULOSIC BIOMASS ALCOHOL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking "plus" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", plus", and by adding at the end the following new paragraph:

"(4) the small cellulosic alcohol producer credit.".

(b) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

"(6) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

"(A) IN GENERAL.—In addition to any other credit allowed under this section, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount for each gallon of qualified cellulosic alcohol production.

"(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means the excess of—

"(i) $1.28, over

"(ii) the sum of—

"(I) the amount of the credit in effect for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic alcohol production, plus

"(II) the amount of the credit in effect under subsection (b)(4) at the time of such production.

"(C) LIMITATION.—

"(i) IN GENERAL.—No credit shall be allowed to any taxpayer under subparagraph (A) with respect to any qualified cellulosic alcohol production during the taxable year in excess of 60,000,000 gallons.

"(ii) AGGREGATION RULE.—For purposes of clause (i), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(iii) PARTNERSHIP, S CORPORATIONS, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in clause (i) shall be applied at the entity level and at the partner or similar level.

"(D) QUALIFIED CELLULOSIC ALCOHOL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic alcohol production' means any cellulosic biomass alcohol which during the taxable year—

"(i) is sold by the taxpayer to another person—

"(I) for use by such other person in the production of a qualified alcohol mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such cellulosic biomass alcohol at retail to another person and places such cellulosic biomass alcohol in the fuel tank of such other person, or

"(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic alcohol production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

"(E) CELLULOSIC BIOMASS ALCOHOL.—

"(i) IN GENERAL.—The term 'cellulosic biomass alcohol' has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

"(ii) DETERMINATION OF PROOF.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

"(F) ALLOCATION OF SMALL CELLULOSIC PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

"(G) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic alcohol production after December 31, 2007, and before April 1, 2015.".

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting "or subsection (b)(6)(G)" after "by reason of paragraph (1)" in paragraph (2), and

(B) by adding at the end the following new paragraph:

"(3) EXCEPTION FOR SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).".

(c) ALCOHOL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—If—

"(i) any credit is allowed under subsection (a)(4), and

"(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(D),

then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biomass alcohol.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking "PRODUCER" in the heading and inserting "SMALL ETHANOL PRODUCER".

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking "or (C)" and inserting "(C), or (D)".

(d) ALCOHOL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR SMALL CELLULOSIC ALCOHOL PRODUCERS.—No small cellulosic alcohol producer credit shall be determined under subsection (a) with respect to any alcohol unless such alcohol is produced in the United States.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

SA 3750. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1473, strike line 3 and all that follows through page 1480, line 3, and insert the following:

SEC. 12312. CREDIT FOR PRODUCTION OF CELLULOSIC BIOMASS ALCOHOL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking "plus" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", plus", and by adding at the end the following new paragraph:

"(4) the small cellulosic alcohol producer credit.".

(b) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

"(6) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

"(A) IN GENERAL.—In addition to any other credit allowed under this section, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount for each gallon of qualified cellulosic alcohol production.

"(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means the excess of—

"(i) $1.28, over

"(ii) the sum of—

"(I) the amount of the credit in effect for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic alcohol production, plus

"(II) the amount of the credit in effect under subsection (b)(4) at the time of such production.

"(C) LIMITATION.—

"(i) IN GENERAL.—No credit shall be allowed to any taxpayer under subparagraph (A) with respect to any qualified cellulosic alcohol production during the taxable year in excess of 60,000,000 gallons.

"(ii) AGGREGATION RULE.—For purposes of clause (i), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(iii) PARTNERSHIP, S CORPORATIONS, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in clause (i) shall be applied at the entity level and at the partner or similar level.

"(D) QUALIFIED CELLULOSIC ALCOHOL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic alcohol production' means any cellulosic biomass alcohol which during the taxable year—

"(i) is sold by the taxpayer to another person—

"(I) for use by such other person in the production of a qualified alcohol mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such cellulosic biomass alcohol at retail to another person and places such cellulosic biomass alcohol in the fuel tank of such other person, or

"(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic alcohol production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

"(E) CELLULOSIC BIOMASS ALCOHOL.—

"(i) IN GENERAL.—The term 'cellulosic biomass alcohol' has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

"(ii) DETERMINATION OF PROOF.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

"(F) ALLOCATION OF SMALL CELLULOSIC PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

"(G) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic alcohol production after December 31, 2007, and before April 1, 2015.".

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting "or subsection (b)(6)(G)" after "by reason of paragraph (1)" in paragraph (2), and

(B) by adding at the end the following new paragraph:

"(3) EXCEPTION FOR SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).".

(c) ALCOHOL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—If—

"(i) any credit is allowed under subsection (a)(4), and

"(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(D),

then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biomass alcohol.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking "PRODUCER" in the heading and inserting "SMALL ETHANOL PRODUCER".

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking "or (C)" and inserting "(C), or (D)".

(d) ALCOHOL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR SMALL CELLULOSIC ALCOHOL PRODUCERS.—No small cellulosic alcohol producer credit shall be determined under subsection (a) with respect to any alcohol unless such alcohol is produced in the United States.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

On page 1482, line 20, strike ", as amended by this Act,".

On page 1482, line 22, strike "(j)" and insert "(i)".

On page 1485, line 16, strike "section 312 of".

On page 1488, strike lines 1 through 21, and insert following:

SEC. 12316. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking "5 percent" and inserting "2 percent". .

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2007.

Beginning on page 1563, line 6, strike through page 1564, line 15, and insert following:

SEC. 12504. MODIFICATION OF SECTION 1031 TREATMENT FOR CERTAIN REAL ESTATE.

(a) IN GENERAL.—Section 1031 (relating to exchange of property held for productive use or investment), as amended by this Act, is amended by adding at the end the following new subsection:

"(j) SPECIAL RULE FOR SUBSIDIZED AGRICULTURAL REAL PROPERTY.—

"(1) IN GENERAL.—Subsidized agricultural real property and nonagricultural real property are not property of a like kind.

"(2) SUBSIDIZED AGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'subsidized agricultural real property' means real property—

"(A) which is used as a farm for farming purposes (within the meaning of section 2032A(e)(5)); and

"(B) with respect to which a taxpayer receives, in the taxable year in which an exchange of such property is made, any payment or benefit under—

"(i) part I of subtitle A,

"(ii) part III (other than sections 1307 and 1308) of subtitle A, or

"(iii) subtitle B,

of title I of the Food and Energy Security Act of 2007.

"(3) NONAGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'nonagricultural real property' means real property which is not used as a farm for farming purposes (within the meaning of section 2032A(e)(5)).

"(4) EXCEPTION.—Paragraph (1) shall not apply with respect to any subsidized agricultural real property which, not later than the date of the exchange, is permanently retired from any program under which any payment or benefit described in paragraph (2)(B) is made.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to exchanges completed after the date of the enactment of this Act.

SA 3751. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 893, between lines 4 and 5, insert the following:

SEC. 64_____. RIO GRANDE BASIN MANAGEMENT PROJECT.

The Food Security Act of 1985 is amended by inserting after section 1240K (as added by section 2361) the following:

"SEC. 1240L. RIO GRANDE BASIN MANAGEMENT PROJECT.

"(a) DEFINITION OF RIO GRANDE BASIN.—In this section, the term 'Rio Grande Basin' includes all tributaries, backwaters, and side channels (including watersheds) of the United States that drain into the Rio Grande River.

"(b) ESTABLISHMENT.—The Secretary, in conjunction with partnerships of institutions of higher education working with farmers, ranchers, and other rural landowners, shall establish a program under which the Secretary shall provide grants to the partnerships to benefit the Rio Grande Basin by—

"(1) restoring water flow and the riparian habitat;

"(2) improving usage;

"(3) addressing demand for drinking water;

"(4) providing technical assistance to agricultural and municipal water systems; and

"(5) researching alternative treatment systems for water and waste water.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—A grant provided under this section may be used by a partnership for the costs of carrying out an activity described in subsection (b), including the costs of—

"(A) direct labor;

"(B) appropriate travel;

"(C) equipment;

"(D) instrumentation;

"(E) analytical laboratory work;

"(F) subcontracting;

"(G) cooperative research agreements; and

"(H) similar related expenses and costs.

"(2) LIMITATION.—A grant provided under this section shall not be used to purchase or construct any building.

"(d) REPORTS.—A partnership that receives a grant under this subsection shall submit to the Secretary annual reports describing—

"(1) the expenses of the partnership during the preceding calendar year; and

"(2) such other financial information as the Secretary may require.

"(e) FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.".

SA 3752. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 895, between lines 7 and 8, insert the following:

SEC. 7003. USE OF FEDERAL FUNDS MADE AVAILABLE FOR COOPERATIVE CENTERS.

Section 1409A(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3124a(b)) is amended—

(1) by striking "(b) In order to promote" and inserting the following:

"(b) COOPERATIVE HUMAN NUTRITION CENTERS.—

"(1) IN GENERAL.—To promote"; and

(2) by adding at the end the following:

"(2) PROHIBITION RELATING TO REDUCTION OF FUNDS.—Notwithstanding any other provision of law, the Secretary shall not, with respect to any cooperative children's human nutrition center located in Houston, Texas, or Little Rock, Arkansas—

"(A) reduce the amount of Federal funds made available by any Act through rescission, reprogramming, or project termination; or

"(B) withhold an amount greater than 5 percent of the amount of Federal funds made available by any Act for direct, indirect, or administrative costs.".

SA 3753. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, strike lines 4 through 8.

On page 36, strike lines 14 through 21.

On page 110, strike lines 18 through 23.

Beginning on page 266, strike line 11 and all that follows through page 267, line 7.

Beginning on page 275, strike line 15 and all that follows through page 276, line 2.

SA 3754. Mr. BROWN (for himself, Mr. SUNUNU, Mrs. MCCASKILL, Mr. DURBIN, Mr. SCHUMER, Mr. MCCAIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 268, strike line 8 and all that follows through page 293, line 2, and insert the following:

SEC. 1908. PREMIUM REDUCTION PLAN.

Section 508(e) of Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following:

"(6) DISCOUNT STUDY.—

"(A) IN GENERAL.—The Secretary shall commission an entity independent of the crop insurance industry (with expertise that includes traditional crop insurance) to study the feasibility of permitting approved insurance providers to provide discounts to producers purchasing crop insurance coverage without undermining the viability of the Federal crop insurance program.

"(B) COMPONENTS.—The study should include—

"(i) an evaluation of the operation of a premium reduction plan that examines—

"(I) the clarity, efficiency, and effectiveness of the statutory language and related regulations;

"(II) whether the regulations frustrated the goal of offering producers upfront, predictable, and reliable premium discount payments; and

"(III) whether the regulations provided for reasonable, cost-effective oversight by the Corporation of premium discounts offered by approved insurance providers, including—

"(aa) whether the savings were generated from verifiable cost efficiencies adequate to offset the cost of discounts paid; and

"(bb) whether appropriate control was exercised to prevent approved insurance providers from preferentially offering the discount to producers of certain agricultural commodities, in certain regions, or in specific size categories;

"(ii) examination of the impact on producers, the crop insurance industry, and profitability from offering discounted crop insurance to producers;

"(iii) examination of implications for industry concentration from offering discounted crop insurance to producers;

"(iv) an examination of the desirability and feasibility of allowing other forms of price competition in the Federal crop insurance program;

"(v) a review of the history of commissions paid by crop insurance providers; and

"(vi) recommendations on—

"(I) potential changes to this title that would address the deficiencies in past efforts to provide discounted crop insurance to producers,

"(II) whether approved insurance providers should be allowed to draw on both administrative and operating reimbursement and underwriting gains to provide discounted crop insurance to producers; and

"(III) any other action that could increase competition in the crop insurance industry that will benefit producers but not undermine the viability of the Federal crop insurance program.

"(C) REQUEST FOR PROPOSALS.—In developing the request for proposals for the study, the Secretary shall consult with parties in the crop insurance industry (including producers and approved insurance providers and agents, including providers and agents with experience selling discount crop insurance products).

"(D) REVIEW OF STUDY.—The independent entity selected by Secretary under subparagraph (A) shall seek comments from interested stakeholders before finalizing the report of the entity.

"(E) REPORT.—Not later than 18 months after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results and recommendations of the study.".

SEC. 1909. DENIAL OF CLAIMS.

Section 508(j)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)(2)(A)) is amended by inserting "on behalf of the Corporation" after "approved provider".

SEC. 1910. MEASUREMENT OF FARM-STORED COMMODITIES.

Section 508(j) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)) is amended by adding at the end the following:

"(5) MEASUREMENT OF FARM-STORED COMMODITIES.—Beginning with the 2009 crop year, for the purpose of determining the amount of any insured production loss sustained by a producer and the amount of any indemnity to be paid under a plan of insurance—

"(A) a producer may elect, at the expense of the producer, to have the Farm Service Agency measure the quantity of the commodity; and

"(B) the results of the measurement shall be used as the evidence of the quantity of the commodity that was produced.".

SEC. 1911. SHARE OF RISK.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by striking paragraph (3) and inserting the following:

"(3) SHARE OF RISK.—The reinsurance agreements of the Corporation with the reinsured companies shall require the cumulative underwriting gain or loss, and the associated premium and losses with such amount, calculated under any reinsurance agreement (except livestock) ceded to the Corporation by each approved insurance provider to be not less than 30 percent.".

SEC. 1912. REIMBURSEMENT RATE.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 1906(2)) is amended—

(1) in subparagraph (A), by striking "Except as provided in subparagraph (B)" and inserting "Except as otherwise provided in this paragraph"; and

(2) by adding at the end the following:

"(E) REIMBURSEMENT RATE REDUCTION.—For each of the 2009 and subsequent reinsurance years, the reimbursement rates for administrative and operating costs shall be 5 percentage points below the rates in effect as of the date of enactment of the Food and Energy Security Act of 2007 for all crop insurance policies used to define loss ratio.

"(F) REIMBURSEMENT RATE FOR AREA POLICIES AND PLANS OF INSURANCE.—Notwithstanding subparagraphs (A) through (E), for each of the 2009 and subsequent reinsurance years, the reimbursement rate for area policies and plans of insurance shall be 17 percent of the premium used to define loss ratio for that reinsurance year.".

SEC. 1913. RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by adding at the end the following:

"(8) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—

"(A) IN GENERAL.—Notwithstanding section 536 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 1506 note; Public Law 105-185) and section 148 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1506 note; Public Law 106-224), the Corporation may renegotiate the financial terms and conditions of each Standard Reinsurance Agreement—

"(i) following the reinsurance year ending June 30, 2010;

"(ii) once during each period of 3 reinsurance years thereafter; and

"(iii) subject to subparagraph (B), in any case in which the approved insurance providers, as a whole, experience unexpected adverse circumstances, as determined by the Secretary.

"(B) NOTIFICATION REQUIREMENT.—If the Corporation renegotiates a Standard Reinsurance Agreement under subparagraph (A)(iii), the Corporation shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the renegotiation.".

SEC. 1914. CHANGE IN DUE DATE FOR CORPORATION PAYMENTS FOR UNDERWRITING GAINS.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) (as amended by section 1912) is amended by adding at the end the following:

"(9) DUE DATE FOR PAYMENT OF UNDERWRITING GAINS.—Effective beginning with the 2011 reinsurance year, the Corporation shall make payments for underwriting gains under this title on—

"(A) for the 2011 reinsurance year, October 1, 2012; and

"(B) for each reinsurance year thereafter, October 1 of the following calendar year.".

SEC. 1915. ACCESS TO DATA MINING INFORMATION.

(a) IN GENERAL.—Section 515(j)(2) of the Federal Crop Insurance Act (7 U.S.C. 1515(j)(2)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(A) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(B) ACCESS TO DATA MINING INFORMATION.—

"(i) IN GENERAL.—The Secretary shall establish a fee-for-access program under which approved insurance providers pay to the Secretary a user fee in exchange for access to the data mining system established under subparagraph (A) for the purpose of assisting in fraud and abuse detection.

"(ii) PROHIBITION.—

"(I) IN GENERAL.—Except as provided in subclause (II), the Corporation shall not impose a requirement on approved insurance providers to access the data mining system established under subparagraph (A).

"(II) ACCESS WITHOUT FEE.—If the Corporation requires approved insurance providers to access the data mining system established under subparagraph (A), access will be provided without charge to the extent necessary to fulfill the requirements.

"(iii) ACCESS LIMITATION.—In establishing the program under clause (i), the Secretary shall ensure that an approved insurance provider has access only to information relating to the policies or plans of insurance for which the approved insurance provider provides insurance coverage, including any information relating to—

"(I) information of agents and adjusters relating to policies for which the approved insurance provider provides coverage;

"(II) the other policies or plans of an insured that are insured through another approved insurance providers; and

"(III) the policies or plans of an insured for prior crop insurance years.".

(b) INSURANCE FUND.—Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended—

(1) in subsection (b), by adding at the end the following:

"(3) DATA MINING SYSTEM.—The Corporation shall use amounts deposited in the insurance fund established under subsection (c) from fees collected under section 515(j)(2)(B) to administer and carry out improvements to the data mining system under that section."; and

(2) in subsection (c)(1)—

(A) by striking "and civil" and inserting "civil"; and

(B) by inserting "and fees collected under section 515(j)(2)(B)(i)," after "section 515(h),".

SEC. 1916. PRODUCER ELIGIBILITY.

Section 520(2) of the Federal Crop Insurance Act (7 U.S.C. 1520(2)) is amended by inserting "or is a person who raises livestock owned by other persons (that is not covered by insurance under this title by another person)" after "sharecropper".

SEC. 1917. CONTRACTS FOR ADDITIONAL CROP POLICIES.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522) is amended—

(1) by redesignating paragraph (10) as paragraph (14); and

(2) by inserting after paragraph (9) the following:

"(10) ENERGY CROP INSURANCE POLICY.—

"(A) DEFINITION OF DEDICATED ENERGY CROP.—In this subsection, the term 'dedicated energy crop' means an annual or perennial crop that—

"(i) is grown expressly for the purpose of producing a feedstock for renewable biofuel, renewable electricity, or bio-based products; and

"(ii) is not typically used for food, feed, or fiber.

"(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure dedicated energy crops.

"(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of dedicated energy crops, including policies and plans of insurance that—

"(i) are based on market prices and yields;

"(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate the policies and plans of insurance based on the use of weather or rainfall indices to protect the interests of crop producers; and

"(iii) provide protection for production or revenue losses, or both.

"(11) AQUACULTURE INSURANCE POLICY.—

"(A) DEFINITION OF AQUACULTURE.—In this subsection:

"(i) IN GENERAL.—The term 'aquaculture' means the propagation and rearing of aquatic species in controlled or selected environments, including shellfish cultivation on grants or leased bottom and ocean ranching.

"(ii) EXCLUSION.—The term 'aquaculture' does not include the private ocean ranching of Pacific salmon for profit in any State in which private ocean ranching of Pacific salmon is prohibited by any law (including regulations).

"(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure aquaculture operations.

"(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of fish and other seafood in aquaculture operations, including policies and plans of insurance that—

"(i) are based on market prices and yields;

"(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate how best to incorporate insuring of aquaculture operations into existing policies covering adjusted gross revenue; and

"(iii) provide protection for production or revenue losses, or both.

"(12) ORGANIC CROP PRODUCTION COVERAGE IMPROVEMENTS.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Corporation shall offer to enter into 1 or more contracts with qualified entities for the development of improvements in Federal crop insurance policies covering organic crops.

"(B) PRICE ELECTION.—

"(i) IN GENERAL.—The contracts under subparagraph (A) shall include the development of procedures (including any associated changes in policy terms or materials required for implementation of the procedures) to offer producers of organic crops a price election that would reflect the actual retail or wholesale prices, as appropriate, received by producers for organic crops, as established using data collected and maintained by the Agricultural Marketing Service.

"(ii) DEADLINE.—The development of the procedures required under clause (i) shall be completed not later than the date necessary to allow the Corporation to offer the price election—

"(I) beginning in the 2009 reinsurance year for organic crops with adequate data available; and

"(II) subsequently for additional organic crops as data collection for those organic crops is sufficient, as determined by the Corporation.

"(13) SKIPROW CROPPING PRACTICES.—

"(A) IN GENERAL.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research into needed modifications of policies to insure corn and sorghum produced in the Central Great Plains (as determined by the Agricultural Research Service) through use of skiprow cropping practices.

"(B) RESEARCH.—Research described in subparagraph (A) shall—

"(i) review existing research on skiprow cropping practices and actual production history of producers using skiprow cropping practices; and

"(ii) evaluate the effectiveness of risk management tools for producers using skiprow cropping practices, including—

"(I) the appropriateness of rules in existence as of the date of enactment of this paragraph relating to the determination of acreage planted in skiprow patterns; and

"(II) whether policies for crops produced through skiprow cropping practices reflect actual production capabilities.".

SEC. 1918. RESEARCH AND DEVELOPMENT.

(a) REIMBURSEMENT AUTHORIZED.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended by striking paragraph (1) and inserting the following:

"(1) RESEARCH AND DEVELOPMENT REIMBURSEMENT.—The Corporation shall provide a payment to reimburse an applicant for research and development costs directly related to a policy that—

"(A) is submitted to, and approved by, the Board pursuant to a FCIC reimbursement grant under paragraph (7); or

"(B) is—

"(i) submitted to the Board and approved by the Board under section 508(h) for reinsurance; and

"(ii) if applicable, offered for sale to producers.".

(b) FCIC REIMBURSEMENT GRANTS.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended by adding at the end the following:

"(7) FCIC REIMBURSEMENT GRANTS.—

"(A) GRANTS AUTHORIZED.—The Corporation shall provide FCIC reimbursement grants to persons (referred to in this paragraph as 'submitters') proposing to prepare for submission to the Board crop insurance policies and provisions under subparagraphs (A) and (B) of section 508(h)(1), that apply and are approved for the FCIC reimbursement grants under this paragraph.

"(B) SUBMISSION OF APPLICATION.—

"(i) IN GENERAL.—The Board shall receive and consider applications for FCIC reimbursement grants at least once each year.

"(ii) REQUIREMENTS.—An application to receive a FCIC reimbursement grant from the Corporation shall consist of such materials as the Board may require, including—

"(I) a concept paper that describes the proposal in sufficient detail for the Board to determine whether the proposal satisfies the requirements of subparagraph (C); and

"(II) a description of —

"(aa) the need for the product, including an assessment of marketability and expected demand among affected producers;

"(bb) support from producers, producer organizations, lenders, or other interested parties; and

"(cc) the impact the product would have on producers and on the crop insurance delivery system; and

"(III) a statement that no products are offered by the private sector that provide the same benefits and risk management services as the proposal;

"(IV) a summary of data sources available that demonstrate that the product can reasonably be developed and properly rated; and

"(V) an identification of the risks the proposed product will cover and an explanation of how the identified risks are insurable under this title.

"(C) APPROVAL CONDITIONS.—

"(i) IN GENERAL.—A majority vote of the Board shall be required to approve an application for a FCIC reimbursement grant.

"(ii) REQUIRED FINDINGS.—The Board shall approve the application if the Board finds that—

"(I) the proposal contained in the application—

"(aa) provides coverage to a crop or region not traditionally served by the Federal crop insurance program;

"(bb) provides crop insurance coverage in a significantly improved form;

"(cc) addresses a recognized flaw or problem in the Federal crop insurance program or an existing product;

"(dd) introduces a significant new concept or innovation to the Federal crop insurance program; or

"(ee) provides coverage or benefits not available from the private sector;

"(II) the submitter demonstrates the necessary qualifications to complete the project successfully in a timely manner with high quality;

"(III) the proposal is in the interests of producers and can reasonably be expected to be actuarially appropriate and function as intended;

"(IV) the Board determines that the Corporation has sufficient available funding to award the FCIC reimbursement grant; and

"(V) the proposed budget and timetable are reasonable.

"(D) PARTICIPATION.—

"(i) IN GENERAL.—In reviewing proposals under this paragraph, the Board may use the services of persons that the Board determines appropriate to carry out expert review in accordance with section 508(h).

"(ii) CONFIDENTIALITY.—All proposals submitted under this paragraph shall be treated as confidential in accordance with section 508(h)(4).

"(E) ENTERING INTO AGREEMENT.—Upon approval of an application, the Board shall offer to enter into an agreement with the submitter for the development of a formal submission that meets the requirements for a complete submission established by the Board under section 508(h).

"(F) FEASIBILITY STUDIES.—

"(i) IN GENERAL.—In appropriate cases, the Corporation may structure the FCIC reimbursement grant to require, as an initial step within the overall process, the submitter to complete a feasibility study, and report the results of the study to the Corporation, prior to proceeding with further development.

"(ii) MONITORING.—The Corporation may require such other reports as the Corporation determines necessary to monitor the development efforts.

"(G) RATES.—Payment for work performed by the submitter under this paragraph shall be based on rates determined by the Corporation for products—

"(i) submitted under section 508(h); or

"(ii) contracted by the Corporation under subsection (c).

"(H) TERMINATION.—

"(i) IN GENERAL.—The Corporation or the submitter may terminate any FCIC reimbursement grant at any time for just cause.

"(ii) REIMBURSEMENT.—If the Corporation or the submitter terminates the FCIC reimbursement grant before final approval of the product covered by the grant, the submitter shall be entitled to—

"(I) reimbursement of all eligible costs incurred to that point; or

"(II) in the case of a fixed rate agreement, payment of an appropriate percentage, as determined by the Corporation.

"(iii) DENIAL.—If the submitter terminates development without just cause, the Corporation may deny reimbursement or recover any reimbursement already made.

"(I) CONSIDERATION OF PRODUCTS.—The Board shall consider any product developed under this paragraph and submitted to the Board under the rules the Board has established for products submitted under section 508(h).".

(c) CONFORMING AMENDMENT.—Section 523(b)(10) of the Federal Crop Insurance Act (7 U.S.C. 1523(b)(10)) is amended by striking "(other than research and development costs covered by section 522)".

SEC. 1919. FUNDING FROM INSURANCE FUND.

Section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) is amended—

(1) in paragraph (1), by striking "$10,000,000" and all that follows through the end of the paragraph and inserting "$7,500,000 for fiscal year 2008 and each subsequent fiscal year"; and

(2) by striking paragraph (2) and inserting the following:

"(2) CONTRACTING, DATA MINING, AND COMPREHENSIVE INFORMATION MANAGEMENT SYSTEM.—Of the amounts made available from the insurance fund established under section 516(c), the Corporation may use not more than $12,500,000 for fiscal year 2008 and each subsequent fiscal year to carry out, in addition to other available funds—

"(A) contracting and partnerships under subsections (c) and (d);

"(B) data mining and data warehousing under section 515(j)(2);

"(C) the comprehensive information management system under section 10706 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8002);

"(D) compliance activities, including costs for additional personnel; and

"(E) development, modernization, and enhancement of the information technology systems used to manage and deliver the crop insurance program.".

SEC. 1920. INCREASED FUNDING FOR CERTAIN PROGRAMS.

In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(1) the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the "Farm and Ranch Lands Protection Program"), an additional $10,000,000 for each of fiscal years 2008 through 2012;

(2) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $50,000,000 for the period of fiscal years 2008 through 2012;

(3) the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), an additional $30,000,000 for each of fiscal years 2008 through 2012;

(4) the McGovern-Dole International Food for Education and Child Nutrition Program established under section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), an additional $100,000,000 for each of fiscal years 2009 and 2010; and

(5) the improvements to the food and nutrition program made by section 4109 (and the amendments made by that sections) without regard to section 4908(b)(7).

SEC. 1921. STRENGTHENING THE FOOD PURCHASING POWER OF LOW-INCOME AMERICANS.

(a) IN GENERAL.—Section 5(e)(1) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(e)(1)) is amended—

(1) in subparagraph (A)(ii), by striking "not less than $134" and all that follows through the end of the clause and inserting the following: "not less than—

"(I) for fiscal year 2008, $141, $241, $199, and $124, respectively;

"(II) for each of fiscal years 2009 through 2012, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food;

"(III) for fiscal year 2013, $134, $229, $189, and $118, respectively; and

"(IV) for fiscal year 2014 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.";

(2) in subparagraph (B)(ii), by striking "not less than $269." and inserting the following: "not less than—

"(I) for fiscal year 2008, $283;

"(II) for each of fiscal years 2009 through 2012, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food;

"(III) for fiscal year 2013, $269; and

"(IV) for fiscal year 2014 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food."; and

(3) by adding at the end the following:

"(C) REQUIREMENT.—Each adjustment under subclauses (II) and (IV) of subparagraph (A)(ii) and subclauses (II) and (IV) of subparagraph (B)(ii) shall be based on the unrounded amount for the prior 12-month period.".

(b) EFFECT OF OTHER PROVISION.—The amendments made by section 4102 shall have no force or effect.

SA 3755. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 385, lines 16 and 17, strike "13,273,000 acres for each fiscal year, but not to exceed 79,638,000 acres" and insert "11,945,700 acres for each fiscal year, but not to exceed 71,674,200 acres".

On page 403, line 21, strike "$60,000,000" and insert "$82,600,000".

On page 445, line 20, strike "$97,000,000" and insert "$120,000,000".

On page 445, line 24, strike "$240,000,000" and insert "$500,000,000".

On page 446, strike lines 4 through 7 and insert the following:

"(A) $1,370,000,000 for each of fiscal years 2008 and 2009; and

"(B) $1,400,000,000 for each of fiscal years 2010 through 2012.

SA 3756. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 499, strike line 15 and all that follows through page 501, line 2, and insert the following:

(a) FEDERAL CROP INSURANCE.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following:

"(o) CROP INSURANCE INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

"(1) DEFINITION OF NATIVE SOD.—In this subsection, the term 'native sod' means land—

"(A) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

"(B) that has never been used for production of an agricultural commodity.

"(2) INELIGIBILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), native sod acreage on which an agricultural commodity is planted for which a policy or plan of insurance is available under this title shall be ineligible for benefits under this Act.

"(B) DE MINIMUS ACREAGE.—

"(i) EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from subparagraph (A).

"(ii) WAIVER.—The Secretary may provide a waiver from the application of subparagraph (A) for areas of 15 acres or less on a case-by-case basis.".

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)) is amended by adding at the end the following:

"(4) PROGRAM INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

"(A) DEFINITION OF NATIVE SOD.—In this paragraph, the term 'native sod' means land—

"(i) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

"(ii) that has never been used for production of an agricultural commodity.

"(B) INELIGIBILITY.—Except as provided in subparagraph (C), native sod acreage on which an agricultural commodity is planted for which a policy or plan of Federal crop insurance is available shall be ineligible for benefits under this section.

"(C) DE MINIMUS ACREAGE.—

"(i) EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from subparagraph (B).

"(ii) WAIVER.—The Secretary may provide a waiver from the application of subparagraph (B) for areas of 15 acres or less on a case-by-case basis.".

SA 3757. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. POULTRY SUSTAINABILITY RESEARCH PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE APPLICANT.—The term "eligible applicant" includes any institution of higher education, farmer or other agricultural producer, municipality, and private nonprofit organization that—

(A) expresses to the Secretary an interest in the long-term environmental and economic sustainability of the agricultural industry; and

(B) is located in—

(i) the State of Arkansas;

(ii) the State of Oklahoma; and

(iii) the State of Texas.

(2) PROGRAM.—The term "program" means the poultry sustainability research program established under subsection (b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a poultry sustainability research program.

(2) REQUIRED ACTIVITIES.—In carrying out the program, the Secretary shall—

(A) identify challenges and develop solutions to enhance the economic and environmental sustainability of the poultry industry in the Southwest region of the United States;

(B) research, develop, and implement programs—

(i) to recover energy and other useful products from poultry waste;

(ii) to identify new technologies for the storage, treatment, use, and disposal of animal waste; and

(iii) to assist the poultry industry in ensuring that emissions of animal waste (within the meaning of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o))) and discharges (as defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)) of the industry are maintained at levels at or below applicable regulatory standards;

(C) provide technical assistance, training, applied research, and monitoring to eligible applicants;

(D) develop environmentally effective programs in the poultry industry; and

(E) collaborate with eligible applicants to work with the Federal Government (including Federal agencies) in the development of conservation, environmental credit trading, and watershed programs to help private landowners and agricultural producers meet applicable water quality standards.

(c) CONTRACTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall offer to enter into contracts with eligible applicants.

(2) APPLICATION.—

(A) SUBMISSION OF APPLICATION.—To enter into a contract with the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) GUIDELINES.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate a regulation describing the application requirements, including milestones and goals to be achieved by each eligible applicant.

(d) REPORTS.—Not later than 2 years after the date of enactment of this Act, and for each fiscal year thereafter, the Secretary shall submit to Congress a report describing—

(1) each project for which funds are provided under this section; and

(2) any advance in technology resulting from the implementation of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.

SA 3758. Mr. SMITH (for himself, Mr. BARRASSO, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. FEDERAL AND STATE COOPERATIVE FOREST, RANGELAND, AND WATERSHED RESTORATION AND PROTECTION.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term "eligible State" means a State that contains National Forest System land or Bureau of Land Management land located west of the 100th meridian.

(2) SECRETARY.—The term "Secretary" means—

(A) the Secretary of Agriculture, with respect to National Forest System land; or

(B) the Secretary of the Interior, with respect to Bureau of Land Management land.

(3) STATE FORESTER.—The term "State forester" means the head of a State agency with jurisdiction over State forest land in an eligible State.

(b) COOPERATIVE AGREEMENTS AND CONTRACTS.—

(1) IN GENERAL.—The Secretary may enter into a cooperative agreement or contract (including a sole source contract) with a State forester to authorize the State forester to provide the forest, rangeland, and watershed restoration and protection services described in paragraph (2) on National Forest System land or Bureau of Land Management land, as applicable, in the eligible State if similar and complementary restoration and protection services are being provided by the State forester on adjacent State or private land.

(2) AUTHORIZED SERVICES.—The forest, rangeland, and watershed restoration and protection services referred to in paragraph (1) include the conduct of—

(A) activities to treat insect infected trees;

(B) activities to reduce hazardous fuels; and

(C) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(3) STATE AS AGENT.—Except as provided in paragraph (6), a cooperative agreement or contract entered into under paragraph (1) may authorize the State forester to serve as

the agent for the Secretary in providing the restoration and protection services authorized under paragraph (1).

(4) SUBCONTRACTS.—In accordance with applicable contract procedures for the eligible State, a State forester may enter into subcontracts to provide the restoration and protection services authorized under a cooperative agreement or contract entered into under paragraph (1).

(5) TIMBER SALES.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract entered into under paragraph (1).

(6) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any restoration and protection services to be provided under this section by a State forester on National Forest System land or Bureau of Land Management land, as applicable, shall not be delegated to a State forester or any other officer or employee of the eligible State.

(7) APPLICABLE LAW.—The restoration and protection services to be provided under this section shall be carried out on a project-to-project basis under existing authorities of the Forest Service or Bureau of Land Management, as applicable.

(c) TERMINATION OF EFFECTIVENESS.—

(1) IN GENERAL.—The authority of the Secretary to enter into cooperative agreements and contracts under this section terminates on September 30, 2012.

(2) CONTRACT DATE.—The termination date of a cooperative agreement or contract entered into under this section shall not extend beyond September 30, 2013.

SA 3759. Ms. SNOWE (for herself, Mr. SCHUMER, Mrs. CLINTON, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

Subtitle C—Northern Border Economic Development Commission

SEC. 11081. DEFINITIONS.

In this subtitle:

(1) COMMISSION.—The term "Commission" means the Northern Border Economic Development Commission established by section 11082.

(2) FEDERAL GRANT PROGRAM.—The term "Federal grant program" means a Federal grant program to provide assistance in carrying out economic and community development activities and conservation activities that are consistent with economic development.

(3) NON-PROFIT ENTITY.—The term "non-profit entity" means any entity with tax-exempt or non-profit status, as defined by the Internal Revenue Service.

(4) REGION.—The term "region" means the area covered by the Commission (as described in section 11094).

SEC. 11082. NORTHERN BORDER ECONOMIC DEVELOPMENT COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Northern Border Economic Development Commission.

(2) COMPOSITION.—The Commission shall be composed of—

(A) a Federal member, to be appointed by the President, with the advice and consent of the Senate; and

(B) the Governor of each State in the region that elects to participate in the Commission.

(3) COCHAIRPERSONS.—The Commission shall be headed by—

(A) the Federal member, who shall serve—

(i) as the Federal cochairperson; and

(ii) as a liaison between the Federal Government and the Commission; and

(B) a State cochairperson, who—

(i) shall be a Governor of a participating State in the region; and

(ii) shall be elected by the State members for a term of not less than 1 year.

(b) ALTERNATE MEMBERS.—

(1) STATE ALTERNATES.—

(A) APPOINTMENT.—The State member of a participating State may have a single alternate, who shall be appointed by the Governor of the State from among the Governor's cabinet or personal staff.

(B) VOTING.—An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the member for whom the individual is an alternate.

(2) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

(3) QUORUM.—

(A) IN GENERAL.—Subject to the requirements of this paragraph, the Commission shall determine what constitutes a quorum of the Commission.

(B) FEDERAL COCHAIRPERSON.—The Federal cochairperson or the Federal cochairperson's designee must be present for the establishment of a quorum of the Commission.

(C) STATE ALTERNATES.—A State alternate shall not be counted toward the establishment of a quorum of the Commission.

(4) DELEGATION OF POWER.—No power or responsibility of the Commission specified in paragraphs (3) and (4) of subsection (c), and no voting right of any Commission member, shall be delegated to any person—

(A) who is not a Commission member; or

(B) who is not entitled to vote in Commission meetings.

(c) DECISIONS.—

(1) REQUIREMENTS FOR APPROVAL.—Except as provided in subsection (g), decisions by the Commission shall require the affirmative vote of the Federal cochairperson and of a majority of the State members, exclusive of members representing States delinquent under subsection (g)(2)(C).

(2) CONSULTATION.—In matters coming before the Commission, the Federal cochairperson, to the extent practicable, shall consult with the Federal departments and agencies having an interest in the subject matter.

(3) DECISIONS REQUIRING QUORUM OF STATE MEMBERS.—The following decisions may not be made without a quorum of State members:

(A) A decision involving Commission policy.

(B) Approval of State, regional, or subregional development plans or strategy statements.

(C) Modification or revision of the Commission's code.

(D) Allocation of amounts among the States.

(4) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals is a responsibility of the Commission and shall be carried out in accordance with section 11088.

(d) DUTIES.—The Commission shall—

(1) develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, and local planning and development activities in the region;

(2) not later than 365 days after the date of enactment of this Act, establish priorities in a development plan for the region (including 5-year regional outcome targets);

(3) assess the needs and capital assets of the region based on available research, demonstration projects, assessments, and evaluations of the region prepared by Federal, State, or local agencies, local development districts, and any other relevant source;

(4)(A) enhance the capacity of, and provide support for, local development districts in the region; or

(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

(5) actively solicit the participation of representatives of local development districts, industry groups, and other appropriate organizations as approved by the Commission, in all public proceedings of the Commission conducted under subsection (e)(1), either in-person or through interactive telecommunications; and

(6) encourage private investment in industrial, commercial, and other economic development projects in the region.

(e) ADMINISTRATION.—In carrying out subsection (d), the Commission may—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Commission as the Commission considers appropriate;

(2) authorize, through the Federal or State cochairperson or any other member of the Commission designated by the Commission, the administration of oaths if the Commission determines that testimony should be taken or evidence received under oath;

(3) request from any Federal, State, or local department or agency such information as may be available to or procurable by the department or agency that may be of use to the Commission in carrying out duties of the Commission;

(4) adopt, amend, and repeal bylaws and rules governing the conduct of Commission business and the performance of Commission duties;

(5) request the head of any Federal department or agency to detail to the Commission such personnel as the Commission requires to carry out duties of the Commission, each such detail to be without loss of seniority, pay, or other employee status;

(6) request the head of any State department or agency or local government to detail to the Commission such personnel as the Commission requires to carry out duties of the Commission, each such detail to be without loss of seniority, pay, or other employee status;

(7) provide for coverage of Commission employees in a suitable retirement and employee benefit system by—

(A) making arrangements or entering into contracts with any participating State government; or

(B) otherwise providing retirement and other employee benefit coverage;

(8) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

(9) enter into and perform such contracts or other transactions as are necessary to carry out Commission duties;

(10) establish and maintain a central office located within the Northern Border Economic Development Commission region and field offices at such locations as the Commission may select; and

(11) provide for an appropriate level of representation in Washington, DC.

(f) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

(1) cooperate with the Commission; and

(2) provide, on request of the Federal cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

(g) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Administrative expenses of the Commission (except for the expenses of the Federal cochairperson, including expenses of the alternate and staff of the Federal cochairperson, which shall be paid solely by the Federal Government) shall be paid—

(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses; and

(B) by the States in the region participating in the Commission, in an amount equal to 50 percent of the administrative expenses.

(2) STATE SHARE.—

(A) IN GENERAL.—The share of administrative expenses of the Commission to be paid by each State shall be determined by the Commission.

(B) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (A).

(C) DELINQUENT STATES.—If a State is delinquent in payment of the State's share of administrative expenses of the Commission under this subsection—

(i) no assistance under this subtitle shall be furnished to the State (including assistance to a political subdivision or a resident of the State); and

(ii) no member of the Commission from the State shall participate or vote in any action by the Commission.

(h) COMPENSATION.—

(1) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title V, United States Code.

(2) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson—

(A) shall be compensated by the Federal Government at level V of the Executive Schedule described in paragraph (1); and

(B) when not actively serving as an alternate for the Federal cochairperson, shall perform such functions and duties as are delegated by the Federal cochairperson.

(3) STATE MEMBERS AND ALTERNATES.—

(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Commission at the rate established by law of the State.

(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary from any source other than the State for services provided by the member or alternate to the Commission.

(4) DETAILED EMPLOYEES.—

(A) IN GENERAL.—No person detailed to serve the Commission under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Commission from—

(i) any source other than the State, local, or intergovernmental department or agency from which the person was detailed; or

(ii) the Commission.

(B) VIOLATION.—Any person that violates this paragraph shall be fined not more than $5,000, imprisoned not more than 1 year, or both.

(C) APPLICABLE LAW.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Commission under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

(5) ADDITIONAL PERSONNEL.—

(A) COMPENSATION.—

(i) IN GENERAL.—The Commission may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Commission to carry out the duties of the Commission.

(ii) EXCEPTION.—Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

(i) the carrying out of the administrative duties of the Commission;

(ii) direction of the Commission staff; and

(iii) such other duties as the Commission may assign.

(C) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Commission (except the Federal cochairperson of the Commission, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Commission under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

(i) CONFLICTS OF INTEREST.—

(1) IN GENERAL.—Except as provided under paragraph (2), no State member, alternate, officer, or employee of the Commission shall participate personally and substantially as a member, alternate, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee any of the following persons has a financial interest:

(A) The member, alternate, officer, or employee.

(B) The spouse, minor child, partner, or organization (other than a State or political subdivision of the State) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee.

(C) Any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment.

(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, alternate, officer, or employee—

(A) immediately advises the Commission of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

(B) makes full disclosure of the financial interest; and

(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Commission that the interest is not so substantial as to be likely to affect the integrity of the services that the Commission may expect from the State member, alternate, officer, or employee.

(3) VIOLATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned not more than 2 years, or both.

(j) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Commission may declare void any contract, loan, or grant of or by the Commission in relation to which the Commission determines that there has been a violation of any provision under subsection (h)(4), subsection (i), or sections 202 through 209 of title 18, United States Code.

SEC. 11083. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.

(a) IN GENERAL.—The Commission may approve grants to States, local development districts (as defined in section 11085(a)), and public and nonprofit entities for projects, approved in accordance with section 11088—

(1) to develop the infrastructure of the region for the purpose of facilitating economic development in the region (except that grants for this purpose may only be made to a State or local government);

(2) to assist the region in obtaining job training, employment-related education, business development, and small business development and entrepreneurship;

(3) to assist the region in community and economic development;

(4) to support the development of severely distressed and underdeveloped areas;

(5) to promote resource conservation, forest management, tourism, recreation, and preservation of open space in a manner consistent with economic development goals;

(6) to promote the development of renewable and alternative energy sources; and

(7) to achieve the purposes of this subtitle.

(b) FUNDING.—

(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

(A) entirely from appropriations to carry out this section;

(B) in combination with funds available under another State or Federal grant program; or

(C) from any other source.

(2) ELIGIBLE PROJECTS.—The Commission may provide assistance, make grants, enter into contracts, and otherwise provide funds to eligible entities in the region for projects that promote—

(A) business development;

(B) job training or employment-related education;

(C) small businesses and entrepreneurship, including—

(i) training and education to aspiring entrepreneurs, small businesses, and students;

(ii) access to capital and facilitating the establishment of small business venture capital funds;

(iii) existing entrepreneur and small business development programs and projects; and

(iv) projects promoting small business innovation and research;

(D) local planning and leadership development;

(E) basic public infrastructure, including high-tech infrastructure and productive natural resource conservation;

(F) information and technical assistance for the modernization and diversification of the forest products industry to support value-added forest products enterprises;

(G) forest-related cultural, nature-based, and heritage tourism;

(H) energy conservation and efficiency in the region to enhance its economic competitiveness;

(I) the use of renewable energy sources in the region to produce alternative transportation fuels, electricity and heat; and

(J) any other activity facilitating economic development in the region.

(3) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share in any grant program, funds appropriated or otherwise made available to carry out this section may be used to increase a Federal share in a grant program, as the Commission determines appropriate.

SEC. 11084. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

(a) FEDERAL GRANT PROGRAM FUNDING.—In accordance with subsection (b), the Federal cochairperson may use amounts made available to carry out this subtitle, without regard to any limitations on areas eligible for assistance or authorizations for appropriation under any other Act, to fund all or any portion of the basic Federal contribution to a project or activity under a Federal grant program in the region in an amount that is above the fixed maximum portion of the cost of the project otherwise authorized by applicable law, but not to exceed 80 percent of the costs of the project.

(b) CERTIFICATION.—

(1) IN GENERAL.—In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant program is proposed to be made under this section, no Federal contribution shall be made until the Federal official administering the Federal law authorizing the contribution certifies that the program or project—

(A) meets the applicable requirements of the applicable Federal grant law; and

(B) could be approved for Federal contribution under the law if funds were available under the law for the program or project.

(2) CERTIFICATION BY COMMISSION.—

(A) IN GENERAL.—The certifications and determinations required to be made by the Commission for approval of projects under this subtitle in accordance with section 11088—

(i) shall be controlling; and

(ii) shall be accepted by the Federal agencies.

(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—Any finding, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant program shall be accepted by the Federal cochairperson with respect to a supplemental grant for any project under the program.

SEC. 11085. LOCAL DEVELOPMENT DISTRICTS; CERTIFICATION AND ADMINISTRATIVE EXPENSES.

(a) DEFINITION OF LOCAL DEVELOPMENT DISTRICT.—In this section, the term "local development district" means an entity designated by the State that—

(1) is—

(A)(i) a planning district in existence on the date of enactment of this Act that is recognized by the Economic Development Administration of the Department of Commerce; or

(ii) a development district recognized by the State; or

(B) if an entity described in subparagraph (A)(i) or (A)(ii) does not exist, an entity designated by the Commission that satisfies the criteria developed by the Economic Development Administration for a local development district; and

(2) has not, as certified by the Federal cochairperson—

(A) inappropriately used Federal grant funds from any Federal source; or

(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

(b) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—

(1) IN GENERAL.—The Commission may make grants for administrative expenses under this section.

(2) CONDITIONS FOR GRANTS.—

(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

(B) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

(1) operate as a lead organization serving multicounty areas in the region at the local level; and

(2) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens that—

(A) are involved in multijurisdictional planning;

(B) provide technical assistance to local jurisdictions and potential grantees; and

(C) provide leadership and civic development assistance.

SEC. 11086. DEVELOPMENT PLANNING PROCESS.

(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Commission, each State member shall submit a development plan for the area of the region represented by the State member.

(b) CONTENT OF PLAN.—A State development plan submitted under subsection (a) shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 11082(d)(2).

(c) CONSULTATION.—In carrying out the development planning process, a State shall—

(1) consult with—

(A) local development districts;

(B) local units of government;

(C) institutions of higher learning; and

(D) stakeholders; and

(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

(d) PUBLIC PARTICIPATION.—The Commission and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

SEC. 11087. PROGRAM DEVELOPMENT CRITERIA.

(a) IN GENERAL.—In considering programs and projects to be provided assistance under this subtitle, and in establishing a priority ranking of the requests for assistance provided by the Commission, the Commission shall follow procedures that ensure, to the maximum extent practicable, consideration of—

(1) the relationship of the project to overall regional development;

(2) the economic distress of an area, including the per capita income, outmigration, poverty and unemployment rates, and other socioeconomic indicators for the area;

(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

(4) the importance of the project in relation to other projects that may be in competition for the same funds;

(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area served by the project;

(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated; and

(7) the preservation of multiple uses, including conservation, of natural resources.

(b) NO RELOCATION ASSISTANCE.—No financial assistance authorized by this subtitle shall be used to assist an establishment in relocating from 1 area to another.

(c) REDUCTION OF FUNDS.—Funds may be provided for a program or project in a State under this subtitle only if the Commission determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this subtitle.

SEC. 11088. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

(a) IN GENERAL.—A State or regional development plan or any multistate subregional plan that is proposed for development under this subtitle shall be reviewed by the Commission.

(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this subtitle shall be made through and evaluated for approval by the State member of the Commission representing the applicant.

(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member and Federal cochairperson that the application for the project—

(1) describes ways in which the project complies with any applicable State development plan;

(2) meets applicable criteria under section 11087;

(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

(4) otherwise meets the requirements of this subtitle.

(d) VOTES FOR DECISIONS.—Upon certification of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission under section 11082(c) shall be required for approval of the application.

SEC. 11089. CONSENT OF STATES.

Nothing in this subtitle requires any State to engage in or accept any program under this subtitle without the consent of the State.

SEC. 11090. RECORDS.

(a) RECORDS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall maintain accurate and complete records of all transactions and activities of the Commission.

(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States and the Commission (including authorized representatives of the Comptroller General and the Commission).

(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

(1) IN GENERAL.—A recipient of Federal funds under this subtitle shall, as required by the Commission, maintain accurate and complete records of transactions and activities financed with Federal funds and report on the transactions and activities to the Commission.

(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States and the Commission (including authorized representatives of the Comptroller General and the Commission).

SEC. 11091. ANNUAL REPORT.

Not later than 180 days after the end of each fiscal year, the Commission shall submit to the President and to Congress a report describing the activities carried out under this subtitle.

SEC. 11092. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Commission to carry out this subtitle $40,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under subsection (a) for a fiscal year shall be used for administrative expenses of the Commission.

SEC. 11093. TERMINATION OF COMMISSION.

This subtitle shall have no force or effect on or after October 1, 2012.

SEC. 11094. REGION OF NORTHERN BORDER ECONOMIC DEVELOPMENT COMMISSION.

(a) GOAL.—It shall be the goal of the Commission to address economic distress along the northern border of the United States east of, and including, Cayuga County, New York, especially in rural areas.

(b) COUNTIES INCLUDED IN NORTHERN BORDER REGION.—Consistent with the goal described in subsection (a), the region of Commission shall include the following counties:

(1) In Maine, the counties of Aroostook, Franklin, Oxford, Somerset, and Washington.

(2) In New Hampshire, the county of Coos.

(3) In New York, the counties of Cayuga, Clinton, Franklin, Jefferson, Oswego, and St. Lawrence.

(4) In Vermont, the counties of Essex, Franklin, Grand Isle, and Orleans.

(c) CONTIGUOUS COUNTIES.—

(1) IN GENERAL.—Subject to paragraph (2), in addition to the counties listed in subsection (b), the region of Commission shall include the following counties:

(A) In Maine, the counties of Androscoggin, Kennebec, Penobscot, Piscataquis, and Waldo.

(B) In New York, the counties of Essex, Hamilton, Herkimer, Lewis, Oneida, and Seneca.

(C) In Vermont, the county of Caledonia.

(2) RECOMMENDATIONS TO CONGRESS.—As part of an annual report submitted under section 11091, the Commission may recommend to Congress removal of a county listed in paragraph (1) from the region on the basis that the county no longer exhibits 2 or more of the following economic distress factors: population loss, poverty, income levels, and unemployment.

(d) EXAMINATION OF ADDITIONAL COUNTIES AND AREAS FOR INCLUSION IN THE REGION.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Commission—

(A) shall examine all counties that border the region of the Commission specified in subsection (a), including the political subdivisions and census tracts within such counties; and

(B) may add a county or any portion of a county examined under subparagraph (A)to the region, if the Commission determines that the county or portion—

(i) is predominantly rural in nature; and

(ii) exhibits significant economic distress in terms of population loss, poverty, income levels, unemployment, or other economic indicator that the Commission considers appropriate.

(2) PRIORITY.—In carrying out paragraph (1)(A), the Commission shall first examine the following counties:

(A) In Maine, the counties of Hancock and Knox.

(B) In New Hampshire, the counties of Grafton, Carroll, and Sullivan.

(C) In New York, the counties of Fulton, Madison, Warren, Saratoga, and Washington.

(D) In Vermont, the county of Lamoille.

(e) ADDITION OF COUNTIES AND OTHER AREAS.—

(1) RECOMMENDATIONS.—Following the one-year period beginning on the date of enactment of this Act, as part of an annual report submitted under section 11091, the Commission may recommend to Congress additional counties or portions of counties for inclusion in the region.

(2) AREAS OF ECONOMIC DISTRESS.—The Commission may recommend that an entire county be included in the region on the basis of one or more distressed areas within the county.

(3) ASSESSMENTS OF ECONOMIC CONDITIONS.—The Commission may provide technical and financial assistance to a county that is not included in the region for the purpose of conducting an economic assessment of the county. The results of such an assessment may be used by the Commission in making recommendations under paragraph (1).

(f) LIMITATION.—A county eligible for assistance from the Appalachian Regional Commission under subtitle IV of title 40, United States Code, shall not be eligible for assistance from the Northern Border Economic Development Commission.

SEC. 11095. REDUCTION IN FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of this Act or an amendment made by this Act, for the period beginning on October 1, 2007, and ending on September 30, 2011—

(1) each amount provided to carry out a program under title I or an amendment made by title I is reduced by an amount necessary to achieve a total reduction of $200,000,000; and

(2) the Secretary shall adjust the amount of each payment, loan, gain, or other assistance provided under each program described in paragraph (1) by such amount as is necessary to achieve the reduction required under that paragraph, as determined by the Secretary.

(b) APPLICATION.—This section does not apply to a payment, loan, gain, or other assistance provided under a contract entered into by the Secretary before the date of enactment of this Act.

SA 3760. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1495, strike line 10 and all that follows through page 1500, line 7, and insert the following:

PART IV—ENERGY PROGRAM FUNDING AND INCENTIVES FOR ALTERNATIVE FUELS

SEC. 12331. INCREASED FUNDING FOR CERTAIN ENERGY PROGRAMS.

In addition to the amounts made available under title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) (as amended by section 9001), of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(1) the biorefinery and repowering assistance program established under section 9005 of that Act , an additional $100,000,000 for fiscal year 2008;

(2) the Rural Energy for America Program established under section 9007 of that Act, an additional $120,000,000 for fiscal year 2008; and

(3) the biomass research and development program established under section 9008 of that Act, an additional $20,000,000 for each of fiscal years 2008 through 2012.

SEC. 12332. EXTENSION AND MODIFICATION OF CREDIT FOR COAL-TO-LIQUID FUELS.

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (4) of section 6426(d) (relating to alternative fuel credit) is amended to read as follows:

"(4) TERMINATION.—This subsection shall not apply to any sale or use for any period after—

"(A) September 30, 2014, in the case of any sale or use involving liquified hydrogen,

"(B) December 31, 2010, in the case of any sale or use involving a liquid fuel derived from coal (including peat) through the Fischer-Tropsch process, and

"(C) September 30, 2009, in the case of any other sale or use.".

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) (relating to alternative fuel mixture credit) is amended to read as follows:

"(3) TERMINATION.—This subsection shall not apply to any sale or use for any period after—

"(A) September 30, 2014, in the case of any sale or use involving liquified hydrogen,

"(B) December 31, 2010, in the case of any sale or use involving a liquid fuel derived from coal (including peat) through the Fischer-Tropsch process, and

"(C) September 30, 2009, in the case of any other sale or use.".

(3) PAYMENTS.—Paragraph (5) of section 6427(e) (relating to termination) is amended—

(A) in subparagraph (C)—

(i) by striking "subparagraph (D)" and inserting "subparagraphs (D) and (E)", and

(ii) by striking "and" at the end,

(B) by redesignating subparagraph (D) as subparagraph (E), and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) any alternative fuel or alternative fuel mixture (as so defined) involving a liquid fuel derived from coal (including peat) through the Fischer-Tropsch process sold or used after December 31, 2010, and".

(b) CREDIT ALLOWED FOR AVIATION USE OF FUEL.—Paragraph (1) of section 6426(d) is amended by inserting "sold by the taxpayer for use as a fuel in aviation," after "motorboat,".

(c) CARBON CAPTURE REQUIREMENT FOR CERTAIN FUELS.—

(1) IN GENERAL.—Subsection (d) of section 6426, as amended by subsection (a), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) CARBON CAPTURE REQUIREMENT.—

"(A) IN GENERAL.—The requirements of this paragraph are met if the fuel is certified, under such procedures as required by the Secretary, as having been derived from coal produced at a gasification facility which separates and sequesters not less than the applicable percentage of such facility's total carbon dioxide emissions.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

"(i) 50 percent in the case of fuel produced after the date of the enactment of this paragraph and on or before the earlier of—

"(I) the date the Secretary makes a determination under subparagraph (C), or

"(II) December 30, 2010, and

"(ii) 75 percent in the case of fuel produced after the date on which the applicable percentage under clause (i) ceases to apply.

"(C) DETERMINATION TO INCREASE APPLICABLE PERCENTAGE BEFORE DECEMBER 31, 2010.—If the Secretary, after considering the recommendations of the Carbon Sequestration Capability Panel, finds that the applicable percentage under subparagraph (B) should be 75 percent for fuel produced before December 31, 2010, the Secretary shall make a determination under this subparagraph. Any determination made under this subparagraph shall be made not later than 30 days after the Secretary receives from the Carbon Sequestration Panel the report required under section 331(c)(3)(D) of the Heartland, Habitat, Harvest, and Horticulture Act of 2007.".

(2) CONFORMING AMENDMENT.—Subparagraph (E) of section 6426(d)(2) is amended by inserting "which meets the requirements of paragraph (4) and which is" after "any liquid fuel".

(3) CARBON SEQUESTRATION CAPABILITY PANEL.—

(A) ESTABLISHMENT OF PANEL.—There is established a panel to be known as the "Carbon Sequestration Capability Panel" (hereafter in this paragraph referred to as the "Panel").

(B) MEMBERSHIP.—The Panel shall be composed of—

(i) 1 representative from the National Academy of Sciences,

(ii) 1 representative from the University of Kentucky Center for Applied Energy Research, and

(iii) 1 individual appointed jointly by the representatives under clauses (i) and (ii).

(C) STUDY.—The Panel shall study the appropriate percentage of carbon dioxide for separation and sequestration under section 6426(d)(4) of the Internal Revenue Code of 1986 consistent with the purposes of such section. The panel shall consider whether it is feasible to separate and sequester 75 percent of the carbon dioxide emissions of a facility, including costs and other factors associated with separating and sequestering such percentage of carbon dioxide emissions.

(D) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Panel shall report to the Secretary of Treasury, the Committee on Finance of the Senate, and the Committee on Ways and Means of the House of Representatives on the study under subparagraph (C).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 12333. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

SA 3761. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 313, strike line 21 and all that follows through page 320, line 22, and insert the following:

(e) PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by striking subsection (h) and inserting the following:

"(h) PILOT PROGRAM FOR ENROLLMENT OF WETLAND, SHALLOW WATER AREAS, AND BUFFER ACREAGE IN CONSERVATION RESERVE.—

"(1) PROGRAM.—

"(A) IN GENERAL.—During the 2008 through 2012 calendar years, the Secretary shall carry out a program in each State under which the Secretary shall enroll eligible acreage described in paragraph (2).

"(B) PARTICIPATION AMONG STATES.—The Secretary shall ensure, to the maximum extent practicable, that owners and operators in each State have an equitable opportunity to participate in the pilot program established under this subsection.

"(2) ELIGIBLE ACREAGE.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (E), an owner or operator may enroll in the conservation reserve under this subsection—

"(i)(I) a wetland (including a converted wetland described in section 1222(b)(1)(A)) that had a cropping history during at least 3 of the immediately preceding 10 crop years;

"(II) a shallow water area that was devoted to a commercial pond-raised aquaculture operation any year during the period of calendar years 2002 through 2007; or

"(III) an agriculture drainage water treatment that receives flow from a row crop agriculture drainage system and is designed to provide nitrogen removal in addition to other wetland functions; and

"(ii) buffer acreage that—

"(I) is contiguous to a wetland or shallow water area described in clause (i);

"(II) is used to protect the wetland or shallow water area described in clause (i); and

"(III) is of such width as the Secretary determines is necessary to protect the wetland or shallow water area described in clause (i) or to enhance the wildlife benefits, including through restriction of bottomland hardwood habitat, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds the wetland or shallow water area.

"(B) EXCLUSIONS.—Except for a shallow water area described in paragraph (2)(A)(i), an owner or operator may not enroll in the conservation reserve under this subsection—

"(i) any wetland, or land on a floodplain, that is, or is adjacent to, a perennial riverine system wetland identified on the final national wetland inventory map of the Secretary of the Interior; or

"(ii) in the case of an area that is not covered by the final national inventory map, any wetland, or land on a floodplain, that is adjacent to a perennial stream identified on a 1-24,000 scale map of the United States Geological Survey.

"(C) PROGRAM LIMITATIONS.—

"(i) IN GENERAL.—The Secretary may enroll in the conservation reserve under this subsection not more than—

"(I) 100,000 acres in any 1 State referred to in paragraph (1); and

"(II) not more than a total of 1,000,000 acres.

"(ii) RELATIONSHIP TO PROGRAM MAXIMUM.—Subject to clause (iii), for the purposes of subsection (d), any acreage enrolled in the conservation reserve under this subsection shall be considered acres maintained in the conservation reserve.

"(iii) RELATIONSHIP TO OTHER ENROLLED ACREAGE.—Acreage enrolled under this subsection shall not affect for any fiscal year the quantity of—

"(I) acreage enrolled to establish conservation buffers as part of the program announced on March 24, 1998 (63 Fed. Reg. 14109); or

"(II) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965).

"(iv) REVIEW; POTENTIAL INCREASE IN ENROLLMENT ACREAGE.—Not later than 3 years after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall—

"(I) conduct a review of the program under this subsection with respect to each State that has enrolled land in the program; and

"(II) notwithstanding clause (i)(I), increase the number of acres that may be enrolled by a State under clause (i)(I) to not more than 150,000 acres, as determined by the Secretary.

"(D) OWNER OR OPERATOR LIMITATIONS.—

"(i) WETLAND.—

"(I) IN GENERAL.—Except for a shallow water area described in paragraph (2)(A)(i), the maximum size of any wetland described in subparagraph (A)(i) of an owner or operator enrolled in the conservation reserve under this subsection shall be 40 contiguous acres.

"(II) COVERAGE.—All acres described in subclause (I) (including acres that are ineligible for payment) shall be covered by the conservation contract.

"(ii) BUFFER ACREAGE.—The maximum size of any buffer acreage described in subparagraph (A)(ii) of an owner or operator enrolled in the conservation reserve under this subsection shall be determined by the Secretary in consultation with the State Technical Committee.

"(iii) TRACTS.—Except for a shallow water area described in paragraph (2)(A)(i) and buffer acreage, the maximum size of any eligible acreage described in subparagraph (A) in a tract (as determined by the Secretary) of an owner or operator enrolled in the conservation reserve under this subsection shall be 40 acres.

"(3) DUTIES OF OWNERS AND OPERATORS.—Under a contract entered into under this subsection, during the term of the contract, an owner or operator of a farm or ranch shall agree—

"(A) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

"(B) to establish vegetative cover (which may include emerging vegetation in water and bottomland hardwoods, cypress, and other appropriate tree species in shallow water areas) on the eligible acreage, as determined by the Secretary;

"(C) to a general prohibition of commercial use of the enrolled land; and

"(D) to carry out other duties described in section 1232.

"(4) DUTIES OF THE SECRETARY.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in return for a contract entered into by an owner or operator under this subsection, the Secretary shall make payments based on rental rates for cropland and provide assistance to the owner or operator in accordance with sections 1233 and 1234.

"(B) CONTINUOUS SIGNUP.—The Secretary shall use continuous signup under section 1234(c)(2)(B) to determine the acceptability of contract offers and the amount of rental payments under this subsection.

"(C) INCENTIVES.—The amounts payable to owners and operators in the form of rental payments under contracts entered into under this subsection shall reflect incentives that are provided to owners and operators to enroll filterstrips in the conservation reserve under section 1234.".

SA 3762. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11____. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

Section 6405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2655) is amended to read as follows:

"SEC. 6405. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

"(a) DEFINITION OF EMERGENCY MEDICAL SERVICE.—In this section:

"(1) IN GENERAL.—The term 'emergency medical service' means any resource used by a qualified public or private entity, or by any other entity recognized as qualified by the State involved, to deliver medical care outside of a medical facility under emergency conditions that occur as a result of—

"(A) the condition of the patient; or

"(B) a natural disaster or similar situation.

"(2) INCLUSIONS.—The term 'emergency medical service' includes (compensated or volunteer) services delivered by an emergency medical service provider or other provider recognized by the State involved that is licensed or certified by the State as an emergency medical technician or the equivalent (as determined by the State), a registered nurse, a physician assistant, or a physician that provides services similar to services provided by such an emergency medical service provider.

"(b) GRANTS.—The Secretary shall award grants to eligible entities—

"(1) to enable the entities to provide for improved emergency medical services in rural areas; and

"(2) to pay the cost of training firefighters and emergency medical personnel in firefighting, emergency medical practices, and responding to hazardous materials and bioagents in rural areas.

"(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

"(1) be—

"(A) a State emergency medical services office;

"(B) a State emergency medical services association;

"(C) a State office of rural health;

"(D) a local government entity;

"(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

"(F) a State or local ambulance provider; or

"(G) any other entity determined to be appropriate by the Secretary; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that includes—

"(A) a description of the activities to be carried out under the grant; and

"(B) an assurance that the applicant will comply with the matching requirement of subsection (f).

"(d) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (b) only in rural areas—

"(1) to hire or recruit emergency medical service personnel;

"(2) to recruit or retain volunteer emergency medical service personnel;

"(3) to train emergency medical service personnel in emergency response, injury prevention, safety awareness, and other topics relevant to the delivery of emergency medical services;

"(4) to fund training to meet Federal or State certification requirements;

"(5) to provide training for firefighters and emergency medical personnel for improvements to the training facility, equipment, curricula, and personnel;

"(6) to develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning); and

"(7) to educate the public concerning cardiopulmonary resuscitation, first aid, injury prevention, safety awareness, illness prevention, and other related emergency preparedness topics.

"(e) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to—

"(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (G) of subsection (c)(1); and

"(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (d).

"(f) MATCHING REQUIREMENT.—The Secretary may not make a grant under this section to an entity unless the entity agrees that the entity will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to 5 percent of the amount received under the grant.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section not more than $30,000,000 for each of fiscal years 2008 through 2012.

"(2) ADMINISTRATIVE COSTS.—Not more than 10 percent of the amount appropriated under paragraph (1) for a fiscal year may be used for administrative expenses.".

SA 3763. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—DOMESTIC PET TURTLE MARKET ACCESS

SEC. ___. SHORT TITLE.

This title may be cited as the "Domestic Pet Turtle Equality Act".

SEC. ___. FINDINGS.

Congress makes the following findings:

(1) Pet turtles less than 10.2 centimeters in diameter have been banned for sale in the United States by the Food and Drug Administration since 1975 due to health concerns.

(2) The Food and Drug Administration does not ban the sale of iguanas or other lizards, snakes, frogs, or other amphibians or reptiles that are sold as pets in the United States that carry salmonella bacteria. The Food and Drug Administration also does not require that these animals be treated for salmonella bacteria before being sold as pets.

(3) The technology to treat turtles for salmonella, and make them safe for sale, has greatly advanced since 1975. Treatments exist that can eradicate salmonella from turtles up until the point of sale, and individuals are more aware of the causes of salmonella, how to treat salmonella poisoning, and the seriousness associated with salmonella poisoning.

(4) University research has shown that these turtles can be treated in such a way that they can be raised, shipped, and distributed without having a recolonization of salmonella.

(5) University research has also shown that pet owners can be equipped with a treatment regimen that allows the turtle to be maintained safe from salmonella.

(6) The Food and Drug Administration and the Department of Agriculture should allow the sale of turtles less than 10.2 centimeters in diameter as pets as long as the sellers are required to use proven methods to treat these turtles for salmonella.

SEC. ___. REVIEW, REPORT, AND ACTION ON THE SALE OF BABY TURTLES.

(a) PET TURTLE.—In this section, the term "pet turtle" means a turtle that is less than 10.2 centimeters in diameter.

(b) PREVALENCE OF SALMONELLA.—Not later than 60 days after the date of enactment of this title, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall determine the prevalence of salmonella in each species of reptile and amphibian sold legally as a pet in the United States in order to determine whether the prevalence of salmonella in reptiles and amphibians sold legally as pets in the United States on average is not more than 10 percent less than the percentage of salmonella in pet turtles.

(c) ACTION IF PREVALENCE IS SIMILAR.—If the prevalence of salmonella in reptiles and amphibians sold legally as pets in the United States on average is more than 10 percent less than the percentage of salmonella in pet turtles—

(1) the Secretary of Agriculture shall—

(A) conduct a study to determine how pet turtles can be sold safely as pets in the

United States and provide recommendations to Congress not later than 150 days after the date of such determination;

(B) in conducting such study, consult with all relevant stakeholders, such as the Centers for Disease Control and Prevention, the turtle farming industry, academia, and the American Academy of Pediatrics; and

(C) examine the safety measures taken to protect individuals from salmonella-related dangers involved with reptiles and amphibians sold legally in the United States that contain a similar or greater presence of salmonella than that of pet turtles; and

(2) the Secretary of Agriculture—

(A) may not prohibit the sale of pet turtles in the United States; or

(B) shall prohibit the sale in the United States of any reptile or amphibian that contains a similar or greater prevalence of salmonella than that of pet turtles.

SA 3764. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 15 and all that follows through page 214, line 9, and insert the following:

(c) MODIFICATION OF LIMITATION.—

(1) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) is amended by striking subsection (b) and inserting the following:

"(b) LIMITATION.—

"(1) COMMODITY AND CONSERVATION PROGRAMS.—

"(A) COMMODITY PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds—

"(i) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

"(ii) $750,000.

"(B) CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary.

"(2) COVERED BENEFITS.—

"(A) IN GENERAL.—Paragraph (1)(A) applies with respect to the following:

"(i) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(ii) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(iii) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

"(B) CONSERVATION PROGRAMS.—Paragraph (1)(B) applies with respect to a payment under any program under—

"(i) title XII of this Act;

"(ii) title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223); or

"(iii) title II of the Food and Energy Security Act of 2007.

"(3) INCOME DERIVED FROM FARMING, RANCHING OR FORESTRY OPERATIONS.—In determining what portion of the average adjusted gross income of an individual or entity is derived from farming, ranching, or forestry operations, the Secretary shall include income derived from—

"(A) the production of crops, livestock, or unfinished raw forestry products;

"(B) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land or water or hunting rights;

"(C) the sale of equipment to conduct farm, ranch, or forestry operations;

"(D) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

"(E) the provision of production inputs and services to farmers, ranchers, and foresters;

"(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities;

"(G) the sale of land that has been used for agriculture; and

"(H) payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007.".

(2) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(A) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $20,000,000 for the period of fiscal years 2013 through 2017;

(B) the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), an additional $10,000,000 for each of fiscal years 2013 through 2016;

(C) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2013 through 2017;

(D) the program of grants to encourage State initiatives to improve broadband service established under section 6202, an additional—

(i) $40,000,000 for the period of fiscal years 2009 through 2012; and

(ii) $30,000,000 for the period of fiscal years 2013 through 2017;

(E) the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), an additional $10,000,000 for each of fiscal years 2013 through 2014;

(F) the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2013 through 2017;

(G) the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012; and

(H) the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012.

SA 3765. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 15 and all that follows through page 214, line 9, and insert the following:

(c) MODIFICATION OF LIMITATION.—

(1) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) is amended by striking subsection (b) and inserting the following:

"(b) LIMITATION.—

"(1) COMMODITY AND CONSERVATION PROGRAMS.—

"(A) COMMODITY PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds—

"(i) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

"(ii) $750,000.

"(B) CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary.

"(2) COVERED BENEFITS.—

"(A) IN GENERAL.—Paragraph (1)(A) applies with respect to the following:

"(i) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(ii) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(iii) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

"(B) CONSERVATION PROGRAMS.—Paragraph (1)(B) applies with respect to a payment under any program under—

"(i) title XII of this Act;

"(ii) title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223); or

"(iii) title II of the Food and Energy Security Act of 2007.

"(3) INCOME DERIVED FROM FARMING, RANCHING OR FORESTRY OPERATIONS.—In determining what portion of the average adjusted gross income of an individual or entity is derived from farming, ranching, or forestry operations, the Secretary shall include income derived from—

"(A) the production of crops, livestock, or unfinished raw forestry products;

"(B) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land or water or hunting rights;

"(C) the sale of equipment to conduct farm, ranch, or forestry operations;

"(D) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

"(E) the provision of production inputs and services to farmers, ranchers, and foresters;

"(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities;

"(G) the sale of land that has been used for agriculture; and

"(H) payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007.".

(2) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(A) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $20,000,000 for the period of fiscal years 2013 through 2017;

(B) the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), an additional $10,000,000 for each of fiscal years 2013 through 2016;

(C) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2013 through 2017;

(D) the program of grants to encourage State initiatives to improve broadband service established under section 6202, an additional—

(i) $40,000,000 for the period of fiscal years 2009 through 2012; and

(ii) $30,000,000 for the period of fiscal years 2013 through 2017;

(E) the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), an additional $10,000,000 for each of fiscal years 2013 through 2014;

(F) the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2013 through 2017;

(G) the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012; and

(H) the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012.

SA 3766. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(_)PAUNSAUGUNT PLATEAU WILDLIFE AND RANGELAND ENHANCEMENT PILOT PROGRAM.—

(1) Of the amounts made available in Subsection ___—the Secretary shall reserve $5,000,000 to remain available until expended to initiate a pilot program in partnership with local Water Conservation Districts for watershed restoration and the protection and enhancement of native, introduced, and sensitive forage grass and browse, plant species for use by wildlife and livestock in the Paunsaugunt Plateau and adjacent public and private lands in the region.

(2)APPROVAL.—The Secretary may also approve regional conservation activities under this subsection to facilitate vegetative manipulation of climax pinion juniper rangeland, restoration of erosion drainage areas and riparian areas in cooperation with local Water Conservation Districts.

SA 3767. Mr. NELSON of Florida (for himself, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 234, between lines 12 and 13, insert the following:

SEC. 1815. FUNDS FOR PROMOTION OF ORANGE JUICE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury shall, not later than December 31, 2007, and each year thereafter, transfer to the Department of Citrus of the State of Florida an amount equal to 30 percent of the amounts received in the general fund of the Treasury of the United States during the preceding fiscal year that are attributable to the duties collected on articles described in subsection (b).

(b) ARTICLES DESCRIBED.—The articles described in this subsection are articles classifiable under subheadings 2009.11.00 through 2009.19.00 of the Harmonized Tariff Schedule of the United States, that are entered, or withdrawn from warehouse, for consumption.

(c) USE OF AMOUNTS TRANSFERRED.—The amounts transferred pursuant to this section shall be used by the State of Florida for research and promotion activities related to orange juice.

SA 3768. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1472, line 1, strike all through page 1480, line 3, and insert the following:

PART II—ALCOHOL AND OTHER FUELS

SEC. 12311. EXPANSION OF SPECIAL ALLOWANCE TO CELLULOSIC BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) (relating to special allowance for cellulosic biomass ethanol plant property) is amended to read as follows:

"(3) CELLULOSIC BIOFUEL.—For purposes of this subsection, the term 'cellulosic biofuel' means any liquid transportation fuel derived from any lignocellulosic or hemicellulosic matter (other than food starch) that is available on a renewable or recurring basis.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (l) of section 168 is amended by striking "cellulosic biomass ethanol" each place it appears and inserting "cellulosic biofuel".

(2) The heading of section 168(l) is amended by striking "CELLULOSIC BIOMASS ETHANOL" and inserting "CELLULOSIC BIOFUEL".

(3) The heading of paragraph (2) of section 168(l) is amended by striking "CELLULOSIC BIOMASS ETHANOL" and inserting "CELLULOSIC BIOFUEL".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 12312. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 30D. CELLULOSIC BIOFUEL PRODUCTION.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to $1.28 for each gallon of qualified cellulosic biofuel production.

"(b) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which is produced in the United States by the taxpayer and which during the taxable year—

"(1) is sold by the taxpayer to another person—

"(A) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

"(B) for use by such other person as a fuel in a trade or business, or

"(C) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

"(2) is used or sold by the taxpayer for any purpose described in paragraph (1).

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid transportation fuel derived from any lignocellulosic or hemicellulosic mater (other than food starch) that is available on a renewable or recurring basis.

"(2) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—The term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and any petroleum fuel product which—

"(A) is sold by the person producing such mixture to any person for use as a fuel, or

"(B) is used as a fuel by the person producing such mixture.

"(3) ADDITIONAL DISTILLATION EXCLUDED.—The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

"(4) UNITED STATES PRODUCTION ONLY.—No credit shall be determined under subsection (a) with respect to any biofuel unless such biofuel is produced in the United States.

"(5) CELLULOSIC BIOFUEL NOT USED AS A FUEL.—If any credit is allowed under subsection (a) and any person does not use such cellulosic biofuel for a purpose described in subsection (b), then there is hereby imposed on such person a tax equal to $1.28 for each gallon of such cellulosic biofuel.

"(6) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(7) ALLOCATION OF CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under section 40(g)(6) shall apply for purposes of this section.

"(8) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section to any taxpayer with respect to any cellulosic biofuel if a credit or payment is allowed with respect to such fuel to such taxpayer under section 40, 40A, 6426, or 6427(e).

"(d) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowable under subpart A and sections 27, 30, 30B, and 30C.

"(e) CARRYFORWARD AND CARRYBACK OF UNUSED CREDIT.—

"(1) IN GENERAL.—If the credit allowable under subsection (a) exceeds the limitation imposed by subsection (d) for such taxable year (hereinafter in this section referred to as the 'unused credit year') reduced by the sum of the credits allowable under subpart A, such excess shall be—

"(A) carried back to the taxable year preceding the unused credit year, and

"(B) carried forward to each of the 20 taxable years following the unused credit year.

"(2) TRANSITION RULE.—The credit under subsection (a) may not be carried to a taxable year beginning before January 1, 2008.

"(f) APPLICATION OF SECTION.—This section shall apply with respect to qualified cellulosic biofuel production—

"(1) after December 31, 2007, and

"(2) before the later of—

"(A) the date on which the Secretary of Energy certifies that 1,000,000,000 gallons of cellulosic biofuels have been produced in the United States after December 31, 2007, and

"(B) April 1, 2015.".

(b) DEDUCTION ALLOWED FOR UNUSED CREDIT.—Section 196(c) is amended by adding at the end the following new subsection:

"(d) DEDUCTION ALLOWED FOR CELLULOSIC BIOFUEL PRODUCTION CREDIT.—

"(1) IN GENERAL.—If any portion of the credit allowed under section 30D for any taxable year has not, after the application of section 30D(d), been allowed to the taxpayer as a credit under such section for any taxable year, an amount equal to such credit not so allowed shall be allowed to the taxpayer as a deduction for the first taxable year following the last taxable year for which such credit could, under section 30D(e), have been allowed as a credit.

"(2) TAXPAYER'S DYING OR CEASING TO EXIST.—If a taxpayer dies or ceases to exist before the first taxable year following the last taxable year for which the credit could, under section 30D(e), have been allowed as a credit, the amount described in paragraph (1) (or the proper portion thereof) shall, under regulations prescribed by the Secretary, be allowed to the taxpayer as a deduction for the taxable year in which such death or cessation occurs.".

(c) CONFORMING AMENDMENTS.—

(1)(A) Section 87 is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the cellulosic biofuel production credit determined with respect to the taxpayer under section 30D(a).".

(B) The heading of section 87 of such Code is amended by striking "**AND BIODIESEL FUELS CREDITS**" and inserting "**, BIODIESEL FUELS,** and **CELLULOSIC BIOFUELS CREDITS**".

(C) The item relating to section 87 is the table of sections for part II of subchapter B of chapter 1 of such Code is amended by striking "and biodiesel fuels credits" and inserting ", biodiesel fuels, and cellulosic biofuels credits".

(2) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 40A the following new item:

"Sec. 30D. Cellulosic biofuel production.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

SA 3769. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 334, strike lines 23 through 25 and insert the following:

described in clauses (i) and (ii).";

(2) in subsection (c), by striking "2007 calendar" and inserting "2012 fiscal"; and

(3) in subsection (d)—

(A) in paragraph (2), by striking "or" at the end; and

(B) by striking paragraph (3) and inserting the following:

"(3) a riparian area; or

"(4) a riparian area and an adjacent area that links the riparian area to other parcels of wetland that are protected by wetlands reserve agreements or some other device or circumstance that achieves the same purpose as a wetlands reserve agreement.".

SA 3770. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 334, strike lines 23 through 25 and insert the following:

described in clauses (i) and (ii).";

(2) in subsection (c), by striking "2007 calendar" and inserting "2012 fiscal"; and

(3) in subsection (d)—

(A) in paragraph (2), by striking "or" at the end; and

(B) by striking paragraph (3) and inserting the following:

"(3) a riparian area; or

"(4) a riparian area and an adjacent area that links the riparian area to other parcels of wetland that are protected by wetlands reserve agreements or some other device or circumstance that achieves the same purpose as a wetlands reserve agreement.".

SA 3771. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC._. AGRICULTURAL REGULATORY FLEXIBILITY

Chapter 55 of title 7 is amended by adding following:

"§2301 Definitions

For purposes of this chapter—

"(1) the term "agency" means an agency as defined in section 551(1) of title 5;

"(2) the term "agricultural entity" means any person or entity that has income derived from farming, ranching or forestry operations, the production of crops, livestock, or unfinished raw forestry products; the sale, including the sale of easements and development rights, of farm, ranch, or forestry and or water or hunting rights; the sale of equipment to conduct farm ranch, or forestry operations; the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights; the provision of production inputs and services to farmers, ranchers, and foresters; the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities; the sale of land that has been used for agriculture; and payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007;

"(3) the term "rule" means any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of title 5, or any other law, including any rule of general applicability governing Federal grants to State and local governments for which the agency provides an opportunity for notice and public comment, except that the term "rule" does not include a rule of particular applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefore or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances;

“(4) the term “collection of information”—

“(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

“(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, 10 or more persons, other than agencies, instrumentalities, or employees of the United States; or

“(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

“(B) shall not include a collection of information described under section 3518(c)(1) of title 44, United States Code.

“(5) Recordkeeping requirement.—The term “recordkeeping requirement” means a requirement imposed by an agency on persons to maintain specified records.

“§2302. Agricultural regulatory flexibility agenda

“(a) During the months of October and April of each year, each agency shall publish in the Federal Register an agricultural regulatory flexibility agenda which shall contain—

“(1) a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of agricultural entities;

“(2) a summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking, and;

“(3) the name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

“(b) Each agricultural regulatory flexibility agenda shall be transmitted to the Chief Counsel for Advocacy of the Department of Agriculture for comment, if any.

“(c) Each agency shall endeavor to provide notice of each agricultural regulatory flexibility agenda to agricultural entities or their representatives through direct notification or publication of the agenda in publications likely to be obtained by such agricultural entities and shall invite comments upon each subject area on the agenda.

“(d) Nothing in this section precludes an agency from considering or acting on any matter not included in an agricultural regulatory flexibility agenda, or requires an agency to consider or act on any .matter listed in such agenda.

“§2303. Initial agricultural regulatory flexibility analysis

“(a) Whenever an agency is required by section 553 of title 5, or any other law, to publish general notice of proposed rulemaking for any proposed rule, or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, the agency shall prepare and make available for public comment an initial agricultural regulatory flexibility analysis. Such analysis shall describe the impact of the proposed rule on agricultural entities. The initial agricultural regulatory flexibility analysis or a summary shall be published in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule. The agency shall transmit a copy of the initial agricultural regulatory flexibility analysis to the Chief Counsel for Advocacy of the Department of Agriculture. In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules published in the Federal Register for codification in the Code of Federal Regulations, but only to the extent that such interpretative rules impose on agricultural entities a collection of information requirement.

“(b) Each initial agricultural regulatory flexibility analysis required under this section shall contain—

“(1) a description of the reasons why action by the agency is being considered;

“(2) a succinct statement of the objectives of, and legal basis for, the proposed rule;

“(3) a description of and, where feasible, an estimate of the number of agricultural entities to which the proposed rule will apply;

“(4) a description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of agricultural entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;

“(5) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the proposed rule.

“(c) Each initial agricultural regulatory flexibility analysis shall also contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on agricultural entities. Consistent with the stated objectives of applicable statutes, the analysis shall discuss significant alternatives such as—

“(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to agricultural entities;

“(2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such agricultural entities;

“(3) the use of performance rather than design standards; and

“(4) an exemption from coverage of the rule, or any part thereof, for such agricultural entities.

“§2304. Final agricultural regulatory flexibility analysis

“(a) When an agency promulgates a final rule under section 553 of title 5, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States as described in section 103(a), the agency shall prepare a final agricultural regulatory flexibility analysis. Each final agricultural regulatory flexibility analysis shall contain—

“(1) a succinct statement of the need for, and objectives of, the rule;

“(2) a summary of the significant issues raised by the public comments in response to the initial agricultural regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments;

“(3) a description of and an estimate of the number of agricultural entities to which the rule will apply or an explanation of why no such estimate is available;

“(4) a description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of agricultural entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

“(5) a description of the steps the agency has taken to minimize the significant economic impact on agricultural entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on agricultural entities was rejected.

“(b) The agency shall make copies of the final agricultural regulatory flexibility analysis available to members of the public and shall publish in the Federal Register such analysis or a summary thereof.

“§2305. Avoidance of duplicative or unnecessary analysis

“(a) Any Federal agency may perform the analyses required by sections 102, 103, and 104 of this chapter in conjunction with or as a part of any other agenda or analysis required by any other law if such other analysis satisfies the provisions of such sections.

“(b) Sections 103 and 104 of this chapter shall not apply to any proposed or final rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of agricultural entities. If the head of the agency makes a certification under the preceding sentence, the agency shall publish such certification in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule or at the time of publication of the final rule, along with a statement providing the factual basis for such certification. The agency shall provide such certification and statement to the Chief Counsel for Advocacy of the Department of Agriculture.

“(c) In order to avoid duplicative action, an agency may consider a series of closely related rules as one rule for the purposes of sections 102, 103, 104 and 110 of this chapter.

“§ 2306. Effect on other law

The requirements of sections 103 and 104 of this chapter do not alter in any manner standards otherwise applicable by law to agency action.

“§ 2307. Preparation of analyses

“In complying with the provisions of sections 103 and 104 of this chapter, an agency may provide either a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule, or more general descriptive statements if quantification is not practicable or reliable.

“§ 2308. Procedure for waiver or delay of completion

“(a) An agency head may waive or delay the completion of some or all of the requirements of section 103 of this chapter by publishing in the Federal Register, not later than the date of publication of the final rule, a written finding, with reasons therefore, that the final rule is being promulgated in response to an emergency that makes compliance or timely compliance with the provisions of section 103 of this chapter impracticable.

“(b) Except as provided in section 105(b), an agency head may not waive the requirements of section 104 of this chapter. An agency head may delay the completion of the requirements of section 104 of this chapter for a period of not more than one hundred and eighty days after the date of publication in the Federal Register of a final rule by publishing in the Federal Register, not later than such date of publication, a written finding, with reasons therefore, that the final rule is being promulgated in response to an emergency that makes timely compliance with the provisions of section 104 of this chapter impracticable. If the agency has not prepared a final agricultural regulatory analysis pursuant to section 104 of this chapter within one hundred and eighty days from the date of publication of the final rule, such rule shall lapse and have no effect. Such rule shall not be repromulgated until a final regulatory flexibility analysis has been completed by the agency.

“§ 2309. Procedures for gathering comments

“(a) When any rule is promulgated which will have a significant economic impact on a substantial number of agricultural entities, the head of the agency promulgating the rule or the official of the agency with statutory responsibility for the promulgation of the rule shall assure that agricultural entities have been given an opportunity to participate in the rulemaking for the rule through the rational use of techniques such as—

“(1) the inclusion in an advanced notice of proposed rulemaking, if issued, of a statement that the proposed rule may have a significant economic effect on a substantial number of agricultural entities;

“(2) the publication of general notice of proposed rulemaking in publications likely to be obtained by agricultural entities;

“(3) the direct notification of interested agricultural entities;

“(4) the conduct of open conferences or public hearings concerning the rule for agricultural entities including soliciting and receiving comments over computer networks; and

“(5) the adoption or modification of agency procedural rules to reduce the cost or complexity of participation in the rulemaking by agricultural entities.

“(b) Prior to publication of an initial agricultural regulatory flexibility analysis which a covered agency is required to conduct by this chapter—

“(1) a covered agency shall notify the Chief Counsel for Advocacy of the Department of Agriculture and provide the Chief Counsel with information on the potential impacts of the proposed rule on agricultural entities that might be affected;

“(2) not later than 15 days after the date of receipt of the materials described in paragraph (1), the Chief Counsel shall identify individuals representative of affected agricultural entities for the purpose of obtaining advice and recommendations from those individuals about the potential impacts of the proposed rule;

“(3) the agency shall convene a review panel for such rule consisting wholly of full time Federal employees of the office within the agency responsible for carrying out the proposed rule, the Office of Information and Regulatory Affairs within the Office of Management and Budget, and the Chief Counsel;

“(4) the panel shall review any material the agency has prepared in connection with this chapter, including any draft proposed rule, collect advice and recommendations of each individual agricultural entity representative identified by the agency after consultation with the Chief Counsel, on issues related to subsections 103(b), paragraphs (3), (4) and (5) and 103(c);

“(5) not later than 60 days after the date a covered agency convenes a review panel pursuant to paragraph (3), the review panel shall report on the comments of the agricultural entity representatives and its findings as to issues related to subsections 103(b), paragraphs (3), (4) and (5) and 103(c), provided that such report shall be made public as part of the rulemaking record; and

“(6) where appropriate, the agency shall modify the proposed rule, the initial agricultural flexibility analysis or the decision on whether an initial flexibility analysis is required.

“(c) An agency may in its discretion apply subsection (b) to rules that the agency intends to certify under subsection 105(b), but the agency believes may have a greater than de minimis impact on a substantial number of agricultural entities.

“(d) For purposes of this section, the term “covered agency” means the Environmental Protection Agency and the Department of the Interior and its agencies.

“(e) The Chief Counsel for Advocacy, in consultation with the individuals identified in subsection (b)(2), and with the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, may waive the requirements of subsections (b)(3), (b)(4), and (b)(5) by including in the rulemaking record a written finding, with reasons therefor, that those requirements would not advance the effective participation of agricultural entities in the rulemaking process. For purposes of this subsection, the factors to be considered in making such a finding are as follows:

“(1) In developing a proposed rule, the extent to which the covered agency consulted with individuals representative of affected agricultural entities with respect to the potential impacts of the rule and took such concerns into consideration.

“(2) Special circumstances requiring prompt issuance of the rule.

“(3) Whether the requirements of subsection (b) would provide the individuals identified in subsection (b)(2) with a competitive advantage relative to other agricultural entities.

“§ 2310. Periodic review of rules

“(a) Within one hundred and eighty days after the effective date of this chapter, each agency shall publish in the Federal Register a plan for the periodic review of the rules issued by the agency which have or will have a significant economic impact upon a substantial number of agricultural entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such agricultural entities. The plan shall provide for the review of all such agency rules existing on the effective date of this chapter within ten years of that date and for the review of such rules adopted after the effective date of this chapter within ten years of the publication of such rules as the final rule. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, he shall so certify in a statement published in the Federal Register and may extend the completion date by one year at a time for a total of not more than five years.

“(b) In reviewing rules to minimize any significant economic impact of the rule on a substantial number of agricultural entities in a manner consistent with the stated objectives of applicable statutes, the agency shall consider the following factors—

“(1) the continued need for the rule;

“(2) the nature of complaints or comments received concerning the rule from the public;

“(3) the complexity of the rule;

“(4) the extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

“(5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

“(c) Each year, each agency shall publish in the Federal Register a list of the rules which have a significant economic impact on a substantial number of agricultural entities, which are to be reviewed pursuant to this section during the succeeding twelve months. The list shall include a brief description of each rule and the need for and legal basis of such rule and shall invite public comment upon the rule.

“§ 2311. Judicial review

“(a)(1) For any rule subject to this chapter, an agricultural entity that is adversely affected or aggrieved by final agency action is entitled to judicial review of agency compliance with the requirements of sections 101, 104, 105(b), 108(b), and 110 in accordance with chapter 7 of title 5. Agency compliance with sections 107 and 109(a) shall be judicially reviewable in connection with judicial review of section 104.

“(2) Each court having jurisdiction to review such rule for compliance with section 553, or under any other provision of law, shall have jurisdiction to review any claims of noncompliance with sections 101, 104, 105(b), 108(b) and 110 in accordance with chapter 7. Agency compliance with sections 107 and 109(a) shall be judicially reviewable in connection with judicial review of section 104.

“(3)(A) An agricultural entity may seek such review during the period beginning on the date of final agency action and ending one year later, except that where a provision of law requires that an action challenging a final agency action be commenced before the expiration of one year, such lesser period shall apply to an action for judicial review under this section.

“(B) In the case where an agency delays the issuance of a final agricultural flexibility analysis pursuant to section 108(b) of this chapter, an action for judicial review under this section shall be filed not later than—

“(i) one year after the date the analysis is made available to the public, or

“(ii) where a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1-year period, the number of days specified in such provision of law that is after the date the analysis is made available to the public.

‘(4) In granting any relief in an action under this section, the court shall order the agency to take corrective action consistent with this chapter and chapter 7 of title 5, including, but not limited to—

“(A) remanding the rule to the agency, and

“(B) deferring the enforcement of the rule against agricultural entities unless the court finds that continued enforcement of the rule is in the public interest.

“(5) Nothing in this subsection shall be construed to limit the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law or to grant any other relief in addition to the requirements of this section.

"(b) In an action for the judicial review of a rule, the agricultural flexibility analysis for such rule, including an analysis prepared or corrected pursuant to paragraph (a)(4), shall constitute part of the entire record of agency action in connection with such review.

"(c) Compliance or noncompliance by an agency with the provisions of this chapter shall be subject to judicial review only in accordance with this section.

"(d) Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise permitted by law.

"§2312. Reports and intervention rights

"(a) The Chief Counsel for Advocacy of the Department of Agriculture shall monitor agency compliance with this chapter and shall report at least annually thereon to the President and to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry.

"(b) The Chief Counsel for Advocacy of the Department of Agriculture is authorized to appear as amicus curiae in any action brought in a court of the United States to review a rule. In any such action, the Chief Counsel is authorized to present his or her views with respect to compliance with this chapter, the adequacy of the rulemaking record with respect to agricultural entities and the effect of the rule on agricultural entities.

"(c) A court of the United States shall grant the application of the Chief Counsel for Advocacy of the Department of Agriculture to appear in any such action for the purposes described in subsection (b).

"§2313. Creation of USDA Office of Advocacy within Department of Agriculture; Chief Counsel for Agricultural Advocacy

There is established within the Department of Agriculture a USDA Office of Advocacy. The management of the Office shall be vested in a Chief Counsel for Advocacy who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"§2314. Primary functions of USDA Office of Advocacy

The primary functions of the USDA Office of Advocacy shall be to—

"(1) measure the direct costs and other effects of government regulation on agricultural entities; and make legislative and nonlegislative proposals for eliminating excessive or unnecessary regulations of agricultural entities;

"(2) study the ability of financial markets and institutions to meet agricultural entity credit needs and determine the impact of government demands for credit on agricultural entities;

"(3) recommend specific measures for creating an environment in which all agricultural entities will have the opportunity to compete effectively and expand to their full potential, and to ascertain the common reasons, if any, for agricultural entity successes and failures;

"(4) evaluate the efforts of each department and agency of the United States, and of private industry, to assist agricultural entities owned and controlled by veterans, and agricultural entities concerns owned and controlled by serviced-disabled veterans and to provide statistical information on the utilization of such programs by such agricultural entities, and to make appropriate recommendations to the Secretary of Agriculture and to the Congress in order to promote the establishment and growth of those agricultural entities.

"§2315. Additional duties of USDA Office of Advocacy

The USDA Office of Advocacy shall also perform the following duties on a continuing basis:

"(1) serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning the policies and activities of the Administration and any other Federal agency which affects agricultural entities;

"(2) counsel agricultural entities on how to resolve questions and problems concerning the relationship of the agricultural entity to the Federal Government;

"(3) develop proposals for changes in the policies and activities of any agency of the Federal Government which will better fulfill the purposes of agricultural entities and communicate such proposals to the appropriate Federal agencies;

"(4) represent the views and interests of agricultural entities before other Federal agencies whose policies and activities may affect agricultural entities; and

"(5) enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about the programs and services provided by the Federal Government which are of benefit to agricultural entities, and information on how agricultural entities can participate in or make use of such programs and services.

SA 3772. Mr. HARKIN (for himself, Mr. SMITH, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. CARDIN, Mr. ALLARD, Mr. SESSIONS, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 461, strike line 24 and all that follows through page 474, line 25, and insert the following:

"(f) PARTNERSHIPS AND COOPERATION.—

"(1) IN GENERAL.—In carrying out each program under subtitle D (excluding the wetlands reserve program and the conservation reserve program), the Secretary may designate special projects to enhance assistance provided to multiple producers to address conservation issues relating to agricultural and nonindustrial private forest management and production, if recommended by the applicable State Conservationist, in consultation with the State technical committee.

"(2) PURPOSES.—The purposes of special projects carried out under this subsection shall be to achieve local, statewide, or regional conservation objectives by—

"(A) encouraging producers to cooperate in the installation and maintenance of conservation practices that affect multiple agricultural operations;

"(B) encouraging producers to cooperate in meeting applicable Federal, State, and local regulatory requirements regarding natural resources and the environment;

"(C) encouraging producers to share information and technical and financial resources;

"(D) facilitating cumulative conservation benefits in geographic areas;

"(E) promoting the development and demonstration of innovative conservation methods; and

"(F) seeking opportunities to simultaneously advance—

"(i) the conservation of natural resources; and

"(ii) the community development and economic conditions of agricultural areas.

"(3) ELIGIBLE PARTNERS.—State and local government entities (including irrigation and water districts and canal companies), Indian tribes, farmer cooperatives, institutions of higher education, nongovernmental organizations, and producer associations shall be eligible to apply under this subsection.

"(4) SPECIAL PROJECT APPLICATION.—To apply for designation as a special project under paragraph (1), partners shall submit an application to the Secretary that includes—

"(A) a description of the geographic area, the current conditions, the conservation objectives to be achieved through the special project, and the expected level of participation by agricultural and nonindustrial private forest landowners;

"(B) a description of the partners collaborating to achieve the project objectives and the roles, responsibilities, and capabilities of the partners;

"(C) a description of the program resources from 1 or more programs under subtitle D that are requested from the Secretary, in relevant units, and the non-Federal resources that will be leveraged by the Federal contribution;

"(D) a description of—

"(i) any proposed program adjustment described in paragraph (5)(D)(ii); and

"(ii) the means by which each proposed program adjustment will accelerate the achievement of environmental benefits;

"(E) a description of the plan for monitoring, evaluating, and reporting on any progress made towards achieving the purposes of the special project; and

"(F) such other information as the Secretary considers necessary.

"(5) DUTIES OF THE SECRETARY.—

"(A) IN GENERAL.—The Secretary shall enter into multiyear agreements with partners to facilitate the delivery of conservation program resources in a manner to achieve the purposes described in paragraph (2).

"(B) PROJECT SELECTION.—

"(i) IN GENERAL.—The Secretary shall conduct a competitive process to select projects funded under this subsection.

"(ii) FACTORS CONSIDERED.—In conducting the process described in clause (i), the Secretary shall make public factors to be considered in evaluating applications.

"(iii) PRIORITY.—The Secretary may give priority to applications based on—

"(I) the highest percentage of producers involved, and the inclusion of the highest percentage of working agricultural land in the area;

"(II) the highest percentage of on-the-ground conservation to be implemented;

"(III) non-Federal resources to be leveraged;

"(IV) cost-effectiveness;

"(V) the highest likelihood of achieving project goals and objectives;

"(VI) innovation in conservation methods and delivery, including outcome-based performance measures and methods;

"(VII) innovation in linking conservation and community development objectives; and

"(VIII) other factors, as determined by the Secretary.

"(C) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary and partners shall provide appropriate technical and financial assistance to producers participating in a special project in an amount determined by the

Secretary to be necessary to achieve the purposes described in paragraph (2).

"(D) ADMINISTRATION.—

"(i) IN GENERAL.—The Secretary shall ensure that resources made available under this subsection are delivered in accordance with applicable program rules relating to basic program functions, including appeals, payment limitations, and conservation compliance.

"(ii) FLEXIBILITY.—The Secretary may adjust elements of the programs under this title to better reflect unique local circumstances and purposes, if the Secretary determines that such adjustments are necessary to achieve the purposes of this subsection.

"(iii) ADDITIONAL REQUIREMENTS.—The Secretary may establish additional requirements beyond applicable program rules in order to effectively implement this subsection.

"(6) SPECIAL RULES APPLICABLE TO REGIONAL WATER ENHANCEMENT PROJECTS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) ELIGIBLE PARTNER.—The term 'eligible partner' means—

"(I) an eligible partner identified in paragraph (3); and

"(II) a water or wastewater agency of a State.

"(ii) ELIGIBLE PROJECT.—

"(I) IN GENERAL.—The term 'eligible project' means a project that is specifically targeted to improve water quality or quantity in an area.

"(II) INCLUSIONS.—The term 'eligible project' includes a project that involves—

"(aa) resource condition assessment and modeling;

"(bb) water quality, water quantity, or water conservation plan development;

"(cc) management system and environmental monitoring and evaluation;

"(dd) cost-share restoration or enhancement;

"(ee) incentive payments for land management practices;

"(ff) easement purchases;

"(gg) conservation contracts with landowners;

"(hh) improved irrigation systems;

"(ii) water banking and other forms of water transactions;

"(jj) groundwater recharge;

"(kk) stormwater capture; and

"(ll) other water-related activities that the Secretary determines will help to achieve the water quality or water quantity benefits identified in the agreement in subparagraph (E) on land described in paragraph (1).

"(B) REGIONAL WATER ENHANCEMENT PROCEDURES.—With respect to proposals for eligible projects by eligible partners, the Secretary shall establish specific procedures (to be known collectively as 'regional water enhancement procedures') in accordance with this paragraph.

"(C) MEANS.—Regional water enhancement activities in a particular region shall be carried out through a combination of—

"(i) multiyear agreements between the Secretary and eligible partners;

"(ii) other regional water enhancement activities carried out by the Secretary; and

"(iii) regional water enhancement activities carried out by eligible partners through other means.

"(D) MULTIYEAR AGREEMENTS WITH ELIGIBLE PARTNERS.—

"(i) SOLICITATION OF PROPOSALS.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall invite prospective eligible partners to submit proposals for regional water enhancement projects.

"(ii) ELEMENTS OF PROPOSALS.—To be eligible for consideration for participation in the program, a proposal submitted by an eligible partner shall include—

"(I) identification of the exact geographic area for which the partnership is proposed, which may be based on—

"(aa) a watershed (or portion of a watershed);

"(bb) an irrigation, water, or drainage district;

"(cc) the service area of an irrigation water delivery entity; or

"(dd) some other geographic area with characteristics that make the area suitable for landscape-wide program implementation;

"(II) identification of the water quality or water quantity issues that are of concern in the area;

"(III) a method for determining a baseline assessment of water quality, water quantity, and other related resource conditions in the region;

"(IV) a detailed description of the proposed water quality or water quantity improvement activities to be undertaken in the area, including an estimated timeline and program resources for every activity; and

"(V) a description of the performance measures to be used to gauge the effectiveness of the water quality or water quantity improvement activities.

"(iii) SELECTION OF PROPOSALS.—The Secretary shall award multiyear agreements competitively, with priority given, as determined by the Secretary, to selecting proposals that—

"(I) have the highest likelihood of improving the water quality or quantity issues of concern for the area;

"(II) involve multiple stakeholders and will ensure the highest level of participation by producers and landowners in the area through performance incentives to encourage adoption of specific practices in specific locations;

"(III) will result in the inclusion of the highest percentage of working agricultural land in the area;

"(IV) will result in the highest percentage of on-the-ground activities as compared to administrative costs;

"(V) will provide the greatest contribution to sustaining or enhancing agricultural or silvicultural production in the area; and

"(VI) include performance measures that will allow post-activity conditions to be satisfactorily measured to gauge overall effectiveness.

"(iv) IDENTIFICATION OF WATER QUALITY AND WATER QUANTITY PRIORITY AREAS.—

"(I) IN GENERAL.—Subject to subclause (II), the Secretary shall identify areas in which protecting or improving water quality or water quantity is a priority.

"(II) MANDATORY INCLUSIONS.—The Secretary shall include in any identification of areas under subclause (I)—

"(aa) the Chesapeake Bay;

"(bb) the Upper Mississippi River basin;

"(cc) the greater Everglades ecosystem;

"(dd) the Klamath River basin;

"(ee) the Sacramento/San Joaquin River watershed;

"(ff) the Mobile River basin;

"(gg) the Puget Sound; and

"(hh) the Ogallala Aquifer.

"(III) FUNDING.—The Secretary shall reserve for use in areas identified under this clause not more than 50 percent of amounts made available for regional water enhancement activities under this paragraph.

"(E) AGREEMENTS.—Not later than 30 days after the date on which the Secretary awards an agreement under subparagraph (D), the Secretary shall enter into an agreement with the eligible partner that, at a minimum, contains—

"(i) a description of the respective duties and responsibilities of the Secretary and the eligible partner in carrying out the activities in the area; and

"(ii) the criteria that the Secretary will use to evaluate the overall effectiveness of the regional water enhancement activities funded by the multiyear agreement in improving the water quality or quantity conditions of the region relative to the performance measures in the proposal.

"(F) CONTRACTS WITH OTHER PARTIES.—An agreement awarded under subparagraph (D) may provide for the use of third-party providers (including other eligible partners) to undertake specific regional water enhancement activities in a region on a contractual basis with the Secretary or the eligible partner.

"(G) CONSULTATION WITH OTHER AGENCIES.—With respect to areas in which a Federal or State agency is, or will be, undertaking other water quality or quantity-related activities, the Secretary and the eligible partner may consult with the Federal or State agency in order to—

"(i) coordinate activities;

"(ii) avoid duplication; and

"(iii) ensure that water quality or quantity improvements attributable to the other activities are taken into account in the evaluation of the Secretary under subparagraph (E)(ii).

"(H) RELATIONSHIP TO OTHER PROGRAMS.—The Secretary shall ensure that, to the extent that producers and landowners are individually participating in other programs under subtitle D in a region in which a regional water enhancement project is in effect, any improvements to water quality or water quantity attributable to the individual participation are included in the evaluation criteria developed under subparagraph (E)(ii).

"(I) CONSISTENCY WITH STATE LAW.—Any water quality or water quantity improvement activity undertaken under this paragraph shall be consistent with State water laws.

"(7) DURATION.—

"(A) IN GENERAL.—Multiyear agreements under this subsection shall be for a period not to exceed 5 years.

"(B) EARLY TERMINATION.—The Secretary may terminate a multiyear agreement before the end of the agreement if the Secretary determines that performance measures are not being met.

"(8) FUNDING.—

"(A) SET ASIDE.—

"(i) IN GENERAL.—Of the funds provided for each of fiscal years 2008 through 2012 to carry out the conservation programs in subtitle D (excluding the conservation reserve program, the conservation security program, the conservation stewardship program, and the wetlands reserve program), the Secretary shall reserve 10 percent for use for activities under this section.

"(ii) CONSERVATION STEWARDSHIP PROGRAM.—Of the acres allocated for the conservation stewardship program for each of fiscal years 2008 through 2012, the Secretary shall reserve 10 percent for use for activities under this section.

"(B) STATE PROJECTS.—Of the funds and acres allocated to each State in each fiscal year by the Secretary to carry out conservation programs under this subsection, not more than 15 percent may be used by the appropriate State Conservationist to carry out special projects (excluding regional water enhancement projects) that are authorized under this subsection.

"(C) PARTNERS.—Overhead or administrative costs of partners may not be covered by funds provided through this subsection.

"(D) UNUSED FUNDING.—Any funds made available, and any acres reserved, for a fiscal year under subparagraph (A) that are not obligated or enrolled by April 1 of the fiscal year may be used to carry out other activities under conservation programs under subtitle D during the fiscal year in which the funding becomes available.".

SA 3773. Mr. KOHL (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE XIII—HOUSING ASSISTANCE COUNCIL

SEC. 13001. SHORT TITLE.

This title may be cited as the "Housing Assistance Council Authorization Act of 2007".

SEC. 13002. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by such Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council—

(1) $10,000,000 for fiscal year 2008; and

(2) $15,000,000 for each of fiscal years 2009 and 2010.

SEC. 13003. AUDITS AND REPORTS.

(a) AUDIT.—In any year in which the Housing Assistance Council receives funds under this title, the Comptroller General of the United States shall—

(1) audit the financial transactions and activities of such Council only with respect to such funds so received; and

(2) submit a report detailing such audit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(b) GAO REPORT.—The Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative on the use of any funds appropriated to the Housing Assistance Council over the past 10 years.

SEC. 13004. PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES.

None of the funds made available under this title may be used to provide direct housing assistance to any person not lawfully present in the United States.

SEC. 13005. LIMITATION ON USE OF AUTHORIZED AMOUNTS.

None of the amounts authorized by this title may be used to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer.

SA 3774. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4156, making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other material to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 3775. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1072, after line 25, add the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

(2) by inserting after subsection (g) the following:

"(h) CANCELLATION OR TERMINATION COSTS.—

"(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary is not required to obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105-277) until the contract is cancelled.

"(2) FUNDING SOURCES.—The costs of any cancellation or termination of a multiyear stewardship contract described in paragraph (1) may be paid from—

"(A) appropriations originally made available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of service concerned, and not otherwise obligated; or

"(C) funds appropriated for payments for that performance or procurement.

"(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary may—

"(A) seek a supplemental appropriation; or

"(B) request funds from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.".

On page 1237, strike lines 9 through 18 and insert the following:

"(B)AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012."

SA 3776. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11072. PROHIBITIONS ON DOG FIGHTING VENTURES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)(1)—

(A) by striking "any person to knowingly sponsor" and inserting "any person—

"(A) to knowingly sponsor";

(B) by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(B) to knowingly sponsor or exhibit an animal in a dog fighting venture.";

(2) in subsection (b)—

(A) by striking "any person to knowingly sell" and inserting "any person—

"(1) to knowingly sell";

(B) by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(2) to knowingly sell, buy, possess, train, transport, deliver, or receive for purposes of transportation, any dog or other animal, for the purposes of having the dog or other animal, or offspring of the dog or other animal, participate in a dog fighting venture.”;

(3) in the last sentence of subsection (f), by striking “by the United States”; and

(4) in subsection (g)—

(A) in paragraph (5), by striking “and” at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

“(6) the term ‘dog fighting venture’—

“(A) means any event that—

“(i) involves a fight between at least 2 animals;

“(ii) includes at least 1 dog; and

“(iii) is conducted for purposes of sport, wagering, or entertainment; and

“(B) does not include any activity the primary purpose of which involves the use of 1 or more animals to hunt another animal; and”.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended to read as follows:

“§ 49. Enforcement of animal fighting prohibitions

“(a) ANIMAL FIGHTING VENTURES.—Whoever violates subsection (a)(1)(A), (b)(1), (c), or (e) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.

“(b) DOG FIGHTING VENTURES.—Whoever violates subsection (a)(1)(B) or (b)(2) of section 26 of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 5 years, or both, for each violation.”.

SA 3774. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4156, making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other material to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 3775. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1072, after line 25, add the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

(2) by inserting after subsection (g) the following:

“(h) CANCELLATION OR TERMINATION COSTS.—

“(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary is not required to obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

“(2) FUNDING SOURCES.—The costs of any cancellation or termination of a multiyear stewardship contract described in paragraph (1) may be paid from—

“(A) appropriations originally made available for the performance of the contract concerned;

“(B) appropriations currently available for procurement of the type of service concerned, and not otherwise obligated; or

“(C) funds appropriated for payments for that performance or procurement.

“(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the ‘Anti-Deficiency Act’), the Secretary may—

“(A) seek a supplemental appropriation; or

“(B) request funds from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.”.

On page 1237, strike lines 9 through 18 and insert the following:

“(B) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.”

SA 3776. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11072. PROHIBITIONS ON DOG FIGHTING VENTURES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)(1)—

(A) by striking “any person to knowingly sponsor” and inserting “any person—

“(A) to knowingly sponsor”;

(B) by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(B) to knowingly sponsor or exhibit an animal in a dog fighting venture.”;

(2) in subsection (b)—

(A) by striking “any person to knowingly sell” and inserting “any person—

“(1) to knowingly sell”;

(B) by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(2) to knowingly sell, buy, possess, train, transport, deliver, or receive for purposes of transportation, any dog or other animal, for the purposes of having the dog or other animal, or offspring of the dog or other animal, participate in a dog fighting venture.”;

(3) in the last sentence of subsection (f), by striking “by the United States”; and

(4) in subsection (g)—

(A) in paragraph (5), by striking “and” at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

“(6) the term ‘dog fighting venture’—

“(A) means any event that—

“(i) involves a fight between at least 2 animals;

“(ii) includes at least 1 dog; and

“(iii) is conducted for purposes of sport, wagering, or entertainment; and

“(B) does not include any activity the primary purpose of which involves the use of 1 or more animals to hunt another animal; and”.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended to read as follows:

“§ 49. Enforcement of animal fighting prohibitions

“(a) ANIMAL FIGHTING VENTURES.—Whoever violates subsection (a)(1)(A), (b)(1), (c), or (e) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.

“(b) DOG FIGHTING VENTURES.—Whoever violates subsection (a)(1)(B) or (b)(2) of section 26 of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 5 years, or both, for each violation.”.

SA 3777. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3701 submitted by Mr. KYL (for himself and Mr. ALLARD) and intended to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

(a) CANCELLATION OR TERMINATION COSTS.—Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

(2) by inserting after subsection (g) the following:

"(h) CANCELLATION OR TERMINATION COSTS.—

"(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary is not required to obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

"(2) FUNDING SOURCES.—The costs of any cancellation or termination of a multiyear stewardship contract described in paragraph (1) may be paid from—

"(A) appropriations originally made available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of service concerned, and not otherwise obligated; or

"(C) funds appropriated for payments for that performance or procurement.

"(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary may—

"(A) seek a supplemental appropriation; or

"(B) request funds from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.".

(b) NATIONAL SHEEP AND GOAT INDUSTRY IMPROVEMENT CENTER.—Section 375(e)(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)) (as amended by section 10303(b)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

SA 3778. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3621 submitted by Mr. COLEMAN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike lines 3 through 6 and insert the following:

"(iv)(I) Except as provided in subclause (II), a payment under the environmental quality incentives program established under chapter 4 of subtitle D of title XII.

"(II) The Secretary may grant a waiver for the average adjusted gross income limitation as applied to benefits under subclause (I) and subparagraph (B) to owners of land in agricultural uses if—

"(aa) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

"(bb) the State conservationist certifies that a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values and certifies that without participation in a conservation program described in subclause (I) or subparagraph (B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

SA 3779. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3559 submitted by Mr. INOUYE (for himself and Mr. AKAKA) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike lines 7 through 9 of the amendment and insert the following:

operation carried out in the State of Hawaii.

"(4) WAIVER AUTHORITY.—The Secretary may grant a waiver for the average adjusted gross income limitation in paragraph (1)(C) to owners of land in agricultural uses if—

"(A) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

"(B) the State conservationist certifies that—

"(i) a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values; and

"(ii) without participation in a conservation program described in paragraph (2)(B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

"(5) INCOME DERIVED FROM FARMING, RANCHING, OR FORESTRY OPERATIONS.—In determining

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SA 3780. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3665 submitted by Mr. ENSIGN and intented to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike lines 1 through 11 and insert the following:

"(B) CONSERVATION PROGRAMS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, except as provided in clause (ii), an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.

"(ii) WAIVER AUTHORITY.—The Secretary may grant a waiver for the average adjusted gross income limitation in clause (i) to owners of land in agricultural uses if—

"(I) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

"(II) the State conservationist certifies that—

"(aa) a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values; and

"(bb) without participation in a conservation program described in paragraph (2)(B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

SA 3781. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3645 submitted by Mr. ENSIGN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike line 1 and insert the following:

"(B) CONSERVATION PROGRAMS.—

"(i) WAIVER AUTHORITY.—The Secretary may grant a waiver for the average adjusted gross income limitation in clause (ii) to owners of land in agricultural uses if—

"(I) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

"(II) the State conservationist certifies that—

"(aa) a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values; and

"(bb) without participation in a conservation program described in paragraph (2)(B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

"(ii) LIMITATION.—Not-

SA 3782. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3764 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(3) EXTENSIONS.—Notwithstanding any other provision of this Act, or an amendment made by this Act—

(A) the authority to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), is extended through September 30, 2017;

(B) the authority to carry out the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), is extended through September 30, 2016;

(C) the authority to carry out the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), is extended through September 30, 2017;

(D) the authority to carry out the program of grants to encourage State initiatives to improve broadband service established under section 6202, is extended through September 30, 2017;

(E) the authority to carry out the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), is extended through September 30, 2014;

(F) the authority to carry out the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), is extended through September 30, 2017;

(G) the authority to carry out the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012; and

(H) the authority to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012.

SA 3783. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3765 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(3) EXTENSIONS.—Notwithstanding any other provision of this Act, or an amendment made by this Act—

(A) the authority to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), is extended through September 30, 2017;

(B) the authority to carry out the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), is extended through September 30, 2016;

(C) the authority to carry out the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), is extended through September 30, 2017;

(D) the authority to carry out the program of grants to encourage State initiatives to improve broadband service established under section 6202, is extended through September 30, 2017;

(E) the authority to carry out the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), is extended through September 30, 2014;

(F) the authority to carry out the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), is extended through September 30, 2017;

(G) the authority to carry out the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012; and

(H) the authority to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 15, 2007, at 9:30 a.m., in open session, to receive testimony on the state of the United States Army.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing.

The hearing will address issues related to the retirement of the Space Shuttle, its remaining missions, the National Aeronautics and Space Administration's, NASA, plans to compensate should they not fulfill all mission requirements on schedule, and other issues facing NASA when the Space Shuttle is retired.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m., in room SD 366 of the Dirksen Senate Office Building, in order to conduct a hearing.

The purpose of the hearing is to receive testimony on S. 2203, a bill to reauthorize the Uranium Enrichment Decontamination and Decommissioning Fund, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m., in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Legislative Hearing on America's Climate Security Act of 2007, S. 2191."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 2:30 p.m. in order to conduct a hearing on the anti-drug foreign assistance package for Mexico and Central America.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Restoring Congressional Intent and Protections under the Americans with Disabilities Act" November 15, 2007, at 2 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct an executive business meeting on Thursday, November 15, 2007, at 10 a.m. in room 226 of the Dirksen Senate Office Building.

Agenda:

I. Bills

S. 2248, Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2007;

S. 352, Sunshine in the Courtroom Act of 2007, (Grassley, Schumer, Leahy, Specter, Graham, Feingold, Cornyn, Durbin);

S. 344, A bill to permit the televising of Supreme Court proceedings, (Specter, Grassley, Durbin, Schumer, Feingold, Cornyn);

S. 1638, Federal Judicial Salary Restoration Act of 2007, (Leahy, Hatch, Feinstein, Graham, Kennedy).

II. Resolutions

S. Res. 366, designating November 2007 as "National Methamphetamine

Awareness Month," to increase awareness of methamphetamine abuse, (Baucus, Grassley, Biden, Graham, Schumer);

S. Res. 367, commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall, (Lieberman, Specter, Biden, Brownback, Cardin, Feinstein)

III. Nominations

Joseph N. Laplante to be United States District Judge for the District of New Hampshire; Reed Charles O'Connor to be United States District Judge for the Northern District of Texas, Dallas Division; Thomas D. Schroeder to be United States District Judge for the Middle District of North Carolina; Amul R. Thapar to be United States District Judge for the Eastern District of Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Thursday, November 15, 2007, off the Senate Floor in the Reception Room, immediately after the first rollcall vote occurring after 10 a.m. to consider the nomination of Michael W. Hager to be an Assistant Secretary of Veterans Affairs for Human Resources and Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 15, 2007, at 2:30 p.m. in order to conduct a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr, NELSON of Florida. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, November 15, 2007, from 1:30 p.m.–4 p.m. in room SD–G50 of the Dirksen Senate Office Building for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA AND THE SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia and the Subcommittee on State, Local, and Private Sector Preparedness and Integration be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m. in order to conduct a hearing entitled, "Not a Matter 'If,' But of 'When': The Status of U.S. Response Following an RDD Attack."

The PRESIDING OFFICER. Without objection, it is so ordered.

TO AMEND THE HIGHER EDUCATION ACT OF 1965

Mr. MENENDEZ. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2371, introduced earlier today.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2371) to amend the Higher Education Act of 1965 to make technical corrections.

There being no objection, the Senate proceeded to consider the bill.

Mr. MENENDEZ. I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2371) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF UNTAXED INCOME AND BENEFITS.

(a) AMENDMENT.—Section 480(b) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(b)) is amended by striking paragraph (2) and inserting the following:

"(2) The term 'untaxed income and benefits' shall not include—

"(A) the amount of additional child tax credit claimed for Federal income tax purposes;

"(B) welfare benefits, including assistance under a State program funded under part A of title IV of the Social Security Act and aid to dependent children;

"(C) the amount of earned income credit claimed for Federal income tax purposes;

"(D) the amount of credit for Federal tax on special fuels claimed for Federal income tax purposes;

"(E) the amount of foreign income excluded for purposes of Federal income taxes; or

"(F) untaxed social security benefits.".

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on July 1, 2009.

SEC. 2. INCOME-BASED REPAYMENT FOR MARRIED BORROWERS FILING SEPARATELY.

Section 493C of the Higher Education Act of 1965 (20 U.S.C. 1098e) is amended by adding at the end the following:

"(d) SPECIAL RULE FOR MARRIED BORROWERS FILING SEPARATELY.—In the case of a married borrower who files a separate Federal income tax return, the Secretary shall calculate the amount of the borrower's income-based repayment under this section solely on the basis of the borrower's student loan debt and adjusted gross income.".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

NOMINATION DISCHARGED

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the National Oceanic and Atmosphere Administration nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid on the table; that the Homeland Security Committee be discharged from further consideration of the nomination of Todd Zinser to be inspector general of the Department of Commerce and that he be placed on the calendar; that the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN982 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (57) beginning Michael S. Gallagher, and ending Mark K. Frydrych, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NAMING OF EMANCIPATION HALL

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 1679 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the title of the bill.

The assistant legislative clerk read as follows:

A bill (S. 1679) to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

There being no objection, the Senate proceeded to consider the bill.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1679) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF GREAT HALL OF THE CAPITOL VISITOR CENTER AS EMANCIPATION HALL.

(a) IN GENERAL.—The great hall of the Capitol Visitor Center shall be known and designated as "Emancipation Hall", and any reference to the great hall in any law, rule, or regulation shall be deemed to be a reference to Emancipation Hall.

(b) EFFECTIVE DATE.—This section shall apply on and after the date of the enactment of this Act.

IDENTITY THEFT ENFORCEMENT AND RESTITUTION ACT OF 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 459, S. 2168.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2168) to amend title 18 United States Code to enable increased Federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Identity Theft Enforcement and Restitution Act of 2007".

SEC. 2. CRIMINAL RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) in the case of an offense under sections 1028(a)(7) or 1028A(a) of this title, pay an amount equal to the value of the time reasonably spent by the victim in an attempt to remediate the intended or actual harm incurred by the victim from the offense.".

SEC. 3. PREDICATE OFFENSES FOR AGGRAVATED IDENTITY THEFT AND MISUSE OF IDENTIFYING INFORMATION OF ORGANIZATIONS.

(a) IDENTITY THEFT.—Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7), by inserting "(including an organization as defined in section 18 of this title)" after "person"; and

(2) in subsection (d)(7), by inserting "or other person" after "specific individual".

(b) AGGRAVATED IDENTITY THEFT.—Section 1028A of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting "(including an organization as defined in section 18 of this title)" after "person"; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting ", or a conspiracy to commit such a felony violation," after "any offense that is a felony violation";

(B) by redesignating—

(i) paragraph (11) as paragraph (14);

(ii) paragraphs (8) through (10) as paragraphs (10) through (12), respectively; and

(iii) paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(C) by inserting prior to paragraph (2), as so redesignated, the following:

"(1) section 513 (relating to making, uttering, or possessing counterfeited securities);";

(D) by inserting after paragraph (8), as so redesignated, the following:

"(9) section 1708 (relating to mail theft);";

(E) in paragraph (12), as so redesignated, by striking "; or" and inserting a semicolon; and

(F) by inserting after paragraph (12), as so redesignated, the following:

"(13) section 7201, 7206, or 7207 of title 26 (relating to tax fraud); or".

SEC. 4. ENSURING JURISDICTION OVER THE THEFT OF SENSITIVE IDENTITY INFORMATION.

Section 1030(a)(2)(C) of title 18, United States Code, is amended by striking "if the conduct involved an interstate or foreign communication".

SEC. 5. MALICIOUS SPYWARE, HACKING AND KEYLOGGERS.

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking "(A)(i) knowingly" and inserting "(A) knowingly";

(ii) by redesignating clauses (ii) and (iii) as subparagraphs (B) and (C), respectively; and

[(iii) in subparagraph (C), as so redesignated, by striking "; and" and inserting a period;**]**

(iii) in subparagraph (C), as so redesignated—

(I) by inserting "and loss" after "damage"; and

(II) by striking "; and" and inserting a period;

(2) in subsection (c)—

(A) in paragraph (2)(A), by striking "(a)(5)(A)(iii),";

(B) in paragraph (3)(B), by striking "(a)(5)(A)(iii),";

(C) by amending paragraph (4) to read as follows:

"(4)(A) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 5 years, or both, in the case of—

"(i) an offense under subsection (a)(5)(B), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

"(I) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

"(II) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

"(III) physical injury to any person;

"(IV) a threat to public health or safety;

"(V) damage affecting a computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

"(VI) damage affecting 10 or more protected computers during any 1-year period; or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(B) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

"(i) an offense under subsection (a)(5)(A), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused) a harm provided in subclauses (I) through (VI) of subparagraph (A)(i); or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(C) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 20 years, or both, in the case of—

"(i) an offense or an attempt to commit an offense under subparagraphs (A) or (B) of subsection (a)(5) that occurs after a conviction for another offense under this section; or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(D) a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

"(i) an offense or an attempt to commit an offense under subsection (a)(5)(C) that occurs after a conviction for another offense under this section; or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(E) if the offender attempts to cause or knowingly or recklessly causes serious bodily injury from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for not more than 20 years, or both;

"(F) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

"(G) a fine under this title, imprisonment for not more than 1 year, or both, for—

"(i) any other offense under subsection (a)(5); or

"(ii) an attempt to commit an offense punishable under this subparagraph."; and

(D) by striking paragraph (5); and

(3) in subsection (g)—

(A) in the second sentence, by striking "in clauses (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B)" and inserting "in subclauses (I), (II), (III), **[**(IV), (V), or (VI)**]** *(IV), or (V)* of subsection (c)(4)(A)(i)"; and

(B) in the third sentence, by striking "subsection (a)(5)(B)(i)" and inserting "subsection (c)(4)(A)(i)(I)".

(b) CONFORMING CHANGES.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking "1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)" and inserting "1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)".

SEC. 6. CYBER-EXTORTION.

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

"(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

"(A) threat to cause damage to a protected computer;

"(B) threat to obtain information from a protected computer without authorization or in excess of authorization or to impair the confidentiality of information obtained from a protected computer without authorization or by exceeding authorized access; or

"(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;".

SEC. 7. CONSPIRACY TO COMMIT CYBER-CRIMES.

Section 1030(b) of title 18, United States Code, is amended by inserting "conspires to commit or" after "Whoever".

SEC. 8. USE OF FULL INTERSTATE AND FOREIGN COMMERCE POWER FOR CRIMINAL PENALTIES.

Section 1030(e)(2)(B) of title 18, United States Code, is amended by inserting "or affecting" after "which is used in".

SEC. 9. FORFEITURE FOR SECTION 1030 VIOLATIONS.

Section 1030 of title 18, United States Code, is amended by adding at the end the following:

"(i)(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

"(A) such person's interest in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and

"(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

"(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

"(j) For purposes of subsection (i), the following shall be subject to forfeiture to the United States and no property right shall exist in them:

"(1) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this section, or a conspiracy to violate this section.

"(2) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this section, or a conspiracy to violate this section".

SEC. 10. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.

(a) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review its guidelines and policy statements applicable to persons convicted of offenses under sections 1028, 1028A, 1030, 2511, and 2701 of title 18, United States Code, and any other relevant provisions of law, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by such guidelines and policy statements.

(b) REQUIREMENTS.—In determining its guidelines and policy statements on the appropriate sentence for the crimes enumerated in subsection (a), the United States Sentencing Commission shall consider the extent to which the guidelines and policy statements may or may not account for the following factors in order to create an effective deterrent to computer crime and the theft or misuse of personally identifiable data:

(1) The level of sophistication and planning involved in such offense.

(2) Whether such offense was committed for purpose of commercial advantage or private financial benefit.

(3) The potential and actual loss resulting from the offense including—

(A) the value of information obtained from a protected computer, regardless of whether the owner was deprived of use of the information; and

(B) where the information obtained constitutes a trade secret or other proprietary information, the cost the victim incurred developing or compiling the information.

(4) Whether the defendant acted with intent to cause either physical or property harm in committing the offense.

(5) The extent to which the offense violated the privacy rights of individuals.

(6) The effect of the offense upon the operations of an agency of the United States Government, or of a State or local government.

(7) Whether the offense involved a computer used by the United States Government, a State, or a local government in furtherance of national defense, national security, or the administration of justice.

(8) Whether the offense was intended to, or had the effect of, significantly interfering with or disrupting a critical infrastructure.

(9) Whether the offense was intended to, or had the effect of, creating a threat to public health or safety, causing injury to any person, or causing death.

(10) Whether the defendant purposefully involved a juvenile in the commission of the offense.

(11) Whether the defendant's intent to cause damage or intent to obtain personal information should be disaggregated and considered separately from the other factors set forth in USSG 2B1.1(b)(14).

(12) Whether the term "victim" as used in USSG 2B1.1, should include individuals whose privacy was violated as a result of the offense in addition to individuals who suffered monetary harm as a result of the offense.

(13) Whether the defendant disclosed personal information obtained during the commission of the offense.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(2) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(3) make any conforming changes to the sentencing guidelines; and

(4) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

Mr. LEAHY. Mr. President, I am pleased that the Senate has taken an important step to combat identity theft and to protect the privacy rights of all Americans by passing the Leahy-Specter Identity Theft Enforcement and Restitution Act of 2007. This bipartisan cyber crime bill will provide new tools to Federal prosecutors to combat identity theft and other computer crimes. Today's prompt action by the Senate brings us one step closer to providing these much-needed tools to Federal prosecutors and investigators who are on the front lines of the battle against identity theft and other cyber crimes.

I thank Senator SPECTER, who has been a valuable partner in combating the growing problem of identity theft for many years, for joining with me to introduce this important privacy bill. I also thank Senators DURBIN, GRASSLEY, SCHUMER, BILL NELSON, INOUYE, STEVENS and FEINSTEIN for joining with us as cosponsors of this important legislation.

I commend Senators BIDEN and HATCH for their important work in this area. I am pleased that several provisions that they have drafted to further strengthen this cyber crime legislation will be included in this bill, and that with those additions, they have also cosponsored it.

Senator SPECTER and I have worked closely with the Department of Justice in crafting this bill and the Leahy-Specter Identity Theft Enforcement and Restitution Act has the strong support of the Department of Justice and the Secret Service. This bill is also supported by a broad coalition of business, high tech and consumer groups, including Microsoft, Consumers Union, the Cyber Security Industry Alliance, the Business Software Alliance, AARP and the Chamber of Commerce.

The Identity Theft Enforcement and Restitution Act takes several important and long overdue steps to protect Americans from the growing and evolving threat of identity theft and other cyber crimes. First, to better protect American consumers, our bill provides the victims of identity theft with the ability to seek restitution in Federal court for the loss of time and money spent restoring their credit and remedying the harms of identity theft, so that identity theft victims can be made whole.

Second, because identity theft schemes are much more sophisticated and cunning in today's digital era, our bill also expands the scope of the Federal identity theft statutes so that the law keeps up with the ingenuity of today's identity thieves. Our bill adds three new crimes—passing counterfeit securities, mail theft, and tax fraud—to the list of predicate offenses for aggravated identity theft. And, in order to better deter this kind of criminal activity, our bill also significantly increases the criminal penalties for these crimes. To address the increasing number of computer hacking crimes that involve computers located within the same State, our bill also eliminates the jurisdictional requirement that a computer's information must be stolen through an interstate or foreign communication in order to federally prosecute this crime.

Our bill also addresses the growing problem of the malicious use of spyware to steal sensitive personal information, by eliminating the requirement that the loss resulting from the damage to a victim's computer must exceed $5,000 in order to federally prosecute this offense. The bill also carefully balances this necessary change with the legitimate need to protect innocent actors from frivolous prosecutions, and clarifies that the elimination of the $5,000 threshold applies only to criminal cases. In addition, our bill addresses the increasing number of cyber attacks on multiple computers, by making it a felony to employ spyware or keyloggers to damage 10 or more computers, regardless of the aggregate amount of damage caused. By making this crime a felony, the bill ensures that the most egregious identity thieves will not escape with minimal punishment under Federal cyber crime laws.

Lastly, our bill strengthens the protections for American businesses, which are more and more becoming the focus of identity thieves, by adding 2 new causes of action under the cyber extortion statute—threatening to obtain or release information from a protected computer and demanding money in relation to a protected computer—so that this bad conduct can be federally prosecuted. In addition, because a business as well as an individual can be a prime target for identity theft, our bill closes several gaps in the federal identity theft and the aggravated identity theft statutes to ensure that identity thieves who target a small business or a corporation can be prosecuted under these laws. The bill also adds the remedy of civil and criminal forfeiture to the arsenal of tools to combat cyber crime and our bill directs the United States Sentencing Commission to review its guidelines for identity theft and cyber crime offenses.

The Identity Theft Enforcement and Restitution Act is a good, bipartisan measure to help combat the growing threat of identity theft and other cyber crimes to all Americans. Just this week, FBI Director Robert Mueller reminded all Americans that cyber threats will continue to grow as our Nation becomes more dependent upon high technology. This carefully balanced bill protects the privacy rights of American consumers, the interests of business and the legitimate needs of law enforcement. This privacy bill also builds upon our prior efforts to enact comprehensive data privacy legislation. The Leahy-Specter Personal Data Privacy and Security Act, S. 495, which Senator Specter and I reintroduced earlier this year, would address the growing dangers of identity theft at its source—lax data security and inadequate breach notification. Protecting the privacy and security of American consumers should be one of the Senate's top legislative priorities and I urge the majority leader to take up that measure at the earliest opportunity.

Again, I thank the bipartisan coalition of Senators who have joined Senator Specter and me in supporting this important privacy legislation, as well as the many consumer and business groups that support this bill. I ask unanimous consent that a copy of a support letter that I have received from the Chamber of Commerce regarding this bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Chamber of Commerce of the
United States of America,
Washington, DC, November 2, 2007.
Hon. Patrick Leahy,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. Arlen Specter,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

Dear Chairman Leahy and Ranking Member Specter: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, thank you for your leadership on issues related to identity theft and other types of cyber crime. The Chamber strongly supports S. 2168, the "Identity Theft Enforcement and Restitution Act of 2007," and congratulates the Committee on the Judiciary for reporting favorably this important legislation.

The Internet today is a major engine of economic growth for the United States. Unfortunately, accompanying this amazing growth has been the continued rise of malicious cyber activity by very coordinated and clever criminal networks. S. 2168 will go a long way to address this very serious issue by giving law enforcement officials much needed tools and resources to combat these criminals.

Once again, the Chamber appreciates your leadership on these issues, and looks forward to working with the Committee to assure passage of S. 2168 by the full Senate.

Sincerely,

R. Bruce Josten.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 2168), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Identity Theft Enforcement and Restitution Act of 2007".

SEC. 2. CRIMINAL RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) in the case of an offense under sections 1028(a)(7) or 1028A(a) of this title, pay an amount equal to the value of the time reasonably spent by the victim in an attempt to remediate the intended or actual harm incurred by the victim from the offense.".

SEC. 3. PREDICATE OFFENSES FOR AGGRAVATED IDENTITY THEFT AND MISUSE OF IDENTIFYING INFORMATION OF ORGANIZATIONS.

(a) Identity Theft.—Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7), by inserting "(including an organization as defined in section 18 of this title)" after "person"; and

(2) in subsection (d)(7), by inserting "or other person" after "specific individual".

(b) Aggravated Identity Theft.—Section 1028A of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting "(including an organization as defined in section 18 of this title)" after "person"; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting ", or a conspiracy to commit such a felony violation," after "any offense that is a felony violation";

(B) by redesignating—

(i) paragraph (11) as paragraph (14);

(ii) paragraphs (8) through (10) as paragraphs (10) through (12), respectively; and

(iii) paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(C) by inserting prior to paragraph (2), as so redesignated, the following:

"(1) section 513 (relating to making, uttering, or possessing counterfeited securities);";

(D) by inserting after paragraph (8), as so redesignated, the following:

"(9) section 1708 (relating to mail theft);";

(E) in paragraph (12), as so redesignated, by striking "; or" and inserting a semicolon; and

(F) by inserting after paragraph (12), as so redesignated, the following:

"(13) section 7201, 7206, or 7207 of title 26 (relating to tax fraud); or".

SEC. 4. ENSURING JURISDICTION OVER THE THEFT OF SENSITIVE IDENTITY INFORMATION.

Section 1030(a)(2)(C) of title 18, United States Code, is amended by striking "if the conduct involved an interstate or foreign communication".

SEC. 5. MALICIOUS SPYWARE, HACKING AND KEYLOGGERS.

(a) In General.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking "(A)(i) knowingly" and inserting "(A) knowingly";

(ii) by redesignating clauses (ii) and (iii) as subparagraphs (B) and (C), respectively; and

(iii) in subparagraph (C), as so redesignated—

(I) by inserting "and loss" after "damage"; and

(II) by striking "; and" and inserting a period;

(2) in subsection (c)—

(A) in paragraph (2)(A), by striking "(a)(5)(A)(iii),";

(B) in paragraph (3)(B), by striking "(a)(5)(A)(iii),";

(C) by amending paragraph (4) to read as follows:

"(4)(A) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 5 years, or both, in the case of—

"(i) an offense under subsection (a)(5)(B), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

"(I) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

"(II) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

"(III) physical injury to any person;

"(IV) a threat to public health or safety;

"(V) damage affecting a computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

"(VI) damage affecting 10 or more protected computers during any 1-year period; or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(B) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

"(i) an offense under subsection (a)(5)(A), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused) a harm provided in subclauses (I) through (VI) of subparagraph (A)(i); or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(C) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 20 years, or both, in the case of—

"(i) an offense or an attempt to commit an offense under subparagraphs (A) or (B) of subsection (a)(5) that occurs after a conviction for another offense under this section; or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(D) a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

"(i) an offense or an attempt to commit an offense under subsection (a)(5)(C) that occurs after a conviction for another offense under this section; or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(E) if the offender attempts to cause or knowingly or recklessly causes serious bodily injury from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for not more than 20 years, or both;

"(F) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

"(G) a fine under this title, imprisonment for not more than 1 year, or both, for—

"(i) any other offense under subsection (a)(5); or

"(ii) an attempt to commit an offense punishable under this subparagraph."; and

(D) by striking paragraph (5); and

(3) in subsection (g)—

(A) in the second sentence, by striking "in clauses (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B)" and inserting "in subclauses (I), (II), (III), (IV), or (V) of subsection (c)(4)(A)(i)"; and

(B) in the third sentence, by striking "subsection (a)(5)(B)(i)" and inserting "subsection (c)(4)(A)(i)(I)".

(b) CONFORMING CHANGES.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking "1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)" and inserting "1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)".

SEC. 6. CYBER-EXTORTION.

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

"(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

"(A) threat to cause damage to a protected computer;

"(B) threat to obtain information from a protected computer without authorization or in excess of authorization or to impair the confidentiality of information obtained from a protected computer without authorization or by exceeding authorized access; or

"(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;".

SEC. 7. CONSPIRACY TO COMMIT CYBER-CRIMES.

Section 1030(b) of title 18, United States Code, is amended by inserting "conspires to commit or" after "Whoever".

SEC. 8. USE OF FULL INTERSTATE AND FOREIGN COMMERCE POWER FOR CRIMINAL PENALTIES.

Section 1030(e)(2)(B) of title 18, United States Code, is amended by inserting "or affecting" after "which is used in".

SEC. 9. FORFEITURE FOR SECTION 1030 VIOLATIONS.

Section 1030 of title 18, United States Code, is amended by adding at the end the following:

"(i)(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

"(A) such person's interest in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and

"(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

"(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

"(j) For purposes of subsection (i), the following shall be subject to forfeiture to the United States and no property right shall exist in them:

"(1) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this section, or a conspiracy to violate this section.

"(2) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this section, or a conspiracy to violate this section".

SEC. 10. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.

(a) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review its guidelines and policy statements applicable to persons convicted of offenses under sections 1028, 1028A, 1030, 2511, and 2701 of title 18, United States Code, and any other relevant provisions of law, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by such guidelines and policy statements.

(b) REQUIREMENTS.—In determining its guidelines and policy statements on the appropriate sentence for the crimes enumerated in subsection (a), the United States Sentencing Commission shall consider the extent to which the guidelines and policy statements may or may not account for the following factors in order to create an effective deterrent to computer crime and the theft or misuse of personally identifiable data:

(1) The level of sophistication and planning involved in such offense.

(2) Whether such offense was committed for purpose of commercial advantage or private financial benefit.

(3) The potential and actual loss resulting from the offense including—

(A) the value of information obtained from a protected computer, regardless of whether the owner was deprived of use of the information; and

(B) where the information obtained constitutes a trade secret or other proprietary information, the cost the victim incurred developing or compiling the information.

(4) Whether the defendant acted with intent to cause either physical or property harm in committing the offense.

(5) The extent to which the offense violated the privacy rights of individuals.

(6) The effect of the offense upon the operations of an agency of the United States Government, or of a State or local government.

(7) Whether the offense involved a computer used by the United States Government, a State, or a local government in furtherance of national defense, national security, or the administration of justice.

(8) Whether the offense was intended to, or had the effect of, significantly interfering with or disrupting a critical infrastructure.

(9) Whether the offense was intended to, or had the effect of, creating a threat to public health or safety, causing injury to any person, or causing death.

(10) Whether the defendant purposefully involved a juvenile in the commission of the offense.

(11) Whether the defendant's intent to cause damage or intent to obtain personal information should be disaggregated and considered separately from the other factors set forth in USSG 2B1.1(b)(14).

(12) Whether the term "victim" as used in USSG 2B1.1, should include individuals whose privacy was violated as a result of the offense in addition to individuals who suffered monetary harm as a result of the offense.

(13) Whether the defendant disclosed personal information obtained during the commission of the offense.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(2) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(3) make any conforming changes to the sentencing guidelines; and

(4) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SUPPORTING THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 384, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 384) expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I rise today in honor of National Adoption Day and National Adoption Month. Senator COLEMAN and I understand that later today the Senate will consider our resolution recognizing National Adoption Day and National Adoption Month.

Every child should have a loving and permanent family. The Hague Convention recognizes "that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding." Unfortunately, not all children have a family of their own. However, through adoption a child can have a "forever family."

President Bush has recognized the importance of adoption to children and our Nation. Thus, he has declared November to be National Adoption Month. Nearly half of all Americans have been touched by adoption.

In 2002, 151,332 children found "forever families," a significant increase from 119,766 in 1996. 21,063 of these children were born in another country and adopted by American families. Public agency adoptions have more than doubled since 1995. The National Council for Adoption attributes the increase "in part to the Adoption and Safe Families Act of 1997's Adoption Incentive Program, which awards financial incentives to States for placing foster children into adoptive homes." Seven States: Arizona, Hawaii, Iowa, Kentucky, North Carolina, Oklahoma, and Wyoming, quadrupled the annual number of public agency adoptions from 1995 to 2005. Over 7,000 children who are part of the public child welfare system are adopted every year in California, which is the highest number of all 50 States. However, only 10 percent of the 513,000 children in foster care will ever be adopted.

National Adoption Day occurs on November 17 as a part of National Adoption Month. National Adoption Day is an event to raise awareness of the 114,000 children in foster care who are waiting for permanent families. Since the first National Adoption Day in 2000, nearly 17,000 children have joined "forever families" on this special day. This year we hope to have events in all 50 States, the District of Columbia, and Puerto Rico. Over 190 events in 48 States, the District of Columbia, and Puerto Rico are planned for this Saturday to finalize the adoption of over 3,000 foster children and youth.

I want you to picture what happens on this fall day, children running, laughing, and playing with their new parent. Think about a girl or boy planning their special outfit and joyously awaiting the family celebration. Imagine the excitement welling up inside of a child as she looks into her new parent's eyes and knows she is finally part of a family. She will never dread the sound of a car coming to take her away again or wonder where she will lay her head or which school she will be moved to.

Now picture the other dramatically different reality. In 2005, there were 514,000 children in foster care and 115,000 of them were waiting to be adopted. The following States have the largest number of children in their foster care system: California, Florida, Michigan, New York, Pennsylvania, and Texas. Between fiscal years 2000 and 2005, States made progress in reducing the number of children in their foster care systems, such as Illinois, 34 percent reduction, and New York, 35 percent reduction. These children have not had the luxury of their own room, a stable school environment, or a constant adult in their lives. Though the average percentage of children in foster care who are waiting to be adopted is 24 percent, some States have percentages as low as 5 percent,—California—and as high as 38 percent—New Jersey and South Carolina.

Of the 52,000 foster children who were adopted, 60 percent of them were adopted by their foster parents. According to a recent survey by the Dave Thomas Foundation for Adoption, many potential adoptive parents have considered foster care adoption, but "a majority of Americans hold misperceptions about the foster care adoption process and the children who are eligible for adoption. For example, "two-thirds of those considering foster care adoption are unnecessarily concerned that biological parents can return to claim their children and nearly half of all Americans mistakenly believe that foster care adoption is expensive, when in reality adopting from foster care is without substantial cost."

In Louisiana there are 4,541 children in foster care and 1,162 of them are waiting to be adopted. I would like to tell you about some of the foster children in Louisiana who are looking for their "forever families."

Natalyia is a cute, outgoing and loveable 8-year-old who is bright and energetic. She is in the second grade and she is an above average student. She loves to read books, ride her bike, complete crossword puzzles, and play with her dolls. Natalyia has been in foster care since November 2001. The average length of time a child spends in foster care is over 2 years.

Most foster children entered into State custody because their parents were either unable or unwilling to care for them. Not only are children separated from parents, but in many cases, siblings are separated when they are placed in foster care. Terron and Montrell are 2 brothers in the Louisiana foster care system who would like to be adopted together.

Terron is a handsome, happy 8-year-old in the third grade who is placed in the same foster home with his younger brother, Montrell. Both boys would like to be adopted together, because they share a close bond. Terron responds positively to structure, love, and consistency. He is a caring child who has enjoyed living in a two-parent family. He enjoys soccer, baseball, fishing and any outdoor activity. He wants his new family to know that he likes to eat spaghetti, macaroni, and rice-a-roni. Terron would benefit from a two-parent family that can provide structure as well as stimulation.

Montrell is Terron's brother. He is a very sweet, friendly, and open young boy who responds well to structure and consistency. He is very bonded to his older brother and with time and nurturance can adjust to a new environment. Montrell is a first grader. School is a challenge for him but with patience and redirection, he responds well. Montrell's overall health is good and he is basically a happy little boy. He enjoys riding his bicycle and playing outside. Montrell and Terron would benefit from a 2-parent family that can provide structure as well as stimulation.

Over half the children in foster care are 10 years of age or older and have more difficulty being adopted. These children are just waiting to flourish with the right parent's guidance. Kody and Ronnie are two brothers who are above the age of 10 years old and are waiting in the Louisiana foster care system for a "forever family."

Kody is a cute, very active and outgoing, blonde haired, hazel eyed, 13-year-old boy. He enjoys football, skateboarding, fourwheeling, and playing video games. He also loves horses. He is a sixth grader who enjoys science and reading. Kody would like to be an entertainer when he grows up, such as an actor, a comedian, or a rapper. He would like to be in the same home as his brother, Ronnie.

Ronnie is Kody's brother. He is an 11-year-old boy who resembles his brother. Ronnie loves both playing and watching football. He likes to play video games and board games, horses, and going fishing. He is a fourth grader who likes math and science. He would like to be a policeman when he grows up, so that he could rescue people. He would also like to own a toy company, so that he could invent new video games. He wants a family who would care about him. He is very close to his brother Kody and wishes to remain in contact with him.

I could stand here every day for the next month and talk about each child who needs to be adopted out of foster care. The bottom line is that each of these children, from one day old to 22 years old, needs permanency. They all need a loving, nurturing family that will help them to grow, bring out their unique personalities, and transform them into confident and happy adults.

On National Adoption Day, I have faith that this can be done and we must continue to be the catalyst. The miracle of adoption cannot be explained, but the loving parents that are holding their children for the first time today are living examples of how dreams can be realized. As an adoptive mother myself, I find that words cannot adequately explain the miracle of adoption. I can only take a moment to offer my most humble thanks, gratitude, and appreciation to all those across the Nation who have given their Saturday to help find waiting children safe and loving homes.

Let us continue to remember that when National Adoption Month and Day end there are still thousands of children like Natalyia, Montrell, Terron, Kody, and Ronnie who need that sense of permanency. I challenge Congress to make these children their first priority and to help them to finally realize that dream. Please support our resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 384) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 384

Whereas there are approximately 514,000 children in the foster care system in the United States, approximately 115,000 of whom are waiting for families to adopt them;

Whereas 52 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 2 years;

Whereas, for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who "age out" of foster care by reaching adulthood without being placed in a permanent home has increased by 41 percent since 1998, and nearly 25,000 foster youth age out every year;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a recent survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though "Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years";

Whereas, while 3 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, nearly 17,000 children have joined forever families during National Adoption Day;

Whereas, in 2006, adoptions were finalized for over 3,300 children through more than 250 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico; and

Whereas, on October 31, 2007, the President proclaimed November 2007 as National Adoption Month, and National Adoption Day is on November 17, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the citizens of the United States to consider adoption during the month of November and all throughout the year.

MEASURE READ THE FIRST TIME—S. 2363

Mr. SALAZAR. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2363) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Mr. SALAZAR. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

Mrs. HUTCHISON. Mr. President, for S. 2363, the report accompanying this bill is the Statement of Managers as printed in the conference report to accompany H.R. 3043 as Division B, Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008.

ORDERS FOR FRIDAY, NOVEMBER 16, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 8:30 a.m., Friday, November 16; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that there then be a period of debate of 1 hour prior to the first cloture vote to be equally divided and controlled between the two leaders or their designees and as previously ordered; provided that Senator HARKIN be recognized for up to 10 minutes of the majority's time; that Members have until 9 a.m. to file any germane second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. SALAZAR. Mr. President, if there is no further business today, I now ask that the Senate stand adjourned under the previous order following the remarks of the Senator from South Dakota, Mr. THUNE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

THE FARM BILL

Mr. THUNE. Mr. President, I want to take the opportunity to kind of make a little assessment of where we are with regard to the farm bill. I have listened throughout the course of the day as Members have come over and accusations have flown back and forth about why we are not making any progress on the farm bill.

Frankly, it is unfortunate because we have a lot of farmers, the people who are actually out there working the land, raising the food that feeds our country and a good part of the world, who are depending upon the Senate to act.

We have heard from farm organizations, as I am sure most Senators have, about the importance of getting this farm bill passed so they know what the policies are going to be, what the rules are going to be, what the programs are going to be as they begin to make decisions about the 2008 planting season.

As I have listened to all the debate as it has gone back and forth, I have heard a lot of my colleagues, and my colleague from Colorado who is a valued member of the Ag Committee—we worked closely on the renewable energy provisions in the bill, and I think we produced a very good bill out of the Ag Committee.

But there are 21 of us, 21 Senators on the Ag Committee, 21 members out of 100 Senators who serve on the Senate Ag Committee. We came out with a bill that we think makes a lot of sense. It was a balanced bill. It addressed the important issue of providing support for production agriculture for our farmers. It had a good strong conservation title that extends and expands in some ways the Conservation Reserve Program, the Wetlands Reserve Program, the Grassland Reserve Program, a number of conservation programs that are important to the way we manage our lands in this country and provide good environmental stewardship.

It had, of course, a good strong energy title which I worked on a lot, along with a number of my colleagues on the committee, including the Senator from Colorado and the Senator from Nebraska, Mr. NELSON.

We put together what I think is a good, strong energy title that provides incentives for cellulosic ethanol production. It also had a disaster title, something that we have not had for some time in the farm bill, that provides a backstop against those years when you have weather-related disasters and we have had to come to the Congress and try to get political support for disaster relief.

Oftentimes it has been problematic there. This puts in place a contingency fund, an emergency fund, for those years in which our producers are not able to raise a crop for some reason, in most cases because of the weather.

It has, of course, as my colleague from Colorado mentioned, about 67 percent of the money in the bill going into the nutrition title, which funds many of the programs that help people across the country, whether that is the Food Stamp Program, a WIC program, all of those programs that provide support and food for people who need it.

So it is, as we would say, a balanced bill, a bill that was debated back and forth. There were a lot of amendments offered. We spent a day and a half in the markup. But as I said, what is important to note about that is there are only 21 Members of the Senate on the Senate Ag Committee. That means there are 79 Members of this body who have not had any input in this process up to this point.

Well, when the bill was brought to the floor last week on Monday, which is now 9, going on 10 days ago, the assumption was at that point those Members of the Senate who have not served as members of the Ag Committee may have a chance to get their priorities addressed in this farm bill, to offer amendments they think can improve it.

In many cases a farm bill reflects regional priorities. Different people around the country look at these issues very differently. It obviously has a national priority as well. But I think it is fair to say that a lot of Members of the Senate would want to come down here and offer amendments.

In fact, a number of amendments were filed, some 200-plus, almost 300 amendments. Now I, for one, would like to see an agreement reached between our leaders that would end this bickering and this standoff and get us to where we can process some of these amendments and get them voted on so that we can move toward final consideration of this bill, which I noted earlier is so important to farmers across this country.

But what happened very early on in that process was the leader, the majority leader, did what they in Washington in the Senate called "filling the tree." By that, for those who are not familiar with Washington speak, it essentially means it prevents others from offering amendments. All of the amendments that can be offered have been offered. The leader filled the tree and for the past 9 days now has precluded the opportunity for other Members of the Senate, those other 79 Members of the Senate who do not serve on the Ag Committee, to be able to come down and offer amendments they think would ultimately improve the bill.

What is significant about that is it is not unprecedented. It has been done. They said it was done when the Republicans controlled the Senate. I am sure it was—I do not believe very successfully because I do not think it is a tactic or a procedure that lends itself to the nature of this institution or how it works. The Senate is unique in all the world. It is the world's greatest deliberative body. We really value the opportunity to come and amend the bill that is brought to the floor of the Senate, which is generally open to amendment.

So when the tree gets filled and amendments are blocked from consideration, it essentially shuts down the process that the Senate normally uses to consider and amend bills and ultimately vote on bills.

So where are we today? We are almost 2 weeks into this now, and we have yet to vote on a single amendment. We have not had one vote on an amendment to the farm bill after now having it on the floor for almost 2 weeks.

I have to say, for those who would like to offer amendments and have those amendments voted on, it has been very frustrating. My own view is that we are not going to be able to debate 200 or 300 amendments, but we ought to be able to narrow that down, and our leaders could go about that process. But you cannot even do that when the tree is filled. You cannot even consider and vote on any amendments.

So here we are. A farm bill is something that we do every 5 or 6 years in the Congress. I was associated with the last one in 2002 as a Member of the House of Representatives, a member of the Ag Committee. In that particular bill, which was 5 years ago, we set policies that carried us to the end of the fiscal year 2007, which ended on September 30 of this year. And we now need a new policy to carry us forward to the year 2012.

So the point is, this is something we do every 5 years. This is a significant and consequential event when it comes to the Congress and the policies that it puts in place with regard to agriculture in this country that our farmers use as the framework or the guideline to make their decisions.

So when you do something every 5 or 6 years, the assumption normally is that you are going to want to do it right. I think we did do it right. I think we produced a bill out of the Ag Committee that, as I said, is very solid, very balanced. But I have a lot of colleagues who would like to have their voices heard in this process, offer amendments that they think would improve the bill.

So where are we today after 2 weeks, after having debated this bill on the Senate floor, or at least talked about it? We have not taken any action. I think it is a real disservice to the farmers of this country and to our rural economy, those rural communities that depend upon agriculture for their livelihood, that we have failed to act because the leadership, the Democratic leader, decided when he called up the bill to fill the amendment tree so that amendments could not be considered.

Two weeks on the bill, we have yet to vote on a single amendment on a piece of legislation that is 1,600 pages long and spends 280 billion tax dollars over the course of the next 5 years. Not one amendment has been voted on.

Now, just to put it in perspective and provide a little bit of a framework for previous farm bills, as I said, I was associated with the farm bill in 2002 as a

Member of the House of Representatives. During debate of the 2002 farm bill, there were 246 amendments that were filed. Democrats and Republicans came together and voted on 49 of those amendments, including 25 rollcall votes in the Senate.

Before that, if you go back to the 1996 farm bill, there were 339 amendments offered to that farm bill. In 1996, the Republican leadership—at that time it was under the control of the Republicans—allowed 26 amendment votes, including 11 of those being rollcall votes.

During consideration of the 1990 farm bill, there were 113 votes, including 22 rollcall votes. And, finally, if you go all the way back to 1985—I was actually a staffer here at that time—there were 88 votes, 33 of which were rollcall votes. So 33 rollcall votes in 1985, 22 rollcall votes in 1990, out of a total of 130 votes taken.

As I said, in 1996 there were 26 amendment votes, including 11 rollcalls. And in the 2002 farm bill, there were 49 amendments offered and voted on, I should say, including 25 of those being decided by a rollcall vote.

My point, very simply, is, it is unprecedented what is happening with regard to the farm legislation, to a farm bill that has these kind of consequences, this kind of cost, and this importance to the Nation's farm economy. I would hope that as this moves forward, and when the Senate—I use that term loosely because it is not moving forward; we are not getting anything done. It is a great frustration to many of us who worked hard to produce a bill, to get it to the floor of the Senate.

But I do not think you can take a piece of legislation of this consequence and try and ram it through without even allowing a vote on a single amendment. We have been here for 2 weeks. We have not voted on one single amendment.

I understand that the majority leader wants to limit the number of amendments. That is why he filled the tree. He essentially wants to decide which amendments are germane and which amendments are relevant. Normally, that is a decision that is made by the Parliamentarian. But what he has said is: I want to choose for my side, for the Democratic side, as well as for the Republican side, which amendments we consider, if any, and essentially approve those, which completely undermines, as I said, the basic premise of the Senate, which is when a bill is brought to the floor, those bills are open to amendment.

That has been the practice here for a good long time. It certainly has been the case on previous farm bills going back, as the numbers I just reported say, going back to 1985.

I say all of that to, as I said, take a little assessment, back off a little bit from all the rhetoric that we heard on the floor today. I would like to see us be able to work on it in a bipartisan way because, traditionally, historically, agriculture in the Senate and in the Congress generally has not been a partisan issue.

There are divisions that occur in agriculture but generally along regional lines. Those of us who represent the upper Midwest have slightly different priorities when it comes to a farm bill than those who represent the South or the West. You have special crop groups. You have your sort of base commodities—your corn, your wheat, soybeans, livestock, the things that we raise and grow in the upper Midwest. You have dairy and sugar.

We have dairy, sugar, lots of competing interests, all which play out in a debate over a farm bill. But what is regrettable about that in this particular case is that we are seeing what appears to be for the first time partisan gridlock over whether Members of the Senate, the 79 Members who are not members of the Ag Committee, will have an opportunity, as they traditionally do, to come forward to offer amendments they think will improve the bill. I express my frustration and the frustration of those farmers I represent. The organizations that have been in contact with my office are urging us to get on with this. I would love to be able to do that.

I have an amendment that has been filed that is very important to the bill. It improves the energy title of the bill. We came out with a bill that was a good product. I was pleased and happy with what we produced from the committee. But when it came to the floor, it became clear to me we could improve upon that by adding an amendment, a renewable fuels standard that would further strengthen the energy title of the bill. It became even more important when we started to look at what is going to happen next year in 2008, if we don't increase the cap on the renewable fuels standard, the 7.5 billion gallon cap in the renewable fuels standard today. We will reach that by the end of this year. So we have 2008, where we will be past the 7.5 billion gallons, and at that point there is very little incentive for oil companies to continue to blend ethanol. We need to get the statutory cap raised so we are at 8.5 billion gallons next year, and those who want to make investments in this industry will feel confident that there is going to be a new renewable fuels standard that increases the level of renewable fuels, something which I believe every Member of this body supports.

I believe when you are looking at $100 oil and looking at our dependence upon foreign countries for energy supply, it makes enormous sense to do everything we can to come up with homegrown, domestic sources of energy and supplies. I would hope that amendment will be able to be voted on at some point. But at this point we are shut down. We are locked down. That is unfortunate. My hope would be we can move very quickly in the days we have ahead of us this year—I hope by tomorrow—to achieve some understanding or agreement about how we will proceed to come to a final vote. I hope the majority leader will decide in the end to move away from the practice he has adopted on this bill of filling the tree and preventing amendments from being offered so we can get to what the Senate does, and that is consider, deliberate, vote on amendments, take a piece of legislation, allow those 79 Members of the Senate who are not members of the Senate Ag Committee to be heard in the process and to have their opportunities to improve the bill to their liking and according to the priorities their constituents want to see addressed.

I hope as we come back tomorrow we will be able to make more headway on this issue.

I yield the floor.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 8:30 a.m. on Friday, November 16, 2007.

Thereupon, the Senate, at 7:58 p.m., adjourned until Friday, November 16, 2007, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

CRAIG W. DUEHRING, OF MINNESOTA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE MICHAEL L. DOMINGUEZ.

DEPARTMENT OF THE TREASURY

NEEL T. KASHKARI, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY. (NEW POSITION)

REFORM BOARD (AMTRAK)

THOMAS C. CARPER, OF ILLINOIS, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE SYLVIA DE LEON, TERM EXPIRED.

NANCY A. NAPLES, OF NEW YORK, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE ENRIQUE J. SOSA, RESIGNED.

DENVER STUTLER, JR., OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE DAVID MCQUEEN LANEY, TERM EXPIRING.

DEPARTMENT OF THE TREASURY

ERIC M. THORSON, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY, VICE HAROLD DAMELIN, RESIGNED.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

ANA M. GUEVARA, OF FLORIDA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS, VICE JENNIFER L. DORN, TERM EXPIRED.

DEPARTMENT OF STATE

GOLI AMERI, OF OREGON, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS), VICE DINA HABIB POWELL.

DEPARTMENT OF EDUCATION

TRACY RALPH JUSTESEN, OF UTAH, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION, VICE JOHN H. HAGER, RESIGNED.

DEPARTMENT OF JUSTICE

NATHAN J. HOCHMAN, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE EILEEN J. O'CONNOR.

GRACE C. BECKER, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WAN J. KIM.

DEPARTMENT OF VETERANS AFFAIRS

JAMES B. PEAKE, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF VETERANS AFFAIRS, VICE JIM NICHOLSON, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

DAMON L. BENTLEY, 0028

To be lieutenant

SEAN C. BENNETT, 3977
ANGELIQUE FLOOD, 0433
TANYA C. SAUNDERS, 4246

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

WILLIAM E. ACKERMAN, 5148
MICHAEL L. AMARAL, 4732
SCOTT B. AVERY, 5836
JOSE L. BAEZ, 6283
KELLEY M. BARHAM, 1521
DACOSTA E. BARROW, 8675
ROBERT A. BOWDEN, 2639
PETER T. BULATAO, 8893
ROLANDO CASTRO, JR., 5946
ALLISON P. CLARK III, 7032
RUSSELL E. COLEMAN, 2765
PATRICIA DARNAUER, 5822
DEBRA L. DUNIVIN, 3765
RALPH A. FRANCO, JR., 8355
DANIEL W. GALL, 4307
KATHY E. GATES, 2056
RICARDO A. GLENN, 9577
ROBERT L. GOODMAN, 4216
WILLIAM B. GRIMES, 8369
STEVE HOROSKO III, 4400
DANIEL H. JIMENEZ, 3853
DANIEL J. JONES, 6843
MICHAEL L. KIEFER, 6961
GUY T. KIYOKAWA, 0600
RICHARD G. LOONEY, 4573
PETER T. MCHUGH, 1328
ROBERT D. MITCHELL, 6782
DAVID R. PETRAY, 5401
LESLIE J. PIERCE, 1799
JOEL T. POSTMA, 4622
FRANCISCO J. RENTAS, 0705
MICHAEL J. ROGERS, 3309
PATRICK G. SESTO, 9915
JAMES E. SHIELDS, 7833
STUART W. SMYTHE, JR., 1661
CARLHEINZ W. STOKES, 8464
JEFFREY P. STOLROW, 6058
GREGORY A. SWANSON, 9936
CHERYL TAYLORWHITEHEAD, 4678
MARK A. VAITKUS, 6306

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

RACHEL A. ARMSTRONG, 5281
LORIE A. BROWN, 3649
THOMAS H. CHAPMAN, JR., 9929
ANNA I. CORULLI, 0437
LAWRENCE E. CROZIER, 5945
FLAVIA D. DIAZHAYS, 4435
STEVEN R. DRENNAN, 8799
KATHLEEN M. FORD, 5178
PETRA GOODMAN, 1250
VINETTE E. GORDON, 3315
KAREN T. GRACE, 6536
TONY B. HALSTEAD, 4269
ANGELENE HEMINGWAY, 0787
MARK E. HODGES, 3827
BARBARA R. HOLCOMB, 6190
SHERI A. HOWELL, 7159
CAPONERA P. KREKLAU, 6124
JUDITH A. LEE, 6399
GLORIA R. LONG, 1185
REYNOLD L. MOSIER, 1462
SUSAN M. RAYMOND, 3215
VERONICA A. THURMOND, 3662

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

VIVIAN T. HUTSON, 6481
PEGGY P. JONES, 0750
LEO H. MAHONY, JR., 4144
ROBERT L. MATEKEL, 0482
JOSEPH M. MOLLOY, 5320
LAURIE E. SWEET, 5188

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

GARY D. COLEMAN, 8463
BRADFORD W. HILDABRAND, 8817
JOLYNNE W. RAYMOND, 9453
DANA P. SCOTT, 2504
TIMOTHY H. STEVENSON, 7602
ERIK H. TORRING III, 6998
PAUL E. WHIPPO, 8906

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

LILLIAN L. LANDRIGAN, 7903

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

HORACE E. GILCHRIST, 8910

THE JUDICIARY

ROD J. ROSENSTEIN, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE FRANCIS D. MURNAGHAN, JR., DECEASED.

GENE E. K. PRATTER, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE FRANKLIN S. VAN ANTWERPEN, RETIRED.

LINCOLN D. ALMOND, OF RHODE ISLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND, VICE ERNEST C. TORRES, RETIRED.

MARK S. DAVIS, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE T. S. ELLIS, III, RETIRED.

DAVID GREGORY KAYS, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI, VICE DEAN WHIPPLE, RETIRED.

DAVID J. NOVAK, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE ROBERT E. PAYNE, RETIRED.

CAROLYN P. SHORT, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE GENE E. K. PRATTER, UPON ELEVATION.

RICHARD T. MORRISON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE CAROLYN MILLER PARR, TERM EXPIRED.

DEPARTMENT OF JUSTICE

JOSEPH P. RUSSONIELLO, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE KEVIN VINCENT RYAN.

DIANE J. HUMETEWA, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS, VICE PAUL. K. CHARLTON, RESIGNED.

REBECCA A. GREGORY, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE MATTHEW D. ORWIG, RESIGNED.

GREGORY A. BROWER, OF NEVADA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS, VICE DANIEL G. BOGDEN, RESIGNED.

EDMUND A. BOOTH, JR., OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE LISA GODBEY WOOD, RESIGNED.

MICHAEL G. MCGINN, OF MINNESOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS, VICE ALLEN GARBER, RETIRED.

REED VERNE HILLMAN, OF MASSACHUSETTS, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS, VICE ANTHONY DICHIO.

WILLIAM JOSEPH HAWE, OF WASHINGTON, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE ERIC EUGENE ROBERTSON, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. ROGER A. BRADY, 6581

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD Y. NEWTON III, 8008

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. WALTER D. GIVHAN, 4773

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar:

*TODD J. ZINSER, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF COMMERCE.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, November 15, 2007:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH MICHAEL S. GALLAGHER AND ENDING WITH MARK K. FRYDRYCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2007.

HOUSE OF REPRESENTATIVES—*Thursday, November 15, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. ALTMIRE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 15, 2007.

I hereby appoint the Honorable JASON ALTMIRE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, on a November day 144 years ago, President Abraham Lincoln at Gettysburg National Cemetery gave the greatest and most famous speech ever given on American soil.

In efforts to hold this young nation together, Lincoln addressed the Civil War as testing the nation, "any nation that is conceived in liberty and dedicated to the proposition that all people are created equal."

Lord, let his unforgettable words dedicate us and renew us in the cause of freedom. Help us living to fight the unfinished work, to give great memory to those who gave the last full measure of their devotion to this Nation under God that it may have new birth of freedom, and that government of the people, for the people, and by the people shall not perish from this Earth.

Help us, Lord, to be understanding and patient when wars begin around this world in the search for freedom. Help us to be supportive and understanding both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Virginia (Mrs. DRAKE) come forward and lead the House in the Pledge of Allegiance.

Mrs. DRAKE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to ten 1-minute requests on each side.

PRESIDENT "NO"

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, this Democratic Congress was elected to take our Nation in a new direction. We have worked to make meaningful changes for American families by passing fiscally responsible appropriations bills that fund priorities here at home, priorities neglected by the President and the previous Congresses. But every step of the way, President Bush has stood as a roadblock to the progress Americans demanded.

For example, House Democrats worked in a bipartisan way to pass legislation authorizing the popular Children's Health Insurance Program, but the President used his veto pen to say "no" to providing health care to 10 million children. We passed the vital infrastructure bill, known as WRDA, which authorizes critical projects to protect communities across the country from natural disasters. The President again said "no." But, fortunately, our Republican colleagues joined us in overriding the veto.

Mr. Speaker, now President "No" has vetoed yet another important bill that invests in labor, health, and education priorities for our country. It is again time for House Republicans to stand with us in supporting this bipartisan legislation opposing yet another veto.

HONORING ALLEGHENY POLICE DETECTIVE LAWRENCE CARPICO AND SARAH DEIULIIS

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. In Mount Lebanon, Pennsylvania, a town in my congressional district, Allegheny Police Detective Lawrence Carpico saved the life of 16-year-old Sarah Deiuliis, a victim of a school acquaintance, on October 31, 2007. Sarah had been lured into the woods by someone she considered a friend. When the young man attacked her with a hammer, she fended off her attacker and ran luckily into the path of Detective Carpico who happened upon the couple while walking a dog. Detective Carpico, who was off duty at the time, acted decisively and ushered the girl to safety and called for the assistance of on-duty officers and medics. For his actions, he will be presented with the Mount Lebanon Police Department's Chief's Award.

Likewise, let's recognize Sarah, who displayed extraordinary courage in the face of extreme danger. She fought back against her attacker using intelligence and quick thinking. For this, she will be recognized with the Survivor Award.

It is a great honor to represent such courageous citizens and to present their story in this Chamber, and I commend both for their actions.

RECOGNIZING OUR IMMIGRANT COMMUNITIES

(Mr. GRIJALVA asked and was given permission to address the House for 1 minute.)

Mr. GRIJALVA. Mr. Speaker, I rise again today to once again bring a sense of reality and clear light to the immigrant and Latino communities of our Nation.

Six months ago, my family and I went to the wake of a 19-year-old soldier who died in Iraq from my hometown of Tucson, Arizona. It was very difficult, especially when his mother asked me to tell her why he died. I should say, she spoke only Spanish. I said what I could about freedom, sacrifice, and liberty. And now, this Congress wants to change legislation to have the Equal Employment Opportunity Commission not investigate or prosecute cases of discrimination if the complainant doesn't speak English, like this young man's mother. She gave this Nation a son.

I challenge, no, I demand of those proponents that want to have second-class citizenship in this country to go to that mother and tell her why.

OH, CHRISTMAS TREE, OH, CHRISTMAS TREE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, A Tree, A Tree, but don't call it a Christmas Tree. Let me explain.

Since forever, Christmas trees have been called Christmas trees. Everyone in the world knows what a Christmas tree is and the traditions that accompany them.

It is almost that time of year for most homes throughout the fruited plain to have some type of tree in them. Even Charlie Brown has a Christmas tree. But Lowe's Home Improvement stores that sell trees won't call them Christmas trees, but now they call them "family trees" so as not, I suspect, to offend non-Christians. Of course, it is okay in our culture to offend Christians because they are just supposed to turn the other cheek. However, calling them family trees may offend single individuals who don't have families. So should the trees be called family-individual trees?

Where is this nonsense of political correctness going to end? Lowe's should change its policy. This is the same silliness that caused some retailers last year to refuse to put up signs saying "Merry Christmas," but instead said "Happy Holidays."

It is tradition at the Poe house on Thanksgiving that we buy and decorate a Christmas tree. But we won't buy one at Lowe's because, you see, they don't sell Christmas trees.

And that's just the way it is.

IMMIGRATION

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, we have heard a lot of hateful rhetoric surrounding the immigration debate on this floor. Some of my colleagues stand here and compare immigrants to terrorists and say that immigrants are lazy and are looking for a free ride, when in fact they have made many contributions to this country, positive contributions.

Let me tell you about an honorable immigrant family from Rialto. Corporal Jorge Gonzalez was one of the first soldiers who made the ultimate sacrifice in Iraq, and I say in Iraq, for this country. The wife and infant son were left behind to apply for special permission just so that their United States flag could be draped over his coffin. Jorge was willing to die to protect this country, willing to die to protect this country; but since he was an immigrant, there are some in this body who would call him a criminal. Immigrants are not criminals. They are soldiers. They are our friends. They are our students. They are our doctors.

It is time for Congress to recognize what is right. Stop this hateful rhetoric, stop the lies. Honor the sacrifices made by men like Jorge.

Lord, help us understand and pass real immigration.

FUNDING OUR VETERANS

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, this is day 46; that is, 46 days so far that our veterans have not had the use of the increased funding for their benefits and health care. That is $18.5 million a day not able to be used.

This bill has been done for months and the President has already agreed to sign it. Now, Veterans Day has come and gone and the Democratic leadership continues to delay this bill.

I am calling on the Speaker not to adjourn for Thanksgiving until this bill has been sent to the President. And I call on all Americans to contact their Representatives to tell the Democratic leadership to send a clean veterans appropriations bill to the President. How can we celebrate a holiday with our families knowing that there are benefits that our veterans don't have access to simply because of a leadership decision to hold our veterans funding hostage?

BUSH AND REPUBLICANS REFUSE TO EXPAND HEALTH CARE TO 10 MILLION CHILDREN

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH of Vermont. Mr. Speaker, Thanksgiving Day, as my colleague just mentioned, is next week and we have the threat of another Presidential veto to deny 10 million children across this country of all races, all poor, access to health care.

The President has become a born-again fiscal conservative, disregarding any requirement that we pay for the war and disregarding the fact that we are paying for children's health care.

On Thanksgiving Day, all of us are thankful, those of us who have health care, and we are determined that the children of this country will join the Members of Congress in this country, government employees, and citizens across this country who do have access to health care.

The President has refused to meet with congressional leaders. And, by the way, this is bipartisan. Republicans and Democrats in this body stand united in wanting to insure our kids, and the only obstacle is the Presidential veto.

OKLAHOMA'S CENTENNIAL BIRTHDAY

(Ms. FALLIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FALLIN. Mr. Speaker, tomorrow the State of Oklahoma will celebrate its centennial birthday, and today I come to the House floor to commemorate and honor our State's rich history. And, most of all, I am here to honor the people of Oklahoma, our greatest strength, whose hard work and pioneer spirit have written a truly unique chapter in American history.

Oklahoma has been defined by the adventuresome nature of the men and women who settled there. Although we are a young State, our legacy is significant. Oklahoma has gone from Indian territory to land runs to a State on the cutting edge of American agriculture and energy production. Each portion of our history has left a unique imprint on the culture of our State and our Nation.

Today, 100 years after Oklahoma achieved statehood, we have so much to offer: a tremendous quality of life, a work ethic second to none, and a pioneer spirit just as much alive as it was a century ago.

On the eve of our centennial, we honor all Oklahomans. We have our household names, Will Rogers to Jim Thorpe, but there are millions of others of hardworking, compassionate Oklahomans. I just wish Oklahoma a happy birthday, and may God continue to bless our State.

FUNDING FOR VETERANS

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, the Democratic Congress is wrapping up its first year with a proud record of providing real support for our Nation's veterans that starts to make up for lost time. We have passed historic increases in veterans health care benefits totaling nearly $12 billion to meet the needs of those returning from Iraq and Afghanistan, to make up for the President's past shortchanging of our veterans and to keep new fees from hitting veterans families.

Along with focusing on veterans who are returning with PTSD and traumatic brain injuries, we address the military health and disability crisis brought to light by the conditions at Walter Reed Hospital, and we are providing the necessary oversight to ensure a scandal like that never happens again.

This new Democratic majority is also working to make sure troops and their families, strained after multiple deployments in Iraq, get a 3.5 percent pay increase, which the President called unnecessary.

Mr. Speaker, we commemorated Veterans Day this past weekend. Democrats are proud of our accomplishments in honoring our veterans by providing them with health care benefits they deserve.

☐ 0915

TARDINESS IN CONGRESS

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. Mr. Speaker, one of the things that can be a problem here in Congress is tardiness or lateness. And we've certainly seen some examples of that. One of the examples is the alternative minimum tax. It's something that every year just keeps reaching down and taxing more and more Americans. And so through the last years, Republicans passed patches to push that alternative minimum tax back. Unfortunately, this year, we're late. We don't have that done. The IRS has got to have that done by tomorrow, or else they're going to take a whole long time to change tax forms, and 50 million Americans will have their tax returns and the money that's owed them by the government late because we're just not on time with getting the AMT patch fixed.

It's also true with the veterans bill. We passed a bill, Republicans and Democrats agreed to it, put more money into the veterans, take care of post-traumatic stress and all kinds of other things that are expenses that the veterans face. The trouble is that bill's been sitting around. We're late again. Let's get a move on.

DEMOCRATIC CONGRESS HAD TO FIGHT PRESIDENT BUSH ALL THE WAY ON THE VETERANS FUNDING BILL

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, last week this House passed a final veterans funding bill that provides the largest investment in veterans health care in the 77-year history of the VA. Congress initially passed this legislation over the opposition of President Bush and his administration.

Now, back in June, then Bush budget director, Rob Portman, said that the Bush administration would veto the Homeland Security measure as well as an even more generous bill funding veterans health programs and construction at military bases.

One week later, when this House was about to vote on the legislation, the White House sent over a letter saying that planned increases to veterans were excessive.

And then in August, the President directed his VA Secretary to send Congress a letter letting them know that veterans didn't really need $3.7 billion we had included over the President's request.

Mr. Speaker, it's clear that, until recently, President Bush and his administration did not believe we should fulfill our promises to our Nation's veterans. The President's paper trail is clear, and had it not been for this Democratic Congress, our veterans would not now be one step closer to the historic funding increase.

CONGRATULATIONS TO THE COURAGEOUS SHAWNEE STATE UNIVERSITY MEN'S SOCCER TEAM

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise today to recognize a team of courageous student athletes from Portsmouth, Ohio.

On Sunday, October 28, the Shawnee State University men's soccer team, fresh off their final victory of the season, traveled back to campus to find themselves facing another battle. This was a battle they'd never imagined having to face.

These men witnessed an SUV plunge over an embankment, hit a tree, roll over several times, and land on its top in a creek.

The bus filled with Shawnee State soccer players pulled to the side and went to the rescue. What they found at the bottom of the dark ravine was a family trapped, a family of 3. The soccer team broke the vehicle's windows and rescued all the family members safely. Thankfully, the family is alive and well today.

Mr. Speaker, please join me in recognizing these amazing student athletes of Shawnee State University: Paul Adkins, Ryan Appell, Bryan Barker, Jordan Buck, Barry Collins, Michael Cornell, Steven Cox, Rocky Dunkin, Danny Frantz, Ross Frantz, Chris George, Curtis Jones, Andrew Kachilla, Bobby Krauss, Matt Lonsinger, Michael Mohr, Rusty Ortman, Graham Purdy, Brad Reffitt, Kurt Rininger, Drew Sampson, Ken Shonkwiler, Weston Thobaben, Jonathon Venters, and head coach Ron Goodson for their incredible act of heroism and bravery.

And let's say a prayer that the family continues to do well.

JOINT ECONOMIC COMMITTEE IRAQ WAR REPORT

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, last night House Democrats voted to send the President a smaller war-funding package with a clear message, send our troops home now. We know this rapid redeployment will save countless American lives.

The Joint Economic Committee estimates that a sharp downturn in U.S. forces in Iraq, like the plan we are advancing, would also lower the war's economic costs by about $2 trillion over the next 10 years.

The cost of this war has simply been too great and the human toll too high. We have already lost more people than this country lost on 9/11, 162 from my home State of New York. In so many ways, we can no longer afford to stay in Iraq.

Democrats in Congress are committed to bringing our troops home soon; repairing our military; caring for our veterans; and charting a new, more responsible, course, a more secure course in Iraq.

IN RECOGNITION OF MICKI WORK

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to say farewell and best wishes to a long-time member of the Second District staff, Micki Work. Micki has been a member of the staff more than 5 years where she has served with integrity and professionalism. She will be leaving our office to join the Magazine Publishers of America as the vice president for government affairs.

Micki came to Capitol Hill as an intern on the House Ways and Means Committee. After serving as a staff assistant to Representative GARY MILLER of California, she joined our office as a legislative correspondent. Her hard work and dedication led her to assume the rule of legislative director, where she has been invaluable in helping me address the needs and concerns of the people of the Second District of South Carolina.

A native of Hilton Head Island and a graduate of Hilton Head Christian School and Clemson University, Micki is the daughter of Dorothy Howard and the late Edward "Mickey" Howard. Our office will miss Micki tremendously, and we wish her well in all of her future endeavors.

In conclusion, God bless our troops, and we will never forget September 11th.

PROVIDING FOR CONSIDERATION OF H.R. 3915, MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2007

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 825 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 825

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3915 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of this rule is for purpose of debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 825.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, House Resolution 825 provides for consideration of H.R. 3915, the Mortgage Reform Anti-Predatory Lending Act of 2007, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Financial Services. The rule waives all points of order against consideration of the bill, except for clause 9 and clause 10 of rule XXI. The rule makes in order the Financial Services Committee-reported substitute. The rule also makes in order 18 amendments printed in the Rules Committee report.

Mr. Speaker, let me begin by thanking and congratulating Financial Services Committee Chairman FRANK and Ranking Member BACHUS for truly working in a bipartisan fashion to develop this legislation. I would like to point out that the legislation was approved by the Financial Services Committee last week by a vote of 45–19 with support of nine Republicans, including the ranking member. It is this type of bipartisan spirit that the American people demand from Congress, and we as the new majority will continue to provide that.

Mr. Speaker, the subprime lending crisis threatens our Nation's economic security and the dreams of homeownership for many American working families. Now more than ever, American families are at risk of losing their homes. In the second quarter of this year, more than 286,000 mortgage loans entered the foreclosure process.

With the housing market in decline, foreclosures pose a grave danger to the stability of local property values and to our national economy. This lending crisis can be traced to rapid increases in the subprime mortgage, most of which were made with no Federal supervision. This lack of supervision allowed some lenders, not all, to prey on innocent consumers' dreams of achieving homeownership and force punitive subprime mortgages upon them.

Many of these predatory loans feature low teaser introductory rates which lure borrowers who may be eligible for lower fixed rates into loans they have little chance of repaying once the rates increase.

□ 0930

Mr. Speaker, the Mortgage Reform and Anti-Predatory Lending Act would require lenders to prove that borrowers can in fact repay their loans and ensure that vulnerable consumers aren't pressured into refinancing their loans unless the refinanced loan will be to their benefit. And to further protect borrowers, the legislation would curb incentives to steer consumers to high-cost loans and enhance consumer protections for high-cost mortgages.

Finally, the legislation would also provide long overdue and much needed regulation of the lending industry by requiring that mortgage lenders be licensed by States.

Mr. Speaker, every American deserves the opportunity to achieve the American Dream of homeownership. I am proud to stand here today with my colleagues from both sides of the aisle as we take meaningful, commonsense steps to help more American families achieve that dream.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this rule allows for the consideration of the Mortgage Reform and Anti-Predatory Lending Act, aimed at reforming mortgage lending practices in order to prevent subprime mortgage problems in the future.

I support efforts to better protect homeowners through simplified borrower disclosure, greater focus on deceptive practices, and enhanced education, training and oversight of lenders.

While I recognize that several significant changes were made to address some of the most concerning parts of this legislation during the committee markup, additional improvements and clarification are still needed. Consumers must have protections without unduly restricting credit opportunities or creating enormous liability for the mortgage lending industry.

We must improve the mortgage process to empower consumers to make good choices among competitors, not limit options for them. Also, we must ensure that this bill does not hurt the consumers that it is intended to help, especially those consumers with less than perfect credit histories that hope to achieve the American Dream of homeownership.

The current climate of rising defaults and foreclosures, especially in the subprime market, has shown us that poor lending decisions and abusive lending practices must be addressed. And while we must deal with the bad actors in the lending industry, let's not forget about the good lenders and investors that have helped thousands of families successfully purchase their homes.

This bill is a step in the right direction, but improvements should be made as this legislation moves forward. I was hoping that the Democratic-controlled Rules Committee would see fit to provide an open rule for consideration of this bill. Under an open rule, Members could come to the floor and offer amendments in their effort to perfect this bill. While this rule allows several amendments to be offered, it is unfortunate that this restrictive rule also prevents Members of Congress from offering amendments on the floor during debate of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI), my colleague from the Rules Committee.

Ms. MATSUI. I thank the gentleman from New York for yielding me time.

Mr. Speaker, I rise today in support of the rule and the underlying legislation, the Mortgage Reform and Anti-Predatory Lending Act of 2007.

The subprime housing crisis is a real threat to our economy. It has already had a devastating impact on our families, our neighbors, and our communities. My home district of Sacramento ranks among the hardest hit areas in the country.

My district ranks fifth in the Nation in adjustable rate mortgages that are expected to reset to higher rates in the future, putting more homeowners at risk of foreclosures. Just last quarter, close to 4,000 homes were foreclosed upon. Without decisive action, this crisis will continue to threaten many more hardworking Americans. As property values continue to fluctuate, it has become harder for many borrowers who are currently locked into these so-called teaser rates to refinance to more affordable loans.

Mr. Speaker, this crisis has affected every aspect our economy. Coupled with the rising gas and heating prices, our country is entering into a very cold winter indeed. In response, the Federal Reserve has cut interest rates and produced more currency, which has further weakened the U.S. dollar to new lows, prompting inflation fears.

Mr. Speaker, we in Congress have a duty to address this crisis. Chairman FRANK's bill is a step in the right direction. The bill establishes standards for home loans, while holding lenders and brokers accountable. The bill also prevents lenders and brokers from steering consumers to high-cost subprime loans just to make a quick extra buck.

Mr. Speaker, Congress needs to be a partner with the communities which we serve. We must work together to find a comprehensive strategy that will protect our homeowners.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. ARCURI. Mr. Speaker, I yield 6 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. I thank my distinguished colleague from New York (Mr. ARCURI). I really appreciate this opportunity.

Mr. Speaker, I stand here with 100 percent support for H.R. 3915. Let me just start off my comments by sharing with you and the Members of the House and the people of this country how severe this issue within the mortgage industry is, particularly within my district and my beloved State of Georgia. We are one of the leading States that have been victims of abusive lending practices, predatory lending, and certainly we are at the epicenter of this mortgage crisis facing us in this country.

For example, Mr. Speaker, 40 percent of the loans in my district are in the subprime area. Homeowners in my district have lost $159 million in home equity value. One of the counties in my district, Clayton County, is one the leading counties in this State that has suffered so desperately from home foreclosures due to subprime lending, abuses within the lending practice, and certainly the epicenter of it all, the eye of the storm, is predatory lending.

My State of Georgia has been fighting this battle for an awfully long time. Even during my days in the Georgia State Legislature as a Georgia State Senator, we had to deal with this issue of abuse from Fleet Finance.

So I want to just start with laying that out, Mr. Speaker, so you can see how critical this issue is, not only within my State of Georgia, but facing this entire Nation. That is why we have this bill. It is an important bill, and it is important because it is urgent that we move in a timely manner.

Let me just state very quickly, Mr. Speaker, if I may, what the key areas are in the reform of this bill.

First of all, it creates a new licensing structure for mortgage brokers and loan originators. This is done to ensure that they are licensed and that they are held accountable for the quality of the loans that they originate. This is very important.

Second, it creates a new minimum standard for mortgages and protections to ensure that all loans are properly underwritten, and eases the way for high-quality or qualified loans, qualified mortgages, to be securitized. This is very important. This is especially important because it ensures continued liquidity in the mortgage securities market, and that is what we really need to make sure that we do foremost, is to make sure we have the money there, to make sure we have the liquidity there.

The third key area is it expands the definition for high-cost mortgages, which greatly increases the protections available for consumers if they desire to select a subprime mortgage.

Now, this bill also addresses reckless loan underwriting, it addresses abusive subprime payment penalties, and it deals with direct incentives for mortgage brokers to steer families into expensive and risky loans. There are a lot of these kinds of unsatisfactory practices that are going on in this industry, let me say not by everyone, but there are some bad actors in this mortgage industry situation. This bill attempts to weave a delicate balance to move in and deal with those that are doing wrong and provide the kinds of protections that our consumers need.

This legislation is needed because all Americans should be protected against predatory lenders. Those are the ones that we are after the most, these folks that sit there and they look and they target areas. They target the most vulnerable people among us. They target minorities. They target African Americans especially. They target Hispanics. They target senior citizens, some of the most vulnerable people. They take advantage of the significant complexity of the language and the complicated situations that are involved in the mortgage industry, so that many people don't know what they are signing for on the bottom line, and they take advantage of that.

We need this legislation because consumers should get good credit. The best thing we can do for consumers currently on bad loans and for future borrowers is to ensure that they can get good credit.

This legislation is needed because credit availability must be preserved, especially in the troubled market that we are in right now. Lenders should not make loans that they know that the consumer cannot pay back.

Mr. Speaker, it is almost unspeakable for many of these loan originators, who know that many of these people can't pay these loans, but they go ahead and they deal with it.

Let me just deal finally with the arguments that there are some on the side that say the legislation is too weak. There are others that say the legislation is too strong. Well, I would just like to say we in Congress have to work with almost everything. It is sort of like making sausage. We have to pull this. We have to pull that. We have to try to come up with a bill that, first of all, we can get through the Congress.

But I am willing to bank my stake on it, Mr. Speaker, that this is a good bill. This is a bill which is a first step which we can deal with. And if they say that this bill is so weak, why are my phones ringing in my office, ringing both here and in Atlanta, Georgia, from bankers and from brokers who are saying that this bill is too strong?

This bill is an effort to move. It is important national lending legislation that, for the first time, prohibits steering a consumer to a loan that would do these four things: A loan that the consumer cannot pay, a loan that does not provide net tangible benefits, a loan that has predatory characteristics, and a loan that treats borrowers differently based on their race or their economic standing.

In most cases, this bill also will allow States, if they want to, to have even a stronger bill, in most cases.

Mr. Speaker, I really appreciate this opportunity. I thank Mr. ARCURI for your patience with me. I hope we will have a chance to come back later in the day and address some of the issues of signing liability and preemption.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. ARCURI. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank my colleague from the Empire State, the Great State of New York, for yielding to me, and for his leadership on the Rules Committee and in so many other areas in our Congress.

Mr. Speaker, I rise in strong support of this rule for H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act. I would like to thank the Rules Committee Chairwoman, LOUISE SLAUGHTER, for crafting this rule, and I would like to thank her for making in order 18 amendments, and one amendment that I will offer later on reforms for prepayment penalties on subprime loans.

I congratulate Chairman FRANK for his stewardship on this difficult legislation, and I thank my colleagues, Congressman WATT and Congressman MILLER from the Great State of North Carolina, which passed antipredatory lending in their State legislature that has been referenced many times in committee meetings and hearings.

I also thank the staff on the Democratic and Republican side that have worked very, very hard, our individual staffs and staffs of the committee, on facing this difficult challenge.

Mr. Speaker, I believe that this legislation has been done in a fair, open, and bipartisan process. During the committee markup last week, we entertained numerous amendments and consistently worked with the ranking member and the other Republicans on the committee. The result of all the chairman's hard work on this bill was demonstrated when this bill passed the committee on a bipartisan vote of 45–19.

The bill we are considering today is carefully crafted legislation that was developed after our committee carefully considered the testimony and advice of many experts and witnesses.

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I know the Financial Institutions and Consumer Credit Subcommittee, which I chair, held a series of hearings looking into what can and should be done. I am happy to see a number of suggestions recommended by witnesses reflected in this legislation.

This was no easy task. As each and every one of us knows, the mortgage market is incredibly complex and any new proposal to clamp down on abusive practices must be done in a way that does not disrupt what is working correctly. I am proud to say that I believe this legislation has struck that delicate balance. The rule protects this legislation from amendments that may disrupt that balance, yet fairly allows for amendments that could enhance this legislation. I urge all of my colleagues to vote for this fair rule and for the underlying legislation.

Any legislation on this issue must strike a very careful balance that provides enhanced consumer protections without unnecessarily limiting the availability of loans to creditworthy borrowers. This bill contains a number of provisions that strengthen underwriting standards and provide additional protections for consumers while not unduly constraining sound lending and the secondary market. These include setting a clear standard that mortgages should be made based on a borrower's ability to repay, which is absolute common sense; setting up a system for licensing nationally; setting professional standards for mortgage brokers and an appropriate system of registration for loan officers; and setting a reasonable limits on assignee liability to ensure that investors will want to provide liquidity for housing finance.

This bill, I think, is a very strong one. It adds accountability and transparency to the system. It builds investor confidence in the system; and without that confidence, we will continue to face a growing market crisis.

We heard in our hearings from 2 to 5 million people, depending on the economists who were testifying, may lose their homes. That is more than lost their homes during the Great Depression. So the committee focused in two areas: first, on helping people stay in their homes with various measures that we passed, and this legislation going forward will prevent the types of abuses and really the turmoil in the market that was not in place because there were not oversight transparency and safeguards.

I congratulate Chairman FRANK on a very difficult balancing act, and I believe the legislation before us will not only help individuals stay in their homes, prevent abuses in the future, but will help the liquidity, stability, and creditworthiness of our entire economy. I no longer call it a subprime crisis; it's a credit crisis. We need to address it. This is tremendously important. We must pass this bill, and I urge all my colleagues to join me in voting for it.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas, a member of the Financial Services Committee (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this rule.

I am very disappointed that one of the most substantial portions of the bill will not be able to be debated today as it was in committee. That has to do with the entirety of the issue of what is known as "assignee liability." It's a very important part of the provision. It deserves to be fully aired on the floor of the House. I am disappointed that the Rules Committee did not find this particular amendment in order.

Mr. Speaker, I submitted 2 amendments to the Rules Committee, 1 of which I have been led to believe the chairman of the full committee is going to accept. So it's kind of interesting, the one of the more controversial nature, and actually one that is more substantive, unfortunately, was not found in order.

Mr. Speaker, we know how important it is that we have a vibrant secondary market to add liquidity to that market so that people can realize their dream, the American Dream of owning their own home. Nobody denies that we face great challenges in our subprime market, and I don't think anybody denies that it has the potential to have a great disruption in our economy. But many of us question whether this bill is going to make matters worse or make it better. I believe, Mr. Speaker, it is going to make matters worse.

And one of the matters in the bill that is going to make matters worse is assignee liability. People who choose to invest by having a piece of a group of mortgages and they buy that on what is known as the secondary market, all of a sudden they are going to have legal liability for what somebody else may or may not have done.

So investors not just all over America, Mr. Speaker, but all over the world are going to have options that they look at on where they want to invest their hard-earned money, and many of them are going to say all of a sudden there is all this murky uncertainty, Do I really want to invest in the secondary mortgage market when all of a sudden somebody could turn around and sue me? I didn't originate the mortgage. I don't know the homeowner. I don't even know the person who signed the loan documents. I'm just trying to have an investment for my family, and all of a sudden I can be held liable. Maybe I'll go invest in something else.

At a time when we need even more liquidity in the market this provision will lead to less liquidity.

And all of a sudden we have this murky legal standard. All of a sudden we have got loan originators having to identify loan products that are "appropriate." Well, if you want to talk about a standard that's in the eye of the beholder, it's "appropriate." We talk about "net tangible benefit." Well, who is supposed to determine that? How is that going to be discerned? Loans with "predatory characteristics," well, one person's predatory characteristics may be another person's homeownership opportunity.

We still have to remember, Mr. Speaker, that for all the subprime loans that have gone bad, millions and millions of Americans have had an opportunity to own their first home because of the subprime market. And here we are again moving in the exact opposite direction. And I think that this assignee liability, this could prove to be a trial attorney's dream and a homeowner's nightmare. And I am very disappointed a major portion of this bill that was debated in committee will not be debated on the full floor.

For this reason, I would certainly oppose this rule and oppose the underlying bill.

Mr. ARCURI. Mr. Speaker, I yield 4½ minutes to the distinguished chairman of Financial Services, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I will address much of the substance of the bill in the general debate. I do want to say we are here dealing with an issue, subprime mortgages, that is the single biggest contributor to the greatest financial crisis the world has seen since the Asian crisis of the late nineties.

We are in a very difficult situation now in the financial markets; and wholly unregulated subprime mortgages, unregulated by the originator and then unregulated in the secondary market, has given rise to this.

The previous speaker talked about the danger we could do with our liability for the securitizers. I would note that one of those who volunteered to our committee that we should do something, he wasn't specific about what, but something to put some liability there was the Chairman of the Federal Reserve, Mr. Bernanke, who has talked about what he called the originate-to-distribute model, i.e., people who give mortgages who are not themselves subject to regulation who then in turn sell into a secondary market, and what has been lost in that is the responsibility to worry about repayment. Now, we will talk more about this.

There is a delicate balance here. I am not in favor and this bill does not in general preempt the rights of States to do what they think is necessary in the consumer protection area. But in the matter I just talked about, when we are talking about a national secondary market, we did believe some preemption is necessary. We have tried to define it precisely and hold it to a minimum necessary to have a functioning market. As I said, I will address some of those more.

The bill, I believe, does strike a balance that can be a difficult one to achieve, particularly in that area of some preemption so that you have a functioning secondary market, but not to the point where you intrude on the rights of States to make these decisions.

I do want to address the rule. At my request this rule does make in order a number of amendments from both parties. Several of the amendments offered by Republicans will be, I hope, accepted. The manager's amendment itself is a genuinely bipartisan amendment. Much of the manager's amendment, in fact, came from the minority; and, indeed, in our committee the ranking member had a major input into this. This bill did pass committee by a vote of 45–19, which was the Democrats and, not a majority, but a significant number of Republicans.

We have, I believe, a rule that allows most of the issues that are at stake to be voted on. There are amendments that would strike major parts of the bill. The gentleman from North Carolina has one. The gentleman from Georgia has one. There is a third, the gentleman from New Jersey. Three amendments that would strike very much at the heart of the bill. I believe they should be debated and I would hope defeated, but they are made in order.

I did consult very much with the ranking member, and I believe we have a procedure today that doesn't cover everything, but will have the major issues before us.

At the end of today, I hope we will have passed a bill and it will be a bill which I must say will probably leave all parties at interest a little bit unhappy. I'm not pleased with that, but I think given the competing interests here, that is the best we can do, particularly on this issue of whether or not we preempt.

I would note that while some of the groups that I work with in the consumer area are disappointed because they wanted no preemption at all, passage of this bill is supported by the Conference of State Bank Supervisors. They think there are some things they would like to see changed further on. It's supported by the NAACP and La Raza. And it has, we believe, the essential elements.

The core is this: loans made by banks as originators subject to bank regulation have not been the problem. The problem has come when loans were originated by unregulated people, not that they were morally deficient, but there was no regulation. Here is the core of this bill: We have tried talking to the bank regulators and others to take the principles that the bank regulators have applied to loans originated by regulated depository institutions and apply them to the unregulated originators, the brokers. And it is not the case that the brokers were morally deficient. In all of these professions, we have an overwhelming majority of honest people. But the problem is, in the absence of any regulation and the availability of a secondary market with no rules, that minority that was not scrupulous caused us problems. This bill fixes that.

Mr. HASTINGS of Washington. I yield myself 2 minutes, Mr. Speaker.

Mr. Speaker, I just want to respond to my friend from Massachusetts when he outlined the amendments that were made in order and the substance of some of those amendments to be debated and also suggesting that he would oppose some and accept others. I have always admired that in him when he comes up to the Rules Committee and feels that that's part of the legislative process.

The point that the gentleman from Texas was making, apparently he had two amendments, and one of them the gentleman from Massachusetts is going to work with him on; so that one will be resolved. But the gentleman from Texas felt very strongly that the amendment that was not made in order, really the only amendment that had any substance was not made in order, was his amendment, and we don't get a chance to debate it. I think that's a valid argument from his perspective. And I know the gentleman from Massachusetts had nothing to say obviously about that.

So I just wanted to make that point, that, yes, there are a lot of amendments that were made in order. Some of the amendments that were made in order will be addressed later on. But I wanted to make the point of what the gentleman from Texas had made that his amendment was not made in order.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman. I appreciate his comments, and I think he's right.

The gentleman from Texas' amendment not made in order was a substantive amendment. I do believe, as I looked at the amendments, every other amendment from either side that presented a substantive issue was made in order, and, frankly, I assumed that this could be the recommit, if the minority cared about it.

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We did in the rule, as we should have, provide for every substantive issue to be debated, except that one. There is the motion to recommit, and that would be available for the motion to recommit.

Mr. HASTINGS of Washington. The gentleman has always been open to debate. I am glad he has given us advice on maybe what we want to put in the motion to recommit. One of the easiest ways to do that obviously would be to have made that amendment in order. He had nothing to do with that decision. That was a decision of the Rules Committee. I wish it had been made in order. An amendment was offered to make that in order and was defeated on a party-line vote.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I appreciate it. I don't contest anything he said. But I would say it did seem to me, as I looked at it in a neutral way, that the minority did need some help on dealing with recommits.

Mr. HASTINGS of Washington. I always appreciate the gentleman offering his advice.

I reserve my time.

Mr. ARCURI. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I think it is very important because the assignee liability issue did come up, and I think as we move through this debate it would be clear to get a clear understanding of what we have in that so we will have a point of reference.

First of all, in this issue, if a consumer gets a loan that violates the minimum standards, in this bill are minimum standards, then the consumer has cause of action against assignees that have purchased that loan. The consumer may sue to rescind the loan and recoup other costs. There has to be an element of liability in the issue. We have worked to get a delicate balance that both protects the consumer while at the same time also saving some elements of liability so that we keep the market free of unnecessary suits.

Further, when the holder of a bad loan initiates a foreclosure, the consumer may exercise a rescission right under this to stop foreclosure. This is important. If the rescission right has expired, the consumer may seek actual damages plus costs against the creditor, the assignee or the securitizer. This provision gives real power to the consumer who can sue to stop a foreclosure of a bad loan or to rescind the bad loan.

Now, we also have some protections from liability for the loan originator. Number one, somebody may ask, why even give some protection from lawsuits to any entity that buys a loan? I believe that most consumers realize that the market provides the funding for loans and that the constant threat of legal action will indeed increase the cost of those loans for everybody. Somebody will have to pay that cost. And normally, that cost will fall on the consumer. So we have struck a delicate balance in the assignee liability.

Mr. HASTINGS of Washington. Mr. Speaker, could I inquire of my friend from New York if he has any more speakers.

Mr. ARCURI. I have no additional speakers.

Mr. HASTINGS of Washington. So if the gentleman is prepared to close, I will close on my side.

Mr. ARCURI. I am prepared to close, yes.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, it really is time for Congress to act and pass a stand-alone veterans funding bill. For the last several weeks, I have encouraged my colleagues to vote "no" on the previous question so that we can amend the rule to allow the House to immediately act to go to conference with the Senate on H.R. 2642, the Military Construction and Veterans Affairs funding bill and appoint conferees.

We have heard comments from Democrats that when Republicans were in charge that we did not get our work on the veterans funding bill completed on time. So I would ask my Democrat colleagues, if you don't like the way things were run then, then why are you exactly on the same path? Mr. Speaker, a final veterans funding bill is sitting waiting to be acted on. The Democrat leaders have bent over backwards to prevent Congress from passing the final bill. The stalling is costing our American veterans $18.5 million a day. Since the fiscal year began 46 days ago, our Nations's veterans are out $851 million. The veterans funding bill passed the House this summer with over 400 votes and passed the Senate with over 90 votes, and the President will sign the bill. So let's stop delaying, and let's defeat the previous question so that we cannot just say that we are committed to providing for veterans the funding increase that they need, but we actually get this increase to them.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. PASTOR). Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to oppose the previous question, and I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, so the record is clear, as the distinguished chairman of the Military Construction VA subcommittee, Mr. EDWARDS, so eloquently stated many times right here on the floor of this House, there is a clear difference between the new Democratic majority's approach to veterans and the previous Republican leadership approach.

The difference is that under the leadership of Speaker PELOSI and the new Democratic majority, supporting veterans is one of the highest priorities of this Congress. My colleagues on the other side of the aisle will claim that we are leaving veterans out in the cold. As elected Federal representatives, we are accountable for not only our words but our actions as well. What the other side won't tell you is that we had passed a continuing resolution in the beginning months of this Congress because the previous Congress failed to ever pass the MilCon-VA appropriations bill last year. They also won't tell you that the continuing resolution included an increase of $3.4 billion for veterans health care. The other side doesn't want to talk about the emergency supplemental spending bill we passed a few months ago which included an additional $1.8 billion for veterans discretionary spending. I am no mathematician, but $3.4 billion and $1.8 billion add up to $5.2 billion, which is larger than any increase in veterans spending passed by the previous Republican leadership.

I admit I am a new Member, but I can still look back at the record to see that the last time the previous Republican leadership passed the Veterans appropriation bill on time was 1996. It sounds to me like the other side of the aisle is suffering from a case of selective memory.

The new Democratic majority has not forgotten about our veterans. We have already passed legislation which has been signed into law that will provide an additional $5.2 billion for our veterans. Mr. Speaker, the numbers speak for themselves. The new Democratic majority has and will continue to provide for our Nation's veterans.

Back to the issue, we are facing a national crisis with hundreds of thousands of families losing their homes and an expected 2 million more over the next 2 years. The Mortgage Reform and Anti-Predatory Lending Act provides long-overdue and much-needed protection to those families.

As I said earlier, every American deserves the opportunity to achieve the American Dream of home ownership. It is because of the leadership and bipartisanship of Chairman FRANK and Ranking Member BACHUS that I am proud to stand here today as we make meaningful, commonsense steps to help more American families achieve that dream.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 825 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 597. An act to extend the special postage stamp for breast cancer research for 4 years.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3773, RESTORE ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 824 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 824

Resolved, That during further consideration of the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, as amended, pursuant to House Resolution 746, the further amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. Time for debate on the bill pursuant to House Resolution 746 shall be considered as expired. The bill, as amended, shall be debatable for one hour, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. For the purpose of debate only, Mr. Speaker, I yield the customary 30 minutes to the gentleman, my good friend from Washington, Representative HASTINGS. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. Speaker, I also ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 824 provides for further consideration of H.R. 3773, the RESTORE Act of 2007, under a closed rule.

The rule provides 60 minutes of debate. Thirty minutes will be equally divided and controlled by the chairperson and ranking Republican of the Committee on the Judiciary, and 30 minutes will be equally divided and controlled by the chairperson and ranking Republican of the Permanent Select Committee on Intelligence.

The rule considers as adopted another amendment printed in the Rules Committee report.

Mr. Speaker, with the resurgence of al Qaeda and an increasing global threat from weapons of mass destruction in places such as Iran, every single person in this body wants to ensure that our intelligence professionals have the proper resources they need to protect our Nation.

As vice chairman of the House Intelligence Committee, I assure you that each and every one of us on that panel and others, Republican or Democrat, are working tirelessly, and often together, to do just that.

But the government is not exempt from the rule of law, as the Constitution confers certain unalienable rights and civil liberties to each of us.

After the terrorist attacks of September 11, the Bush administration upset that balance by ignoring the Foreign Intelligence Surveillance Act law, establishing a secret wiretapping program, and refusing to work with Congress to make the program lawful.

Democratic members of the Intelligence Committee have been trying to learn about the Bush administration's FISA programs for years. But the administration, which has been anything but forthcoming, has sought to block our oversight efforts nearly every step of the way.

When the administration finally came to Congress to modify the law this summer, it came with a flawed proposal to allow sweeping authority to eavesdrop on Americans' communications while doing almost nothing to protect their rights.

The RESTORE Act, true to its name, restores the checks and balances on the executive branch, enhancing our security and preserving our liberty. It rejects the false statement that we must sacrifice liberty to be secure. The legislation provides our intelligence community with the tools it needs to identify and disrupt terrorist networks with speed and agility. It provides additional resources to the Department of Justice, National Security Agency, and the FISA Court to assist in auditing and streamlining the FISA application process while preventing the backlog of critical intelligence gathering.

The RESTORE Act prohibits the warrantless electronic surveillance of Americans in the United States, including their medical records, homes and offices. And it requires the government to establish a record-keeping system to track instances where information identifying U.S. citizens is disseminated.

This bill preserves the role of the FISA Court as an independent check of the government to prevent it from infringing on the rights of Americans. It rejects the administration's belief that the court should simply be a rubber stamp.

Finally, the bill sunsets in 2009. This is a critical provision because it requires the constant oversight and regular evaluation of our FISA laws, actions which were largely neglected during the last 6 years of Republican control.

In so many ways, the underlying legislation is more efficient and effective than the administration's proposal which passed in August.

Mr. Speaker, as my colleagues know, last month, we came to the floor on this bill, but when it became clear that Republicans were intent on playing politics with the security of the American people, we refused to take the bait.

□ 1015

At that time, Republicans announced that they intended to offer a motion to recommit the bill that had no substantive base, was already addressed in the bill and in current law, and was designed to delay consideration of this important intelligence tool. Their reasoning was disingenuous; their motives were absolutely political. As a result, Democrats refused to partake in their game of political theater.

If the House does not pass this bill today because of Republican obstructionism, then it will be abundantly clear that the minority and the administration are willing to put politics in front of the safety of the American people. We are back today, and we will continue to come back to the House floor, however many times it takes, to give our men and women in the intelligence community the tools that they need to do their jobs and keep America safe, while also preserving our civil liberties. This is a balance that is not only difficult but absolutely critical.

I urge my colleagues to vote "yes" on the rule and "yes" on the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. I thank the gentleman and my namesake from Florida (Mr. HASTINGS) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Mr. Speaker, yesterday the Rules Committee held a second hearing to consider a second rule to provide for consideration of H.R. 3773, the Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective, or the RESTORE Act. As you may recall, a month ago the House considered and approved a closed rule for the RESTORE Act. Not only was it a closed rule, prohibiting any debate on amendments, but it also denied Members the opportunity to cast a separate vote on a manager's amendment and changes to the amendment which became part of the base bill once the rule was adopted.

Mr. Speaker, here we go again. The result a month ago was that the Democrat majority recognized the RESTORE Act was insufficient and decided to pull the bill from the House floor without a vote. Rather than spending a month working in a bipartisan manner to strengthen the bill, yesterday the Democrat-controlled Rules Committee was at it again, rewriting and denying Republican Members the chance to even offer input or suggestions and prohibiting every single Member of the House from offering amendments and alternatives. The Democrat majority's take-it-or-leave-it strategy on this bill is dangerous and is destined to fail, Mr. Speaker. It will not close our Nation's intelligence gap. In fact, it could widen it.

In 1978, Congress enacted the Foreign Intelligence Surveillance Act, or FISA, to establish a procedure for electronic surveillance of international communications. As enacted into law, FISA had two principles: first, to protect the civil liberties of Americans by requiring the government to first obtain a court order before collecting electronic intelligence on U.S. citizens in our country; second, the law specified how intelligence officials working to perfect our national security could collect information on foreign persons in foreign places without having to get a warrant.

The intent of the original FISA law was to enhance American security, while at the same time protecting American privacy. Recognizing that no responsibility of the Federal Government is more important than providing for the defense and security of the American people, Congress should be doing all it can to ensure that FISA continues to reflect the intent of the original law.

In August, Congress, in a bipartisan manner, took an important step forward to close our Nation's intelligence gap. The Protect America Act passed only after repeated attempts by Republicans to give our Nation's intelligence professionals the tools and the authority they needed to protect our homeland. This action was long overdue, and this law marked a significant step forward in improving our national security. The Democrats forced the security tools that we passed in August to expire after 6 months.

Now Congress must act again to renew this law by early next year before the Democrat expiration date arrives and our national security once again will be at serious risk. Unfortunately, the legislation before us today does not provide the security we need to protect our Nation from a potential future terrorist attack. It is a retreat, Mr. Speaker, from a law enacted in August, and jeopardizes the safety and security of Americans from foreign terrorist threats.

I am concerned that not only were final changes to the bill given to the minority just yesterday afternoon, but it was stated in our hearing that the Democrat chairman of the Judiciary Committee got the revised text just moments before we did. Mr. Speaker, I would like to recognize Mr. CONYERS' willingness expressed in his testimony before the Rules Committee to work with Republicans and perhaps even postpone consideration of a rule until the bill could be properly reviewed and Republicans had a chance to offer a substitute or changes to the bill. Sadly, the chairwoman of the Rules Committee overruled Mr. CONYERS and expressed her intention to move this bill without any alternatives, amendments, or possible improvements being considered.

The action of the Rules Committee in October and again yesterday to completely shut down the legislative process shatters the promises made by Democrat leaders a year ago. The distinguished chairwoman of the Rules Committee on December 27, 2006, was quoted in the New York Times, Mr. Speaker: "We are going to give people an honest and contemplative body they can be proud of once more. We are going to have a much more open process."

House Majority Leader HOYER, on December 5, 2006, was quoted in Congress Daily PM as saying, Mr. Speaker: "We intend to have a Rules Committee that gives opposition voices and alternative proposals an ability to be heard and considered on the floor of the House."

Mr. Speaker, actions obviously speak louder than words. The modernization of foreign intelligence surveillance into the 21st century is a critical national security priority. It is alarming that the Democrat majority wants to move full speed ahead on a bill that weakens Americans' privacy protections, while at the same time strengthening protections for our enemies in the war on terror. I must therefore urge my colleagues to vote against this closed rule so that we can make absolutely certain that we are making our laws more, not less, effective in our constant battle to prevent a future terrorist attack against our Nation.

If this rule is adopted, Members will only have the choice to vote for or against a seriously flawed bill that threatens, not strengthens, our national security. The Democrat take-it-or-leave-it strategy shuts down all voices from being heard, and ultimately every American can suffer the consequences if this bill and the rule are adopted.

Enacting the Protect Act last August, which was a major accomplishment of this Congress, which has chosen to spend, frankly, more time debating and enacting legislation naming post offices and Federal buildings than real policy, it is ironic that the Democrat majority now wants to pull the rug out from under this successful accomplishment.

Again, Mr. Speaker, I urge my colleagues to vote against this closed rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. MATSUI), my colleague and good friend from the Rules Committee.

Ms. MATSUI. I thank the gentleman from Florida for yielding me time.

Mr. Speaker, liberty and security are not mutually exclusive. Reliable intelligence is crucial for the defense of our Nation. Without it, we would not be safe. At the same time, civil liberties are a vital part of our national identity. Without them, we would not be free.

Our Founding Fathers understood that liberty and security complement each other. Unfortunately, this core premise has been muddled as we have debated FISA legislation. This legislation protects the people and the principles that we hold so dear in this country and it modernizes our Nation's intelligence laws to meet the technological demands of the 21st century.

I am especially pleased that the bill before us today provides such strong legal clarity. Without clear boundaries, intelligence officers will err on the side of caution. Strong legal footing not only protects our civil liberties; it also ensures that prosecutions will not be jeopardized.

Mr. Speaker, the American people also deserve disclosure of the data that has been surrendered to the government by the telecommunications industry. It is critical for Congress to be fully informed before making such an important decision as granting retroactive immunity. Brave men and women have sacrificed to protect the civil liberties and values that we hold most dear. We cannot and should not lightly brush their contributions aside. Instead, we must honor their memories by taking responsible action to protect two of the things that our constituents hold most dear, our freedom and our national security. Neither of these basic American values can exist without the other.

I will continue to support bills like the RESTORE Act that recognize this essential truth. I urge all my colleagues to join me in supporting this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the ranking member of the Intelligence Committee.

Mr. HOEKSTRA. I thank my colleague for yielding.

Mr. Speaker, we have talked about the importance, as we have just heard, we have just heard about clear legal authorities; we have talked about the protection of U.S. persons, the need to study this issue in a very important, judicious manner. It's not what happened over the last 4 weeks. Over the last 4 weeks, our colleagues on the other side of the aisle were trying to figure out exactly how to bring this vote forward to get the votes necessary to pass it.

As we went to Rules yesterday, it was about a half hour before we saw the manager's amendment. As I read through the manager's amendment, this is interesting, and as with much else on FISA, I wonder what this really means and how it really works. Does it really provide us with the clear legal authorities? Are the statements that it makes clear? Will it help our intelligence communities?

And while there's a lot of problems in the rest of the bill, I just want to focus on one part of the manager's amendment that is self-enacting today, and that is why I rise in opposition to this unnecessary second rule. It places unnecessary, burdensome restrictions on the intelligence community through a self-executing amendment.

More importantly, however, I would like to highlight my concern with a provision of the manager's amendment in this rule that appears to give extremely broad and vague authorities to the executive branch to conduct surveillance on undocumented aliens within the United States. Section 18 of the manager's amendment is bluntly titled: "No Rights Under the RESTORE Act for Undocumented Aliens." No rights under the RESTORE Act for undocumented aliens. Then it goes on to say: "This act and the amendments made by this act," and by "this act," it's talking about FISA, not this bill, at least that is how I would interpret it, "shall not be construed to prohibit surveillance of, or grant any rights to an alien not permitted to be in or remain in the United States."

This poorly conceived and ill-advised provision appears to provide an extremely broad and completely blank check to the executive branch to conduct wholly unregulated surveillance on an undocumented alien in the United States. The scope of this is unprecedented. We have never before extended such blanket authority to the intelligence community to collect information on any person within the country, legal or illegal.

The language is also as vague as it is broad. My counsel says he doesn't know what the effect of an alien not permitted to be in or remain in the United States means, since it doesn't define those terms by reference to other laws. The overall effect of this provision could be breathtaking in its scope.

One of the issues that was supposed to be definitively clarified in this bill is whether or not the enhanced authorities of the Protect America Act or this bill would allow physical searches to be conducted of the homes and businesses of innocent Americans. Since that clarification is supposed to be made in the RESTORE Act, it seems that this provision must be read to permit physical searches of the homes and offices of undocumented aliens.

□ 1030

I've got a few questions for the other side that I hope they would take the time to answer when time is yielded back to them. I would like to obtain clarification with respect to a number of ambiguities in the manager's amendment. Would you clarify under which specific laws an alien could be "permitted to be in or remain in the United States" under this manager's amendment? Since it does not refer to specific laws, would the President denying someone permission to remain in the United States under this executive authority trigger this provision?

The amendment also says that it does not prohibit surveillance of undocumented aliens. Would you further clarify what types of surveillance of undocumented aliens are authorized under this provision?

The amendment does not define the term "surveillance." Would it allow surveillance against possible illegal aliens for law enforcement purposes? Would it allow foreign intelligence surveillance to be conducted against transnational smuggling rings? Would it allow surveillance to determine whether someone is an alien not permitted to be in or remain in the United States? Would the amendment exempt undocumented aliens from the physical search requirements of FISA?

One final clarification. Does the term "this Act," as I said, I believe it refers to all of FISA, or is it just some section? Could you clarify how that is different than "the amendments made by this Act"?

This is unprecedented in its breadth and its scope, potentially unleashing the intelligence community on people in the United States. The practice in the community today is that when someone is in the United States, they are provided the protections of U.S. law. This takes it and shreds it for illegal aliens, or people who may be suspected of being illegal aliens.

And talk about protecting rights, this bill shreds the rights of people who are in this country. It is a significant problem, and this is what happens when you go through a process on this type of technical legislation and do not go through a process that allows the minority or hearings to take place.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to my good friend from California, the gentleman from Michigan, the ranking member of the Intelligence Committee raised a plethora of questions. I would say to him that he can expect his answers in the general debate, and I am sure that the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. REYES) will enlighten him as to the scope of questions that he put. I would like to, for I feel that he knows the answer to every one of them, but I won't take the time.

I am very pleased to yield 3 minutes to the distinguished gentlewoman from California, the Chair of the Intelligence, Information Sharing and Terrorism Risk Assessment Subcommittee of the Committee on Homeland Security, and if you can say all of that, then you must be somebody, JANE HARMAN.

Ms. HARMAN. I thank the gentleman for yielding. I commend his service on the Rules Committee and his long service, much of which I shared, on the House Intelligence Committee.

Mr. Speaker, I rise in strong support of this rule and the underlying bill. Many in this House, including me, have worked over years to get surveillance right. This bill does a good job, a far better job than the bill reported last month by the Senate Intelligence Committee.

Protecting America from the real threat of additional attacks requires the strongest possible tools. It also requires a flexible, agile and constitutional set of authorities to guarantee that those who do the surveillance clearly know the rules and obey them and that Americans who may be targeted have appropriate safeguards.

This legislation arms our intelligence professionals with the ability to listen to foreign targets, without a warrant, to uncover plots that threaten U.S. national security.

The bill also protects the constitutional rights of Americans by requiring the FISA Court, an article III court, to approve procedures to ensure that Americans are not targeted for warrantless surveillance.

I have reviewed the changes to this legislation made by the manager's amendment. This amendment makes the bill stronger in two important ways: First, it clarifies that nothing in the bill—repeat, nothing—inhibits the ability to monitor Osama bin Laden, al Qaeda, proliferators of weapons of mass destruction or any terror group or individual who threatens our national security. Second, and this is a point that was just addressed by the gentleman from Michigan (Mr. HOEKSTRA), it clarifies that nothing, nothing, in the bill extends any rights to people who are not in the United States legally. Undocumented aliens, people who aren't citizens or have overstayed their visas receive no rights under this bill. Some may try to scare us into thinking otherwise, but they're just wrong.

The bill does not change current law, and this is a point that may have been overlooked by the gentleman from Michigan. It does not change current law regarding the surveillance of undocumented aliens. Since 1978, FISA, which was enacted in that year, has extended fourth amendment protections to persons legally in the United States. The Protect America Act, which the Republican minority in this body supported in August and which was enacted into law that month, continues that same definition. The Protect America Act defines the coverage of the bill just the way this legislation does. We're not changing the coverage of U.S. persons as defined in 1978 and since under the original Foreign Intelligence Surveillance Act.

Mr. Speaker, terrorists won't check our party registration before they blow us up. Security and liberty are not a zero sum game. The RESTORE America Act will protect the American people and defend the Constitution. Vote "aye."

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Florida, a member of the Rules Committee, Mr. DIAZ-BALART.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend for yielding.

When we see significant changes in law included in the rule as we see this morning, in other words, self-executed in the rule, it's important that these questions be asked during the debate on the rule, because after this rule is passed, changes in the law will already have been made. The changes in the law are included in the rule.

I have some serious questions. Some of them were already brought out by the ranking member of the Intelligence Committee. For example, there is this section, section 18 in the legislation being brought to us today. Basically it says, warrantless surveillance is authorized by this legislation on any undocumented person in the United States. Now, that's in the law. And I would ask any colleague listening to this, it's in the self-executing part of this rule, section 18, "This act shall not be construed to prohibit surveillance of any alien not permitted to be in or remain in the United States."

Now, how do you know, Mr. Speaker, if they're undocumented or not? Thus, now, this will give the right to surveillance, warrantless surveillance with regard to any household where there may be an undocumented worker? This is extremely serious. The question needs to be asked.

The ranking member of the Intelligence Committee pointed out, that's why this needs to be vetted, to be discussed, and not to be included in a rule where we find out about this the morning that the rule is on the floor and the rule makes it law, because it includes in the rule changes in the law that we hadn't even been able to see before.

Now, other questions. There is a prior section in the legislation, section 3, that creates what they call basket warrants for terrorists throughout the world. But wait a minute. Section 18 says that if you are someone not permitted to be in the United States, it should not be construed to prohibit surveillance. My question is, does that section void the prior basket warrant section? I don't know. What I know is that it's in the rule.

When we vote on the rule in a few minutes, we will be self-executing legislation, because these changes in the law are in the rule to be self-executed, to be made already part of the law. So these are serious questions. I wish that there would have been an opportunity for the gentleman from Michigan, along with the chairman, to be vetting these issues, because they're serious issues, serious questions, like the one I asked before.

Now, unlimited, warrantless surveillance for the undocumented. And those who live with the undocumented, I would ask? Those who share a residence with the undocumented? Those who share a workplace with the undocumented and who are citizens, are legal immigrants in the United States? These are serious questions. And now we can ask them on the morning that the legislation is on the floor. And, by the way, it's being included in the rule, so that as soon as we vote on the rule, we will already have voted on this legislation.

No, this is not the way to run this place, Mr. Speaker. It's another example of an excessively exclusivist process keeping out debate affecting legislation, including extremely serious legislation, like this legislation that should be protecting the American people, and that's why this is most unfortunate, this process today, Mr. Speaker.

Mr. HASTINGS of Florida. Mr. Speaker, I would say to my friend from Florida that this rule doesn't change the law. Members will still have an opportunity to vote on the base text of this bill. It doesn't change the law of FISA.

I yield 2 minutes to the gentleman from Texas, my good friend and classmate, Mr. DOGGETT.

Mr. DOGGETT. But there is an "alien" issue in this bill and only one alien issue—those who have been so alien to the freedoms we hold dear as Americans.

This is an Administration that has desecrated our Constitution, debased our values and repeatedly undermined our freedoms. For a party that purports to hate Big Government, these

Republicans sure do seem to love Big Brother. They demand unlimited Executive power and unrestrained authority to intrude into our everyday lives. Today, we dare to impose some limitations on one of so many examples of their callous disregard of our liberties.

If even former Attorney General John Ashcroft, sitting there in his hospital bed in intensive care, if even he could recognize the illegality of the surveillance that DICK CHENEY demanded, why shouldn't we in Congress be able to do the same? And if one telecommunications company had the courage to say "no" to this Administration's wrongdoing, why not the others? And why would we want to protect these corporate accomplices in the surreptitious destruction of our freedom from any accountability whatsoever?

☐ 1045

Yesterday, we told this President "no more blank checks for Iraq." And today we say no more unauthorized blanket surveillance of American citizens. Those of us who love liberty must stand up to this Administration's fearmongering, to its continued leveraging of fear for its own political purposes.

As Mr. CHENEY's current chief of staff once said and what many Americans now recognize is an irresponsible and unconstitutional expansion of Presidential power: "We're going to push and push and push until some larger force makes us stop."

Well, today we must be that force. This Congress must stay "stop."

Liberty is our strength. Fear is our enemy. This legislation strikes an appropriate balance to keep our families safe and ensure they remain free.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Judiciary Committee.

Mr. GOHMERT. First I've got to comment on some things we heard previously. We heard the right honorable chairman indicate that the last motion to recommit was designed to delay. If it was merely designed to delay, then why in the world was the bill pulled from the floor and sat on for 4 weeks? The answer: it was not for delay. We had some serious considerations and questions and points to be made about the risk that this was raising.

When I hear my friend from Texas talk about those who love liberty, listen, some of us love liberty enough that we believe the Constitution should not be extended on the battlefield to those who are trying to destroy what our forefathers and foremothers have fought and died to give us.

Now, unless the Democrats believe that they have improved this bill, then there was no reason for a month delay. So either you improved it, Mr. Speaker, either the Democrats improved it or there was no reason to sit on it for a month. And if they did improve it, then the motion to recommit was not political, but apparently helpful.

The problem is this doesn't fix the problems. And unless one party in this body has 100 percent on God's truth all the time, they ought to allow some input from the other side. We were told that was going to happen. It hasn't happened here. We went to the Rules Committee the last time and were shut out. Before the hearing started we were told, put on your evidence but no amendments will be allowed. This time, once again, no amendments are allowed. There is some expertise in this body outside the Democratic Party. I would think it would be helpful to hear some of that.

Anyway, let's look at the bill itself. We are told, well, we can't get into it, we have limited time. Who did that? The Rules Committee did that. The Rules Committee did that.

I would say to everyone, Mr. Speaker, that we have some smart people on both sides of the aisle on the Rules Committee, but their talents are being wasted when they keep having Rules Committee meetings that come back over and over, no amendments. They are wasting their time. They ought to ask for different committees because there is too much intelligence and talent on that committee to waste it like that.

Now, in this new bill that we've got, we had to make amendments without even seeing the new bill. How outrageous is that? But still, we have the requirement that the Director of National Intelligence, and I realize some people think he is suspect on the Democratic side because he worked for the Clinton administration for 6 years. I think he is a brilliant, sharp fellow.

But anyway, he testified before our Judiciary Committee that he cannot swear, nobody can honestly swear that they reasonably believe that a terrorist on foreign soil will never call the United States. Therefore, since he can't testify to that, they can't use this provision.

We are told this is protective because in the emergency provision that is allowed, all you have to do is get that emergency relief, and you can get that in 7 days instead of 15. Even under the emergency relief, you have to reasonably believe there will never be a call into the United States, and we had testimony that can never be done.

This guts our foreign intelligence capability. I think the easier thing to do is just have everybody tell their U.S. friends that if you are getting calls from foreign terrorists, tell them not to call, use some other means of communication. That's the point.

Mr. HASTINGS of Florida. Mr. Speaker, would you be so kind as to inform each side as to the amount of time remaining.

The SPEAKER pro tempore. The gentleman from Florida has 15½ minutes and the gentleman from Washington has 9½ minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 4 minutes to the distinguished chairman of the Select Committee on Intelligence, Mr. REYES.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is an incredible turn of events from our colleagues on the other side of the aisle who are now arguing for undocumented people within the confines of this country.

Let me start out by making a flat statement. The RESTORE Act confers no additional rights on undocumented aliens beyond those that they already have under the Constitution or current U.S. law.

You know, there is an old lawyer's adage, and I am not a lawyer but I am told by my friends who are, when the facts are not on your side, you are taught to argue the law. When the law is not on your side, you are taught to argue the facts.

Well, here on the floor like we have in the past, we have our colleagues on the other side of the aisle that are so conflicted as to be humorous if this wasn't such a serious, serious issue for our country and for our national security.

When they complain about not having any input, let me just clear the record and for the record state that they filed 12 amendments with our committee, the Intelligence Committee. Yet, when it came time to offer and proffer those amendments, they only had two. One was on immunity which, by the way, we have never been given the documents to review, so we would not have known what we were granting immunity to the telecom companies for. But that one was of their amendments. The second amendment was to substitute the Protect America Act for the RESTORE Act.

That gives you a clear indication that, today just as in the previous Congresses, the Congressional Republicans were and are in a rush to rubber-stamp every single thing that the administration wanted. And so now when things have changed and we have checks and balances, we have our colleagues who formerly rushed, rubber-stamped anything and everything that the administration wanted to do, now they are using delaying tactics. And so when it is convenient, they argue the law. When it is convenient, they argue the facts.

What is clear, crystal clear, here is that we have to have checks and balances. In order to protect this country, in order to protect our national security, there have to be checks and balances. That's what the RESTORE Act does.

And when they complain about the rule, it is a sham argument. When they complain about not having enough input, it is a sham argument. When they argue the facts, it is because the law is not on their side. When they argue the law, it is because the facts are not on their side. So it is not about truth; it is not even about justice. It is about scoring political victories.

There is a publication here on the Hill that said FISA is coming back up on the floor and it will determine who can maneuver best. You know what, as an American, I am sick and tired of maneuvering. I am sick and tired of people saying we need to work in a bipartisan manner when they work to undermine the process of checks and balances. The American people are sick and tired.

I support this rule. I think we have a great bill here in the RESTORE Act. I think this is something that we need to pass today, take it to conference and start being serious about balancing the tools that our agencies need to protect us with a careful balance of protecting Americans' rights under the Constitution. Vote for this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in opposition as ranking member of the Foreign Affairs Terrorism Subcommittee. And I can share this: there has not been a terrorist attack on our soil since 9/11, and that is due in part to the improved surveillance in real-time that we are able to conduct against foreign terrorists. There is no disputing that.

I cannot help but feel that many of my colleagues have become so blinded by their hatred of this administration that they have put the threat from radical jihadists in the back of their mind. But given the threat, it is unfathomable that we would weaken our most effective preventive tool, and that is exactly what this bill does.

Before we unilaterally disarm, before we hobble our ability to listen in real-time to the very real terrorists who are plotting against our country around this globe, shouldn't we have something of an accounting of the supposed civil liberties price we are paying?

I asked the Congressional Research Service for such an accounting. They reported there is no available evidence of the type of privacy violations critics are pointing at. The case can't be proven.

But under this bill, for the first time this bill would stop intelligence professionals from conducting surveillance of foreign persons in foreign countries unless they can read the mind of their terrorist targets and guarantee that they would not call into the United States, that they would not call one of their people here.

This is more protection than Americans get under court-ordered warrants in Mob and other criminal cases here in the United States that we are now granting these terrorists under this act.

We are, frankly, confronting a virtual caliphate. Radical jihadists are physically dispersed, but they are united through the Internet; and they use that tool to recruit and plot their terrorist attacks. They use electronic communications for just such a purpose. They are very sophisticated in that.

So how has the West attempted to confront that? Well, the British use electronic surveillance in real-time. They used it last year to stop the attack on 10 transatlantic flights, and they prevented that attack in August of last year by wiretapping. The French authorities used wiretaps to lure jihadists basically into custody; and, thereby, they prevented a bomb attack.

Given this threat, it is unfathomable that we would weakened our most effective preventive tool, and that is exactly what this bill does.

Before we passed the Protect America Act in August, the Director of National Intelligence told this Congress we are losing up to two-thirds of our intelligence on terrorist targets.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentleman from New Jersey (Mr. HOLT), who is a member of the Select Intelligence Committee and had substantial input with reference to this provision.

Mr. HOLT. Mr. Speaker, I thank my good friend from Florida, and I rise in support of the rule and the underlying bill.

When Congress made the error of passing in haste and in fear the unconstitutional Protect America Act this past August, some of us could take a bit of comfort from this sorry episode in that it would expire. That meant we would get another chance to get things right, to actually pass a bill that would protect our country from terrorists and also from those in government who would turn the fearsome powers of our Federal intelligence and enforcement communities against the American people. I am pleased to say that after some intense work, we have a bill that does that.

The RESTORE Act now includes provisions via the manager's amendment that will ensure that it is the courts, not an executive branch political appointee, who decides whether or not the communications of American citizens are to be seized and searched, and that such seizures and searches must be done pursuant to a court order that meets the standard of probable cause.

This bill now gives our citizens the best protection we can provide them: good intelligence and the review of the executive branch's actions by a court. We, everyone here, can tell each of our constituents, Muslim Americans, soldiers in uniform, international businessmen, college students: you have the protection of the courts.

Mr. Speaker, I thank both chairmen of the Intelligence and Judiciary Committees for working so diligently to get this right. I urge my colleagues to vote "yes" on the rule and "yes" on the RESTORE Act later today.

□ 1100

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 3½ minutes to the gentleman from California (Mr. LUNGREN), a member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in opposition to this rule.

People should understand that this is one of the single-most important issues we will deal with this year or this Congress, and yet it has been trivialized by the way it has been handled by the Rules Committee.

We were shown what purported to be the bill that we would be working on today 45 minutes before the Rules Committee convened, at which time we were supposed to present our amendments to this bill, draft our amendments to this bill. Maybe it made no difference because they had no intention whatsoever of allowing us any input by way of amendment.

This was startling to me because, having done two 1-hour Special Orders on this subject, I had a distinguished Member from their side of the aisle come to me and say: You know that provision you pointed out, that was placed into this bill as a result of a self-execution rule that actually grants greater protection to Osama bin Laden or anybody else than it would to an American citizen charged with a crime in America. You were right on that. We made a mistake, and we are going to change it.

So I look at this bill and it is still there.

What provision am I talking about? It is the provision that talks about treatment of inadvertent interceptions. If we have an electronic communication which we believed in the first instance was foreign to foreign but we find that it actually is foreign to someone in the United States, what happens? If we inadvertently collect a communication in which at least one party to the communication is located inside the United States or is a United States person, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General. And that is fine. But then it goes on to say: That require that no contents of any communication to which the United States person is a party shall be disclosed, disseminated, or used for any purpose, or retained for longer than 7 days unless a court order under section 105 is obtained, or unless the Attorney

General determines that the information indicates the threat of death or serious bodily harm to any person.

Now, if Osama bin Laden in a conversation or communication with someone in the United States, which we inadvertently pick up because we thought we were listening to foreign to foreign and we hear this, and in that Osama bin Laden indicates where he is, we are prohibited by this provision in this section of the bill from being able to disseminate it to anybody, FBI or anybody else, or using it for any purpose unless we go to a court. That is absolutely absurd. So absurd that a Member of that side of the aisle, the chairman of the Constitutional Law Subcommittee of Judiciary said: You are right, we will take it out. It is not taken out.

That is just one of the problems when you have a rule that doesn't allow people to look at the bill you are going to present to them nor does it allow any amendments to be brought forward.

This not only points out the seriousness of this issue, but it shows that, when you play political games with bringing it to the floor, you might have unintended consequences.

Do I believe that side wants to give greater protection to Osama bin Laden than an American citizen charged with a crime in America? I hope not. But it is in this bill. I was told it was going to be taken out. It has not been taken out. We ought to defeat this rule for that reason whatsoever and defeat the bill if it remains in.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from Missouri, the distinguished chairman of the Armed Services Committee, Mr. SKELTON.

Mr. SKELTON. Mr. Speaker, as chairman of the Armed Services Committee, our purpose is to defend America and American interests, American citizens. And this bill is a good bill. I speak for this rule. I speak for it because this is a balanced rule. On the one hand, it helps protect Americans; on the other hand, it is a balance in favor of the Constitution. We have to keep, of course, those two goals in mind, but keeping in mind the fact that we need good intelligence, and this is a means and the law to allow us to get good intelligence and protect America and American interests.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore (Mr. PASTOR). The gentleman is recognized for 3½ minutes.

Mr. HASTINGS of Washington. Mr. Speaker, we have talked a lot about process here on this very, very important issue. Everybody on both sides of the aisle has talked about the need to make sure that we have the right intelligence, and yet through this process there are a number of questions, I think very legitimate questions, that were raised; because if this rule is adopted, then we will have no opportunity to even vote on the manager's amendment. It will be self-executing.

It seems to me like it is a process by which, because we all know pretty much that rule votes are party votes. So it is like denying anybody an opportunity. If somebody on the other side has some questions about the questions that were raised here, they will be denied the opportunity because you have got to stay with the party and support the rule. Mr. Speaker, I just simply say that is a very, very bad process.

Mr. Speaker, we also need to pass the stand-alone veterans funding bill. It has now been over 150 days since the veterans funding bill was approved by the House. The Senate passed a similar bill and appointed its conferees 2 months ago. Sadly, Democrat leadership in the House has refused to name conferees and instead has chosen to put politics and partisanship ahead of ensuring that our veterans' needs are met.

Once the Democrat leaders appoint conferees, the House can move forward and pass the stand-alone veterans bill. Mr. BOEHNER took a positive historic step in that direction; now Speaker PELOSI must follow. Therefore, I will be asking my colleagues to vote "no" on the previous question so that I can amend the rule to allow the House to immediately act to go to conference with the Senate on H.R. 2642, the Military Construction and Veterans Affairs Funding Bill and appoint conferees.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I urge my colleagues to oppose the previous question and the 42nd, Mr. Speaker, closed rule that we are debating here today.

With that, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, for a year and a half, the Intelligence and Judiciary Committees have been working with the administration to craft a bill that will ensure our Nation is protected, without sacrificing American constitutional liberties. Let me just talk about some of the people that have had input into that particular measure. The chairman of the Judiciary Committee, JOHN CONYERS; the chairman of the Select Committee on Intelligence, SILVESTRE REYES; the ranking members of both of those committees, including Mr. HOEKSTRA; all of the members of the Select Committee on Intelligence, including myself; Ms. HARMAN, who serves on Homeland Security.

Countless testimonies during that year and a half, hundreds of discussions and negotiations between the staffs of the respective committees, and a markup of this particular provision that the Republicans brought only two amendments to in the markup in the Select Committee on Intelligence.

We negotiated. We compromised. We reached an agreement. Then the administration backed out of the agreement. So we negotiated some more. We compromised some more. We reached another agreement. We reached agreements until we were blue in the face here in August. Everybody was so tired, and the administration continued to back out of the agreement. Then, less than 24 hours before the bill was supposed to come to the floor in August, the administration reneged on the agreement and refused to work with us to protect the American people.

Last month, Democrats again brought this bill to the floor, and yet again Republicans tried to play politics with the safety of the American people. Just as they did this past summer, Republicans and the administration now seem content on letting the clock run out on the current FISA law rather than working with us to get something done. They choose and chose obstructionism rather than bipartisan cooperation.

Mr. Speaker, the American public needs to know that there are no persons in the United States Congress that do not want to protect the security and liberty of the United States.

So I do not cast aspersions on my colleagues for having a different view as to how administratively we should proceed to protect those securities and liberties, but everybody here is mindful of all of our responsibilities. So the hyperbole is off the chain sometimes when I hear people talk and it is as if we didn't really do substantively what was required of us as individuals on behalf of the American people.

None of us should be ashamed of any of the work that was done with reference to the RESTORE Act. We made a bad bill better. And it is not as good, for example, as I would like for it to be, but it is as good as we are going to get with this administration at this time.

The esteemed chairperson of the Intelligence Committee, Representative REYES, has noted on more than one occasion: You can have your own opinion, but you can't have your own facts.

Mr. Speaker, those are the well-documented facts that I just got through dealing with. The RESTORE Act protects the American people. It protects them at home and on the streets. It protects their safety and the constitutional rights, which have been intact more than 225 years, and no one need fear when the fearmongers come here and try to divide people by having somebody think that undocumented aliens are going to be put in some category. I personally am just tired of the smearing that is being done with reference to immigration in this country. We need a solid immigration policy, and we need a policy that contemplates all of the particulars of that immigration set of circumstances.

Mr. Speaker, this body has the responsibility today to pass this rule and the underlying legislation today. The security of this Nation requires it of all of us, and I believe all of us want that security and liberty. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 824 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 2. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 825, by the yeas and nays;

Adoption of House Resolution 825, if ordered;

Ordering the previous question on House Resolution 824, by the yeas and nays;

Adoption of House Resolution 824, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 3915, MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 825, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 224, nays 195, not voting 13, as follows:

[Roll No. 1109]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky

Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bono
Carson
Cubin
Doyle
Jindal
Kucinich
Mack
Oberstar
Ruppersberger
Sessions
Simpson
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1136

Mr. GUTIERREZ changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3773, RESTORE ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 824, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 195, not voting 16, as follows:

[Roll No. 1110]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bono
Carson
Cubin
Doyle
Fattah
Jindal
Kaptur
Kucinich
Mack
Oberstar
Ruppersberger
Sessions
Simpson
Space
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining.

☐ 1144

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 192, not voting 16, as follows:

[Roll No. 1111]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bono
Carson
Cubin
Doyle
Grijalva
Jindal
Kucinich
Mack
Miller (NC)
Oberstar
Ruppersberger
Sessions
Simpson
Weller
Wilson (NM)
Wilson (OH)

☐ 1150

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3915 and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 3915

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 3915 pursuant to House Resolution 825, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 825 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3915.

☐ 1153

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes, with Mr. CARDOZA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

We are dealing with legislation today that seeks to prevent a repetition of events that caused one of the most serious financial crises in recent times.

We understand today that we are in a worldwide problem economically, with a terrible shortage of credit, with some institutions threatened. There is no debate about what is the largest single cause of that.

Innovations in the mortgage industry, in themselves good and useful, but conducted in such a completely unregulated manner as to have led to this crisis, I know people have said, well, we may be exaggerating it. Here's what we recently heard from the head of the Blackstone operation:

"The mortgage black hole is, I think, worse than anyone saw. Deeper, darker, scarier. The banks are now looking at new reserves and my sense . . . is they don't have a clear picture of how this will play out." That's from one of the leading private sector entities.

What we have today is a bill that cannot undo what happened but makes it much less likely that it will happen in the future.

The fundamental principle of the bill, and many people have lost sight of this, is not to put remedies into place to deal with these problems when they recur, but to stop them from occurring in the first place.

We have had two groups of mortgage originators recently. We have had banks subject to the regulation of the bank regulators, and they've made mortgage loans. And then we have had mortgage loans made by brokers who were subject to no regulation, who had access to pools of money that were not regulated and could sell it to an unregulated secondary market. It is not the case that the brokers are morally inferior to the bankers. In both cases we are talking about people overwhelmingly who are decent and well-intentioned. The difference is the absence of regulation so that pressures to do things that were irresponsible were checked by regulation in the banking area and were left unchecked elsewhere.

Essentially what this bill does in its most important form is to try to conceptualize the rules that bank regulators used to prevent loans from being made that should not have been made and apply them to all loan originators. Again, the goal is not to give more remedies when people face foreclosure when there have been abuses, but to prevent the abuses in the first place.

One question has been raised from some in the Attorney General field and elsewhere who say, what about our current efforts to deal with the people who were abused? Thanks to a very explicit amendment by the gentleman from North Carolina (Mr. WATT) who, along with the gentleman from North Carolina (Mr. MILLER), is one of the main authors of this bill, this bill will be entirely prospective in its effect, and people should understand no cause of action, no legal complaint, no remedy sought against anybody who up until now and until this bill is signed many months in the future, none of those causes of action will be abrogated. Every remedy being pursued against past abuses and even abuses that may yet to have occurred, although we hope they won't, until this bill becomes law will not be stopped.

There is some controversy about preemption. The bill takes a balanced position which has made a lot of people on all sides a little bit unhappy. We do not preempt the right of States to decide how to deal with mortgage originators, with lenders, with any of those. We do say that with regard to the secondary market, we are going to put some liability on those who are the active packagers, and that's in some ways controversial; but we believe the unregulated secondary market was a large part of this problem.

We do believe that you need to have some uniform rules if you are going to have a functioning secondary market. And we believe the secondary market has been on the whole useful but, having been unregulated, has caused some problems. So there is a limited preemption to that extent.

We are continuing to talk with people about ways to, frankly, improve this bill. There will be some amendments adopted today that will do this. It is a subject of great complexity with a lot of interlocking parts and some legitimate competing interests. We have arrived today, we think, at a reasonable balance. We do not believe that this is the way the bill absolutely will look in the end, but it is clear progress. And I want to stress the key point here is not in remedying past abuses. This bill allows all existing remedies for past abuses to stay in effect. This bill tries hard to prevent this pattern of loans being made that should not have been made for a variety of reasons from recurring and causing that great damage.

Mr. Chairman, I reserve the balance of my time.

□ 1200

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this legislation. I believe that it does, in fact, address abusive practices which, unfortunately, are in our mortgage lending market today. I believe it brings some needed oversight to the mortgage industry.

The legislation that we are considering today is the product, and everyone acknowledges this, industry acknowledges it, consumer groups, Members on both sides, the membership has engaged for over 2 years in an attempt to come together to span political differences, philosophical differences, and to address the very serious problem in the housing finance market.

I want to commend the gentleman from Massachusetts. He has allowed us to fully express our opinions. I believe that this long dialogue which we have had has resulted in consensus legislation which, though not perfect, I believe will achieve two very important, very necessary goals. One is to implement reforms that will offer consumers needed protection against predatory lending practices; and two, I believe, and I sincerely believe, that this legislation will preserve working Americans' access to consumer credit.

I believe that the Members most closely involved in the negotiations which led to the manager's amendment sincerely believe we have achieved these goals. We need not let the perfect be an enemy to the good. Members from both sides will address provisions of this bill which they believe do not satisfy the goal I have described above.

I believe the fact that this legislation fully satisfies neither side is an indication that we are in about the right place in achieving a nonpolitical, legislative remedy to address this issue of such great impact to our economy and our families, both now and moving forward.

In closing, let me say it has always been my view that when faced with serious issues like this one impacting millions of families across America, that Congress has both the privilege and the responsibility of rising above partisanship and acting in the public's interest. With this legislation today, I believe we have done just that.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I am very pleased to be able to yield to a member of the committee, who is not only one of the authors of this amendment, but has been a real source of strength to us in dealing with these issues throughout.

I yield the gentleman from North Carolina (Mr. WATT) 4½ minutes.

Mr. WATT. Mr. Chairman, I thank the chairman of the full committee for yielding time, and I thank the ranking member of the full committee who has worked with us and recognized that there is a serious problem that is going on in the real estate area, in the lending area, that must be addressed, and I want to applaud the efforts of the chairman for trying to address this issue in a comprehensive and fair way. And perhaps the greatest testament to the chair of our committee is that we have come up with a bill that perhaps not any single person I know is completely happy with, including me.

This bill started 4 years ago with an initiative by Congressman MILLER from North Carolina and myself, and this was in advance of the escalating foreclosures, the kind of irrational exuberance that was taking place in the real estate market. We saw that this was coming down the road because lending was becoming more available, but it was also becoming more irresponsible because it was viewed as a no-lose proposition. So lenders were making riskier and riskier loans to people who had more and more marginal credit and on terms that were not beneficial to the borrower but were financially beneficial, at least until the foreclosures started, to the lenders.

So the predatory lending part of this bill, which is title III, started out as the base bill to address those concerns that were taking place that were predatory practices, taking advantage of vulnerable borrowers so that lenders could make money. Then the onset of the foreclosures started, and the crisis in the marketplace in general reflected itself, and that has resulted in the addition of titles I and II of this bill, which put a framework around brokers, which creates a framework for responsible secondary market participation around lenders who dealt in prime loans.

Interestingly enough, over time, it is actually titles I and II that have become more controversial than title III, which was the predatory lending part of the bill. We think that the predatory lending part of the bill certainly has struck the best balance, because it is clear that with predatory loans there will be a national standard, but we are not preempting State laws and the States' ability to continue to innovate.

In titles I and II, where we have created a framework for the secondary market, we have preempted some State laws, and we have had trouble finding the right language to do that. We want to do it to create a national secondary market, but we don't want to do it outside the specific requirements that are needed to control the secondary market and make credit available. So there is some angst among a number of us about the preemption language.

As I said at the beginning, maybe the best tribute to all of us is that we have a bill that nobody really is completely comfortable with, and all we can say to all of those people is that we will continue to work on this bill not only after it passes the House today, but throughout the process to reach the more delicate balance and a satisfactory balance that at the end of the day will solve the problems in the marketplace and be satisfactory to all concerned.

Mr. BACHUS. Mr. Chairman, I recognize the gentleman from California (Mr. ROYCE) for 3 minutes to speak in opposition to the bill.

Mr. ROYCE. I thank the gentleman.

I do rise in opposition to this bill and to explain a line of reasoning that the Wall Street Journal and other critics have pointed out on their editorial pages. This proposal, in fact, is a trial lawyer's dream. What this bill does is it, with very murky language, forbids banks for signing up borrowers for what is termed "overly expensive loans." It requires banks to make sure that the consumer has a "reasonable ability to repay the loan" and insist that loans must be "solely in the best interest of the consumer." This kind of murky language would invite litigation from every borrower who misses a payment. The Wall Street Journal says that if this bill becomes law, we can expect to read billboards reading, "Behind on your mortgage? For relief, call 1-800 Sue-Your-Banker."

For the first time, under this act, banks that securitize mortgages would be made explicitly liable for violations of lending laws. This is a version of secondary liability that holds the bundlers and resellers of mortgages responsible for any mistakes of the original lenders. Now, the reselling of mortgages has been both a boon to the housing liquidity and risk diversification and, therefore, to lower interest rates for all of us that have taken out a loan. So to the extent that the bill adds a new risk element to securitizing subprime loans, and it surely will, the main loser will be the subprime borrower who will pay higher rates if he or she can get a loan at all.

Now, this debate is occurring during a challenging period for our mortgage market. What has transpired over the last few months has spread throughout our capital markets. It has the potential to slow the economy even further if we do this wrong. This bill is the wrong approach.

Now, we have had some signs of self-correction in the mortgage market. Lenders are underwriting mortgages much more carefully as a result of market discipline. Products which have proven to be unfit for certain borrowers such low-doc loans, short-term hybrid ARMS, interest-only products, those are becoming increasingly hard to find. Those have been pushed out of the market. But the legislation before us today ignores such advances. Not only does this bill fail to account for the progress made in the market, it has the potential to seriously restrict access to credit for millions of Americans looking to purchase a home or refinance their mortgage.

In its present form, a borrower will have the ability to recover all of the principal and interest paid over the entire history of the loan as long as he can convince a court that he didn't have a reasonable ability to pay, as I said. At the time the loan was originated, again, it is not hard to imagine how language such as this is going to be abused and run up the costs of home mortgages for everyone.

Mr. FRANK of Massachusetts. I yield 3 minutes to another Member who had a great input into this, the Chair of the Housing Subcommittee of our committee, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Thank you, Mr. Chairman. I would like to thank you and MEL WATT, Mr. BACHUS and Mr. MILLER and others who have worked so hard on this bill. It is a very complicated issue. You have done a spectacular job.

I rise in support of the Mortgage Reform and Anti-Predatory Act of 2007. Each month brings figures, new figures, that reinforce the importance of putting in place a Federal legislative and regulatory framework that prevents us from reliving this crisis in the mortgage markets. I have a keen interest in this legislation because of the disproportionate impact of the foreclosure wave on my home State. California's third quarter foreclosure rate of one foreclosure filing for every 88 households ranked second highest in all States and reflects a near quadrupling of the number reported for the same period last year. Five of the top 10 metropolitan areas in foreclosure filings are in California.

Clearly, we need to prevent the now widespread practice of getting people into loans they simply can't afford. H.R. 3915 takes critical steps in this respect, including, for the first time, imposing a Federal duty of care on all mortgage originators and setting minimum Federal standards on all mortgages. Anchoring the bill's approach are newly established minimum standards regarding the borrower's ability to repay and net tangible benefit to the consumer. This is a sound strategy given that federally regulated mortgage originators have long had to meet similar benchmarks, and not coincidentally, we have seen few problems in that sector of the market.

H.R. 3915 also seeks to reduce the incentives to market inappropriate credit products to borrowers. I am particularly pleased that H.R. 3915, again for the first time, removes the most destructive of such incentives, severing the link between the compensation of the originator and the terms of the loan. Minority borrowers have been disproportionately steered to costly loans, in part because the fees such loans generate for originators are higher than more appropriate products. H.R. 3915 correctly prohibits this practice outright.

I am proud to have been an operational cosponsor of this very ambitious legislation, and I urge my colleagues to support this passage today. However, I would not be telling the truth if I said I lacked any concerns about the potential impact of our ambition over time. Mr. Chairman, I certainly want to thank you, Ranking Member BACHUS, Mr. WATT and others for your diligent work in the manager's amendment to address one such concern that I raised during the Financial

Services Committee markup of the bill, namely, the extent to which the assignee liability and remedies this bill creates should preempt State law.

□ 1215

We want to make sure that consumers are protected to the greatest extent possible. Historically, many of these protections have been initiated by States, especially in the subprime market.

With that, I would like to conclude. I would like to be clear that this groundbreaking bill should be passed today, and I urge my colleagues to vote for H.R. 3915.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING), who rises in opposition to the bill.

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chairman, I do rise in opposition to what I conclude to be a bad bill for homeowners in America. I do want to acknowledge, though, the efforts of the ranking member to take a bad bill and turn it into a less bad bill. There is no doubt that this Nation faces a great challenge in the subprime market, no doubt about it at all. I am convinced, though, that this piece of legislation is going to make it worse, make the situation worse, and not make it better.

The first thing we need to remember as legislators is first do no harm. What should Congress do to make sure this doesn't happen again? Clearly, there has to be enforcement. There's no doubt that fraud has taken place within the subprime market. But we also need effective disclosure so that consumers know the types of transactions in which they are entering. We need greater financial literacy. I agree, yes, that there must be mortgage broker registration. But what Congress should not do is essentially outlaw the American Dream for many struggling families who may be of low income, who may have checkered credit pasts. By bootstrapping more, more mortgage transactions into the HOEPA standard, that is what this bill does.

Also, by having assignee liability with all these amorphous legal doctrines and phrases that no one understands, you will drive investment away from the secondary market at exactly the time when it is needed more. As the market has perhaps even overcorrected, we need more liquidity. This bill takes us to less liquidity.

I heard from one of my constituents recently from Forney, Texas, a lady by the name of Connie Taylor. She wrote me and said: "If it hadn't been for subprime lending, I wouldn't have my house now. My credit was destroyed because of divorce. I worked hard for 5 years to clean up that credit."

Mr. Chairman, we shouldn't take away homeowner opportunity from Ms. Taylor in Forney, Texas, and all the other millions of people who may have checkered credit pasts. Because of that, I urge that we defeat this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to another member of the committee, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, this is an important and urgent and critical bill. All across this Nation, families are struggling and suffering. In my own district of Georgia and in one of my major counties, which is Clayton County, which is one of the leading counties that has had over a 200 percent increase in foreclosures of homes, they have lost over $158 million in terms of their home equity.

Now, Mr. Chairman, the speaker just spoke a moment ago about one of the major features of this bill, and that is trying to grapple with assigning liability. I want to just make sure that everybody understands what we are talking about, because we are going to have that debate. Just what is an assignee? An assignee is a mortgage broker or lender, any loan originator that makes these loans but they don't keep them. They repackage these loans. They often are loans that are delivered to the secondary market to a group of investors and these are parties that own an interest in the loan as it flows through the investment process, and they are known as assignees.

Since these loan originators don't keep the loans they make, they often deliver what the secondary market will buy, with little regard for whether the homeowners can make their payments or afford these loans. Unfortunately, many of them get into these loans on what is known as "teaser rates." They put forward a loan at a very low rate but, unbeknownst to the homeowner, in a short period of time the payment balloons out of kilter and the homeowner cannot afford it. Some people say this is not by design. But in so many cases, they are by design.

So what does that consumer have? He must have some recourse by which to have an ability to stop the foreclosure on his home. That victim has to hire legal counsel to bring separate action against the loan originator. This bill attempts to address that. An assignee liability is an important feature of this measure.

Mr. BACHUS. Mr. Chairman, at this time I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

Mr. Chairman, I have a lot of faith in the American people. I believe that, given the proper tools, they can best decide how to spend their money. I also believe they can best determine how to borrow money, just as lenders can best determine who should be lent money. In other words, I trust free choice in the free market. Businesses should be able to take risks just as consumers should be able to. With these risks, come consequences.

However, I understand we have a major problem on our hands, a problem that has spread far beyond the housing market to the heart of the American economy. Some homeowners are struggling to make mortgages they can't afford and financial institutions are stuck holding mortgages that probably will not be repaid. But to say all subprime mortgages are bad is an incorrect conclusion.

Unfortunately, this legislation, Mr. Chairman, will not help those who today are in danger of losing their homes, and it will certainly not help the availability of credit for those purchasing homes in the future. This legislation will not add confidence to the credit market and will not help our housing market find its footing.

I was a small business owner in another life, and I understand when we make certain types of loans cost-prohibitive by adding burdensome regulation or liability, all those loans will simply stop being made. When we ban compensation for certain types of loans, the originators have no reason to make them, especially when they are now subject again to these new regulations and liabilities.

Rather than ensuring this market works smoothly through increased oversight and transparency, we are effectively legislating these loans out of existence and further tightening our credit markets. It is not a good thing for our housing market, our economy, or the free choice of our homeowners.

Unfortunately, Mr. Chairman, I must oppose H.R. 3915, and I urge my colleagues to do the same.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to another member of the committee who has been very active in this issue, the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. First of all, let me thank the gentleman from Massachusetts for leading this important debate in our country. No doubt, the American Dream has always been homeownership and yet, with exploding ARMs, with prepayment penalty and other such exotic products, that dream of homeownership has become an American nightmare.

Mr. Chairman, I'd love to be able to take every Member of this body through a tour of north Minneapolis. There are blocks on my community where every other house is boarded and vacant. The fact is that for the people who have made every single mortgage payment, and never late, they suffer because of this crisis because their home values have been dropping and plummeting.

We have seen our cities suffer, we have seen communities become unattractive nuisances, which were once vibrant places where people owned their own homes and did well. It's not because the market worked right; it's because it worked wrong. It's because of defective financial products, defective financial products which are addressed in this bill.

It's important to understand that this bill is not designed to harm the subprime market. It's designed to reform and correct it and make it work properly, Mr. Chairman. The fact is that it does not help any homeowner who gets into a 227 with a prepayment penalty, who eventually can't pay the mortgage after it explodes in their face and then lose their home. We are not better off because of something that happens like that. That is what this bill is here to stop.

So, Mr. Chairman, let me say that this is an important part of making the American Dream come true for middle-class Americans, making sure that when they buy a home, they can actually keep that home and that it will be a product that can enhance themselves and their families and the communities they come from.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Chairman, I would like to thank Chairman FRANK and Ranking Member BACHUS for working with Members from both sides of the aisle to craft legislation to help consumers secure sound mortgages and shine a light on the mortgage practices from day one of the home-buying process. I would also like to associate myself with the remarks of our distinguished ranking member, Mr. BACHUS, and add just a few points.

First, I would like to thank Chairman FRANK for adding two of my bills to the underlying legislation, H.R. 3019, the Expand and Preserve Homeownership Through Counseling Act, which has become title IV of the bill; and H.R. 3017, the Stop Mortgage Fraud Act, which has become section 212 of the bill.

Why are these important? Well, first, for so many, the problems out there could have been avoided through one simple thing: housing counseling. If consumers understand what they are getting into before signing on the dotted line for a mortgage, they would be armed with the ability to make better decisions about a mortgage. Title IV elevates housing counseling within HUD, and the Office of Housing Counseling will expand HUD's capacity to offer grants to States and local agency.

The language also tasks HUD with conducting a study on defaults and foreclosures and launching a national housing outreach campaign so that consumers know where to find a legitimate HUD-certified counselor. They can get the help they need now to buy and keep their homes.

Second, section 212 of the bill authorizes additional funds for the FBI investigators and Justice Department prosecutors to crack down on mortgage fraud. It's no secret that organized crime gangs, many operating in Chicago, have discovered a more lucrative business than drugs. Mortgage fraud scam artists inflate appraisals, flip properties, and lie about information, such as income and identity on loan applications.

Finally, as a former real estate attorney, I know that any mortgage legislation reform should first aim to do no harm. By that, I mean five basic pieces. First, it should preserve access to credit and homeownership opportunities for qualified low- and middle-income borrows; second, facilitate transparency in the mortgage market; third, create a level playing field; fourth, promote strong underwriting standard; and, fifth, foster competition.

Achieving these objectives is critical for both primary and secondary mortgage market participants, from homeowners to investors. Has the bill under consideration fully realized these goals? I would say we have come a long way on mortgage reform, but our work is not finished. Today, several Members will offer amendments to improve the bill: the manager's amendment offered by Mr. FRANK and Mr. BACHUS, and additional amendments by Ms. GINNY BROWN-WAITE, Mr. GARRETT, Mr. HENSARLING, Mr. MCHENRY, Mr. GARY MILLER, and Mr. PRICE. I urge my colleagues to support these amendments. I would like to particularly thank Mr. KANJORSKI for working with me on H.R. 3537, which we will offer as an amendment today.

It's important for future American homeowners and our economy that we put political agendas aside and get this right. Too much action and we worsen the problem; too little action and we allow it to happen again.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), chairman of the Subcommittee on Financial Institutions of the Committee on Financial Services.

Mrs. MALONEY of New York. I thank Chairman FRANK and my colleagues, Congressmen WATT and MILLER, from the great State of North Carolina, who passed legislation in the State legislature first and helped build a strong bipartisan bill in our committee that passed with a strong vote of 45–19. The economic crisis we are facing is no longer just a subprime crisis, but a credit crisis. Subprime losses are mounting and the economic pain is being felt in communities across this country, as the ripple of foreclosures spreads to neighborhoods and local economies. Economists estimate that between 2 million and 5 million families could lose their homes by the end of 2008, more than the number of families that lost their homes during the Great Depression.

Democrats are working hard to help families stay in their homes and prevent another crisis like this from happening in the future. I submit for the RECORD a list of legislative actions and other actions that Democrats in Congress have passed to help families stay in their homes. With this bill, we take the first step towards reforms for the future. The bill would bring mortgage brokers who are currently regulated on a state-by-state basis under a nationwide licensing registry, establish minimum standards for home loans, and expand certain limits on high-cost mortgages.

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It also would prohibit brokers from steering consumers to mortgages they are unlikely to be able to repay. It changes the incentives for all market participants.

The bill would also establish some legal liability for securitizers, but it also provides some liability protection to those companies if they meet certain due diligence requirements in reviewing the loans they are packaging. Any legislation on this issue must strike a very delicate balance that provides consumer protections without unnecessarily limiting the availability of loans to creditworthy borrowers.

I congratulate the chairman for coming forward with a well-balanced bill on a very difficult subject that is incredibly important. I urge my colleagues, we must pass this bill.

Tackling the problem of subprime mortgage reform is like slaying the many-headed Hydra of Greek mythology—unless you go about it the right way, for each head you chop off, two more vicious ones will grow in its place.

I congratulate Chairman FRANK for producing an ambitious and comprehensive bill that deals with many key aspects of this difficult issue.

It is a comprehensive and sweeping reform of the mortgage industry that would require all actors in the mortgage market to operate with the kind of accountability and regard for the consumer's best interest that the best mortgage lenders have always observed.

In this respect, the bill tracks the comments of Federal Reserve Chairman Ben Bernanke, who said in testimony before the JEC that limited and clearly defined assignee liability could prove beneficial.

To do this, the bill preempts State laws in the section dealing with securitizers, reflecting the concern that differing State laws would interfere with oversight of a national market. But it leaves States free to regulate in other areas where States have traditionally led the way in consumer protection for their citizens.

This is a well-balanced bill and I urge my colleagues to support it.

DEMOCRATS IN CONGRESS ARE WORKING TO HELP FAMILIES STAY IN THEIR HOMES

We need to act quickly to stem the tide of foreclosures that could ruin families, communities, and the economy.

The House has passed legislation to enable the FHA to serve more subprime borrowers at affordable rates and terms, attract borrowers who have turned to predatory loans in recent years, and offer refinancing to homeowners struggling to meet their mortgage payments.

Fannie Mae and Freddie Mac are providing much needed liquidity in the prime market right now. We passed a GSE reform bill in the House, but we should also raise the cap on these entities portfolio limits, at least temporarily, and direct all of those funds to help borrowers who are stuck in risky adjustable rate mortgages refinance to safer mortgages.

To make servicers more able to engage in workouts with strapped borrowers, we pushed FASB to clarify what its Standard 140 allows for modification of a loan when default is reasonably foreseeable, not just after default.

Congress should eliminate the cruel anomaly under Chapter 13 of the Bankruptcy Code which allows judges to modify mortgages on a borrower's vacation home or investment property, but not the home they actually live in. This allows families to stay in their home while new loan terms are worked out.

I think we should also eliminate the tax on debt forgiveness, sparing families the double-whammy of paying taxes on the lost value of their homes.

DEMOCRATS IN CONGRESS ARE WORKING TO PREVENT ANOTHER CRISIS

Our regulatory system is in serious need of renovation to catch up to the financial innovation that has surpassed our ability to protect consumers and hold institutions accountable.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER) to speak in opposition to the bill.

Mr. NEUGEBAUER. Mr. Chairman, I do rise in opposition to this legislation, not because of the spirit of compromise and bipartisanship that was used to come to this conclusion, but because of a philosophical difference. I believe that when markets have their ups and downs that it is better for the Federal Government not to try to intervene in those market cycles, so I think it is better to have better information than to have regulation when it comes to the issue of subprime mortgages.

I have a little bit of experience in the mortgage business in that I was a mortgage originator. I was a homebuilder. I have sold and bought loans in the secondary market and I have owned a home and borrowed money on many mortgages. What I know is the system has worked, and we have record homeownership here in America today because we have had one of the most efficient mortgage markets in the world.

But what I do know is an important part of that transaction is that everybody in the transaction understands what the nature of the transaction is.

That is the reason I worked in a bipartisan way with the chairman and ranking member, along with my colleagues Mr. GREEN and Mr. MCHENRY, to make sure that we had a better disclosure piece of information for borrowers to look at, a universal box, if you would, that would allow borrowers to understand all of the terms and conditions of this mortgage and to be able to compare that out in the marketplace. Because what we do know is there is a lot of opportunities for people to get mortgages in this country today, or have been up to this point. What we want to make sure, Mr. Chairman, is in the future that they have that. But when they do take out that mortgage, they have the ability to look at the loan terms, the prepayment penalty, does this loan rate vary, and, if it does, what are the implications to that borrower. Because I believe, as one of my colleagues said earlier, the American people have the ability to make good choices when they are given good information.

So, I am pleased that in this particular piece of legislation there is a disclosure box that will help our consumers do a better job of making that decision in the future.

What I am disappointed in, Mr. Chairman, is the fact that we are going to, I think, put some very restrictive regulation on a market that may limit the ability for people to actually use that disclosure information in the future.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Ms. BEAN), another hardworking member of the committee.

Ms. BEAN. Mr. Chairman, I rise to urge support of H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007. As an original cosponsor, I commend Chairman FRANK and Ranking Member BACHUS for how they have drafted and brought this bill to the floor. It reflects highly on the deliberative and bipartisan nature of the Financial Services Committee I serve on.

This is one of the most important and balanced bills we have worked on this year, because Americans' homes are central to their lives. Families save and sacrifice to come up with a down payment towards the most significant and personal investment they will ever make. They raise their families, they dream their American Dreams, and they look forward to a retirement secured by the equity they have established. When house prices fall, when access to credit tightens, those dreams are threatened, and, for some, those dreams are destroyed by foreclosure.

When talking with constituents in my district about the current mortgage market, some are having difficulty making their monthly payments. Most are concerned with being able to sell their home when looking to move. All agree that we need better consumer protections, simpler disclosures, and greater market certainty. This bill does that.

I am pleased that the bill before us includes provisions from my bill, H.R. 3894, the Negative Amortization Mortgage Loan Transparency Act, which will make sure that all borrowers are aware of the impact a loan with negative amortization has by, number one, making sure that it is indicated that it is in the loan; two, a description of what that means, in that it can increase the outstanding principal balance and reduce the borrower's equity in their home; and, third, for first-time subprime borrowers who select this type of loan, they will be required to meet with a HUD-certified credit counselor.

This bill balances access to credit with necessary oversight and industry accountability to ensure renewed investor confidence and make sure that more Americans have access to the American Dream, but they have access to it for the long term. I urge my colleagues to support this bipartisan bill.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. I thank the gentleman for the time. I rise today in support of this bill.

My home State of Ohio has, unfortunately, become the poster child for the mortgage crisis nationally. During the third quarter of 2007, each of Ohio's six largest cities were among the top 30 nationally for foreclosure rates. In Cleveland alone, one of 57 households filed for foreclosure during this quarter.

So while our economy may be recovering from the impact of both the housing slump and the resulting credit crisis, and some places faster than others, it is imperative that we don't impede this recovery; that in our efforts to help the countless consumers and homeowners who have been hit hardest, we don't place the prospects of homeownership and refinancing out of the reach of families financially capable of managing it.

This bill balances that difficult task, and it has happened in an open, bipartisan process of negotiation. Along with the bill offered by Mr. KANJORSKI, this bill adds regulation to the unregulated and restricts predatory products from the marketplace: adjustable rate mortgages with high prepayment penalties, no-doc or low-doc loans, teaser rates that reset only months after initialization, loans without escrows for the most likely to need them.

This bill not only helps do away with these predatory products, but it empowers consumers with the most important tool of all, information. It is stunning to think that more than three in 10 homeowners don't even know what kind of mortgage they have. This bill improves disclosure at the point of sale, and the manager's amendment requires disclosure on periodic billing statements. It is important that people understand what they are getting into and are reminded of it on a regular basis.

On the floor today, we will hear countless stories of heartache and heartbreak of families devastated by the rising foreclosure rates, of Americans losing their claim to the American Dream. This bill can correct that.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE) who speaks in opposition to the bill.

Mr. PRICE of Georgia. I thank my ranking member for yielding me this time.

I rise in opposition to this legislation, legislation that prompted the Wall Street Journal to say that this bill is essentially a "Sarbanes-Oxley for housing, an attempt to punish business in general for the excesses of an unscrupulous few."

Now, while the chairman and ranking member and other members of the staff have done really remarkable work to address some of the most problematic provisions, this legislation still raises serious concerns about the future access to credit. I believe that this bill will lower homeownership. It will harm the American Dream.

A good number of the new duties and requirements which this legislation imposes on loan originators are both vague and highly subject. Words like "reasonable ability to pay" and "net tangible benefit," these are required of lenders. This is greater regulation, and, as my friend from Texas said, greater regulation means less liquidity. That means not as much money in the market. That means fewer individuals able to buy homes.

Dr. Ronald Utt with the Heritage Foundation says, "This provision effectively deputizes the mortgage industry as a quality of life police force by requiring them to pass judgment upon what it exactly is that a borrower intends to do with any additional moneys required by the way of loan refinancing." This creates increased litigation.

In fact, when H.R. 3915 was being marked up in committee, I asked him, the chairman himself, if there was a disagreement between the lender and the borrower about whether something achieved a net tangible benefit, where would that disagreement be settled, and he said, "Like any disagreements in this country, they go to court."

The legislation also creates a new civil action for rescission, the ability to get all of one's money back. Clearly the result of this will be less availability of money to buy a house for all, but mostly for those at the lower end of the economic spectrum.

Now, there are alternatives. There are positive alternatives: Increasing financial literacy, greater flexibility in refinancing, and greater penalties for fraud. And I hope as this process moves forward that we will be able to incorporate those things in a stand-alone bill that increases the ability to achieve the American Dream.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MILLER) to speak in support of the bill.

Mr. GARY G. MILLER of California. Mr. Chairman, I rise in support, but I want to express some concerns I have with the bill.

I have been a long-time advocate of antipredatory legislation that will eliminate abusive lending practices while preserving and promoting access to affordable mortgage credit. I want to thank Chairman FRANK for holding true to his commitment to work with me on ensuring that section 123 of the bill will continue to give consumers viable financing options that would not prevent mortgage originators from being compensated.

Under the new language, consumers will continue to be able to obtain and enjoy the benefits derived from having the option to choose zero points or no-cost loans by financing the fees and their costs into the rate of the loan amount. I am also pleased that the mechanism by which the mortgage originators are compensated in such cases has been unaffected.

According to the Mortgage Bankers Association, currently there are slightly more than 6 million nonprime loans. Of these loans, a little over 5 million, or 85 percent of these loans, are basically being paid on time. Yet, according to the MBA, under the legislation, perhaps 50 percent of the nonprime loans would not be made. This means that a significant number of consumers would not be receiving mortgage financing and millions of legitimate loans would not be obtained.

While there is certainly no question that nonprime borrowers have been subjected to abusive lending practices over the years, there is also no question that the vast number of borrowers who were not victims of such practices can become victimized by poorly crafted protective legislation that restricts nonprime credit availability.

Under this bill, it significantly expands the scope of loans that qualify as "high-cost loans," or HOEPA loans. This section of the bill dramatically lowers the point fee calculations, thereby capturing a much larger number of loans than under the previous definition in current law. The expansion of HOEPA to cover the additional loans would provide access to credit to more nonprime borrowers.

During the markup, I attempted to amend this section to ensure that lenders would still provide and borrowers could still obtain HOEPA loans under this bill. My amendment would not have revised the substantive protection provided by HOEPA as amended. Rather, it would have limited the increase in the number of types of loans that are subject to HOEPA.

In addition, the provisions of title III were drafted at least a year before the drafting of titles I and II of this bill, and title III was written without the benefit of enhanced consumer protection provided to nonprime borrowers under the other sections of the bill. I am concerned that the three titles have been joined into a single bill without the respective provisions being synchronized.

By expanding the scope of loans covered by HOEPA, we will further limit liquidity and drastically shrink the availability of mortgage credit. In fact, under current law, the liability and penalties extended to HOEPA loans have made creditors reluctant to make these loans.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GARY G. MILLER of California. I yield to the gentleman from Massachusetts.

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Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

The gentleman from California and the gentleman from North Carolina, who is a prime sponsor of this, have been in conversations.

Mr. GARY G. MILLER of California. That is correct.

Mr. FRANK of Massachusetts. And I believe it is possible to achieve both objectives, that is, flexibility as to mode but the full substantive protection. And so going forward, as this bill moves on and ultimately we get to conference, I do think we can provide flexibility as to method while preserving the full substantive protections. And there will be conversations between the Miller brothers on that subject.

Mr. GARY G. MILLER of California. I thank the chairman. Mr. MILLER and I have discussed this in the last several days, and I know there was not time to deal with this issue effectively prior to it reaching the floor. I have had extended conversations with many Members on your side of the aisle who support the concept I am trying to move forward.

I look forward to working with you before this bill comes back through conference.

Mr. FRANK of Massachusetts. I now yield to another member of the subcommittee who has been very much involved, particularly in the area of manufactured housing, as well as others, the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY. Mr. Chairman, I rise in support of H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act. My home State of Indiana has been one of the hardest hit by foreclosures. We rank well above the national average with 3 percent of our loans in foreclosure.

Subprime loans, which have affected many of our Nation's families, account for nearly half of our States' foreclosures. Earlier this year, it was reported in various parts of our area, 18 percent of all subprime loans were past due. We know all too well how the subprime fallout is weighing down our economy and spreading to others. We must act now.

I want to thank Chairman FRANK, my colleagues on the Committee on Financial Services, Mr. WATT and Mr. MILLER, for working with consumer groups and industry representatives alike to produce a good bill that will ensure American families have access to responsible and affordable mortgage options while improving the health of the marketplace. I urge my colleagues to vote in support of H.R. 3915.

Mr. BACHUS. Mr. Chairman, may I inquire as to the remaining time.

The CHAIRMAN. Both sides have 8 minutes remaining.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. ROSKAM) to speak in opposition to the bill.

Mr. ROSKAM. I thank the gentleman for yielding.

Like many others, I very much appreciate the tone and the effort of the chairman and the ranking member to come to terms with a very difficult problem that is facing our country, and that is the subprime mortgage crisis and the ripple effect, the profound ripple effect it is having throughout the economy.

My sense, though, is that while there are some very good elements in the bill, I appreciate the fact that it is prospective, I appreciate the fact that it is not a bailout, and I appreciate the fact that its focus is limited to subprime mortgages and not prime mortgages, there is an element that is of enough concern to me to come to the floor and bring it to the House's attention.

I am not unique in bringing it to the House's attention, but I urge a real sense of caution, and I think we can do slightly better, and that is the ambiguity of some of the phrases and definitions in the bill. The gentleman from Georgia referenced these in his remarks.

But when regulatory language, as this is, has words like "appropriate" without further definition; "ability to repay" without further definition; and "net tangible benefit" without further definition, I think it is a weakness in the bill, and I think it is a fatal flaw in the bill.

My hope is that these ambiguities will be cleaned up. I am not one that says we necessarily need to yield this turf to the regulators. I think we as Members of Congress have that ability and that responsibility to define these terms. Because if we don't, I think what will happen is that capital that is currently available to subprime borrowers will become unavailable to some subprime borrowers.

There is language that creates the purported safe harbor in the bill, but it is a safe harbor that does not end with a period at the end of the sentence, essentially. It is a safe harbor that has a comma at the end and is simply a rebuttable presumption. So safe harbors are mostly safe, but not entirely safe.

I think Americans like to be governed with a light touch and not a heavy hand, and I hope that we can revisit this bill when it may come back from the other body.

Mr. FRANK of Massachusetts. Mr. Chairman, I now yield to another member of the committee who has been active on this issue, the gentleman from Connecticut (Mr. MURPHY), for 2 minutes.

Mr. MURPHY of Connecticut. I thank the gentleman for yielding.

I thank Chairman MILLER and Mr. WATT for their leadership in bringing this bill through the committee. I want to draw attention to one provision of the bill and underscore the importance of the provisions here that prohibit steering of borrowers into higher-cost mortgages than they would otherwise qualify for.

This mirrors legislation that I introduced earlier this year, H.R. 3813, the Mortgage Kickback Prevention Act. The bill before us prevents mortgage originators from inappropriately steering consumers into higher-cost loans than they would otherwise qualify for.

This is a commonsense measure, and it is made more reasonable by the restriction to apply this only to subprime loans. To me and my constituents, it is pretty simple. Brokers and mortgage originators shouldn't have an incentive to put borrowers into more expensive loans than they would otherwise qualify for.

Frankly, as we move forward, I think it is important to understand that disclosure doesn't do the entire trick here. Most borrowers have no idea what it means when their broker discloses that they are going to pay a yield-spread premium amidst the mountains of paperwork that you are required to fill out for a residential mortgage. For these borrowers who have the least amount of leverage in the process, we need to have some clear lines. This bill does that.

That is why it makes sense to simply say the brokers and originators cannot inappropriately put borrowers into loans they otherwise would not qualify for. This Congress has responsibility, as we are doing today, to reset the rules.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MURPHY of Connecticut. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman has been very tough on this issue, appropriately, and he is right.

Some people can read ambiguity into 2 plus 2, and we will deal with that. We are lawyers. We are into redundancy. So in the colloquy I will be having with the gentleman from North Carolina (Mr. MILLER) we will reaffirm the point that the gentleman from Connecticut is making. I guarantee that by the time this bill comes out of conference, no one will be able to raise any doubt about the prohibition on anybody being compensated for costing the consumer more.

Mr. MURPHY of Connecticut. I thank the gentleman for that. He has been very strong on this from the beginning. This prohibition on steering is a small, but very important, piece of the puzzle of solving the problem of the subprime crisis and making sure that it doesn't occur again in the future.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY) to speak in opposition to the bill.

Mr. MCHENRY. I thank the ranking member for yielding time, and I appreciate his leadership and friendship on the committee. He has worked very hard on this issue, as has the whole committee. But we have come to different conclusions on this.

I think there are some admirable parts of this legislation. In particular, the addition that the ranking member was able to make in consultation with the chairman on licensing of mortgage brokers. I think that is helpful and positive and makes consumers more aware of people they are dealing with.

I also believe the Green-McHenry-Neugebauer amendment that we were able to put in place in the committee is very help to the marketplace. It gives borrowers more understanding of the financial product they are about to take part in, the financial transaction they are about to take part of in. I think informed consumers are better off than uninformed consumers. Financial literacy is key; and, therefore, the process of counseling which is within this bill is helpful.

But in the end, this is about homeownership. It is about the opportunity for families to get a home of their choosing. It is about families making a financial decision for themselves, not Washington, DC telling them what products they can and cannot get. Unfortunately, that is what this bill does.

This bill will limit homeownership and limit the opportunities that families have by limiting the mortgage choices in the private sector and in the marketplace.

Furthermore, it does nothing to fix the current crisis we are in. Let me repeat that: this bill will do nothing to fix the current mortgage crisis we are facing. In fact, rather, it will deepen the crisis we are facing by limiting people's opportunities to refinance or finance their home.

Let me give you a couple of examples. This bill I believe will encourage more litigation and have a chilling effect on the secondary markets. Therefore, less money will be available for people to get mortgages.

Second, it will limit the loan terms available. In fact, it limits the ability for people to finance the points and fees and closing costs of many mortgage products and bans prepayment penalties.

So, in essence, if somebody currently has a prepayment penalty in their mortgage that they have and they seek refinancing, they will be unable to finance that prepayment penalty that they currently have, thereby locking them into a cycle of debt and foreclosure.

I believe this bill is harmful to long-term homeownership in America that is at an all-time high. I think what we should be doing is encouraging homeownership in this country and making more opportunities available to get the credit that they need in order to get a home for their families.

So I oppose this bill on very simple grounds: That it will limit homeownership and limit the opportunities and options that Americans have. With that, I encourage my colleagues to vote "no" on this bill and help homeownership in America.

Mr. FRANK of Massachusetts. Mr. Chairman, I now yield to a man who is going to have a lot of free time after today because much of his life in the last year has been helping put this bill together in a very masterful way, the gentleman from North Carolina (Mr. MILLER), for 4 minutes.

Mr. MILLER of North Carolina. I dearly wish that this bill was the one being described by so many people on the other side of the aisle. That sounds like a really tough bill. And this bill, I hope, will become tougher as we go along.

I agree with many over there who said that they support the idea of homeownership and want to make sure that there is a mortgage market that lets people buy homes.

Mr. Chairman, the mortgages we are talking about have nothing to do with homeownership. According to the mortgage bankers themselves, who oppose this bill, 72 percent of subprime loans are refinances, not purchase money mortgages. And only about one in 10 subprime loans is to buy a first home. Lehman Brothers says that 30 percent of the subprime loans entered last year will result in final foreclosure, a family being turned out on the streets by a sheriff because their home was sold at a foreclosure auction at the steps of the courthouse.

Do the math. One subprime loan in 10 helps people buy a home, a first home, get into homeownership. Thirty percent will result in foreclosure. The loans that we need to get at, we need to prohibit, are costing Americans homeownership, not helping with homeownership.

Now, several speakers have said that they think the consumers should make choices, there should be a variety of choices available to consumers. Sometimes they say this bill will shut down market innovation. Well, Americans are for innovation, Mr. Chairman, just as they are for reform. Americans are fundamentally reformers so politicians have figured out to call everything they do a "reform," however obviously contrary to the public interest it is. And now American business has learned to call everything they do an "innovation," regardless of how bad it hurts consumers.

I can think of many wonderful innovations. When we think of an innovation, we think of a scientist in a lab coat coming up with new products.

Mr. Chairman, I am now the age my father was when he died of a heart attack in 1965. There wasn't a thing we could do to help people with heart disease in 1965. But I am on a cholesterol medicine because I inherited from my father high cholesterol that I hope will allow me to outlive my father. I think that drug is an important innovation, and I am glad we made that innovation.

Mr. Chairman, this necktie is an innovation. Ten years ago, you could not buy a silk necktie that was stain resistant. And for those folks like me who tend to miss their mouth from time to time, the cost in new neckties in any given year was hundreds of dollars. But this tie has a nanotechnology process that causes liquids to bead up and roll off rather than soak in and stain. This necktie is an important innovation to me.

But what on Earth do we mean when we say that a mortgage is innovative? It means simply that there is no end to the variety of terms, there is a proliferation of indecipherable terms that are not designed to help consumers.

Alan Greenspan called them "exotic loans." Others have called them "toxic loans." The innovation is not really about allowing consumers to tailor narrowly the loan they get to their specific circumstances. The late Ned Gramlich, a well-regarded former Federal Reserve Board governor, asked why was it that the riskiest loans were being sold to the least sophisticated consumers. It was a rhetorical question. He knew the answer. He knew those loans were being sold to people to take advantage of them, to separate from middle-class homeowners more and more of the equity in their home, to trap them in a cycle of having to borrow and borrow again, and every time they borrowed, losing more of the equity in their homes.

Some of the other speakers have talked about the importance of refinancing out. Mr. Chairman, a mortgage system where people have to borrow money to pay off the mortgage they are in now is not a mortgage system that works.

Mr. BACHUS. Mr. Chairman, at this time I recognize the gentlewoman from West Virginia (Mrs. CAPITO) for 3 minutes.

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Mrs. CAPITO. I would like to thank the gentleman from Alabama for recognizing me and yielding me the time, and I greatly appreciate the leadership of the chairman and ranking member on the Committee of Financial Services for bringing this important legislation before the House today.

The legislation before us is a bipartisan response to a problem that is affecting every congressional district across this Nation, the rising number of foreclosures and a large number of impending alternative mortgage resets, combined with a large number of delinquencies in mortgage payments. It is very important for Members to look at this legislation in its entirety.

When combined on the whole, the components of this legislation will provide consumers with the necessary tools and protections to hopefully avoid another housing crisis like we are experiencing, but also realize the importance of not clamping down so hard, and we have heard some folks express concern about this, that we still have the innovations and we still have the ability of subprime mortgages for those who are now living because of the benefits that subprime benefits allows them.

In this bill, we require the registration of all originators under a national registry will be established by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators. These new licensing requirements, coupled with the national registry, will make it much more difficult for fraudulent originators to bounce from State to State. This is a problem my State of West Virginia has expressed concern about.

Another component that Mrs. BIGGERT talked about in her statement is to provide consumers with greater access to housing counseling. The availability of counseling will help individuals learn and understand the complicated financial disclosures, all of the paperwork and technical languages that come along with securing and purchasing a mortgage.

Another important reform that was adopted during our committee markup is the inclusion of a one-page estimate outlining the total cost and potential changes in the cost for the consumer over the life of the mortgage product. I have been lucky enough to be a homeowner, and I know when we go in to close at the time to secure our mortgage, the amount of paper and signatures that you have to go through to try to figure out what you are doing is very intimidating. So to have this one-page disclosure I think gives the consumer the ability to have this information right in front of them so they can know what they are getting into and making this process easier.

This legislation also provides more certainty and clarity for the liability of the entities that purchase mortgages on the secondary market.

I would like to particularly thank the chairman of the committee for helping me work through the technicalities of this language to explain to my local newspaper and my local consumer advocates what this language means in the bill. We live in a national economy and must recognize the need for consistency across the board.

In addition to the bipartisan underlying legislation, we will also be considering I think a very important addition to this bill, an amendment I have worked on with Mr. KANJORSKI and Mrs. BIGGERT that will provide additional protection for consumers. This amendment will now require escrow accounts for some mortgages and will provide borrowers with the budgeting tools necessary to properly manage taxes and insurances on their property. This amendment will also include Federal appraisal standards with serious penalties.

I fully support this bill and thank the chairman and the ranking member.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. FRANK of Massachusetts. How much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 2 minutes.

Mr. FRANK of Massachusetts. I yield myself my remaining time to enter into a colloquy with my colleague from Alabama.

Mr. Chairman, the gentleman from Alabama, this has been a collaborative effort in many ways. We have had some disagreements, but there has been a lot of agreement. And the gentleman from Alabama in particular took the lead in the language that went into the bill in committee and is being refined here dealing with nationwide registration requirements, a prerequisite for any kind of enforcement. Now, I appreciated the work he did and the committee benefited from it.

Community banks are obviously very important in this. And, indeed, if only community banks had made loans for mortgages, we wouldn't have a crisis. But we don't want to interfere with their ability to help going forward.

I would just yield to the gentleman in a minute to have him give his interpretation. My view is, and I defer to him as the spokesperson for the committee on this, because we are here talking about language which he developed and which we incorporated. We do have some regulatory requirements here that would affect not just the brokers but community banks. And I assume my colleague from Alabama, in drafting this, certainly intended and we meant to do this in the language, that the regulatory agencies would be able to show some flexibility in terms of the impact of these requirements on our community banks.

I would yield to my friend from Alabama on that point.

Mr. BACHUS. The chairman is correct. Section 107 was designed and implemented to give the Federal bank regulators flexibility in implementing the national registry. And it is the intention of the committee, of the entire committee, that, as they do this implementation, that they give proper consideration to its impact on small financial institutions, smaller impact, and that they try to minimize that impact.

Mr. FRANK of Massachusetts. I thank the gentleman. In my closing seconds, let me just reiterate an important point.

Attorneys General have been concerned about their ability to prosecute and defend against certain abuses. Thanks to the gentleman from North Carolina (Mr. WATT), the effective date of this bill and all of its provisions will be the date of enactment. What that means is that any transaction that occurred before the bill becomes law, any loan that was made, will not be subject to the preemption. So we do want to reassure any law enforcement official out there that their rights to go against people who have been abusive will in no way, up until new loans are made, be in any way diminished.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support of H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007, introduced by my distinguished colleague from North Carolina, Representative BRAD MILLER. This important legislation will address and reform the mortgage lending processes "to avert a recurrence of the current situation with rising defaults and foreclosures, especially in the sub-prime market."

Mr. Chairman, it is essential that this Congress protects the needs of American families and nothing is more imperative than ensuring that all people have a home. Recent studies have reported that 92 percent of the American population has at some point feared being homeless and this legislation is an important step in alleviating those fears. The current lending crisis must be addressed.

The Federal Government must play an important role in revitalizing and restoring opportunities for Americans to reach the American dream of owning a home. One of the major contributors of the affordable housing shortage is the sub-prime lending crisis that has caused serious negative economic and social consequences that resulted from too little regulation. Because of the lack of regulation by the Federal Government, many loans were accompanied by fraud, inadequate information and other failures of responsible marketing. Foreclosure rates are at 14 percent and are rising at an alarming rate and homeowners across America are losing their homes. Throughout the country, homeowners are surprised to find out that their monthly payments are spiking and they are struggling to make these increasingly high payments.

The sub-prime mortgage crisis has impacted families and communities across the country. Home foreclosure filings rose to 1.2 million in 2006—a 42 percent jump—due to rising mortgage bills and a slowing housing market. In Iowa, 3,445 families experienced foreclosure last year, up 64 percent from 2005.

Nationally, as many as 2.4 million sub-prime borrowers have either lost their homes or could lose them in the next few years.

The Democratic-led House Financial Services Committee has been intently focused on this and other issues and is working toward a balanced solution that helps stabilize the mortgage market, stops abuses, preserves access to credit, and aids stable homeownership.

Creating more affordable housing opportunities will increase more job opportunities for the people of Houston and Harris County. We hope that an increase in affordable housing and job opportunities will also reduce the high rates of homelessness among Houston residents. As you may know:

Houston's homeless population increased to approximately 14,000 in 2005 before Hurricanes Katrina and Rita.

Hurricane evacuees remaining in the Houston area could result in the homeless population increasing by some 23,000 to 30,000.

Houston's homeless population includes an estimated 28 percent of American Veterans.

Some 59 percent became homeless because of job loss.

A full 10 percent of the city's homeless are believed to be able to return to self-sufficiency with 12–18 months of assistance and affordable housing.

Shelter and housing for Houston's homeless currently is reported at around 4,235 beds and or units, leaving 10,000 on the streets.

I have cosponsored a number of bills to address the housing crisis in this country. In the 109th Congress I cosponsored H.R. 1182, the Prohibit Predatory Lending Act, and H.R. 1994, the Predatory Mortgage Lending Reduction Act. I will continue to support legislation to address the housing crisis facing the people of this country.

This important piece of legislation will "create a licensing system for residential mortgage loan originators, establish a minimum standard requiring that borrowers have a reasonable ability to repay a loan, and will attach a limited liability to secondary market securitizers." This is extremely significant in the sense that it will ensure that Americans who dream of home ownership will not engage in loans that they will be unable to repay. It will enhance and expand consumer protections against "high-cost loans." It will protect renters of foreclosed homes and establish through the Department of Housing and Urban Development an Office of Housing Counseling that will ensure that consumers will be fully aware of all possible avenues.

While this legislation is a step in the right direction, we must ensure that this legislation does not hurt those who it is intended to protect. We must ensure that families with a less-than-perfect credit history are not denied outright their dream of home-ownership and that lenders do not abuse their discretionary powers. This legislation creates a standard licensing system for residential mortgage loan originators that will ensure a consistent rubric for loans and protect American families from would-be predatory lenders. It further expands consumer protections from high-cost loans by: prohibiting the financing of points and fees; prohibiting excessive fees for payoff information, modifications, or late payments; prohibiting practices that increase the risk of foreclosure, such as balloon payments, encouraging a borrower to default, and call provisions, and requiring pre-loan counseling. This is an unprecedented step forward for hard working Americans with the dream of homeownership and I applaud this legislation for this significant first step towards helping Americans realize their dreams.

Finally, let me acknowledge the concerns of strong advacates for the housing needs of the vulnerable—ACORN and the NAACP, among others, and I look to working on changes in this legislation as the bill moves to address their concerns.

Mr. CAPPS. Mr. Chairman, I rise today in strong support of the Mortgage Reform and Anti-Predatory Lending Act.

This bill continues the Democratic-led Congress' efforts to protect and promote the American Dream of homeownership.

We can now see clearly that questionable and even discriminatory lending practices were a part of the real estate "boom" in our country.

In my district, these unscrupulous practices will result in about a half billion dollar loss in home equity for my constituents.

This translates into over 80,000 homes devalued and the certainty of foreclosure for many.

That is 80,000 families that entered into their mortgage contracts in good faith.

They did not anticipate that all of their hard work would be wiped out with one interest rate hike.

Many nonprofits and other economic development groups in my district, like the Cabrillo Economic Development Center, have stepped up to help these families restructure their loans and keep their homes.

And I am happy to say that today the House will do its part to stop harmful predatory lending practices.

This bill will create minimum standards for mortgage loan originators, and require the determination that a consumer has a reasonable ability to repay their loan.

Importantly, it also discourages "steering" a consumer toward a higher-cost loan when they in fact qualify for a lower interest rate.

Mr. Chairman, I urge my colleagues to support this important bill and put our families back on track to achieving the American Dream.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise in support of H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007.

H.R. 3915 restricts the harmful mortgage lending products that have wreaked havoc on our local communities.

In my district in Orange County, California, the cities of Anaheim and Santa Ana are feeling the effects of irresponsible lending practices that resulted in numerous foreclosures.

One-third of the homes on the market in those cities are available because they were foreclosed on.

Borrowers who will only purchase a home once or twice in their lifetimes should not be blamed for the current situation.

Through the licensing of mortgage loan originators, the establishment of loan origination standards, and the enhancement of consumer protections, H.R. 3915 takes appropriate steps to stop predatory lending practices without placing an undue burden on responsible mortgage originators and lenders.

These new standards will provide needed safeguards without preventing potential homebuyers from obtaining loans.

Eventually, the financial services industry will recover from the current mortgage crisis, and we must ensure that the predatory practices of the past are not repeated in the future.

Mrs. JONES of Ohio. Mr. Chairman, I rise in support of H.R. 3915, The Mortgage Reform and Anti-Predatory Lending Act of 2007. For the past 8 years I have introduced the Predatory Lending Practices Reduction Act, which seeks to establish a mortgage licensing system for mortgage brokers. It also provides grants to nonprofit community development corporations to educate and train borrowers and community groups regarding illegal and inappropriate predatory lending practices.

I am pleased that H.R. 3915 incorporates language from my bill that establishes a nationwide mortgage licensing system and registry to license and register individual mortgage brokers, and register bank employees that originate mortgages. I believe that brokers should be prohibited from being the original provider of loans, loan originators, without having first obtained, and continue to maintain, registration within the NMLSR.

This legislation has been warranted for a very long time. I have been preaching about this issue since I came to Congress as a member of the Financial Services Committee. We are facing a national housing crisis and without this legislation, the problem will only get much worse.

The nonprofit Center for Responsible Lending projects that as this year ends, 2.5 million households in the sub-prime market will either have lost their homes to foreclosure or hold sub-prime mortgages that will fail over the next several years. These foreclosures will cost homeowners as much as $164 billion, primarily in lost home equity.

In Ohio, and particularly in my congressional district, the problem has gone from bad to worse with nearly 42 percent of loans generated in the past year being sub-prime, and an estimated one in six sub-prime loans in the district will ultimately end in foreclosure. These sub-prime foreclosures will result in price declines for more than 198,000 surrounding homes, with homeowners in my district losing about $249 million in equity.

Mr. Chairman, I commend Chairman FRANK and the Financial Services Committee on their hard work and commitment to this issue. I am glad to see this bill on the floor today, and I urge my colleagues to join me in supporting this meaningful and necessary legislation.

Ms. WATERS. Mr. Chairman, I rise in support of the Mortgage Reform and Anti-Predatory Lending Act of 2007. Each month brings new figures that reinforce the importance of putting in place a Federal legislative and regulatory framework that prevents us from reliving this crisis in the mortgage markets. I have a keen interest in this legislation because of the disproportionate impact of the foreclosure wave on my home State. California's third-quarter foreclosure rate of one foreclosure filing for every 88 households ranked second highest among all States, and reflects a near quadrupling of the number reported for the same period last year. Five of the top 10 metro areas in foreclosure filings are in California.

Clearly, we need to prevent the now widespread practice of getting people into loans they can't afford. H.R. 3915 takes critical steps in this respect, including—for the first time—imposing a Federal duty of care on all mortgage originators and setting minimum Federal standards on all mortgages. Anchoring the bill's approach are newly established minimum standards regarding the borrower's ability to repay and net tangible benefit to the consumer. This is a sound strategy given that Federally regulated mortgage originators have long had to meet similar benchmarks, and not coincidentally, we have seen few problems in that sector of the market.

H.R. 3915 also seeks to reduce the incentives to market inappropriate credit products to borrowers. I am particularly pleased that H.R. 3915—again for the first time—removes the most destructive of such incentives, severing the link between the compensation of the originator and the terms of the loan. Minority borrowers have been disproportionately steered to costly loans, in part because the fees such loans generate for originators are higher than more appropriate products. H.R. 3915 correctly prohibits this practice outright.

I am proud to have been an original cosponsor of this ambitious legislation, and urge my colleagues to support its passage today. But I would not be telling the truth if I said I lacked any concerns about the potential impact of our ambition over time. Mr. Chairman, I do want to thank you and Ranking Member BACHUS for your diligent work in the Manager's Amendment to address one such concern I raised during the Financial Services Committee markup of the bill, namely, the extent to which the assignee liability and remedies this bill creates should preempt State law. We want to make sure that consumers are protected to the greatest extent possible—and, historically, many of these protections have been initiated by States, especially in the subprime market. But we also don't want to shut down the secondary mortgage market that has critical to expanding homeownership nationally.

I appreciate the effort that the Manager's Amendment makes to better strike this delicate balance. The Manager's Amendment now clarifies that the bill does not preempt state laws such as fraud and civil rights statutes. In particular, I appreciate that the Manager's Amendment makes crystal clear that securitizers will be held to account when they directly participate in a fraud—as in the egregious First Alliance case I mentioned at Committee markup. However, attorneys who have been working on predatory lending issues in my district and State for decades, continue to be concerned that the legal meaning of this provision is unclear. As such, federal courts may impart this meaning in ways that roll back important consumer remedies under State law.

This, in turn, raises the question of whether we have yet reached the right balance of Federal rights and remedies in the bill, given that we may be displacing a lot of State and private activity in this financial sector. Certainly, national organizations representing consumers remain concerned about this, and many have declined to endorse the bill. As you have noted, Mr. Chairman, that industry groups seem equally ambivalent about the bill suggests that perhaps we are approaching the proper "unhappiness quotient" among the stakeholders. As this bill moves to the Senate and to conference, though, I urge that continue to take seriously and re-examine issues surrounding preemption and strength of remedies.

To conclude, however, I want to be clear that I believe this groundbreaking bill should be passed today. Accordingly, I urge my colleagues to vote for H.R. 3915. Thank you again, Mr. Chairman, for all of your work on this bill.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise today in support of Representative WATT's amendment as a way to strengthen the enforcement provisions of this mortgage bill. Subprime lending has devastated communities throughout Atlanta and my district. Thirty-five percent of all loans made to my constituents are subprime loans—that's much higher than the national average of twenty-eight percent. Seventeen percent of those loans result in foreclosure, which means, in DeKalb County, nearly 1,000 families enter foreclosure each month. In my entire district, it means my constituents who don't lose their homes will still lose nearly $200 million in home equity as foreclosures decrease the values of surrounding homes. Unfortunately, all indicators point to foreclosures continuing to rise well into 2008. These foreclosures have a devastating effect on the families in my district who work hard to buy a house. And they aren't just the result of a downturn in the housing market or because people don't pay their bills on time. No, my constituents have been victims of widespread mortgage fraud and predatory lending. Chairman FRANK's bill takes a step in the right direction toward helping my constituents. And this amendment and the others submitted by Representatives WATT and MILLER will help to make this bill stronger so that Americans are protected from lenders and brokers who prey on low-income and minority populations. With stronger enforcement mechanisms, this bill will help my constituents keep their hard-earned roofs over their heads. I urge my colleagues to support Mr. WATT's and Mr. MILLER's amendments and Chairman FRANK's bill and put a stop to predatory lending.

Mr. HALL of New York. Mr. Chairman, today, during the consideration of H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007 I voted against the Motion to Recommit forthwith. If passed, that motion would have required anyone seeking to get a residential mortgage loan to produce one of four forms of identification prior to approval; a Social Security card and picture ID, a Real ID drivers license, a U.S. or foreign passport or an ID card issued by the Department of Homeland Security.

I am opposed to giving illegal immigrants access to mortgages. However, the language contained in the Motion to Recommit forthwith would not only have failed to meet the goal of denying mortgages to illegal immigrants, but it could have actually made it more difficult for legal citizens of New York and other states to obtain these same housing funds. The motion could have made it more difficult for people from states that have not yet adopted Real ID standards or do not have ready access to other documentation to qualify. However; any illegal immigrant with a passport from their native country would have no difficulty in using that passport to get a mortgage. That is not the kind of requirement we want or need.

I believe it is important that Americans have the opportunity to qualify for mortgages. Owning one's home is a vital part of the American dream. I cannot and will not support legislation that will make it more difficult for citizens and legal immigrants to get mortgages, and easier for illegal immigrants to do so. This motion would have done just that, and as a result I could not support it.

Mr. LANGEVIN. Mr. Chairman, I rise in support of the Mortgage Reform and Anti-Predatory Lending Act, which will bring greater transparency to lending practices nationwide. The housing market is under significant stress, and many families cannot keep pace with ballooning mortgage payments.

Unconventional mortgages have left countless Americans facing foreclosure. Unless we act soon, millions more may lose their homes. With this bill, we combat unscrupulous lending practices and bring transparency to the process by requiring mortgage originators to be licensed and mandating full disclosure of loan terms. Perhaps most importantly, mortgage originators must certify that consumers have a reasonable ability to pay back loans and that they are not predatory in nature. We have seen too many lenders steer consumers into loans they cannot afford.

This measure will address persistent problems in the housing market and bring financial stability to families. I thank Chairman FRANK for his leadership, and I urge support for the bill.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of the "Mortgage Reform and Anti-Predatory Lending Act of 2007." Homeowners in Colorado and nationwide continue to face an impending crisis. Millions of borrowers have found themselves with unmanageable loans that not only threaten the financial security of their families and communities, but also undermine the Nation's economy as a whole. Passage of this bill will address irresponsible business practices in the mortgage industry that have played a part in creating this situation.

There are grave problems in the housing market. Foreclosure rates are rising, housing prices are stagnating and too many Americans are overwhelmed by the rise in their monthly payments. And housing is not the only sector of the economy that has been affected by the tremors whose epicenter is located within the financial institutions involved in mortgage funding.

This bill responds to problems that have come to light as those tremors have spread. Its main benefit may be to reduce the likelihood of similar shocks in the future, by reforming mortgage lending practices to soften the impact of rising defaults and foreclosures, especially in the subprime market.

The bill establishes a Federal duty of care for mortgage originators. It prohibits steering consumers to mortgages with predatory characteristics and other abusive practices in the subprime mortgage market, and establishes a licensing and registration system for loan originators. It also expands and enhances consumer protections for "high-cost loans" under the Home Ownership and Equity Protection Act; requires additional disclosures to consumers, and includes protections for renters of foreclosed properties.

I am particularly pleased that this legislation establishes an Office of Housing Counseling within the Department of Housing and Urban Development (RUD). This provision will provide financial and technical assistance to States, local governments, and nonprofit organizations to establish and operate consumer education programs. These programs will both enhance the consumer's financial literacy and also provide people with better information about mortgage and refinancing opportunities.

I do have some concerns about the bill, particularly regarding the extent to which its preemption provisions could interfere with implementation of State laws regarding loan liability. Fortunately, this risk has been reduced through adoption of an amendment to narrow the preemptive effect of the bill. It is my hope that these provisions can be further reformed in the Senate and conference committee before the bill is sent to the President.

I am also concerned about the possible effects of an amendment offered on the House floor that could have created a major new liability for mortgage originators, assignees, and securitizers by establishing a "pattern and practice" violation with penalties of not less than $25,000 per loan and $1 million for the violation itself. As I understand it, the amendment would characterize as a "pattern or practice" as few as two loans, which might mean that a lender who has acted in good faith in making a loan may be found to have violated this very subjective standard—with massive liability. I found persuasive the argument that such a potential for increased liability could have a chilling effect in the secondary market, making liquidity less available. Fortunately, this amendment was not adopted.

Mr. Chairman, this bill is a good measure that deserves support. Further legislation may be required to address our Nation's mortgage crisis and assist families in Colorado and across the country in restructuring loans and recovering from this financial disaster, but this bill is a necessary part of the response to problem that might have terribly negative impacts on our economic future—and I urge its passage.

Mr. MCNERNEY. Mr. Chairman, we are in a housing crisis that has led to instability and increases in criminal activity that is destroying our communities. While some people took out risky loans that they could not afford, many were caught up in exaggerated promises and the predatory lending practices that blossomed in recent years.

Stockton, California, in my congressional district, is unfortunately at the center of it all. One out of every 31 homes in Stockton faces foreclosure—the highest rate in the country.

While there is no magic bullet to solve the problems in the housing market, the bill we are voting on today is an important part of our nation's comprehensive response to the surge in foreclosures.

We are establishing common-sense homebuyer protections to ensure that responsible real estate professionals can provide safe mortgage products.

Owning one's own home is the American Dream and promoting responsible home ownership is a policy that makes sense. In Congress, I will continue working for sensible policies to encourage home ownership and the stable communities it creates.

I am proud to support this bill, and I urge my colleagues to do the same.

Mr. CONYERS. Mr. Chairman, I rise in support of H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007, legislation to combat abusive practices and improve oversight of the mortgage industry.

The Mortgage Reform and Anti-Predatory Lending Act of 2007 will reform mortgage practices in three areas. First, the bill will establish a Federal duty of care, prohibit steering, and call for licensing and registration of mortgage originators, including brokers and bank loan officers. Second, the new legislation will set a minimum standard for all mortgages which states that borrowers must have a reasonable ability to repay. Third, the legislation attaches limited liability to secondary market securitizers who package and sell interest in home mortgage loans outside of these standards. However, individual investors in these securities would not be liable. Finally, the bill expands and enhances consumer protections for "high-cost loans" under the Home Ownership and Equity Protection Act and includes important protections for renters of foreclosed homes.

Passage of H.R. 3915 could potentially help hundreds of thousands of homeowners across this Nation who are facing home foreclosures, and need more flexible terms in paying back their mortgages given that we are experiencing increased job layoffs; especially in Detroit and the State of Michigan. According to the Michigan Association of Realtors, the State of Michigan is in deep systematic recession. The auto industry has lost tens of thousands of jobs in the past few years, and there are more cuts to come.

In fact, Michigan saw 11,554 new foreclosures filings in February 2007. That put one of every 366 Michigan households at risk of losing a home because of missed mortgage payments. The Wayne County/Detroit area reported 6,653 new foreclosures in January of 2007, more than twice the number reported in December 2007. That amounts to one new filing for every 124 households. H.R. 3915 would create a more progressive and equitable home mortgage loan policy that will help scores of working families across this Nation and Michigan keep their homes; and prevent them from becoming homeless. This legislation will address the ongoing practice of routing unsuspecting borrowers into loans that are not appropriate for their needs and that they can't afford. H.R. 3915 will also stop the practice of creative loan financing by unscrupulous brokers who may unnecessarily increase the fees and costs to write the loan.

Treasury Secretary Henry Paulson called the housing downtown "the most significant current risk to the U.S. economy." Last week Federal Reserve Chairman Ben Bernanke said the situation will get worse before it gets better. Many believe that faulty mortgage lending practices have precipitated this credit crisis, and that the situation will get worse before it gets better. Therefore, I believe that this legislative remedy is a much needed remedy in a time of crisis.

I want to thank my friend Chairman BARNEY FRANK and my Republican colleagues for their bipartisan work to create an outstanding piece of legislation that moves us in a proactive direction. In conclusion, let me say that this comprehensive bill brings sweeping and much-needed changes to the mortgage market. It will reform many of the flaws in the current system that has led to the mortgage foreclosure crisis. The American people have asked us to provide the tools and oversight necessary to address this crisis and we have been able to achieve that goal. I whole heartedly give my complete support to this legislation. It is my belief that this bill reflects the principles of the Democratic Party which historically has ensured that the Federal Government will provide a safety net and protection for working families in a time of need.

Mr. SHAYS. Mr. Chairman, H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act is a measure response to the ongoing subprime mortgage crisis that sets some minimum Federal standards for home loans and reasonable accountability standards for lenders.

Setting restrictive standards on borrowers with weak credit profiles and higher risk of default could be counterproductive and limit access to credit to individuals who, without the subprime market, would be unable to get loans and have a part of the American Dream.

Recent increases in subprime borrower foreclosures and lender bankruptcies, however, have prompted concerns that some lenders' underwriting guidelines are too loose and that some borrowers have not fully understood the risks of the mortgage products they chose.

To remedy this problem, the bill would require lenders to first document that prospective borrowers can repay both during any discounted introductory period and after the rate rises to market levels. In language that would directly expose lenders to liability, the loans would be required to have a "net tangible benefit" for the borrowers.

While I agree with the bill's approach, I am concerned about some provisions. For example, I am not certain that prohibiting mortgage brokers from earning yield spread premiums on loans they make to individuals in the subprime market will prevent a great deal of fraud and abuse, and it could lead to mortgage brokers being locked out of this market.

There is wide agreement, however, that the bill's licensing standards for lenders are needed, and these standards are a primary factor in my support for the legislation. Licensing will lead to more educated lenders, which will in turn lead to borrowers who end up with the most suitable mortgage.

Ms. SCHAKOWSKY. Mr. Chairman, the time has come and gone for Congress to act to address the scourge of predatory lending. In the wake of the subprime mortgage crisis that is rocking the economy, an estimated two million Americans will face home foreclosures in the next two and a half years. These problems have caused the housing market to fall into its worst slump in 16 years.

The bill we are considering today, H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act, takes important steps to ensure that the mortgage industry follows sound principles of consumer protection. Many of the foreclosures we have seen are the result of predatory practices, including "redlining," poorly worded or confusing contracts, the steering of consumers to more expensive loan products, and mandating unfavorable terms that trap consumers into loans they cannot afford.

The bill before us today begins to turn the tide. It includes provisions to ensure that borrowers can repay the loans they are sold and receive clear disclosures about the loans they are offered, and that mortgage bankers and bank loan officers are all licensed or registered. All of these consumer protections will improve the options available to Illinois residents who seek a mortgage from a licensed mortgage lender.

However, while this bill represents a good start, I am concerned about Title II of the bill, which contains a state-law preemption provision that could weaken the value of the protections I've listed. I strongly believe that the laws that the Congress pass should be a floor, not a ceiling; we should not punish a State that may have stronger laws than what the Congress is able to craft. Illinois' licensed mortgage brokers and loan originators meet some of the Nation's highest standards, and it is time for Congress to make sure all mortgage lenders meet standards at least as high—not to punish my home state.

The preemption provision eliminates the ability of a homeowner to raise state-law claims against the securitizer—or actual owner—of the loan. If homeowners cannot sue the owners of the loans, in many cases they will have no remedy available to them at all: in many cases the original issuers of the mortgage have sold the loan, gone bankrupt, or have gone out of business. While the owners of the loans have the assets to provide relief to many victimized consumers, by preempting state law this bill ties the hands of consumers to take action against them.

I am also concerned that this language does little to address the higher rates caused by so-called "yield spread premiums," which might more accurately be referred to as kickbacks. This practice, which allows the broker to charge a more expensive rate to the consumer than the broker paid for the loan and pocket the difference, has encouraged brokers to sell the most costly loans possible. This loophole has no doubt contributed to record numbers of foreclosures we have been seeing, and it should be closed.

The mortgage crisis has been building and we must do everything we can to address its devastating impact, especially felt in states like Illinois, Ohio, and Michigan. I am glad that Chairman FRANK has indicated that he will work to improve the bill, and I look forward to working with him to correct the bill's deficiencies and enact the strongest possible protections for homeowners and tenants who are facing financial calamity.

Ms. McCOLLUM of Minnesota. Mr. Chairman, I rise today in strong support of the Mortgage Reform and Anti-Predatory Lending Act and applaud Chairman BARNEY FRANK for his work to end predatory lending and strengthen consumer protections.

The United States is currently facing a subprime mortgage crisis. Right now, nearly 1,200 homes are vacant in Saint Paul due to foreclosures. These foreclosures harm the vitality of our neighborhoods. Further, foreclosures mean a loss of property tax revenue, placing a burden on local and State governments. The social and financial costs of this serious problem affect everyone.

H.R. 3915 is an important step to protect American families from predatory lenders by requiring lenders to ensure that borrowers have a reasonable ability to repay and establishing a licensing system for mortgage brokers and bank loan officers. This legislation requires lenders to disclose more about loans such as, the maximum amount a consumer could pay on a variable rate mortgage and the amount of charges included in the mortgage. It also bans financial incentives for subprime loans and holds lenders in the secondary mortgage market accountable for home loans by allowing consumers to seek redress directly from the firms that "securitize" mortgages.

The pre-loan counseling in this bill will protect families from predatory lending in the future. This legislation also establishes an Office of Housing Counseling, which will certify computer programs so consumers can evaluate home mortgage loan proposals, and it will also provide technical and financial support for States and local governments educating consumers about buying a home.

Predatory lending harms our families, our neighborhoods, and our communities. We must do more to ensure that all individuals and families have safe and stable housing. I urge my colleagues to join me in voting for the Mortgage Reform and Anti-Predatory Lending Act.

Mr. MILLER of North Carolina. Mr. Chairman, this legislation may be interpreted to have the unintended consequence of changing the federal regulator governing Farm Credit System lenders, who as mortgage loan originators will be subject to the regulatory controls in this legislation. As H.R. 3915 progresses through Congress, I intend to work with my colleagues to ensure that any regulatory controls resulting from this legislation to Farm Credit System. institutions are managed by their current federal regulator, the Farm Credit Administration.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Mortgage Reform and Anti-Predatory Lending Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RESIDENTIAL MORTGAGE LOAN ORIGINATION

Subtitle A—Licensing System for Residential Mortgage Loan Originators

Sec. 101. Purposes and methods for establishing a mortgage licensing system and registry.
Sec. 102. Definitions.
Sec. 103. License or registration required.
Sec. 104. State license and registration application and issuance.
Sec. 105. Standards for State license renewal.
Sec. 106. System of registration administration by Federal banking agencies.
Sec. 107. Secretary of Housing and Urban Development backup authority to establish a loan originator licensing system.
Sec. 108. Backup authority to establish a nationwide mortgage licensing and registry system.
Sec. 109. Fees.
Sec. 110. Background checks of loan originators.
Sec. 111. Confidentiality of information.
Sec. 112. Liability provisions.
Sec. 113. Enforcement under HUD backup licensing system.

Subtitle B—Residential Mortgage Loan Origination Standards

Sec. 121. Definitions.
Sec. 122. Residential mortgage loan origination.
Sec. 123. Anti-steering.
Sec. 124. Liability.
Sec. 125. Regulations.

TITLE II—MINIMUM STANDARDS FOR MORTGAGES

Sec. 201. Ability to repay.
Sec. 202. Net tangible benefit for refinancing of residential mortgage loans.
Sec. 203. Safe harbor and rebuttable presumption.
Sec. 204. Liability.
Sec. 205. Defense to foreclosure.
Sec. 206. Additional standards and requirements.
Sec. 207. Rule of construction.
Sec. 208. Effect on State laws.
Sec. 209. Regulations.
Sec. 210. Amendments to civil liability provisions.
Sec. 211. Required disclosures.
Sec. 212. Authorization of appropriations.
Sec. 213. Effective date.

TITLE III—HIGH-COST MORTGAGES

Sec. 301. Definitions relating to high-cost mortgages.
Sec. 302. Amendments to existing requirements for certain mortgages.
Sec. 303. Additional requirements for certain mortgages.
Sec. 304. Amendment to provision governing correction of errors.
Sec. 305. Regulations.
Sec. 306. Effective date.

TITLE IV—OFFICE OF HOUSING COUNSELING

Sec. 401. Short title.
Sec. 402. Establishment of Office of Housing Counseling.
Sec. 403. Counseling procedures.
Sec. 404. Grants for housing counseling assistance.
Sec. 405. Requirements to use HUD-certified counselors under HUD programs.
Sec. 406. Study of defaults and foreclosures.
Sec. 407. Definitions for counseling-related programs.
Sec. 408. Updating and simplification of mortgage information booklet.

TITLE V—MORTGAGE DISCLOSURES UNDER REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974

Sec. 501. Universal mortgage disclosure in good faith estimate of settlement services costs.

TITLE I—RESIDENTIAL MORTGAGE LOAN ORIGINATION

Subtitle A—Licensing System for Residential Mortgage Loan Originators

SEC. 101. PURPOSES AND METHODS FOR ESTABLISHING A MORTGAGE LICENSING SYSTEM AND REGISTRY.

In order to increase uniformity, reduce regulatory burden, enhance consumer protection, and reduce fraud, the States, through the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, are hereby encouraged to establish a Nationwide Mortgage Licensing System and Registry for the residential mortgage industry that accomplishes all of the following objectives:

(1) Provides uniform license applications and reporting requirements for State-licensed loan originators.

(2) Provides a comprehensive licensing and supervisory database.

(3) Aggregates and improves the flow of information to and between regulators.

(4) Provides increased accountability and tracking of loan originators.

(5) Streamlines the licensing process and reduces the regulatory burden.

(6) Enhances consumer protections and supports anti-fraud measures.

(7) Provides consumers with easily accessible information regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators.

SEC. 102. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) FEDERAL BANKING AGENCIES.—The term "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(2) DEPOSITORY INSTITUTION.—The term "depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act and includes any credit union.

(3) LOAN ORIGINATOR.—

(A) IN GENERAL.—The term "loan originator"—

(i) means an individual who—

(I) takes a residential mortgage loan application;

(II) assists a consumer in obtaining or applying to obtain a residential mortgage loan; or

(III) offers or negotiates terms of a residential mortgage loan, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain;

(ii) includes any individual who represents to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will provide or perform any of the activities described in clause (i);

(iii) does not include any individual who performs purely administrative or clerical tasks and is not otherwise described in this subparagraph; and

(iv) does not include a person or entity that only performs real estate brokerage activities

and is licensed or registered in accordance with applicable State law, unless the person or entity is compensated by a lender, a mortgage broker, or other loan originator or by any agent of such lender, mortgage broker, or other loan originator.

(B) OTHER DEFINITIONS RELATING TO LOAN ORIGINATOR.—For purposes of this subsection, an individual "assists a consumer in obtaining or applying to obtain a residential mortgage loan" by, among other things, advising on loan terms (including rates, fees, other costs), preparing loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

(C) ADMINISTRATIVE OR CLERICAL TASKS.—The term "administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(D) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—The term "real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including—

(i) acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

(ii) listing or advertising real property for sale, purchase, lease, rental, or exchange;

(iii) providing advice in connection with sale, purchase, lease, rental, or exchange of real property;

(iv) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(v) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

(vi) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

(4) LOAN PROCESSOR OR UNDERWRITER.—

(A) IN GENERAL.—The term "loan processor or underwriter" means an individual who performs clerical or support duties at the direction of and subject to the supervision and instruction of—

(i) a State-licensed loan originator; or

(ii) a registered loan originator.

(B) CLERICAL OR SUPPORT DUTIES.—For purposes of subparagraph (A), the term "clerical or support duties" may include—

(i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

(5) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term "Nationwide Mortgage Licensing System and Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed loan originators and the registration of registered loan originators or any system established by the Secretary under section 108.

(6) REGISTERED LOAN ORIGINATOR.—The term "registered loan originator" means any individual who—

(A) meets the definition of loan originator and is an employee of a depository institution or a subsidiary of a depository institution; and

(B) is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(7) RESIDENTIAL MORTGAGE LOAN.—The term "residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(8) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(9) STATE-LICENSED LOAN ORIGINATOR.—The term "State-licensed loan originator" means any individual who—

(A) is a loan originator;

(B) is not an employee of a depository institution or any subsidiary of a depository institution; and

(C) is licensed by a State or by the Secretary under section 107 and registered as a loan originator with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(10) UNIQUE IDENTIFIER.—The term "unique identifier" means a number or other identifier that—

(A) permanently identifies a loan originator; and

(B) is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry and the Federal banking agencies to facilitate electronic tracking of loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

SEC. 103. LICENSE OR REGISTRATION REQUIRED.

(a) IN GENERAL.—An individual may not engage in the business of a loan originator without first—

(1) obtaining and maintaining—

(A) a registration as a registered loan originator; or

(B) a license and registration as a State-licensed loan originator; and

(2) obtaining a unique identifier.

(b) LOAN PROCESSORS AND UNDERWRITERS.—

(1) SUPERVISED LOAN PROCESSORS AND UNDERWRITERS.—A loan processor or underwriter who does not represent to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will perform any of the activities of a loan originator shall not be required to be a State-licensed loan originator or a registered loan originator.

(2) INDEPENDENT CONTRACTORS.—A loan processor or underwriter may not work as an independent contractor unless such processor or underwriter is a State-licensed loan originator or a registered loan originator.

SEC. 104. STATE LICENSE AND REGISTRATION APPLICATION AND ISSUANCE.

(a) BACKGROUND CHECKS.—In connection with an application to any State for licensing and registration as a State-licensed loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including—

(1) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(2) personal history and experience, including authorization for the System to obtain—

(A) an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) ISSUANCE OF LICENSE.—The minimum standards for licensing and registration as a State-licensed loan originator shall include the following:

(1) The applicant has not had a loan originator or similar license revoked in any governmental jurisdiction during the 5-year period immediately preceding the filing of the present application.

(2) The applicant has not been convicted, pled guilty or nolo contendere in a domestic, foreign, or military court of a felony during the 7-year period immediately preceding the filing of the present application.

(3) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator will operate honestly, fairly, and efficiently within the purposes of this subtitle.

(4) The applicant has completed the pre-licensing education requirement described in subsection (c).

(5) The applicant has passed a written test that meets the test requirement described in subsection (d).

(c) PRE-LICENSING EDUCATION OF LOAN ORIGINATORS.—

(1) MINIMUM EDUCATIONAL REQUIREMENTS.—In order to meet the pre-licensing education requirement referred to in subsection (b)(4), a person shall complete at least 20 hours of education approved in accordance with paragraph (2), which shall include at least 3 hours of Federal law and regulations and 3 hours of ethics.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), pre-licensing education courses shall be reviewed, approved and published by the Nationwide Mortgage Licensing System and Registry.

(d) TESTING OF LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the written test requirement referred to in subsection (b)(5), an individual shall pass, in accordance with the standards established under this subsection, a qualified written test developed and administered by the Nationwide Mortgage Licensing System and Registry.

(2) QUALIFIED TEST.—A written test shall not be treated as a qualified written test for purposes of paragraph (1) unless—

(A) the test consists of a minimum of 100 questions; and

(B) the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including—

(i) ethics;

(ii) Federal law and regulation pertaining to mortgage origination; and

(iii) State law and regulation pertaining to mortgage origination.

(3) MINIMUM COMPETENCE.—

(A) PASSING SCORE.—An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than 75 percent correct answers to questions.

(B) INITIAL RETESTS.—An individual may retake a test 3 consecutive times with each consecutive taking occurring in less than 14 days after the preceding test.

(C) SUBSEQUENT RETESTS.—After 3 consecutive tests, an individual shall wait at least 14 days before taking the test again.

(D) RETEST AFTER LAPSE OF LICENSE.—A State-licensed loan originator who fails to maintain a valid license for a period of 5 years or longer shall retake the test, not taking into account any time during which such individual is a registered loan originator.

SEC. 105. STANDARDS FOR STATE LICENSE RENEWAL.

(a) IN GENERAL.—The minimum standards for license renewal for State-licensed loan originators shall include the following:

(1) The loan originator continues to meet the minimum standards for license issuance.

(2) The loan originator has satisfied the annual continuing education requirements described in subsection (b).

(b) CONTINUING EDUCATION FOR STATE-LICENSED LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the annual continuing education requirements referred to in subsection (a)(2), a State-licensed loan originator shall complete at least 8 hours of education approved in accordance with paragraph (2), which shall include at least 3 hours of Federal law and regulations and 2 hours of ethics.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), continuing education courses shall be reviewed, approved, and published by the Nationwide Mortgage Licensing System and Registry.

(3) CALCULATION OF CONTINUING EDUCATION CREDITS.—A State-licensed loan originator—

(A) may only receive credit for a continuing education course in the year in which the course is taken; and

(B) may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(4) INSTRUCTOR CREDIT.—A State-licensed loan originator who is approved as an instructor of an approved continuing education course may receive credit for the originator's own annual continuing education requirement at the rate of 2 hours credit for every 1 hour taught.

SEC. 106. SYSTEM OF REGISTRATION ADMINISTRATION BY FEDERAL BANKING AGENCIES.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Federal banking agencies shall jointly develop and maintain a system for registering employees of depository institutions or subsidiaries of depository institutions as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of the enactment of this Act.

(2) REGISTRATION REQUIREMENTS.—In connection with the registration of any loan originator who is an employee of a depository institution or a subsidiary of a depository institution with the Nationwide Mortgage Licensing System and Registry, the appropriate Federal banking agency shall, at a minimum, furnish or cause to be furnished to the Nationwide Mortgage Licensing System and Registry information concerning the employees's identity, including—

(A) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(B) personal history and experience, including—

(i) an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(ii) information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) UNIQUE IDENTIFIER.—The Federal banking agencies, through the Financial Institutions Examination Council, shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each registered loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and publicly adjudicated disciplinary and enforcement actions against loan originators.

(c) CONSIDERATION OF FACTORS AND PROCEDURES.—In establishing the registration procedures under subsection (a) and the protocols for assigning a unique identifier to a registered loan originator, the Federal banking agencies shall make such de minimis exceptions as may be appropriate to paragraphs (1)(A) and (2) of section 103(a), shall make reasonable efforts to utilize existing information to minimize the burden of registering loan originators, and shall consider methods for automating the process to the greatest extent practicable consistent with the purposes of this subtitle.

SEC. 107. SECRETARY OF HOUSING AND URBAN DEVELOPMENT BACKUP AUTHORITY TO ESTABLISH A LOAN ORIGINATOR LICENSING SYSTEM.

(a) BACK UP LICENSING SYSTEM.—If, by the end of the 1-year period, or the 2-year period in the case of a State whose legislature meets only biennially, beginning on the date of the enactment of this Act or at any time thereafter, the Secretary determines that a State does not have in place by law or regulation a system for licensing and registering loan originators that meets the requirements of sections 104 and 105 and subsection (d) or does not participate in the Nationwide Mortgage Licensing System and Registry, the Secretary shall provide for the establishment and maintenance of a system for the licensing and registration by the Secretary of loan originators operating in such State as State-licensed loan originators.

(b) LICENSING AND REGISTRATION REQUIREMENTS.—The system established by the Secretary under subsection (a) for any State shall meet the requirements of sections 104 and 105 for State-licensed loan originators.

(c) UNIQUE IDENTIFIER.—The Secretary shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each loan originator licensed by the Secretary as a State-licensed loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

(d) STATE LICENSING LAW REQUIREMENTS.—For purposes of this section, the law in effect in a State meets the requirements of this subsection if the Secretary determines the law satisfies the following minimum requirements:

(1) A State loan originator supervisory authority is maintained to provide effective supervision and enforcement of such law, including the suspension, termination, or nonrenewal of a license for a violation of State or Federal law.

(2) The State loan originator supervisory authority ensures that all State-licensed loan originators operating in the State are registered with Nationwide Mortgage Licensing System and Registry.

(3) The State loan originator supervisory authority is required to regularly report violations of such law, as well as enforcement actions and other relevant information, to the Nationwide Mortgage Licensing System and Registry.

(e) TEMPORARY EXTENSION OF PERIOD.—The Secretary may extend, by not more than 6 months, the 1-year or 2-year period, as the case may be, referred to in subsection (a) for the licensing of loan originators in any State under a State licensing law that meets the requirements of sections 104 and 105 and subsection (d) if the Secretary determines that such State is making a good faith effort to establish a State licensing law that meets such requirements, license mortgage originators under such law, and register such originators with the Nationwide Mortgage Licensing System and Registry.

(f) LIMITATION ON HUD-LICENSED LOAN ORIGINATORS.—Any loan originator who is licensed by the Secretary under a system established under this section for any State may not use such license to originate loans in any other State.

SEC. 108. BACKUP AUTHORITY TO ESTABLISH A NATIONWIDE MORTGAGE LICENSING AND REGISTRY SYSTEM.

If at any time the Secretary determines that the Nationwide Mortgage Licensing System and Registry is failing to meet the requirements and purposes of this subtitle for a comprehensive licensing, supervisory, and tracking system for loan originators, the Secretary shall establish and maintain such a system to carry out the purposes of this subtitle and the effective registration and regulation of loan originators.

SEC. 109. FEES.

The Federal banking agencies, the Secretary, and the Nationwide Mortgage Licensing System and Registry may charge reasonable fees to cover the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry to the extent such fees are not charged to consumers for access such system and registry.

SEC. 110. BACKGROUND CHECKS OF LOAN ORIGINATORS.

(a) ACCESS TO RECORDS.—Notwithstanding any other provision of law, in providing identification and processing functions, the Attorney General shall provide access to all criminal history information to the appropriate State officials responsible for regulating State-licensed loan originators to the extent criminal history background checks are required under the laws of the State for the licensing of such loan originators.

(b) AGENT.—For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (a), the Conference of State Bank Supervisors or a wholly owned subsidiary may be used as a channeling agent of the States for requesting and distributing information between the Department of Justice and the appropriate State agencies.

SEC. 111. CONFIDENTIALITY OF INFORMATION.

(a) SYSTEM CONFIDENTIALITY.—Except as otherwise provided in this section, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 108, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the system. Such information and material may be shared with all State and Federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by Federal and State laws.

(b) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—Information or material that is subject to a privilege or confidentiality under subsection (a) shall not be subject to—

(1) disclosure under any Federal or State law governing the disclosure to the public of information held by an officer or an agency of the Federal Government or the respective State; or

(2) subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing

System and Registry or the Secretary with respect to such information or material, the person to whom such information or material pertains waives, in whole or in part, in the discretion of such person, that privilege.

(c) COORDINATION WITH OTHER LAW.—Any State law, including any State open record law, relating to the disclosure of confidential supervisory information or any information or material described in subsection (a) that is inconsistent with subsection (a) shall be superseded by the requirements of such provision to the extent State law provides less confidentiality or a weaker privilege.

(d) PUBLIC ACCESS TO INFORMATION.—This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators that is included in Nationwide Mortgage Licensing System and Registry for access by the public.

SEC. 112. LIABILITY PROVISIONS.

The Secretary, any State official or agency, any Federal banking agency, or any organization serving as the administrator of the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 108, or any officer or employee of any such entity, shall not be subject to any civil action or proceeding for monetary damages by reason of the good-faith action or omission of any officer or employee of any such entity, while acting within the scope of office or employment, relating to the collection, furnishing, or dissemination of information concerning persons who are loan originators or are applying for licensing or registration as loan originators.

SEC. 113. ENFORCEMENT UNDER HUD BACKUP LICENSING SYSTEM.

(a) SUMMONS AUTHORITY.—The Secretary may—

(1) examine any books, papers, records, or other data of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 107; and

(2) summon any loan originator referred to in paragraph (1) or any person having possession, custody, or care of the reports and records relating to such loan originator, to appear before the Secretary or any delegate of the Secretary at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation of such loan originator for compliance with the requirements of this subtitle.

(b) EXAMINATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary establishes a licensing system under section 107 for any State, the Secretary shall appoint examiners for the purposes of administering such section.

(2) POWER TO EXAMINE.—Any examiner appointed under paragraph (1) shall have power, on behalf of the Secretary, to make any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 107 whenever the Secretary determines an examination of any loan originator is necessary to determine the compliance by the originator with this subtitle.

(3) REPORT OF EXAMINATION.—Each examiner appointed under paragraph (1) shall make a full and detailed report of examination of any loan originator examined to the Secretary.

(4) ADMINISTRATION OF OATHS AND AFFIRMATIONS; EVIDENCE.—In connection with examinations of loan originators operating in any State which is subject to a licensing system established by the Secretary under section 107, or with other types of investigations to determine compliance with applicable law and regulations, the Secretary and examiners appointed by the Secretary may administer oaths and affirmations and examine and take and preserve testimony under oath as to any matter in respect to the affairs of any such loan originator.

(5) ASSESSMENTS.—The cost of conducting any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 107 shall be assessed by the Secretary against the loan originator to meet the Secretary's expenses in carrying out such examination.

(c) CEASE AND DESIST PROCEEDING.—

(1) AUTHORITY OF SECRETARY.—If the Secretary finds, after notice and opportunity for hearing, that any person is violating, has violated, or is about to violate any provision of this subtitle, or any regulation thereunder, with respect to a State which is subject to a licensing system established by the Secretary under section 107, the Secretary may publish such findings and enter an order requiring such person, and any other person that is, was, or would be a cause of the violation, due to an act or omission the person knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring a person to cease and desist from committing or causing a violation, require such person to comply, or to take steps to effect compliance, with such provision or regulation, upon such terms and conditions and within such time as the Secretary may specify in such order. Any such order may, as the Secretary deems appropriate, require future compliance or steps to effect future compliance, either permanently or for such period of time as the Secretary may specify, with such provision or regulation with respect to any loan originator.

(2) HEARING.—The notice instituting proceedings pursuant to paragraph (1) shall fix a hearing date not earlier than 30 days nor later than 60 days after service of the notice unless an earlier or a later date is set by the Secretary with the consent of any respondent so served.

(3) TEMPORARY ORDER.—Whenever the Secretary determines that the alleged violation or threatened violation specified in the notice instituting proceedings pursuant to paragraph (1), or the continuation thereof, is likely to result in significant dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest prior to the completion of the proceedings, the Secretary may enter a temporary order requiring the respondent to cease and desist from the violation or threatened violation and to take such action to prevent the violation or threatened violation and to prevent dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest as the Secretary deems appropriate pending completion of such proceedings. Such an order shall be entered only after notice and opportunity for a hearing, unless the Secretary determines that notice and hearing prior to entry would be impracticable or contrary to the public interest. A temporary order shall become effective upon service upon the respondent and, unless set aside, limited, or suspended by the Secretary or a court of competent jurisdiction, shall remain effective and enforceable pending the completion of the proceedings.

(4) REVIEW OF TEMPORARY ORDERS.—

(A) REVIEW BY SECRETARY.—At any time after the respondent has been served with a temporary cease-and-desist order pursuant to paragraph (3), the respondent may apply to the Secretary to have the order set aside, limited, or suspended. If the respondent has been served with a temporary cease-and-desist order entered without a prior hearing before the Secretary, the respondent may, within 10 days after the date on which the order was served, request a hearing on such application and the Secretary shall hold a hearing and render a decision on such application at the earliest possible time.

(B) JUDICIAL REVIEW.—Within—

(i) 10 days after the date the respondent was served with a temporary cease-and-desist order entered with a prior hearing before the Secretary; or

(ii) 10 days after the Secretary renders a decision on an application and hearing under paragraph (1), with respect to any temporary cease-and-desist order entered without a prior hearing before the Secretary,

the respondent may apply to the United States district court for the district in which the respondent resides or has its principal place of business, or for the District of Columbia, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order, and the court shall have jurisdiction to enter such an order. A respondent served with a temporary cease-and-desist order entered without a prior hearing before the Secretary may not apply to the court except after hearing and decision by the Secretary on the respondent's application under subparagraph (A).

(C) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under subparagraph (B) shall not, unless specifically ordered by the court, operate as a stay of the Secretary's order.

(5) AUTHORITY OF THE SECRETARY TO PROHIBIT PERSONS FROM SERVING AS LOAN ORIGINATORS.—In any cease-and-desist proceeding under paragraph (1), the Secretary may issue an order to prohibit, conditionally or unconditionally, and permanently or for such period of time as the Secretary shall determine, any person who has violated this subtitle or regulations thereunder, from acting as a loan originator if the conduct of that person demonstrates unfitness to serve as a loan originator.

(d) AUTHORITY OF THE SECRETARY TO ASSESS MONEY PENALTIES.—

(1) IN GENERAL.—The Secretary may impose a civil penalty on a loan originator operating in any State which is subject to licensing system established by the Secretary under section 107 if the Secretary finds, on the record after notice and opportunity for hearing, that such loan originator has violated or failed to comply with any requirement of this subtitle or any regulation prescribed by the Secretary under this subtitle or order issued under subsection (c).

(2) MAXIMUM AMOUNT OF PENALTY.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $5,000 for each day the violation continues.

Subtitle B—Residential Mortgage Loan Origination Standards

SEC. 121. DEFINITIONS.

Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding at the end the following new subsection:

"(cc) DEFINITIONS RELATING TO MORTGAGE ORIGINATION AND RESIDENTIAL MORTGAGE LOANS.—

"(1) COMMISSION.—Unless otherwise specified, the term 'Commission' means the Federal Trade Commission.

"(2) FEDERAL BANKING AGENCIES.—The term 'Federal banking agencies' means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board.

"(3) MORTGAGE ORIGINATOR.—The term 'mortgage originator'—

"(A) means any person who—

"(i) takes a residential mortgage loan application;

"(ii) assists a consumer in obtaining or applying to obtain a residential mortgage loan; or

"(iii) offers or negotiates terms of a residential mortgage loan, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain;

"(B) includes any person who represents to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such person can or will provide any of the services or perform any of the activities described in subparagraph (A); and

"(C) does not include any person who is not otherwise described in subparagraph (A) or (B) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such subparagraph.

"(4) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term 'Nationwide Mortgage Licensing System and Registry' has the same meaning as in section 102(5) of the Mortgage Reform and Anti-Predatory Lending Act of 2007.

"(5) OTHER DEFINITIONS RELATING TO MORTGAGE ORIGINATOR.—For purposes of this subsection, a person 'assists a consumer in obtaining or applying to obtain a residential mortgage loan' by, among other things, advising on residential mortgage loan terms (including rates, fees, and other costs), preparing residential mortgage loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

"(6) RESIDENTIAL MORTGAGE LOAN.—The term 'residential mortgage loan' means any consumer credit transaction that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or on residential real property that includes a dwelling, other than a consumer credit transaction under an open end credit plan or a reverse mortgage.

"(7) SECRETARY.—The term 'Secretary', when used in connection with any transaction or person involved with a residential mortgage loan, means the Secretary of Housing and Urban Development.

"(8) SECURITIZATION VEHICLE.—The term 'securitization vehicle' means a trust, corporation, partnership, limited liability entity, or special purpose entity that—

"(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

"(B) holds such loans.

"(9) SECURITIZER.—The term 'securitizer' means the person that transfers, conveys, or assigns, or causes the transfer, conveyance, or assignment of, residential mortgage loans, including through a special purpose vehicle, to any securitization vehicle, excluding any trustee that holds such loans solely for the benefit of the securitization vehicle.".

SEC. 122. RESIDENTIAL MORTGAGE LOAN ORIGINATION.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129 the following new section:

"§129A. Residential mortgage loan origination

"(a) DUTY OF CARE.—

"(1) STANDARD.—Subject to regulations prescribed under this subsection, each mortgage originator shall, in addition to the duties imposed by otherwise applicable provisions of State or Federal law—

"(A) be qualified, registered, and, when required, licensed as a mortgage originator in accordance with applicable State or Federal law including subtitle A of title I of the Mortgage Reform and Anti-Predatory Lending Act of 2007;

"(B) with respect to each consumer seeking or inquiring about a residential mortgage loan, diligently work to present the consumer with a range of residential mortgage loan products for which the consumer likely qualifies and which are appropriate to the consumer's existing circumstances, based on information known by, or obtained in good faith by, the originator;

"(C) make full, complete, and timely disclosure to each such consumer of—

"(i) the comparative costs and benefits of each residential mortgage loan product offered, discussed, or referred to by the originator;

"(ii) the nature of the originator's relationship to the consumer (including the cost of the services to be provided by the originator and a statement that the mortgage originator is or is not acting as an agent for the consumer, as the case may be); and

"(iii) any relevant conflicts of interest;

"(D) certify to the creditor, with respect to any transaction involving a residential mortgage loan, that the mortgage originator has fulfilled all requirements applicable to the originator under this section with respect to the transaction; and

"(E) include the unique identifier of the originator provided by the Nationwide Mortgage Licensing System and Registry on all loan documents.

"(2) CLARIFICATION OF EXTENT OF DUTY TO PRESENT RANGE OF PRODUCTS AND APPROPRIATE PRODUCTS.—

"(A) NO DUTY TO OFFER PRODUCTS FOR WHICH ORIGINATOR IS NOT AUTHORIZED TO TAKE AN APPLICATION.—Paragraph (1)(B) shall not be construed as requiring—

"(i) a mortgage originator to present to any consumer any specific residential mortgage loan product that is offered by a creditor which does not accept consumer referrals from, or consumer applications submitted by or through, such originator; or

"(ii) a creditor to offer products that the creditor does not offer to the general public.

"(B) APPROPRIATE LOAN PRODUCT.—For purposes of paragraph (1)(B), a residential mortgage loan shall be presumed to be appropriate for a consumer if—

"(i) the mortgage originator determines in good faith, based on then existing information and without undergoing a full underwriting process, that the consumer has a reasonable ability to repay and receives a net tangible benefit (as determined in accordance with regulations prescribed under section 129B(a)); and

"(ii) the loan does not have predatory characteristics or effects (such as equity stripping and excessive fees and abusive terms) as determined in accordance with regulations prescribed under paragraph (4).

"(3) RULES OF CONSTRUCTION.—No provision of this subsection shall be construed as—

"(A) creating an agency or fiduciary relationship between a mortgage originator and a consumer if the originator does not hold himself or herself out as such an agent or fiduciary; or

"(B) restricting a mortgage originator from holding himself or herself out as an agent or fiduciary of a consumer subject to any additional duty, requirement, or limitation applicable to agents or fiduciaries under any Federal or State law.

"(4) REGULATIONS.—

"(A) IN GENERAL.—The Federal banking agencies, in consultation with the Secretary and the Commission, shall jointly prescribe regulations to—

"(i) further define the duty established under paragraph (1);

"(ii) implement the requirements of this subsection;

"(iii) establish the time period within which any disclosure required under paragraph (1) shall be made to the consumer; and

"(iv) establish such other requirements for any mortgage originator as such regulatory agencies may determine to be appropriate to meet the purposes of this subsection.

"(B) COMPLEMENTARY AND NONDUPLICATIVE DISCLOSURES.—The agencies referred to in subparagraph (A) shall endeavor to make the required disclosures to consumers under this subsection complementary and nonduplicative with other disclosures for mortgage consumers to the extent such efforts—

"(i) are practicable; and

"(ii) do not reduce the value of any such disclosure to recipients of such disclosures.

"(5) COMPLIANCE PROCEDURES REQUIRED.—The Federal banking agencies shall prescribe regulations requiring depository institutions to establish and maintain procedures reasonably designed to assure and monitor the compliance of such depository institutions, the subsidiaries of such institutions, and the employees of such institutions or subsidiaries with the requirements of this section and the registration procedures established under section 106 of the Mortgage Reform and Anti-Predatory Lending Act of 2007.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129 the following new item:

"129A. Residential mortgage loan origination.".

SEC. 123. ANTI-STEERING.

Section 129A of the Truth in Lending Act (as added by section 122(a)) is amended by inserting after subsection (a) the following new subsection:

"(b) PROHIBITION ON STEERING INCENTIVES.—

"(1) IN GENERAL.—No mortgage originator may receive from any person, and no person may pay to any mortgage originator, directly or indirectly, any incentive compensation (including yield spread premium) that is based on, or varies with, the terms (other than the amount of principal) of any loan that is not a qualified mortgage (as defined in section 129B(c)(3)).

"(2) ANTI-STEERING REGULATIONS.—The Federal banking agencies, in consultation with the Secretary and the Commission, shall jointly prescribe regulations to prohibit—

"(A) mortgage originators from steering any consumer to a residential mortgage loan that—

"(i) the consumer lacks a reasonable ability to repay;

"(ii) does not provide the consumer with a net tangible benefit; or

"(iii) has predatory characteristics or effects (such as equity stripping, excessive fees, or abusive terms);

"(B) mortgage originators from steering any consumer from a residential mortgage loan for which the consumer is qualified that is a qualified mortgage (as defined in section 129B(c)(3)) to a residential mortgage loan that is not a qualified mortgage; and

"(C) abusive or unfair lending practices that promote disparities among consumers of equal credit worthiness but of different race, ethnicity, gender, or age.

"(3) RULES OF CONSTRUCTION.—No provision of this subsection shall be construed as—

"(A) limiting or affecting the ability of a mortgage originator to sell residential mortgage loans to subsequent purchasers;

"(B) restricting a consumer's ability to finance origination fees to the extent that such fees were fully disclosed to the consumer earlier in the application process and do not vary based on the terms of the loan or the consumer's decision about whether to finance such fees; or

"(C) prohibiting incentive payments to a mortgage originator based on the number of residential mortgage loans originated within a specified period of time.".

SEC. 124. LIABILITY.

Section 129A of the Truth in Lending Act is amended by inserting after subsection (b) (as *added by section 123) the following new subsection:*

"(c) LIABILITY FOR VIOLATIONS.—

"(1) IN GENERAL.—For purposes of providing a cause of action for any failure by a mortgage originator to comply with any requirement imposed under this section and any regulation prescribed under this section, subsections (a) and (b) of section 130 shall be applied with respect to any such failure by substituting 'mortgage originator' for 'creditor' each place such term appears in each such subsection

"(2) MAXIMUM.—The maximum amount of any liability of a mortgage originator under paragraph (1) to a consumer for any violation of this section shall not exceed an amount equal to 3 times the total amount of direct and indirect compensation or gain accruing to the mortgage originator in connection with the residential mortgage loan involved in the violation, plus the costs to the consumer of the action, including a reasonable attorney's fee.".

SEC. 125. REGULATIONS.

The regulations required or authorized to be prescribed under this title or the amendments made by this title—

(1) shall be prescribed in final form before the end of the 12-month period beginning on the date of the enactment of this Act; and

(2) shall take effect not later than 18 months after the date of the enactment of this Act.

TITLE II—MINIMUM STANDARDS FOR MORTGAGES

SEC. 201. ABILITY TO REPAY.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129A (as added by section 122(a)) the following new section:

"§ 129B. Minimum standards for residential mortgage loans

"(a) ABILITY TO REPAY.—

"(1) IN GENERAL.—In accordance with regulations prescribed jointly by the Federal banking agencies, in consultation with the Commission, no creditor may make a residential mortgage loan unless the creditor makes a reasonable and good faith determination based on verified and documented information that, at the time the loan is consummated, the consumer has a reasonable ability to repay the loan, according to its terms, and all applicable taxes, insurance, and assessments.

"(2) MULTIPLE LOANS.—If the creditor knows, or has reason to know, that 1 or more residential mortgage loans secured by the same dwelling will be made to the same consumer, the creditor shall make a reasonable and good faith determination, based on verified and documented information, that the consumer has a reasonable ability to repay the combined payments of all loans on the same dwelling according to the terms of those loans and all applicable taxes, insurance, and assessments.

"(3) BASIS FOR DETERMINATION.—A determination under this subsection of a consumer's ability to repay a residential mortgage loan shall be based on consideration of the consumer's credit history, current income, expected income the consumer is reasonably assured of receiving, current obligations, debt-to-income ratio, employment status, and other financial resources other than the consumer's equity in the dwelling or real property that secures repayment of the loan.

"(4) NONSTANDARD LOANS.—

"(A) VARIABLE RATE LOANS THAT DEFER REPAYMENT OF ANY PRINCIPAL OR INTEREST.—For purposes of determining, under this subsection, a consumer's ability to repay a variable rate residential mortgage loan that allows or requires the consumer to defer the repayment of any principal or interest, the creditor shall take into consideration a fully amortizing repayment schedule.

"(B) INTEREST-ONLY LOANS.—For purposes of determining, under this subsection, a consumer's ability to repay a residential mortgage loan that permits or requires the payment of interest only, the creditor shall take into consideration the payment amount required to amortize the loan by its final maturity.

"(C) CALCULATION FOR NEGATIVE AMORTIZATION.—In making any determination under this subsection, a creditor shall also take into consideration any balance increase that may accrue from any negative amortization provision.

"(D) CALCULATION PROCESS.—For purposes of making any determination under this subsection, a creditor shall calculate the monthly payment amount for principal and interest on any residential mortgage loan by assuming—

"(i) the loan proceeds are fully disbursed on the date of the consummation of the loan;

"(ii) the loan is to be repaid in substantially equal monthly amortizing payments for principal and interest over the entire term of the loan with no balloon payment, unless the loan contract requires more rapid repayment (including balloon payment), in which case the contract's repayment schedule shall be used in this calculation; and

"(iii) the interest rate over the entire term of the loan is a fixed rate equal to the fully indexed rate at the time of the loan closing, without considering the introductory rate.

"(5) FULLY-INDEXED RATE DEFINED.—For purposes of this subsection, the term 'fully indexed rate' means the index rate prevailing on a residential mortgage loan at the time the loan is made plus the margin that will apply after the expiration of any introductory interest rates.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129A (as added by section 122(b)) the following new item:

"129B. Minimum standards for residential mortgage loans.".

SEC. 202. NET TANGIBLE BENEFIT FOR REFINANCING OF RESIDENTIAL MORTGAGE LOANS.

Section 129B of the Truth in Lending Act (as added by section 201(a)) is amended by inserting after subsection (a) the following new subsection:

"(b) NET TANGIBLE BENEFIT FOR REFINANCING OF RESIDENTIAL MORTGAGE LOANS.—

"(1) IN GENERAL.—In accordance with regulations prescribed under paragraph (3), no creditor may extend credit in connection with any residential mortgage loan that involves a refinancing of a prior existing residential mortgage loan unless the creditor reasonably and in good faith determines, at the time the loan is consummated and on the basis of information known by or obtained in good faith by the creditor, that the refinanced loan will provide a net tangible benefit to the consumer.

"(2) CERTAIN LOANS PROVIDING NO NET TANGIBLE BENEFIT.—A residential mortgage loan that involves a refinancing of a prior existing residential mortgage loan shall not be considered to provide a net tangible benefit to the consumer if the costs of the refinanced loan, including points, fees and other charges, exceed the amount of any newly advanced principal without any corresponding changes in the terms of the refinanced loan that are advantageous to the consumer.

"(3) NET TANGIBLE BENEFIT.—The Federal banking agencies shall jointly prescribe regulations defining the term 'net tangible benefit' for purposes of this subsection.".

SEC. 203. SAFE HARBOR AND REBUTTABLE PRESUMPTION.

Section 129B of the Truth in Lending Act is amended by inserting after subsection (b) (as added by section 202) the following new subsection:

"(c) PRESUMPTION OF ABILITY TO REPAY AND NET TANGIBLE BENEFIT.—

"(1) IN GENERAL.—Any creditor with respect to any residential mortgage loan, and any assignee or securitizer of such loan, may presume that the loan has met the requirements of subsections (a) and (b), if the loan is a qualified mortgage or a qualified safe harbor mortgage.

"(2) REBUTTABLE PRESUMPTION.—Any presumption established under paragraph (1) with respect to any residential mortgage loan shall be rebuttable only—

"(A) against the creditor of such loan; and

"(B) if such loan is a qualified safe harbor mortgage.

"(3) DEFINITIONS.—For purposes of this section the following definitions shall apply:

"(A) MOST RECENT CONVENTIONAL MORTGAGE RATE.—The term 'most recent conventional mortgage rate' means the contract interest rate on commitments for fixed-rate first mortgages most recently published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the H.15 release (or any successor publication), in the week preceding a date of determination for purposes of applying this subsection.

"(B) QUALIFIED MORTGAGE.—The term 'qualified mortgage' means—

"(i) any residential mortgage loan that constitutes a first lien on the dwelling or real property securing the loan and either—

"(I) has an annual percentage rate that does not equal or exceed the yield on securities issued by the Secretary of the Treasury under chapter 31 of title 31, United States Code, that bear comparable periods of maturity by more than 3 percentage points; or

"(II) has an annual percentage rate that does not equal or exceed the most recent conventional mortgage rate, or such other annual percentage rate as may be established by regulation under paragraph (6), by more than 175 basis points;

"(ii) any residential mortgage loan that is not the first lien on the dwelling or real property securing the loan and either—

"(I) has an annual percentage rate that does not equal or exceed the yield on securities issued by the Secretary of the Treasury under chapter 31 of title 31, United States Code, that bear comparable periods of maturity by more than 5 percentage points; or

"(II) has an annual percentage rate that does not equal or exceed the most recent conventional mortgage rate, or such other annual percentage rate as may be established by regulation under paragraph (6), by more than 375 basis points; and

"(iii) a loan made or guaranteed by the Secretary of Veterans Affairs.

"(C) QUALIFIED SAFE HARBOR MORTGAGE.—The term 'qualified safe harbor mortgage' means any residential mortgage loan—

"(i) for which the income and financial resources of the consumer are verified and documented;

"(ii) for which the residential mortgage loan underwriting process is based on the fully-indexed rate, and takes into account all applicable taxes, insurance, and assessments;

"(iii) which does not provide for a repayment schedule that results in negative amortization at any time;

"(iv) meets such other requirements as may be established by regulation; and

"(v) for which any of the following factors apply with respect to such loan:

"(I) The periodic payment amount for principal and interest are fixed for a minimum of 5 years under the terms of the loan.

"(II) In the case of a variable rate loan, the annual percentage rate varies based on a margin that is less than 3 percent over a single generally accepted interest rate index that is the

basis for determining the rate of interest for the mortgage.

“(III) The loan does not cause the consumer's total monthly debts, including amounts under the loan, to exceed a percentage established by regulation of his or her monthly gross income or such other maximum percentage of such income as may be prescribed by regulation under paragraph (6).

“(4) DETERMINATION OF COMPARISON TO TREASURY SECURITIES.—

“(A) IN GENERAL.—Without regard to whether a residential mortgage loan is subject to or reportable under the Home Mortgage Disclosure Act of 1975 and subject to subparagraph (B), the difference between the annual percentage rate of such loan and the yield on securities issued by the Secretary of the Treasury under chapter 31 of title 31, United States Code, having comparable periods of maturity shall be determined using the same procedures and methods of calculation applicable to loans that are subject to the reporting requirements under the Home Mortgage Disclosure Act of 1975.

“(B) DATE OF DETERMINATION OF YIELD.—The yield on the securities referred to in subparagraph (A) shall be determined, for purposes of such subparagraph and paragraph (3) with respect to any residential mortgage loan, as of the 15th day of the month preceding the month in which a completed application is submitted for such loan.

“(5) APR IN CASE OF INTRODUCTORY OFFER.—For purposes of making a determination of whether a residential mortgage loan that provides for a fixed interest rate for an introductory period and then resets or adjusts to a variable rate is a qualified mortgage, the determination of the annual percentage rate, as determined in accordance with regulations prescribed by the Board under section 107, shall be based on the greater of the introductory rate and the fully indexed rate of interest.

“(6) REGULATIONS.—

“(A) IN GENERAL.—The Federal banking agencies shall jointly prescribe regulations to carry out the purposes of this subsection.

“(B) REVISION OF SAFE HARBOR CRITERIA.—The Federal banking agencies may jointly prescribe regulations that revise, add to, or subtract from the criteria that define a qualified mortgage and a qualified safe harbor mortgage to the extent necessary and appropriate to effectuate the purposes of this subsection, to prevent circumvention or evasion of this subsection, or to facilitate compliance with this subsection.

“(7) RULE OF CONSTRUCTION.—No provision of this subsection may be construed as implying that a residential mortgage loan may be presumed to violate subsection (a) or (b) if such loan is not a qualified mortgage or a qualified safe harbor mortgage.”.

SEC. 204. LIABILITY.

Section 129B of the Truth in Lending Act is amended by inserting after subsection (c) (as added by section 203) the following new subsection:

“(d) LIABILITY FOR VIOLATIONS.—

“(1) IN GENERAL.—

“(A) RESCISSION.—In addition to any other liability under this title for a violation by a creditor of subsection (a) or (b) (for example under section 130) and subject to the statute of limitations in paragraph (7), a civil action may be maintained against a creditor for a violation of subsection (a) or (b) with respect to a residential mortgage loan for the rescission of the loan, and such additional costs as the obligor may have incurred as a result of the violation and in connection with obtaining a rescission of the loan, including a reasonable attorney's fee.

“(B) CURE.—A creditor shall not be liable for rescission under subparagraph (A) with respect to a residential mortgage loan if, no later than 90 days after the receipt of notification from the consumer that the loan violates subsection (a) or (b), the creditor provides a cure.

“(2) LIMITED ASSIGNEE AND SECURITIZER LIABILITY.—Notwithstanding sections 125(e) and 131 and except as provided in paragraph (3), a civil action which may be maintained against a creditor with respect to a residential mortgage loan for a violation of subsection (a) or (b) may be maintained against any assignee or securitizer of such residential mortgage loan, who has acted in good faith, for the following liabilities only:

“(A) Rescission of the loan.

“(B) Such additional costs as the obligor may have incurred as a result of the violation and in connection with obtaining a rescission of the loan, including a reasonable attorney's fee.

“(3) ASSIGNEE AND SECURITIZER EXEMPTION.—No assignee or securitizer of a residential mortgage loan shall be liable under paragraph (2) with respect to such loan if—

“(A) no later than 90 days after the receipt of notification from the consumer that the loan violates subsection (a) or (b), the assignee or securitizer provides a cure so that the loan satisfies the requirements of subsections (a) and (b); or

“(B) each of the following conditions are met:

“(i) The assignee or securitizer—

“(I) has a policy against buying residential mortgage loans other than qualified mortgages or qualified safe harbor mortgages (as defined in subsection (c));

“(II) the policy is intended to verify seller or assignor compliance with the representations and warranties required under clause (ii); and

“(III) in accordance with regulations which the Federal banking agencies and the Securities and Exchange Commission shall jointly prescribe, exercises reasonable due diligence to adhere to such policy in purchasing residential mortgage loans, including through adequate, thorough, and consistently applied sampling procedures.

“(ii) The contract under which such assignee or securitizer acquired the residential mortgage loan from a seller or assignor of the loan contains representations and warranties that the seller or assignor—

“(I) is not selling or assigning any residential mortgage loan which is not a qualified mortgage or a qualified safe harbor mortgage; or

“(II) is a beneficiary of a representation and warranty from a previous seller or assignor to that effect,

and the assignee or securitizer in good faith takes reasonable steps to obtain the benefit of such representation or warranty.

“(4) CURE DEFINED.—For purposes of this subsection, the term ‘cure’ means, with respect to a residential mortgage loan that violates subsection (a) or (b), the modification or refinancing, at no cost to the consumer, of the loan to provide terms that would have satisfied the requirements of subsection (a) and (b) if the loan had contained such terms as of the origination of the loan.

“(5) DISAGREEMENT OVER CURE.—If any creditor, assignee, or securitizer and a consumer fail to reach agreement on a cure with respect to a residential mortgage loan that violates subsection (a) or (b), or the consumer fails to accept a cure proffered by a creditor, assignee, or securitizer—

“(A) the creditor, assignee, or securitizer may provide the cure; and

“(B) the consumer may challenge the adequacy of the cure during the 6-month period beginning when the cure is provided.

If the consumer's challenge, under this paragraph, of a cure is successful, the creditor, assignee, or securitizer shall be liable to the consumer for rescission of the loan and such additional costs under paragraph (2).

“(6) INABILITY TO PROVIDE RESCISSION.—If a creditor, assignee, or securitizer cannot provide rescission under paragraph (1) or (2), the liability of such creditor, assignee, or securitizer shall be met by providing the financial equivalent of a rescission, together with such additional costs as the obligor may have incurred as a result of the violation and in connection with obtaining a rescission of the loan, including a reasonable attorney's fee.

“(7) NO CLASS ACTIONS AGAINST ASSIGNEE OR SECURITIZER UNDER PARAGRAPH (2).—Only individual actions may be brought against an assignee or securitizer of a residential mortgage loan for a violation of subsection (a) or (b).

“(8) STATUTE OF LIMITATIONS.—The liability of a creditor, assignee, or securitizer under this subsection shall apply in any original action against a creditor under paragraph (1) or an assignee or securitizer under paragraph (2) which is brought before—

“(A) in the case of any residential mortgage loan other than a loan to which subparagraph (B) applies, the end of the 3-year period beginning on the date the loan is consummated; or

“(B) in the case of a residential mortgage loan that provides for a fixed interest rate for an introductory period and then resets or adjusts to a variable rate or that provides for a nonamortizing payment schedule and then converts to an amortizing payment schedule, the earlier of—

“(i) the end of the 1-year period beginning on the date of such reset, adjustment, or conversion; or

“(ii) the end of the 6-year period beginning on the date the loan is consummated.

“(9) POOLS AND INVESTORS IN POOLS EXCLUDED.—In the case of residential mortgage loans acquired or aggregated for the purpose of including such loans in a pool of assets held for the purpose of issuing or selling instruments representing interests in such pools including through a securitization vehicle, the terms ‘assignee’ and ‘securitizer’, as used in this section, do not include the securitization vehicle, the pools of such loans or any original or subsequent purchaser of any interest in the securitization vehicle or any instrument representing a direct or indirect interest in such pool.”.

SEC. 205. DEFENSE TO FORECLOSURE.

Section 129B of the Truth in Lending Act is amended by inserting after subsection (d) (as added by section 204) the following new subsection:

“(e) DEFENSE TO FORECLOSURE.—Notwithstanding any other provision of law—

“(1) when the holder of a residential mortgage loan or anyone acting for such holder initiates a judicial or nonjudicial foreclosure—

“(A) a consumer who has the right to rescind under this section with respect to such loan against the creditor or any assignee or securitizer may assert such right as a defense to foreclosure or counterclaim to such foreclosure against the holder, or

“(B) if the foreclosure proceeding begins after the end of the period during which a consumer may bring an action for rescission under subsection (d), the consumer may seek actual damages incurred by reason of the violation which gave rise to the right of rescission, together with costs of the action, including a reasonable attorney's fee against the creditor or any assignee or securitizer; and

“(2) such holder or anyone acting for such holder or any other applicable third party may sell, transfer, convey, or assign a residential mortgage loan to a creditor, any assignee, or any securitizer, or their designees, to effect a rescission or cure.”.

SEC. 206. ADDITIONAL STANDARDS AND REQUIREMENTS.

(a) IN GENERAL.—Section 129B of the Truth in Lending Act is amended by inserting after subsection (e) (as added by section 205) the following new subsections:

"(f) PROHIBITION ON CERTAIN PREPAYMENT PENALTIES.—

"(1) PROHIBITED ON CERTAIN LOANS.—A residential mortgage loan that is not a qualified mortgage (as defined in subsection (c)) may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal after the loan is consummated.

"(2) PROHIBITED AFTER INITIAL PERIOD ON LOANS WITH A RESET.—A qualified mortgage with a fixed interest rate for an introductory period that adjusts or resets after such period may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal after the beginning of the 3-month period ending on the date of the adjustment or reset.

"(g) SINGLE PREMIUM CREDIT INSURANCE PROHIBITED.—No creditor may finance, directly or indirectly, in connection with any residential mortgage loan or with any extension of credit under an open end consumer credit plan secured by the principal dwelling of the consumer (other than a reverse mortgage), any credit life, credit disability, credit unemployment or credit property insurance, or any other accident, loss-of-income, life or health insurance, or any payments directly or indirectly for any debt cancellation or suspension agreement or contract, except that insurance premiums or debt cancellation or suspension fees calculated and paid in full on a monthly basis shall not be considered financed by the creditor.

"(h) ARBITRATION.—

"(1) IN GENERAL.—No residential mortgage loan and no extension of credit under an open end consumer credit plan secured by the principal dwelling of the consumer, other than a reverse mortgage, may include terms which require arbitration or any other nonjudicial procedure as the method for resolving any controversy or settling any claims arising out of the transaction.

"(2) POST-CONTROVERSY AGREEMENTS.—Subject to paragraph (3), paragraph (1) shall not be construed as limiting the right of the consumer and the creditor, any assignee, or any securitizer to agree to arbitration or any other nonjudicial procedure as the method for resolving any controversy at any time after a dispute or claim under the transaction arises.

"(3) NO WAIVER OF STATUTORY CAUSE OF ACTION.—No provision of any residential mortgage loan or of any extension of credit under an open end consumer credit plan secured by the principal dwelling of the consumer (other than a reverse mortgage), and no other agreement between the consumer and the creditor relating to the residential mortgage loan or extension of credit referred to in paragraph (1), shall be applied or interpreted so as to bar a consumer from bringing an action in an appropriate district court of the United States, or any other court of competent jurisdiction, pursuant to section 130 or any other provision of law, for damages or other relief in connection with any alleged violation of this section, any other provision of this title, or any other Federal law.

"(i) DUTY OF SECURITIZER TO RETAIN ACCESS TO LOANS.—Any securitizer shall reserve the right and preserve an ability, in any document or contract establishing any pool of assets that includes any residential mortgage loan—

"(1) to identify and obtain access to any such loan in the pool; and

"(2) to provide for and obtain a remedy under this title for the obligor under any such loan.

"(j) EFFECT OF FORECLOSURE ON PREEXISTING LEASE.—

"(1) IN GENERAL.—In the case of any foreclosure on any dwelling or residential real property securing an extension of credit made under a contract entered into after the date of the enactment of the Mortgage Reform and Anti-Predatory Lending Act of 2007, any successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

"(A) any bona fide lease made to a bona fide tenant entered into before the notice of foreclosure; and

"(B) the rights of any bona fide tenant without a lease or with a lease terminable at will under State law and the provision, by the successor in interest, of a notice to vacate to the tenant at least 90 days before the effective date of the notice.

"(2) BONA FIDE LEASE OR TENANCY.—For purposes of this section, a lease or tenancy shall be considered bona fide only if—

"(A) the lease or tenancy was the result of an arms-length transaction; or

"(B) the lease or tenancy requires the tenant to pay rent that is not substantially less than fair market rent for the property.

"(k) MORTGAGES WITH NEGATIVE AMORTIZATION.—No creditor may extend credit to a first-time borrower in connection with a consumer credit transaction under an open or closed end consumer credit plan secured by a dwelling or residential real property that includes a dwelling, other than a reverse mortgage, that provides or permits a payment plan that may, at any time over the term of the extension of credit, result in negative amortization unless, before such transaction is consummated—

"(1) the creditor provides the consumer with a statement that—

"(A) the pending transaction will or may, as the case may be, result in negative amortization;

"(B) describes negative amortization in such manner as the Federal banking agencies shall prescribe;

"(C) negative amortization increases the outstanding principal balance of the account; and

"(D) negative amortization reduces the consumer's equity in the dwelling or real property; and

"(2) the consumer provides the creditor with sufficient documentation to demonstrate that the consumer received homeownership counseling from organizations or counselors certified by the Secretary of Housing and Urban Development as competent to provide such counseling.

"(l) ANNUAL CONTACT INFORMATION.—At least once annually and whenever there is a change in ownership of a residential mortgage loan, the servicer with respect to a residential mortgage loan shall provide a written notice to the consumer identifying the name of the creditor or any assignee or securitizer who should be contacted by the consumer for any reason concerning the consumer's rights with respect to the loan.".

(b) CONFORMING AMENDMENT RELATING TO ENFORCEMENT.—Section 108(a) of the Truth in Lending Act (15 U.S.C. 1607(a)) is amended by inserting after paragraph (6) the following new paragraph:

"(7) sections 21B and 21C of the Securities Exchange Act of 1934, in the case of a broker or dealer, other than a depository institution, by the Securities and Exchange Commission.".

SEC. 207. RULE OF CONSTRUCTION.

Except as otherwise expressly provided in section 129A or 129B of the Truth in Lending Act (as added by this Act), no provision of such section 129A or 129B shall be construed as superseding, repealing, or affecting any duty, right, obligation, privilege, or remedy of any person under any other provision of the Truth in Lending Act or any other provision of Federal or State law.

SEC. 208. EFFECT ON STATE LAWS.

(a) IN GENERAL.—Section 129B(d) of the Truth in Lending Act (as added by section 204) shall supersede any State law that provides additional remedies against any assignee, securitizer, or securitization vehicle, and the remedies described in such section shall constitute the sole remedies against any assignee, securitizer, or securitization vehicle, for a violation of subsection (a) or (b) of section 129B of such Act (relating to ability to repay or net tangible benefit) or any other State law arising out of or relating to the specific subject matter of subsection (a) or (b) of such section 129B.

(b) RULE OF CONSTRUCTION.—No provision of this section shall be construed as limiting the application of any State law against a creditor. Nor shall any provision of this section be construed as limiting the application of any State law against any assignee, securitizer, or securitization vehicle that does not arise out of or relate to, or provide additional remedies in connection with, the specific subject matter of subsection (a) or (b) of section 129B of the Truth in Lending Act.

SEC. 209. REGULATIONS.

Regulations required or authorized to be prescribed under this title or the amendments made by this title—

(1) shall be prescribed in final form before the end of the 12-month period beginning on the date of the enactment of this Act; and

(2) shall take effect not later than 18 months after the date of the enactment of this Act.

SEC. 210. AMENDMENTS TO CIVIL LIABILITY PROVISIONS.

(a) INCREASE IN AMOUNT OF CIVIL MONEY PENALTIES FOR CERTAIN VIOLATIONS.—Section 130(a)(2) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)) is amended—

(1) by striking "\$100" and inserting "\$200";

(2) by striking "\$1,000" and inserting "\$2,000";

(3) by striking "\$200" and inserting "\$400";

(4) by striking "\$2,000" and inserting "\$4,000"; and

(5) by striking "\$500,000" and inserting "\$1,000,000".

(b) STATUTE OF LIMITATIONS EXTENDED FOR SECTION 129 VIOLATIONS.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended—

(1) in the first sentence, by striking "Any action" and inserting "Except as provided in the subsequent sentence, any action"; and

(2) by inserting after the first sentence the following new sentence: "Any action under this section with respect to any violation of section 129 may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 3-year period beginning on the date of the occurrence of the violation.".

SEC. 211. REQUIRED DISCLOSURES.

(a) ADDITIONAL INFORMATION.—Section 128(a) of Truth in Lending Act (15 U.S.C. 1638(a)) is amended by adding at the end the following new paragraphs:

"(16) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required under this subsection, the disclosures provided under this subsection shall state the maximum amount of the regular required payments on the loan, based on the maximum interest rate allowed, introduced with the following language in conspicuous type size and format: 'Your payment can go as high as \$____', the blank to be filled in with the maximum possible payment amount.

"(17) In the case of a residential mortgage loan for which an escrow or impound account will be established for the payment of all applicable taxes, insurance, and assessments, the following statement: 'Your payments will be increased to cover taxes and insurance. In the first year, you will pay an additional $____ [insert the amount of the monthly payment to the account] every month to cover the costs of taxes and insurance.'.

"(18) In the case of a variable rate residential mortgage loan for which an escrow or impound account will be established for the payment of all applicable taxes, insurance, and assessments—

"(A) the amount of initial monthly payment due under the loan for the payment of principal and interest, and the amount of such initial monthly payment including the monthly payment deposited in the account for the payment of all applicable taxes, insurance, and assessments; and

"(B) the amount of the fully indexed monthly payment due under the loan for the payment of principal and interest, and the amount of such fully indexed monthly payment including the monthly payment deposited in the account for the payment of all applicable taxes, insurance, and assessments.

"(19) In the case of a residential mortgage loan, the aggregate amount of settlement charges for all settlement services provided in connection with the loan, the amount of charges that are included in the loan and the amount of such charges the borrower must pay at closing, the approximate amount of the wholesale rate of funds in connection with the loan, and the aggregate amount of other fees or required payments in connection with the loan.

"(20) In the case of a residential mortgage loan, the aggregate amount of fees paid to the mortgage originator in connection with the loan, the amount of such fees paid directly by the consumer, and any additional amount received by the originator from the creditor based on the interest rate of the loan.".

(b) TIMING.—Section 128(b) of the Truth in Lending Act (15 U.S.C. 1638(b)) is amended by adding at the end the following new paragraph:

"(4) RESIDENTIAL MORTGAGE LOAN DISCLOSURES.—In the case of a residential mortgage loan, the information required to be disclosed under subsection (a) with respect to such loan shall be disclosed before the earlier of—

"(A) the time required under the first sentence of paragraph (1); or

"(B) the end of the 3-day period beginning on the date the application for the loan from a consumer is received by the creditor.".

(c) ENHANCED MORTGAGE LOAN DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by striking "(2) In the" and inserting the following:

"(2) MORTGAGE DISCLOSURES.—

"(A) IN GENERAL.—In the";

(2) by striking "a residential mortgage transaction, as defined in section 103(w)" and inserting "any extension of credit that is secured by the dwelling of a consumer";

(3) by striking "shall be made in accordance" and all that follows through "extended, or";

(4) by striking "If the" and all that follows through the end of the paragraph and inserting the following new subparagraphs:

"(B) STATEMENT AND TIMING OF DISCLOSURES.—In the case of an extension of credit that is secured by the dwelling of a consumer, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'.

"(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

"(ii) be furnished to the borrower not later than 7 business days before the date of consummation of the transaction, subject to subparagraph (D).

"(C) VARIABLE RATES OR PAYMENT SCHEDULES.—In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes.'.

"(D) UPDATING APR.—In any case in which the disclosure statement provided 7 business days before the date of consummation of the transaction contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.".

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

For fiscal years 2008, 2009, 2010, 2011, and 2012, there are authorized to be appropriated to the Attorney General a total of—

(1) $31,250,000 to support the employment of 30 additional agents of the Federal Bureau of Investigation and 2 additional dedicated prosecutors at the Department of Justice to coordinate prosecution of mortgage fraud efforts with the offices of the United States Attorneys; and

(2) $750,000 to support the operations of interagency task forces of the Federal Bureau of Investigation in the areas with the 15 highest concentrations of mortgage fraud.

SEC. 213. EFFECTIVE DATE.

The amendments made by this title shall apply to transactions consummated on or after the effective date of the regulations specified in Section 209.

TITLE III—HIGH-COST MORTGAGES

SEC. 301. DEFINITIONS RELATING TO HIGH-COST MORTGAGES.

(a) HIGH-COST MORTGAGE DEFINED.—Section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) is amended by striking all that precedes paragraph (2) and inserting the following:

"(aa) HIGH-COST MORTGAGE.—

"(1) DEFINITION.—

"(A) IN GENERAL.—The term 'high-cost mortgage', and a mortgage referred to in this subsection, means a consumer credit transaction that is secured by the consumer's principal dwelling, other than a reverse mortgage transaction, if—

"(i) in the case of a credit transaction secured—

"(I) by a first mortgage on the consumer's principal dwelling, the annual percentage rate at consummation of the transaction will exceed by more than 8 percentage points the yield on Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor; or

"(II) by a subordinate or junior mortgage on the consumer's principal dwelling, the annual percentage rate at consummation of the transaction will exceed by more than 10 percentage points the yield on Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor;

"(ii) the total points and fees payable in connection with the transaction exceed—

"(I) in the case of a transaction for $20,000 or more, 5 percent (8 percent if the dwelling is personal property) of the total transaction amount; or

"(II) in the case of a transaction for less than $20,000, the lesser of 8 percent of the total transaction amount or $1,000; or

"(iii) the credit transaction documents permit the creditor to charge or collect prepayment fees or penalties more than 36 months after the transaction closing or such fees or penalties exceed, in the aggregate, more than 2 percent of the amount prepaid.

"(B) INTRODUCTORY RATES TAKEN INTO ACCOUNT.—For purposes of subparagraph (A)(i), the annual percentage rate of interest shall be determined based on the following interest rate:

"(i) In the case of a fixed-rate transaction in which the annual percentage rate will not vary during the term of the loan, the interest rate in effect on the date of consummation of the transaction.

"(ii) In the case of a transaction in which the rate of interest varies solely in accordance with an index, the interest rate determined by adding the index rate in effect on the date of consummation of the transaction to the maximum margin permitted at any time during the transaction agreement.

"(iii) In the case of any other transaction in which the rate may vary at any time during the term of the loan for any reason, the interest charged on the transaction at the maximum rate that may be charged during the term of the transaction.".

(b) ADJUSTMENT OF PERCENTAGE POINTS.—Section 103(aa)(2) of the Truth in Lending Act (15 U.S.C. 1602(aa)(2)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

"(B) An increase or decrease under subparagraph (A)—

"(i) may not result in the number of percentage points referred to in paragraph (1)(A)(i)(I) being less than 6 percentage points or greater than 10 percentage points; and

"(ii) may not result in the number of percentage points referred to in paragraph (1)(A)(i)(II) being less than 8 percentage points or greater than 12 percentage points.".

(c) POINTS AND FEES DEFINED.—

(1) IN GENERAL.—Section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4)) is amended—

(A) by striking subparagraph (B) and inserting the following:

"(B) all compensation paid directly or indirectly by a consumer or creditor to a mortgage broker from any source, including a mortgage originator that originates a loan in the name of the originator in a table-funded transaction;";

(B) in subparagraph (C)(ii), by inserting "except where applied to the charges set forth in section 106(e)(1) where a creditor may receive indirect compensation solely as a result of obtaining distributions of profits from an affiliated entity based on its ownership interest in compliance with section 8(c)(4) of the Real Estate Settlement Procedures Act of 1974" before the semicolon at the end;

(C) in subparagraph (C)(iii), by striking "; and" and inserting ", except as provided for in clause (ii);";

(D) by redesignating subparagraph (D) as subparagraph (G); and

(E) by inserting after subparagraph (C) the following new subparagraphs:

"(D) premiums or other charges payable at or before closing for any credit life, credit disability, credit unemployment, or credit property insurance, or any other accident, loss-of-income, life or health insurance, or any payments directly or indirectly for any debt cancellation or suspension agreement or contract, except that *insurance premiums or debt cancellation or suspension fees calculated and paid in full on a monthly basis shall not be considered financed by the creditor;*

"(E) except as provided in subsection (cc), the maximum prepayment fees and penalties which may be charged or collected under the terms of the credit transaction;

"(F) all prepayment fees or penalties that are incurred by the consumer if the loan refinances a previous loan made or currently held by the same creditor or an affiliate of the creditor; and".

(2) CALCULATION OF POINTS AND FEES FOR OPEN-END CONSUMER CREDIT PLANS.—Section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph:

"(5) CALCULATION OF POINTS AND FEES FOR OPEN-END CONSUMER CREDIT PLANS.—In the case of open-end consumer credit plans, points and fees shall be calculated, for purposes of this section and section 129, by adding the total points and fees known at or before closing, including the maximum prepayment penalties which may be charged or collected under the terms of the credit transaction, plus the minimum additional fees the consumer would be required to pay to draw down an amount equal to the total credit line.".

(d) High Cost Mortgage Lender.—Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by striking the last sentence and inserting the following new sentence: "Any person who originates or brokers 2 or more mortgages referred to in subsection (aa) in any 12-month period, any person who originates 1 or more such mortgages through a mortgage broker in any 12 month period, or, in connection with a table funding transaction of such a mortgage, any person to whom the obligation is initially assigned at or after settlement shall be considered to be a creditor for purposes of this title.".

(e) Bona Fide Discount Loan Discount Points and Prepayment Penalties.—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by inserting after subsection (cc) (as added by section 121) the following new subsection:

"(dd) Bona Fide Discount Points and Prepayment Penalties.—For the purposes of determining the amount of points and fees for purposes of subsection (aa), either the amounts described in paragraphs (1) or (4) of the following paragraphs, but not both, may be excluded:

"(1) EXCLUSION OF BONA FIDE DISCOUNT POINTS.—The discount points described in 1 of the following subparagraphs shall be excluded from determining the amounts of points and fees with respect to a high-cost mortgage for purposes of subsection (aa):

"(A) Up to and including 2 bona fide discount points payable by the consumer in connection with the mortgage, but only if the interest rate from which the mortgage's interest rate will be discounted does not exceed by more than 1 percentage point the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, whichever is greater.

"(B) Unless 2 bona fide discount points have been excluded under subparagraph (A), up to and including 1 bona fide discount point payable by the consumer in connection with the mortgage, but only if the interest rate from which the mortgage's interest rate will be discounted does not exceed by more than 2 percentage points the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, whichever is greater.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'bona fide discount points' means loan discount points which are knowingly paid by the consumer for the purpose of reducing, and which in fact result in a bona fide reduction of, the interest rate or time-price differential applicable to the mortgage.

"(3) EXCEPTION FOR INTEREST RATE REDUCTIONS INCONSISTENT WITH INDUSTRY NORMS.—Paragraph (1) shall not apply to discount points used to purchase an interest rate reduction unless the amount of the interest rate reduction purchased is reasonably consistent with established industry norms and practices for secondary mortgage market transactions.

"(4) ALLOWANCE OF CONVENTIONAL PREPAYMENT PENALTY.—Subsection (aa)(1)(4)(E) shall not apply so as to include a prepayment penalty or fee that is authorized by law other than this title and may be imposed pursuant to the terms of a high-cost mortgage (or other consumer credit transaction secured by the consumer's principal dwelling) if—

"(A) the annual percentage rate applicable with respect to such mortgage or transaction (as determined for purposes of subsection (aa)(1)(A)(i))—

"(i) in the case of a first mortgage on the consumer's principal dwelling, does not exceed by more than 2 percentage points the yield on Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor; or

"(ii) in the case of a subordinate or junior mortgage on the consumer's principal dwelling, does not exceed by more than 4 percentage points the yield on such Treasury securities; and

"(B) the total amount of any prepayment fees or penalties permitted under the terms of the high-cost mortgage or transaction does not exceed 2 percent of the amount prepaid.".

SEC. 302. AMENDMENTS TO EXISTING REQUIREMENTS FOR CERTAIN MORTGAGES.

(a) Prepayment Penalty Provisions.—Section 129(c)(2) of the Truth in Lending Act (15 U.S.C. 1639(c)(2)) is amended—

(1) by striking "and" after the semicolon at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) the amount of the principal obligation of the mortgage exceeds the maximum principal obligation limitation (for the applicable size residence) under section 203(b)(2) of the National Housing Act for the area in which the residence subject to the mortgage is located; and".

(b) No Balloon Payments.—Section 129(e) of the Truth in Lending Act (15 U.S.C. 1639(e)) is amended to read as follows:

"(e) No Balloon Payments.—No high-cost mortgage may contain a scheduled payment that is more than twice as large as the average of earlier scheduled payments. This subsection shall not apply when the payment schedule is adjusted to the seasonal or irregular income of the consumer.".

(c) No Lending Without Due Regard to Ability To Repay.—Section 129(h) of the Truth in Lending Act (15 U.S.C. 1639(h)) is amended—

(1) by striking "PAYMENT ABILITY OF CONSUMER.—A creditor shall not" and inserting "Payment Ability of Consumer.—

"(1) PATTERN OR PRACTICE.—

"(A) IN GENERAL.—A creditor shall not";

(2) by inserting after subparagraph (A) (as so designated by paragraph (1) of this subsection) the following new subparagraph:

"(B) PRESUMPTION OF VIOLATION.—There shall be a presumption that a creditor has violated this subsection if the creditor engages in a pattern or practice of making high-cost mortgages without verifying or documenting the repayment ability of consumers with respect to such mortgages."; and

(3) by adding at the end the following new paragraph:

"(2) PROHIBITION ON EXTENDING CREDIT WITHOUT REGARD TO PAYMENT ABILITY OF CONSUMER.—

"(A) IN GENERAL.—A creditor may not extend credit to a consumer under a high-cost mortgage unless a reasonable creditor would believe at the time the mortgage is closed that the consumer or consumers that are residing or will reside in the residence subject to the mortgage will be able to make the scheduled payments associated with the mortgage, based upon a consideration of current and expected income, current obligations, employment status, and other financial resources, other than equity in the residence.

"(B) PRESUMPTION OF ABILITY.—For purposes of this subsection, there shall be a rebuttable presumption that a consumer is able to make the scheduled payments to repay the obligation if, at the time the high-cost mortgage is consummated, the consumer's total monthly debts, including amounts under the mortgage, do not exceed 50 percent of his or her monthly gross income as verified by tax returns, payroll receipts, or other third-party income verification.".

SEC. 303. ADDITIONAL REQUIREMENTS FOR CERTAIN MORTGAGES.

(a) Additional Requirements for Certain Mortgages.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended—

(1) by redesignating subsections (j), (k) and (l) as subsections (n), (o) and (p) respectively; and

(2) by inserting after subsection (i) the following new subsections:

"(j) Recommended Default.—No creditor shall recommend or encourage default on an existing loan or other debt prior to and in connection with the closing or planned closing of a high-cost mortgage that refinances all or any portion of such existing loan or debt.

"(k) Late Fees.—

"(1) IN GENERAL.—No creditor may impose a late payment charge or fee in connection with a high-cost mortgage—

"(A) in an amount in excess of 4 percent of the amount of the payment past due;

"(B) unless the loan documents specifically authorize the charge or fee;

"(C) before the end of the 15-day period beginning on the date the payment is due, or in the case of a loan on which interest on each installment is paid in advance, before the end of the 30-day period beginning on the date the payment is due; or

"(D) more than once with respect to a single late payment.

"(2) COORDINATION WITH SUBSEQUENT LATE FEES.—If a payment is otherwise a full payment for the applicable period and is paid on its due date or within an applicable grace period, and the only delinquency or insufficiency of payment is attributable to any late fee or delinquency charge assessed on any earlier payment, no late fee or delinquency charge may be imposed on such payment.

"(3) FAILURE TO MAKE INSTALLMENT PAYMENT.—If, in the case of a loan agreement the terms of which provide that any payment shall first be applied to any past due principal balance, the consumer fails to make an installment payment and the consumer subsequently resumes making installment payments but has not paid all past due installments, the creditor may impose a separate late payment charge or fee for any principal due (without deduction due to late fees or related fees) until the default is cured.

"(l) ACCELERATION OF DEBT.—No high-cost mortgage may contain a provision which permits the creditor, in its sole discretion, to accelerate the indebtedness. This provision shall not apply when repayment of the loan has been accelerated by default, pursuant to a due-on-sale provision, or pursuant to a material violation of some other provision of the loan documents unrelated to the payment schedule.

"(m) RESTRICTION ON FINANCING POINTS AND FEES.—No creditor may directly or indirectly finance, in connection with any high-cost mortgage, any of the following:

"(1) Any prepayment fee or penalty payable by the consumer in a refinancing transaction if the creditor or an affiliate of the creditor is the noteholder of the note being refinanced.

"(2) Any points or fees.".

(b) PROHIBITIONS ON EVASIONS.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (p) (as so redesignated by subsection (a)(1)) the following new subsection:

"(q) PROHIBITIONS ON EVASIONS, STRUCTURING OF TRANSACTIONS, AND RECIPROCAL ARRANGEMENTS.—A creditor may not take any action in connection with a high-cost mortgage—

"(1) to structure a loan transaction as an open-end credit plan or another form of loan for the purpose and with the intent of evading the provisions of this title; or

"(2) to divide any loan transaction into separate parts for the purpose and with the intent of evading provisions of this title.".

(c) MODIFICATION OR DEFERRAL FEES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (q) (as added by subsection (b) of this section) the following new subsection:

"(r) MODIFICATION AND DEFERRAL FEES PROHIBITED.—A creditor may not charge a consumer any fee to modify, renew, extend, or amend a high-cost mortgage, or to defer any payment due under the terms of such mortgage, unless the modification, renewal, extension or amendment results in a lower annual percentage rate on the mortgage for the consumer and then only if the amount of the fee is comparable to fees imposed for similar transactions in connection with consumer credit transactions that are secured by a consumer's principal dwelling and are not high-cost mortgages.".

(d) PAYOFF STATEMENT.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (r) (as added by subsection (c) of this section) the following new subsection:

"(s) PAYOFF STATEMENT.—

"(1) FEES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no creditor or servicer may charge a fee for informing or transmitting to any person the balance due to pay off the outstanding balance on a high-cost mortgage.

"(B) TRANSACTION FEE.—When payoff information referred to in subparagraph (A) is provided by facsimile transmission or by a courier service, a creditor or servicer may charge a processing fee to cover the cost of such transmission or service in an amount not to exceed an amount that is comparable to fees imposed for similar services provided in connection with consumer credit transactions that are secured by the consumer's principal dwelling and are not high-cost mortgages.

"(C) FEE DISCLOSURE.—Prior to charging a transaction fee as provided in subparagraph (B), a creditor or servicer shall disclose that payoff balances are available for free pursuant to subparagraph (A).

"(D) MULTIPLE REQUESTS.—If a creditor or servicer has provided payoff information referred to in subparagraph (A) without charge, other than the transaction fee allowed by subparagraph (B), on 4 occasions during a calendar year, the creditor or servicer may thereafter charge a reasonable fee for providing such information during the remainder of the calendar year.

"(2) PROMPT DELIVERY.—Payoff balances shall be provided within 5 business days after receiving a request by a consumer or a person authorized by the consumer to obtain such information.".

(e) PRE-LOAN COUNSELING REQUIRED.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (s) (as added by subsection (d) of this section) the following new subsection:

"(t) PRE-LOAN COUNSELING.—

"(1) IN GENERAL.—A creditor may not extend credit to a consumer under a high-cost mortgage without first receiving certification from a counselor that is approved by the Secretary of Housing and Urban Development, or at the discretion of the Secretary, a state housing finance authority, that the consumer has received counseling on the advisability of the mortgage. Such counselor shall not be employed by the creditor or an affiliate of the creditor or be affiliated with the creditor.

"(2) DISCLOSURES REQUIRED PRIOR TO COUNSELING.—No counselor may certify that a consumer has received counseling on the advisability of the high-cost mortgage unless the counselor can verify that the consumer has received each statement required (in connection with such loan) by this section or the Real Estate Settlement Procedures Act of 1974 with respect to the transaction.

"(3) REGULATIONS.—The Secretary of Housing and Urban Development may prescribe such regulations as the Secretary determines to be appropriate to carry out the requirements of paragraph (1).".

(f) FLIPPING PROHIBITED.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (t) (as added by subsection (e)) the following new subsection:

"(u) FLIPPING.—

"(1) IN GENERAL.—No creditor may knowingly or intentionally engage in the unfair act or practice of flipping in connection with a high-cost mortgage.

"(2) FLIPPING DEFINED.—For purposes of this subsection, the term 'flipping' means the making of a loan or extension of credit in the form a high-cost mortgage to a consumer which refinances an existing mortgage when the new loan or extension of credit does not have reasonable, tangible net benefit to the consumer considering all of the circumstances, including the terms of both the new and the refinanced loans or credit, the cost of the new loan or credit, and the consumer's circumstances.

"(3) TANGIBLE NET BENEFIT.—The Board may prescribe regulations, in the discretion of the Board, defining the term 'tangible net benefit' for purposes of this subsection.".

SEC. 304. AMENDMENT TO PROVISION GOVERNING CORRECTION OF ERRORS.

Section 130(b) of the Truth in Lending Act (15 U.S.C. 1640(b)) is amended to read as follows:

"(b) CORRECTION OF ERRORS.—A creditor has no liability under this section or section 108 or 112 for any failure to comply with any requirement imposed under this chapter or chapter 5, if—

"(1) within 30 days of the loan closing and prior to the institution of any action, the consumer is notified of or discovers the violation, appropriate restitution is made, and whatever adjustments are necessary are made to the loan to either, at the choice of the consumer—

"(A) make the loan satisfy the requirements of this chapter; or

"(B) in the case of a high-cost mortgage, change the terms of the loan in a manner beneficial to the consumer so that the loan will no longer be a high-cost mortgage; or

"(2) within 60 days of the creditor's discovery or receipt of notification of an unintentional violation or bona fide error as described in subsection (c) and prior to the institution of any action, the consumer is notified of the compliance failure, appropriate restitution is made, and whatever adjustments are necessary are made to the loan to either, at the choice of the consumer—

"(A) make the loan satisfy the requirements of this chapter; or

"(B) in the case of a high-cost mortgage, change the terms of the loan in a manner beneficial so that the loan will no longer be a high-cost mortgage.".

SEC. 305. REGULATIONS.

(a) IN GENERAL.—The Board of Governors of the Federal Reserve System shall publish regulations implementing this title and the amendments made by this title in final form before the end of the 6-month period beginning on the date of the enactment of this Act.

(b) CONSUMER MORTGAGE EDUCATION.—

(1) REGULATIONS.—The Board of Governors of the Federal Reserve System may prescribe regulations requiring or encouraging creditors to provide consumer mortgage education to prospective customers or direct such customers to qualified consumer mortgage education or counseling programs in the vicinity of the residence of the consumer.

(2) COORDINATION WITH STATE LAW.—No requirement established by the Board of Governors of the Federal Reserve System pursuant to paragraph (1) shall be construed as affecting or superseding any requirement under the law of any State with respect to consumer mortgage counseling or education.

SEC. 306. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this Act and shall apply to mortgages referred to in section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa) consummated on or after that date.

TITLE IV—OFFICE OF HOUSING COUNSELING

SEC. 401. SHORT TITLE.

This title may be cited as the "Expand and Preserve Home Ownership Through Counseling Act".

SEC. 402. ESTABLISHMENT OF OFFICE OF HOUSING COUNSELING.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

"(g) OFFICE OF HOUSING COUNSELING.—

"(1) ESTABLISHMENT.—There is established, in the Office of the Secretary, the Office of Housing Counseling.

"(2) DIRECTOR.—There is established the position of Director of Housing Counseling. The Director shall be the head of the Office of Housing Counseling and shall be appointed by the Secretary. Such position shall be a career-reserved position in the Senior Executive Service.

"(3) FUNCTIONS.—

"(A) IN GENERAL.—The Director shall have ultimate responsibility within the Department, except for the Secretary, for all activities and matters relating to homeownership counseling and rental housing counseling, including—

"(i) research, grant administration, public outreach, and policy development relating to such counseling; and

"(ii) establishment, coordination, and administration of all regulations, requirements, standards, and performance measures under programs and laws administered by the Department that relate to housing counseling, homeownership counseling (including maintenance of homes), mortgage-related counseling (including home equity conversion mortgages and credit protection options to avoid foreclosure), and rental housing counseling, including the requirements, standards, and performance measures relating to housing counseling.

“(B) SPECIFIC FUNCTIONS.—The Director shall carry out the functions assigned to the Director and the Office under this section and any other provisions of law. Such functions shall include establishing rules necessary for—

“(i) the counseling procedures under section 106(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(h)(1));

“(ii) carrying out all other functions of the Secretary under section 106(g) of the Housing and Urban Development Act of 1968, including the establishment, operation, and publication of the availability of the toll-free telephone number under paragraph (2) of such section;

“(iii) carrying out section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) for home buying information booklets prepared pursuant to such section;

“(iv) carrying out the certification program under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e));

“(v) carrying out the assistance program under section 106(a)(4) of the Housing and Urban Development Act of 1968, including criteria for selection of applications to receive assistance;

“(vi) carrying out any functions regarding abusive, deceptive, or unscrupulous lending practices relating to residential mortgage loans that the Secretary considers appropriate, which shall include conducting the study under section 6 of the Expand and Preserve Home Ownership Through Counseling Act;

“(vii) providing for operation of the advisory committee established under paragraph (4) of this subsection;

“(viii) collaborating with community-based organizations with expertise in the field of housing counseling; and

“(ix) providing for the building of capacity to provide housing counseling services in areas that lack sufficient services.

“(4) ADVISORY COMMITTEE.—

“(A) IN GENERAL.—The Secretary shall appoint an advisory committee to provide advice regarding the carrying out of the functions of the Director.

“(B) MEMBERS.—Such advisory committee shall consist of not more than 12 individuals, and the membership of the committee shall equally represent all aspects of the mortgage and real estate industry, including consumers.

“(C) TERMS.—Except as provided in subparagraph (D), each member of the advisory committee shall be appointed for a term of 3 years. Members may be reappointed at the discretion of the Secretary.

“(D) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the members first appointed to the advisory committee, 4 shall be appointed for a term of 1 year and 4 shall be appointed for a term of 2 years.

“(E) PROHIBITION OF PAY; TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

“(F) ADVISORY ROLE ONLY.—The advisory committee shall have no role in reviewing or awarding housing counseling grants.

“(5) SCOPE OF HOMEOWNERSHIP COUNSELING.—In carrying out the responsibilities of the Director, the Director shall ensure that homeownership counseling provided by, in connection with, or pursuant to any function, activity, or program of the Department addresses the entire process of homeownership, including the decision to purchase a home, the selection and purchase of a home, issues arising during or affecting the period of ownership of a home (including refinancing, default and foreclosure, and other financial decisions), and the sale or other disposition of a home.”.

SEC. 403. COUNSELING PROCEDURES.

(a) IN GENERAL.—Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended by adding at the end the following new subsection:

“(g) PROCEDURES AND ACTIVITIES.—

“(1) COUNSELING PROCEDURES.—

“(A) IN GENERAL.—The Secretary shall establish, coordinate, and monitor the administration by the Department of Housing and Urban Development of the counseling procedures for homeownership counseling and rental housing counseling provided in connection with any program of the Department, including all requirements, standards, and performance measures that relate to homeownership and rental housing counseling.

“(B) HOMEOWNERSHIP COUNSELING.—For purposes of this subsection and as used in the provisions referred to in this subparagraph, the term ‘homeownership counseling’ means counseling related to homeownership and residential mortgage loans. Such term includes counseling related to homeownership and residential mortgage loans that is provided pursuant to—

“(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

“(ii) in the United States Housing Act of 1937—

“(I) section 9(e) (42 U.S.C. 1437g(e));

“(II) section 8(y)(1)(D) (42 U.S.C. 1437f(y)(1)(D));

“(III) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

“(IV) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

“(V) section 32(e)(4) (42 U.S.C. 1437z-4(e)(4));

“(VI) section 33(d)(2)(B) (42 U.S.C. 1437z-5(d)(2)(B));

“(VII) sections 302(b)(6) and 303(b)(7) (42 U.S.C. 1437aaa-1(b)(6), 1437aaa-2(b)(7)); and

“(VIII) section 304(c)(4) (42 U.S.C. 1437aaa-3(c)(4));

“(iii) section 302(a)(4) of the American Homeownership and Economic Opportunity Act of 2000 (42 U.S.C. 1437f note);

“(iv) sections 233(b)(2) and 258(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2), 12808(b));

“(v) this section and section 101(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x, 1701w(e));

“(vi) section 220(d)(2)(G) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4110(d)(2)(G));

“(vii) sections 422(b)(6), 423(b)(7), 424(c)(4), 442(b)(6), and 443(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6), 12873(b)(7), 12874(c)(4), 12892(b)(6), and 12893(b)(6));

“(viii) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

“(ix) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A));

“(x) in the National Housing Act—

“(I) in section 203 (12 U.S.C. 1709), the penultimate undesignated paragraph of paragraph (2) of subsection (b), subsection (c)(2)(A), and subsection (r)(4);

“(II) subsections (a) and (c)(3) of section 237 (12 U.S.C. 1715z-2); and

“(III) subsections (d)(2)(B) and (m)(1) of section 255 (12 U.S.C. 1715z-20);

“(xi) section 502(h)(4)(B) of the Housing Act of 1949 (42 U.S.C. 1472(h)(4)(B)); and

“(xii) section 508 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-7).

“(C) RENTAL HOUSING COUNSELING.—For purposes of this subsection, the term ‘rental housing counseling’ means counseling related to rental of residential property, which may include counseling regarding future homeownership opportunities and providing referrals for renters and prospective renters to entities providing counseling and shall include counseling related to such topics that is provided pursuant to—

“(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

“(ii) in the United States Housing Act of 1937—

“(I) section 9(e) (42 U.S.C. 1437g(e));

“(II) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

“(III) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

“(IV) section 32(e)(4) (42 U.S.C. 1437z-4(e)(4));

“(V) section 33(d)(2)(B) (42 U.S.C. 1437z-5(d)(2)(B)); and

“(VI) section 302(b)(6) (42 U.S.C. 1437aaa-1(b)(6));

“(iii) section 233(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2));

“(iv) section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x);

“(v) section 422(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6));

“(vi) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

“(vii) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A)); and

“(viii) the rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

“(2) STANDARDS FOR MATERIALS.—The Secretary, in conjunction with the advisory committee established under subsection (g)(4) of the Department of Housing and Urban Development Act, shall establish standards for materials and forms to be used, as appropriate, by organizations providing homeownership counseling services, including any recipients of assistance pursuant to subsection (a)(4).

“(3) MORTGAGE SOFTWARE SYSTEMS.—

“(A) CERTIFICATION.—The Secretary shall provide for the certification of various computer software programs for consumers to use in evaluating different residential mortgage loan proposals. The Secretary shall require, for such certification, that the mortgage software systems take into account—

“(i) the consumer's financial situation and the cost of maintaining a home, including insurance, taxes, and utilities;

“(ii) the amount of time the consumer expects to remain in the home or expected time to maturity of the loan;

“(iii) such other factors as the Secretary considers appropriate to assist the consumer in evaluating whether to pay points, to lock in an interest rate, to select an adjustable or fixed rate loan, to select a conventional or government-insured or guaranteed loan and to make other choices during the loan application process.

If the Secretary determines that available existing software is inadequate to assist consumers during the residential mortgage loan application process, the Secretary shall arrange for the development by private sector software companies of new mortgage software systems that meet the Secretary's specifications.

“(B) USE AND INITIAL AVAILABILITY.—Such certified computer software programs shall be *used to supplement, not replace, housing counseling. The Secretary shall provide that such programs are initially used only in connection with the assistance of housing counselors certified pursuant to subsection (e).*

"(C) AVAILABILITY.—After a period of initial availability under subparagraph (B) as the Secretary considers appropriate, the Secretary shall take reasonable steps to make mortgage software systems certified pursuant to this paragraph widely available through the Internet and at public locations, including public libraries, senior-citizen centers, public housing sites, offices of public housing agencies that administer rental housing assistance vouchers, and housing counseling centers.

"(4) NATIONAL PUBLIC SERVICE MULTIMEDIA CAMPAIGNS TO PROMOTE HOUSING COUNSELING.—

"(A) IN GENERAL.—The Director of Housing Counseling shall develop, implement, and conduct national public service multimedia campaigns designed to make persons facing mortgage foreclosure, persons considering a subprime mortgage loan to purchase a home, elderly persons, persons who face language barriers, low-income persons, and other potentially vulnerable consumers aware that it is advisable, before seeking or maintaining a residential mortgage loan, to obtain homeownership counseling from an unbiased and reliable sources and that such homeownership counseling is available, including through programs sponsored by the Secretary of Housing and Urban Development.

"(B) CONTACT INFORMATION.—Each segment of the multimedia campaign under subparagraph (A) shall publicize the toll-free telephone number and web site of the Department of Housing and Urban Development through which persons seeking housing counseling can locate a housing counseling agency in their State that is certified by the Secretary of Housing and Urban Development and can provide advice on buying a home, renting, defaults, foreclosures, credit issues, and reverse mortgages.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, not to exceed $3,000,000 for fiscal years 2008, 2009, and 2010, for the develop, implement, and conduct of national public service multimedia campaigns under this paragraph.

"(5) EDUCATION PROGRAMS.—The Secretary shall provide advice and technical assistance to States, units of general local government, and nonprofit organizations regarding the establishment and operation of, including assistance with the development of content and materials for, educational programs to inform and educate consumers, particularly those most vulnerable with respect to residential mortgage loans (such as elderly persons, persons facing language barriers, low-income persons, and other potentially vulnerable consumers), regarding home mortgages, mortgage refinancing, home equity loans, and home repair loans.".

(b) CONFORMING AMENDMENTS TO GRANT PROGRAM FOR HOMEOWNERSHIP COUNSELING ORGANIZATIONS.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (III), by striking "and" at the end;

(2) in subclause (IV) by striking the period at the end and inserting "; and"; and

(3) by inserting after subclause (IV) the following new subclause:

"(V) notify the housing or mortgage applicant of the availability of mortgage software systems provided pursuant to subsection (g)(3).".

SEC. 404. GRANTS FOR HOUSING COUNSELING ASSISTANCE.

Section 106(a) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(3)) is amended by adding at the end the following new paragraph:

"(4) HOMEOWNERSHIP AND RENTAL COUNSELING ASSISTANCE.—

"(A) IN GENERAL.—The Secretary shall make financial assistance available under this paragraph to States, units of general local governments, and nonprofit organizations providing homeownership or rental counseling (as such terms are defined in subsection (g)(1)).

"(B) QUALIFIED ENTITIES.—The Secretary shall establish standards and guidelines for eligibility of organizations (including governmental and nonprofit organizations) to receive assistance under this paragraph.

"(C) DISTRIBUTION.—Assistance made available under this paragraph shall be distributed in a manner that encourages efficient and successful counseling programs.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $45,000,000 for each of fiscal years 2008 through 2011 for—

"(i) the operations of the Office of Housing Counseling of the Department of Housing and Urban Development;

"(ii) the responsibilities of the Secretary under paragraphs (2) through (5) of subsection (g); and

"(iii) assistance pursuant to this paragraph for entities providing homeownership and rental counseling.".

SEC. 405. REQUIREMENTS TO USE HUD-CERTIFIED COUNSELORS UNDER HUD PROGRAMS.

Section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) REQUIREMENT FOR ASSISTANCE.—An organization may not receive assistance for counseling activities under subsection (a)(1)(iii), (a)(2), (a)(4), (c), or (d) of this section, or under section 101(e), unless the organization, or the individuals through which the organization provides such counseling, has been certified by the Secretary under this subsection as competent to provide such counseling.";

(2) in paragraph (2)—

(A) by inserting "and for certifying organizations" before the period at the end of the first sentence; and

(B) in the second sentence by striking "for certification" and inserting ", for certification of an organization, that each individual through which the organization provides counseling shall demonstrate, and, for certification of an individual,";

(3) in paragraph (3), by inserting "organizations and" before "individuals";

(4) by redesignating paragraph (3) as paragraph (5); and

(5) by inserting after paragraph (2) the following new paragraphs:

"(3) REQUIREMENT UNDER HUD PROGRAMS.—Any homeownership counseling or rental housing counseling (as such terms are defined in subsection (g)(1)) required under, or provided in connection with, any program administered by the Department of Housing and Urban Development shall be provided only by organizations or counselors certified by the Secretary under this subsection as competent to provide such counseling.

"(4) OUTREACH.—The Secretary shall take such actions as the Secretary considers appropriate to ensure that individuals and organizations providing homeownership or rental housing counseling are aware of the certification requirements and standards of this subsection and of the training and certification programs under subsection (f).".

SEC. 406. STUDY OF DEFAULTS AND FORECLOSURES.

The Secretary of Housing and Urban Development shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as are available. The study shall also examine the role of escrow accounts in helping prime and nonprime borrowers to avoid defaults and foreclosures. Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a preliminary report regarding the study. Not later than 24 months after such date of enactment, the Secretary shall submit a final report regarding the results of the study, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to identify populations that need counseling the most.

SEC. 407. DEFINITIONS FOR COUNSELING-RELATED PROGRAMS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsection:

"(h) DEFINITIONS.—For purposes of this section:

"(1) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' has the meaning given such term in section 104(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(5)), except that subparagraph (D) of such section shall not apply for purposes of this section.

"(2) STATE.—The term 'State' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

"(3) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means any city, county, parish, town, township, borough, village, or other general purpose political subdivision of a State.".

SEC. 408. UPDATING AND SIMPLIFICATION OF MORTGAGE INFORMATION BOOKLET.

Section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) is amended—

(1) in the section heading, by striking "SPECIAL" and inserting "HOME BUYING";

(2) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) PREPARATION AND DISTRIBUTION.—The Secretary shall prepare, at least once every 5 years, a booklet to help consumers applying for federally related mortgage loans to understand the nature and costs of real estate settlement services. The Secretary shall prepare the booklet in various languages and cultural styles, as the Secretary determines to be appropriate, so that the booklet is understandable and accessible to homebuyers of different ethnic and cultural backgrounds. The Secretary shall distribute such booklets to all lenders that make federally related mortgage loans. The Secretary shall also distribute to such lenders lists, organized by location, of homeownership counselors certified under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) for use in complying with the requirement under subsection (c) of this section.

"(b) CONTENTS.—Each booklet shall be in such form and detail as the Secretary shall prescribe and, in addition to such other information as the Secretary may provide, shall include in plain and understandable language the following information:

"(1) A description and explanation of the nature and purpose of the costs incident to a real estate settlement or a federally related mortgage loan. The description and explanation shall provide general information about the mortgage process as well as specific information concerning, at a minimum—

"(A) balloon payments;

"(B) prepayment penalties; and

"(C) the trade-off between closing costs and the interest rate over the life of the loan.

"(2) An explanation and sample of the uniform settlement statement required by section 4.

"(3) A list and explanation of lending practices, including those prohibited by the Truth in Lending Act or other applicable Federal law, and of other unfair practices and unreasonable or unnecessary charges to be avoided by the prospective buyer with respect to a real estate settlement.

"(4) A list and explanation of questions a consumer obtaining a federally related mortgage loan should ask regarding the loan, including whether the consumer will have the ability to repay the loan, whether the consumer sufficiently shopped for the loan, whether the loan terms include prepayment penalties or balloon payments, and whether the loan will benefit the borrower.

"(5) An explanation of the right of rescission as to certain transactions provided by sections 125 and 129 of the Truth in Lending Act.

"(6) A brief explanation of the nature of a variable rate mortgage and a reference to the booklet entitled 'Consumer Handbook on Adjustable Rate Mortgages', published by the Board of Governors of the Federal Reserve System pursuant to section 226.19(b)(1) of title 12, Code of Federal Regulations, or to any suitable substitute of such booklet that such Board of Governors may subsequently adopt pursuant to such section.

"(7) A brief explanation of the nature of a home equity line of credit and a reference to the pamphlet required to be provided under section 127A of the Truth in Lending Act.

"(8) Information about homeownership counseling services made available pursuant to section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)), a recommendation that the consumer use such services, and notification that a list of certified providers of homeownership counseling in the area, and their contact information, is available.

"(9) An explanation of the nature and purpose of escrow accounts when used in connection with loans secured by residential real estate and the requirements under section 10 of this Act regarding such accounts.

"(10) An explanation of the choices available to buyers of residential real estate in selecting persons to provide necessary services incidental to a real estate settlement.

"(11) An explanation of a consumer's responsibilities, liabilities, and obligations in a mortgage transaction.

"(12) An explanation of the nature and purpose of real estate appraisals, including the difference between an appraisal and a home inspection.

"(13) Notice that the Office of Housing of the Department of Housing and Urban Development has made publicly available a brochure regarding loan fraud and a World Wide Web address and toll-free telephone number for obtaining the brochure.

The booklet prepared pursuant to this section shall take into consideration differences in real estate settlement procedures that may exist among the several States and territories of the United States and among separate political subdivisions within the same State and territory.";

(3) in subsection (c), by inserting at the end the following new sentence: "Each lender shall also include with the booklet a reasonably complete or updated list of homeownership counselors who are certified pursuant to section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) and located in the area of the lender."; and

(4) in subsection (d), by inserting after the period at the end of the first sentence the following: "The lender shall provide the HUD-issued booklet in the version that is most appropriate for the person receiving it.".

TITLE V—MORTGAGE DISCLOSURES UNDER REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974

SEC. 501. UNIVERSAL MORTGAGE DISCLOSURE IN GOOD FAITH ESTIMATE OF SETTLEMENT SERVICES COSTS.

(a) IN GENERAL.—Section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) is amended—

(1) in subsection (c), by adding after the period at the end the following: "Each such good faith estimate shall include the disclosure required under subsection (f) in the form prescribed by the Secretary pursuant to such subsection, except that if the Secretary at any time issues any regulations requiring the use of a standard or uniform form or statement in providing the good faith estimate required under this subsection and prescribing such standard or uniform form or statement, such disclosure shall not be required after the effective date of such regulations."; and

(2) by adding at the end the following new subsection:

"(f) UNIVERSAL MORTGAGE DISCLOSURE REQUIREMENT FOR GOOD FAITH ESTIMATES.—

"(1) DISCLOSURE.—The disclosure required under this subsection is a written statement regarding the federally related mortgage loan for which the good faith estimate under subsection (c) is made, that consists of the following statements, appropriately and in good faith completed by the lender in accordance with the terms of the federally related mortgage loan involved in the settlement:

"(A) 'Your Loan Amount will be' and '$_______', each statement appearing in a separate column of the disclosure.

"(B) 'Your Loan is', 'A Fixed Rate Loan', and 'An Adjustable Rate Loan ', each statement appearing in a separate column and each of the last two such statements preceded by a checkbox.

"(C) 'Your Loan Term is', '_____ years', and '_____ years', each statement appearing in a separate column, and the second such statement shall appear in the same column as the statement required by subparagraph (B) regarding fixed rate loans and the third such statement shall appear in the same column as the statement required by subparagraph (B) regarding adjustable rate loans;

"(D) 'Your Estimated Interest Rate (APR) is', '_____%', and '_____% initially, then it will adjust. In _____ months, Your rate may adjust to a maximum of _____%', each statement appearing in a separate column, the second such statement shall appear in the same column as the statement required by subparagraph (B) regarding fixed rate loans and the third such statement shall appear in the same column as the statement required by subparagraph (B) regarding adjustable rate loans, and the blanks relating to estimated interest rate shall be completed by the lender using an annual percentage rate determined in accordance with the Truth in Lending Act.

"(E) 'Your Total Estimated Monthly Payment (Including loan Principal and Interest, and property Taxes (based on current rates) and Insurance (PITI)) is', '$\_\_\_\_\_\_\_ which represents \_\_\_\_\_% of Your estimated monthly income', and '$_______ which represents _____% of Your estimated monthly income. When Your interest rate initially adjusts, Your maximum monthly payment may be as high as $_______ which represents _____% of Your estimated monthly income', each statement appearing in a separate column, and the second such statement shall appear in the same column as the statement required by subparagraph (B) regarding fixed rate loans and the third such statement shall appear in the same column as the statement required by subparagraph (B) regarding adjustable rate loans.

"(F) 'Your Rate Lock Period is' and '_____ days. After You lock into Your interest rate, You must go to settlement within this number of days to be guaranteed this interest rate.', each statement appearing in a separate column.

"(G) 'Does Your loan have a prepayment penalty?', 'YES, Your maximum prepayment penalty is $_______', and 'NO', the first such statement and the last two such statements appearing in a separate column, and each of the last two such statements preceded by a checkbox.

"(H) 'Does Your loan have a balloon payment?', 'YES, Your balloon payment of $_______ is due in _____ months', and 'NO', the first such statement and the last two such statements appearing in a separate column, and each of the last two such statements preceded by a checkbox.

"(I) 'Your Total Estimated Settlement Charges Will be $_______ (a)' and 'Your Total Estimated Down Payment will be $_______ (b)', each statement appearing in a separate column.

"(J) 'Your Total Estimated Cash Needed at Closing Will Be' and '$_______ (a+b)', each statement appearing in a separate column.

"(K) 'This represents a simple summary of Your Good Faith Estimate (GFE). To understand the terms of Your loan, You must see disclosure forms and the Truth in Lending Act.', such statement appearing directly below the entirety of the remainder of the disclosure.

"(2) STANDARD FORM.—

"(A) DEVELOPMENT AND USE.—The Secretary, in consultation with the Secretary of Veterans Affairs, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision, shall develop and prescribe a standard form for the disclosure required under this subsection, which shall be used without variation in all transactions in the United States that involve federally related mortgage loans.

"(B) APPEARANCE.—The standard form developed pursuant to this paragraph shall—

"(i) set forth each statement required under a separate subparagraph under paragraph (1) on a separate row of the disclosure;

"(ii) be set forth in 8-point type;

"(iii) be not more than 6 inches in width or 3.5 inches in height;

"(iv) include such boldface type and shading as the Secretary considers appropriate;

"(v) include such parenthetical statements directing the borrower to the terms of the loan (such as 'see terms') as the Secretary considers appropriate, in such places as the Secretary considers appropriate; and

"(vi) be located in the upper one-third of the first page of the good faith estimate required under subsection (c) in a manner that allows the identity, address, phone number, and other relevant information of the lender, the identity, address, phone number, and other relevant information of the borrower, and the address of the property for which the federally related mortgage loan is to be made, to be located above the standard form.".

(b) REGULATIONS.—The Secretary of Housing and Urban Development shall issue regulations prescribing the standard form and the use of such form, as required by the amendment made by subsection (a), not later than the expiration of the 180-day period beginning upon the date of the enactment of this Act, and such regulations shall take effect upon issuance.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110-450. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment except as specified in the report; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-450.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FRANK of Massachusetts:

Page 6, strike line 19 and all that follows through line 22 and insert the following new clause:

(iii) does not include any individual who is not otherwise described in clause (i) or (ii) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such clause.

Page 19, strike line 16 and all that follows through line 24, and insert the following new subparagraph:

(B) personal history and experience, including authorization for the Nationwide Mortgage Licensing System and Registry to obtain information related to any administrative, civil or criminal findings by any governmental jurisdiction.

Page 20, line 1, strike "(b) UNIQUE IDENTIFIER.—The Federal banking agencies" and insert "(b) COORDINATION.—

"(1) UNIQUE IDENTIFIER.—The Federal banking agencies".

Page 20, after line 9, insert the following new paragraph:

(2) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY DEVELOPMENT.—To facilitate the transfer of information required by subsection (a)(2), the Nationwide Mortgage Licensing System and Registry shall coordinate with the Federal banking agencies, through the Financial Institutions Examination Council, concerning the development and operation, by such System and Registry, of the registration functionality and data requirements for loan originators.

Page 37, line 22, strike the closing quotation marks and the second period.

Page 37, after line 22, insert the following new paragraph:

"(10) SERVICER.—The term 'servicer' has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974.".

Page 38, beginning on line 12, strike ", registered, and, when required, licensed" and insert "and, when required, registered and licensed".

Page 40, line 22, strike "to repay and" and all that follows through line 25 and insert "to repay and, in the case of a refinancing of an existing residential mortgage loan, receives a net tangible benefit, as determined in accordance with regulations prescribed under subsections (a) and (b) of section 129B."

Page 41, line 20, insert ", the Chairman of the State Liaison Committee to the Financial Institutions Examination Council," after "Secretary".

Page 43, line 13, strike "**ANTI-STEERING**" and insert "**PROHIBITION ON STEERING INCENTIVES**".

Page 43, line 18, strike "IN GENERAL" and insert "AMOUNT OF ORIGINATOR COMPENSATION CANNOT VARY BASED ON TERMS"

Page 43, beginning on line 20, strike "(including yield spread premium)" and insert ", including yield spread premium or any equivalent compensation or gain,".

Page 44, line 1, strike "ANTI-STEERING REGULATIONS" and insert "REGULATIONS".

Page 44, line 9, insert "(in accordance with regulations prescribed under section 129B(a))" before the semicolon.

Page 44, line 10, insert "in the case of a refinancing of a residential mortgage loan," after (ii).

Page 44, line 11, insert "(in accordance with regulations prescribed under section 129B(b))" before the semicolon.

Page 45, strike line 6 and all that follows through line 11 and insert the following new subparagraph:

"(B) restricting a consumer's ability to finance, including through rate or principal, any origination fees or costs permitted under this subsection, or the originator's ability to receive such fees or costs (including compensation) from any person, so long as such fees or costs were fully and clearly disclosed to the consumer earlier in the application process as required by 129A(a)(1)(C)(ii) and do not vary based on the terms of the loan or the consumer's decision about whether to finance such fees or costs; or".

Page 61, after line 15, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

"(4) ABSENT PARTIES.—

"(A) ABSENT CREDITOR.—Notwithstanding the exemption provided in paragraph (3), if the creditor with respect to a residential mortgage loan made in violation of subsection (a) or (b) has ceased to exist as a matter of law or has filed for bankruptcy protection under title 11, United States Code, or has had a receiver or liquidating agent appointed, a consumer may maintain a civil action against an assignee to cure, but not rescind, the residential mortgage loan, plus the costs and reasonable attorney's fees incurred in obtaining such remedy.

"(B) ABSENT CREDITOR AND ASSIGNEE.—Notwithstanding the exemption provided in paragraph (3), if the creditor with respect to a residential mortgage loan made in violation of subsection (a) or (b) and each assignee of such loan have ceased to exist as a matter of law or have filed for bankruptcy protection under title 11, United States Code, or have had receivers or liquidating agents appointed, the consumer may maintain the civil action referred to in subparagraph (A) against the securitizer.".

Page 61, line 23, insert "and the payment of such additional costs as the obligor may have incurred as a result of the violation and in connection with obtaining a cure of the loan, including a reasonable attorney's fee" before the period.

Page 62, line 15, insert "OR OBTAIN" after "PROVIDE".

Page 62, line 16, insert ", or a consumer cannot obtain," after "cannot provide".

Page 65, line 6, insert "and the consumer would have had a valid basis for such an action if it had been brought before the end of such period" after "subsection (d)".

Page 66, beginning on line 21, strike "that insurance premiums" and insert "that—

"(1) insurance premiums".

Page 66, line 24, strike the period and insert "; and".

Page 66, after line 24, insert the following new paragraph:

"(2) this subsection shall not apply to credit unemployment insurance for which the unemployment insurance premiums are reasonable and at no additional cost to the consumer, the creditor receives no direct or indirect compensation in connection with the unemployment insurance premiums, and the unemployment insurance premiums are paid pursuant to another insurance contract and not paid to an affiliate of the creditor.".

Page 69, strike line 1 and all that follows through line 9 and insert the following new subparagraphs:

"(A) the provision, by the successor in interest, of a notice to vacate to any bona fide tenant at least 90 days before the effective date of the notice to vacate.

"(B) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

"(i) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease or the end of the 6-month period beginning on the date of the notice of foreclosure, whichever occurs first, subject to the receipt by the tenant of the 90-day notice under subparagraph (A); or

"(ii) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under subparagraph (A); and".

Page 69, after line 12, insert the following new subparagraph (and redesignate subsequent subparagraphs accordingly):

"(A) the mortgagor under the contract is not the tenant;".

Page 69, beginning on line 15, strike "tenant to pay" and insert "receipt of".

Page 69, line 19, strike "first-time".

Page 70, line 17, strike "the consumer" and insert "in the case of a first-time borrower with respect to a residential mortgage loan that is not a qualified mortgage, the first-time borrower".

Page 71, line 25, insert "or application thereof" after "State law".

Page 72, strike line 5 and all that follows through line 8, and insert "of such Act or any other State law the terms of which address the specific subject matter of subsection (a) (determination of ability to repay) or (b) (requirement of a net tangible benefit) of such section 129B.".

Page 72, strike line 9 and all that follows through line 17 and insert the following new subsection:

(b) RULES OF CONSTRUCTION.—No provision of this section shall be construed as limiting—

(1) the application of any State law against a creditor;

(2) the availability of remedies based upon fraud, misrepresentation, deception, false advertising, or civil rights laws—

(A) against any assignee, securitizer, or securitization vehicle for its own conduct relating to the making of a residential mortgage loan to a consumer; or

(B) against any assignee, securitizer, or securitization vehicle in the sale or purchase of residential mortgage loans or securities; or

(3) the application of any other State law against any assignee, securitizer, or securitization vehicle except as specifically provided in subsection (a) of this section.

Page 79, after line 2, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 212. DISCLOSURES REQUIRED IN MONTHLY STATEMENTS FOR RESIDENTIAL MORTGAGE LOANS.

Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended by adding at the end the following new subsection:

"(e) PERIODIC STATEMENTS FOR RESIDENTIAL MORTGAGE LOANS.—

"(1) IN GENERAL.—The creditor, assignee, or servicer with respect to any residential mortgage loan shall transmit to the obligor, for each billing cycle, a statement setting forth each of the following items, to the extent applicable, in a conspicuous and prominent manner:

"(A) The amount of the principal obligation under the mortgage.

"(B) The current interest rate in effect for the loan.

"(C) The date on which the interest rate may next reset or adjust.

"(D) The amount of any prepayment fee to be charged, if any.

"(E) A description of any late payment fees.

"(F) A telephone number and electronic mail address that may be used by the obligor to obtain information regarding the mortgage.

"(G) Such other information as the Board may prescribe in regulations.

"(2) DEVELOPMENT AND USE OF STANDARD FORM.—The Federal banking agencies shall jointly develop and prescribe a standard form for the disclosure required under this subsection, taking into account that the statements required may be transmitted in writing or electronically.".

Page 80, line 23, insert "(10 percentage points, if the dwelling is personal property and the transaction is for less than $50,000)" after "8 percentage points".

Page 81, beginning on line 19, strike "(8 percent if the dwelling is personal property)".

Page 100, line 6, strike "tangible net benefit" and insert "net tangible benefit (as determined in accordance with regulations prescribed under section 129B(b))".

Page 100, line 10, after the period, insert closing quotation marks and a second period.

Page 100, strike line 11 and all that follows through line 14.

Page 102, line 23, insert "at the end of the 6-month period beginning" before "on the date of".

Page 102, beginning on line 25, strike "on or after the date" and insert "after the end of such period".

The CHAIRMAN. Pursuant to House Resolution 825, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, first, this bill makes some substantive changes, including one of the things we came across was the problem of people who were renting who lost their right to live there when there was a foreclosure.

We have compromised in this. I have had some conversations; I will have some further ones with the gentleman from Colorado. But we do try to preserve some protection for the renters in the bill. As passed by committee, we had 12 months. This reduces it some to 6 months as the maximum. We will talk more about it.

Beyond that, there are 2 things that the manager's amendment clarifies, and I have found from some on the consumer side 2 objections in this bill, and we deal with these in the manager's amendment and we will deal with them further. One is the issue of preemption. I think a certain amount of preemption is essential if we are going to have a secondary market, but it is possible to read the language previously as preempting more than we meant to. What this amendment does is to make very clear that, no matter what the issue is, if the problem was based on fraud or misrepresentation, deception, or false advertising, there is no preemption. The ability of people to go after anything that was based on misrepresentation or fraud is fully preserved, whether or not it affected their ability to pay.

Secondly, we have—and I am pleased to note that La Raza and the NAACP support this bill—we included at the insistence of the gentleman from North Carolina and the gentleman from California specific language about civil rights violations. No civil rights violation that a State may have would be preempted.

So we have narrowed the preemption. We have made it clear it does not preempt anything growing out of fraud.

The second issue that has led to some concern, and I am about to yield to my friend from North Carolina (Mr. MILLER) has to do with compensation. It was our intention to say that no one who was originating a loan should be given an incentive to put the consumer in a loan that would charge that consumer more than he or she could otherwise get, and we dealt with that.

The question then came about the way in which brokers are compensated, and we tried to provide 2 things: One, an absolute prohibition on any incentive to charge people more, but, two, not an interference with the way in which people chose to make those payments.

We thought we had the language clear. Some people think it isn't clear enough. One of the things we will do is to make that clearer.

And I would yield on this point to the gentleman from North Carolina.

Mr. MILLER of North Carolina. I thank the gentleman.

I would now like to engage in a colloquy with Mr. FRANK concerning this. And, Mr. Chairman, both Mr. FRANK and I would deeply appreciate a slow gavel on this particular point.

Mr. FRANK, please direct your attention to the language at the bottom of page 5 of the manager's amendment, clarifying the prohibition against payments to loan originators that vary with the terms of the subprime mortgage, which, as Mr. MURPHY of Connecticut has already pointed out, is an important antisteering provision. The abuse that the prohibition addresses is the payment by lenders to originators, most often brokers, known as a yield spread premium.

Under widespread practice now, lenders pay brokers an additional percentage point in a yield spread premium for every additional half point in interest on the mortgage above the rate that the borrower qualified for. Although borrowers sign a piece of paper agreeing to the payment by the lender, the broker hands the borrower the paper and tells the borrower what the borrower is signing, and most borrowers never realize that the broker makes more money the more that the borrower pays for the mortgage.

I agree with Mr. MURPHY of Connecticut, that is a kickback. It is not a legitimate business practice. It needs to change.

Mr. FRANK, as I understand it, the clarifying language in the new subparagraph does not simply permit what the previous subparagraph forbids, but it is directed to limited circumstances and does not allow any additional total compensation for an originator. Just as a buyer may pay discount points at closing to buy down the interest rate over the life of the loan, subparagraph (B) allows a consumer to pay more in interest over the life of the loan in return for lower costs and fees at closing.

Is that correct?

Mr. FRANK of Massachusetts. Yes. That is absolutely what I believe the language says, and it is certainly our intent.

Mr. MILLER of North Carolina. And is it also correct that any payment by the lender to the broker, or to use the language of the bill, any incentive compensation paid by any person to any originator, based on a higher interest rate, is still forbidden?

Mr. FRANK of Massachusetts. Yes. I would say, and let me just read the language at the bottom of page 4 of the manager's amendment. Those payments "do not vary based on the terms of the loan or the consumer's decision about whether to finance."

So we have tried to make it very explicit: Flexibility in method does not in any way reduce the prohibitions that have been stated against an incentive to charge more. And if it is necessary for us to say that again more clearly, as some people may think it is, we will find new ways to say it.

Mr. MILLER of North Carolina. I am glad that Mr. FRANK earlier embraced redundancy as a virtue, but I want to continue even though it may be redundant.

The CHAIRMAN. The gentleman's time has expired.

Mr. FRANK of Massachusetts. Will the gentleman yield me 15 seconds out of his time?

The CHAIRMAN. The gentleman from Alabama has not yet been recognized.

Does the gentleman rise in opposition to the bill?

Mr. BACHUS. Mr. Chairman, I claim time in opposition, although I am not opposed to the bill.

The CHAIRMAN. Without objection, the gentleman from Alabama is recognized for 5 minutes.

There was no objection.

Mr. BACHUS. I yield 15 seconds to the chairman of the committee.

Mr. MILLER of North Carolina. So a mortgage originator under this subparagraph, the one we were speaking of a moment ago, will get paid exactly the same in total compensation, including both the compensation paid by the borrower and the compensation paid by the lender, whether the interest rate is 6 or 8 or 10. Is that right?

Mr. FRANK of Massachusetts. Yes. And also, the total cost of the loan has to be the same.

Mr. MILLER of North Carolina. And so any compensation paid by the lender will be backed out dollar for dollar from what the borrower had agreed to pay; is that correct?

Mr. FRANK of Massachusetts. Yes, yes, yes. I feel like I am in Ulysses here.

Mr. MILLER of North Carolina. I thank the gentleman.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I am grateful to my friend the ranking member and to the chairman, and I do oppose the manager's amendment and the bill. And I don't think there is any difference of opinion about the crisis in the mortgage markets in America today. I think the difference is on the impact that this bill will have.

The problem in mortgage markets in America today is that for years we had lenders that were giving teaser rate loans, that were taking no paperwork requirements to prove that borrowers had the ability to buy the home and pay for it. And we had lenders making 100 percent, 110 percent, 120 percent loan-to-value loans. And, obviously, that worked fine when property values were increasing. When property values declined, you have got a crisis.

In essence, what has happened is that we have had this wild galloping horse in the credit markets of mortgages that has gotten loose. Now that horse has gotten very sick. There are none of these loans being made. As a matter of fact, credible buyers with paperwork, with 20 or 30 percent equity, can't get access to mortgage loans today in many instances.

What we are doing for this sick horse is to feed it strychnine. The markets having overreacted, we as Congress are going to pile on and kill the horse with poison. And the difference we have about this bill and this manager's amendment is on the impact it will have.

Does it help poor people, middle-income people that want to get access to homeownership? No.

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And I would submit for the RECORD an article by Star Parker, who entitles this bill, "How to Limit Homeownership for the Poor."

Does this bill help existing homeowners? No, because it will decrease credit availability, which means fewer people will get access to loans. There will be fewer buyers for your home. And the law of supply and demand means that all of our homes will decrease in value because there will be fewer people available to buy.

Who does this bill help? Well, this bill does help landlords. Very few people will be able to buy homes in the future. Very few people will qualify for the credit. So if you are a landlord, you should be thankful. It helps lawyers. As the Wall Street Journal said, this is the 1–800 Sue Your Banker Act. This is the lawyers and landlords relief act.

[From Scripps Howard News Service, Nov. 9, 2007]

HOW TO LIMIT HOME OWNERSHIP FOR THE POOR

(By Star Parker)

The Mortgage Reform and Anti-Predatory Lending Act of 2007 has passed out of Chairman Barney Frank's House Financial Services Committee. It's now headed to the full House for a vote. In the name of protecting the poor from market predators it will in actuality protect the poor from wealth.

This is yet a new chapter in the grand liberal tradition that advances the illusion that government micromanagement of private lives and markets will make us better off. We already have laws against fraud and theft. But for liberals, government isn't there to enforce the law. It's there to run our lives.

The legislation assumes that when private individuals make mistakes they can't figure out what they did wrong and make adjustments and that even if they could they wouldn't.

We're going to wind up with new and onerous regulations in the business of making loans to consumers for purchasing homes, and as a result, fewer loans will be made and we'll all be worse off. Those who will be penalized the most will be the low-income families who the new regulations will supposedly protect.

Should fraud be permitted in our society? No. Should government interfere with private individuals' latitude to determine on their own what risks they wish to take and the willingness of others to finance those risks? Absolutely not.

Frank's bill crosses far over the line into regulating private lives and behavior where he and government have no business.

Why will this hurt the very low-income families it purports to protect?

We already have plenty of experience with the costs of so-called consumer protection laws in general and those designed to regulate mortgage lending in particular.

In a recently published article in the Cato Supreme Court Review, Professor Marcus Cole of the Stanford University Law School discusses the fallout of lending laws in Illinois.

The Illinois Fairness in Lending Act passed in 2005 gives the state oversight authority on loans made in nine designated zip codes in the state. These zip codes are, of course, areas in which residents are mostly lower-income households.

The law places authority in a state bureaucracy to review all applications for mortgages in these designated zip codes. The bureaucrats who review these applications determine if the borrower needs credit counseling and requires the lender to pay for it if required.

The costs of the counseling are estimated to be as high as $700 and can delay the processing of the loan up to a month.

The borrower has no option to forego this counseling, whose objective is "to protect homebuyers from predatory lending in Cook County's at-risk communities and reduce the incidence of foreclosures."

What's the result?

Cole reports the following: "Instead of protecting hardworking would-be homeowners from predatory lending, the new law protected them from credit. Within just a few months more than 30 mortgage lenders refused to lend on homes purchased in the targeted zip codes. Those lenders determined to service these communities saw a rise in their costs, which translated into higher interest rates on their loans."

The purported cure was worse than the disease. Cole goes on to note that, "home sales in the designated zip codes dropped an average of 45 percent in just one month after the bill took effect. Home prices plummeted, draining relatively poor but hardworking people of what little equity they had in their homes."

The experience is similar in other states where governments have authorized bureaucrats to insert themselves between lenders and borrowers. Yes, the number of defaults have declined. They have declined because the number of loans have declined.

The Wall Street Journal reports that currently "80 percent of subprime loans are being repaid on time and another 10 percent are only 30 days behind."

These are overwhelmingly loans to low-income families. Probably, under Barney Frank's new regulatory regime, many of these loans would not have been made and the families in these homes would be renting and considerably less wealthy than they are today.

To quote former Texas Rep. Dick Armey, "freedom works." But it can only work if we let it.

Many have paid and are paying a great price for the errors and excesses of recent years. We now should allow private individuals and private markets the opportunity to self correct, which is what will happen.

If government steps in to pre-empt the market and Barney Frank is the one to decide who gets loans, the rich will stay rich, the poor will stay poor, and we'll have one more reason for already skeptical Americans to question the American dream.

Mr. BACHUS. Mr. Chairman, I rise in support of the bipartisan manager's amendment. It makes both technical and substantive changes in the legislation, and I think significant contributions. For example, the amendment incorporates language authored by the gentleman from California (Mr. GARY G. MILLER). His amendment clarifies the bill's anti-steering provisions to ensure that consumers retain the ability to finance points and fees in connection with a mortgage transaction. It also corrects certain problems in the provisions dealing with renters and foreclosed properties that Mr. MARCHANT from Texas raised during the markup. And it addresses some of those problems.

The amendment also includes provisions drafted by the gentlelady from

Ohio (Ms. PRYCE) that will give consumers regular updates on the term of their mortgages and advance notice of any impending interest rate adjustments. Now, these are important improvements in the bill. And I again thank Chairman FRANK and the other members who contributed to the manager's amendment, and urge support for the manager's amendment.

I would yield the remaining time that I have to the gentleman from California (Mr. CAMPBELL).

The CHAIRMAN. The gentleman from California is recognized for 1¾ minutes.

Mr. CAMPBELL of California. I thank the ranking member for yielding.

I wish this manager's amendment was going to make this a good bill and improve this bill, but it is not making it a good bill.

We have a patient that is sick. That is the mortgage market. But what we are doing here is practicing medieval medicine. We are bleeding the patient. We're going to make the patient worse.

There's no argument that we ought to be doing something to improve the subprime and generally the mortgage market in this country as it goes forward, but we should not make it worse. And that's what this will do. And it will make it worse by drying up credit. And that's the biggest problem we have right now. People can't get loans for houses. And this is going to make it ever more difficult because it restricts the amount of loans they can get, and it puts in liability as well.

And, you know, it won't hurt the person buying a $1 million house with 50 percent down. That person will be fine. Who it's going to hurt is the person out there buying a $200,000 house with $2,500 in cash and a loan from their uncle. But they've got a good job and they think they can get this thing done. But under this bill, banks and lenders are not going to make that loan. And that's the problem with this bill, and that's why this bill should be roundly defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. KANJORSKI

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-450.

Mr. KANJORSKI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KANJORSKI:

Page 134, after line 13 insert the folowing new titles (and conform the table of contents accordingly):

TITLE VI—MORTGAGE SERVICING

SEC. 601. ESCROW AND IMPOUND ACCOUNTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129B (as added by section 201) the following new section:

"SEC. 129C. ESCROW OR IMPOUND ACCOUNTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.

"(a) IN GENERAL.—Except as provided in subsection (b) or (c), a creditor, in connection with the formation or consummation of a consumer credit transaction secured by a first lien on the principal dwelling of the consumer, other than a consumer credit transaction under an open end credit plan or a reverse mortgage, shall establish, at the time of the consummation of such transaction, an escrow or impound account for the payment of taxes and hazard insurance, and, if applicable, flood insurance, mortgage insurance, ground rents, and any other required periodic payments or premiums with respect to the property or the loan terms, as provided in, and in accordance with, this section.

"(b) WHEN REQUIRED.—No impound, trust, or other type of account for the payment of property taxes, insurance premiums, or other purposes relating to the property may be required as a condition of a real property sale contract or a loan secured by a first deed of trust or mortgage on the principal dwelling of the consumer, other than a consumer credit transaction under an open end credit plan or a reverse mortgage, except when—

"(1) any such impound, trust, or other type of escrow or impound account for such purposes is required by Federal or State law;

"(2) a loan is made, guaranteed, or insured by a State or Federal governmental lending or insuring agency;

"(3) the consumer's debt-to-income ratio at the time the home mortgage is established taking into account income from all sources including the consumer's employment exceeds 50 percent;

"(4) the transaction is secured by a first mortgage or lien on the consumer's principal dwelling and the annual percentage rate on the credit, at the time of consummation of the transaction, will exceed by more than 3.0 percentage points the yield on Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application of the extension of credit is received by the creditor;

"(5) a consumer obtains a mortgage referred to in section 103(aa);

"(6) the original principal amount of such loan at the time of consummation of the transaction is—

"(A) 90 percent or more of the sale price, if the property involved is purchased with the proceeds of the loan; or

"(B) 90 percent or more of the appraised value of the property securing the loan;

"(7) the combined principal amount of all loans secured by the real property exceeds 95 percent of the appraised value of the property securing the loans at the time of consummation of the last mortgage transaction;

"(8) the consumer was the subject of a proceeding under title 11, United States Code, at any time during the 7-year period preceding the date of the transaction (as determined on the basis of the date of entry of the order for relief or the date of adjudication, as the case may be, with respect to such proceeding and included in a consumer report on the consumer under the Fair Credit Reporting Act); or

"(9) so required by the Board pursuant to regulation.

"(c) DURATION OF MANDATORY ESCROW OR IMPOUND ACCOUNT.—An escrow or impound account established pursuant to subsection (b), shall remain in existence for a minimum period of 5 years and until such borrower has sufficient equity in the dwelling securing the consumer credit transaction so as to no longer be required to maintain private mortgage insurance, or such other period as may be provided in regulations to address situations such as borrower delinquency, unless the underlying mortgage establishing the account is terminated.

"(d) CLARIFICATION ON ESCROW ACCOUNTS FOR LOANS NOT MEETING STATUTORY TEST.—For mortgages not covered by the requirements of subsection (b), no provision of this section shall be construed as precluding the establishment of an impound, trust, or other type of account for the payment of property taxes, insurance premiums, or other purposes relating to the property—

"(1) on terms mutually agreeable to the parties to the loan;

"(2) at the discretion of the lender or servicer, as provided by the contract between the lender or servicer and the borrower; or

"(3) pursuant to the requirements for the escrowing of flood insurance payments for regulated lending institutions in section 102(d) of the Flood Disaster Protection Act of 1973.

"(e) ADMINISTRATION OF MANDATORY ESCROW OR IMPOUND ACCOUNTS.—

"(1) IN GENERAL.—Except as may otherwise be provided for in this title or in regulations prescribed by the Board, escrow or impound accounts established pursuant to subsection (b) shall be established in a federally insured depository institution.

"(2) ADMINISTRATION.—Except as provided in this section or regulations prescribed under this section, an escrow or impound account subject to this section shall be administered in accordance with—

"(A) the Real Estate Settlement Procedures Act of 1974 and regulations prescribed under such Act;

"(B) the Flood Disaster Protection Act of 1973 and regulations prescribed under such Act; and

"(C) the law of the State, if applicable, where the real property securing the consumer credit transaction is located.

"(3) APPLICABILITY OF PAYMENT OF INTEREST.—If prescribed by applicable State or Federal law, each creditor shall pay interest to the consumer on the amount held in any impound, trust, or escrow account that is subject to this section in the manner as prescribed by that applicable State or Federal law.

"(4) PENALTY COORDINATION WITH RESPA.—Any action or omission on the part of any person which constitutes a violation of the Real Estate Settlement Procedures Act of 1974 or any regulation prescribed under such Act for which the person has paid any fine, civil money penalty, or other damages shall not give rise to any additional fine, civil money penalty, or other damages under this section, unless the action or omission also constitutes a direct violation of this section.

"(f) DISCLOSURES RELATING TO MANDATORY ESCROW OR IMPOUND ACCOUNT.—In the case of any impound, trust, or escrow account that is subject to this section, the creditor shall disclose by written notice to the consumer at least 3 business days before the consummation of the consumer credit transaction giving rise to such account or in accordance with timeframes established in prescribed regulations the following information:

"(1) The fact that an escrow or impound account will be established at consummation of the transaction.

"(2) The amount required at closing to initially fund the escrow or impound account.

"(3) The amount, in the initial year after the consummation of the transaction, of the estimated taxes and hazard insurance, including flood insurance, if applicable, and any other required periodic payments or premiums that reflects, as appropriate, either the taxable assessed value of the real property securing the transaction, including the value of any improvements on the property or to be constructed on the property (whether or not such construction will be financed from the proceeds of the transaction) or the replacement costs of the property.

"(4) The estimated monthly amount payable to be escrowed for taxes, hazard insurance (including flood insurance, if applicable) and any other required periodic payments or premiums.

"(5) The fact that, if the consumer chooses to terminate the account at the appropriate time in the future, the consumer will become responsible for the payment of all taxes, hazard insurance, and flood insurance, if applicable, as well as any other required periodic payments or premiums on the property unless a new escrow or impound account is established.

"(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) FLOOD INSURANCE.—The term 'flood insurance' means flood insurance coverage provided under the national flood insurance program pursuant to the National Flood Insurance Act of 1968.

"(2) HAZARD INSURANCE.—The term 'hazard insurance' shall have the same meaning as provided for 'hazard insurance', 'casualty insurance', 'homeowner's insurance', or other similar term under the law of the State where the real property securing the consumer credit transaction is located.".

(b) IMPLEMENTATION.—

(1) REGULATIONS.—The Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, (hereafter in this Act referred to as the "Federal banking agencies") and the Federal Trade Commission shall prescribe, in final form, such regulations as determined to be necessary to implement the amendments made by subsection (a) before the end of the 180-day period beginning on the date of the enactment of this Act.

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall only apply to covered mortgage loans consummated after the end of the 1-year period beginning on the date of the publication of final regulations in the Federal Register.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129B (as added by section 201) the following new item:

"129C. Escrow or impound accounts relating to certain consumer credit transactions.".

SEC. 602. DISCLOSURE NOTICE REQUIRED FOR CONSUMERS WHO WAIVE ESCROW SERVICES.

(a) IN GENERAL.—Section 129C of the Truth in Lending Act (as added by section 601) is amended by adding at the end the following new subsection:

"(h) DISCLOSURE NOTICE REQUIRED FOR CONSUMERS WHO WAIVE ESCROW SERVICES.—

"(1) IN GENERAL.—If—

"(A) an impound, trust, or other type of account for the payment of property taxes, insurance premiums, or other purposes relating to real property securing a consumer credit transaction is not established in connection with the transaction; or

"(B) a consumer chooses, at any time after such an account is established in connection with any such transaction and in accordance with any statute, regulation, or contractual agreement, to close such account,

the creditor or servicer shall provide a timely and clearly written disclosure to the consumer that advises the consumer of the responsibilities of the consumer and implications for the consumer in the absence of any such account.

"(2) DISCLOSURE REQUIREMENTS.—Any disclosure provided to a consumer under paragraph (1) shall include the following:

"(A) Information concerning any applicable fees or costs associated with either the non-establishment of any such account at the time of the transaction, or any subsequent closure of any such account.

"(B) A clear and prominent notice that the consumer is responsible for personally and directly paying the non-escrowed items, in addition to paying the mortgage loan payment, in the absence of any such account, and the fact that the costs for taxes, insurance, and related fees can be substantial.

"(C) A clear explanation of the consequences of any failure to pay non-escrowed items, including the possible requirement for the forced placement of insurance by the creditor or servicer and the potentially higher cost (including any potential commission payments to the servicer) or reduced coverage for the consumer in the event of any such creditor-placed insurance.".

(b) IMPLEMENTATION.—

(1) REGULATIONS.—The Federal banking agencies and the Federal Trade Commission shall prescribe, in final form, such regulations as such agencies determine to be necessary to implement the amendments made by subsection (a) before the end of the 180-day period beginning on the date of the enactment of this Act.

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall only apply in accordance with the regulations established in paragraph (1) and beginning on the date occurring 180-days after the date of the publication of final regulations in the Federal Register.

SEC. 603. REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974 AMENDMENTS.

(a) SERVICER PROHIBITIONS.—Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended by adding at the end the following new subsections:

"(k) SERVICER PROHIBITIONS.—

"(1) IN GENERAL.—A servicer of a federally related mortgage shall not—

"(A) obtain force-placed hazard insurance unless there is a reasonable basis to believe the borrower has failed to comply with the loan contract's requirements to maintain property insurance;

"(B) charge fees for responding to valid qualified written requests (as defined in regulations which the Secretary shall prescribe) under this section;

"(C) fail to take timely action to respond to a borrower's requests to correct errors relating to allocation of payments, final balances for purposes of paying off the loan, or avoiding foreclosure, or other standard servicer's duties;

"(D) fail to respond within 10 business days to a request from a borrower to provide the identity, address, and other relevant contact information about the owner assignee of the loan; or

"(E) fail to comply with any other obligation found by the Secretary, by regulation, to be appropriate to carry out the consumer protection purposes of this Act.

"(2) FORCE-PLACED INSURANCE DEFINED.—For purposes of this subsection and subsections (l) and (m), the term 'force-placed insurance' means hazard insurance coverage obtained by a servicer of a federally related mortgage when the borrower has failed to maintain or renew hazard insurance on such property as required of the borrower under the terms of the mortgage.

"(l) REQUIREMENTS FOR FORCE-PLACED INSURANCE.—A servicer of a federally related mortgage shall not be construed as having a reasonable basis for obtaining force-placed insurance unless the requirements of this subsection have been met.

"(1) WRITTEN NOTICES TO BORROWER.—A servicer may not impose any charge on any borrower for force-placed insurance with respect to any property securing a federally related mortgage unless—

"(A) the servicer has sent, by first-class mail, a written notice to the borrower containing—

"(i) a reminder of the borrower's obligation to maintain hazard insurance on the property securing the federally related mortgage;

"(ii) a statement that the servicer does not have evidence of insurance coverage of such property;

"(iii) a clear and conspicuous statement of the procedures by which the borrower may demonstrate that the borrower already has insurance coverage; and

"(iv) a statement that the servicer may obtain such coverage at the borrower's expense if the borrower does not provide such demonstration of the borrower's existing coverage in a timely manner;

"(B) the servicer has sent, by first-class mail, a second written notice, at least 30 days after the mailing of the notice under subparagraph (A) that contains all the information described in each clauses of such subparagraph; and

"(C) the servicer has not received from the borrower any demonstration of hazard insurance coverage for the property securing the mortgage by the end of the 15-day period beginning on the date the notice under subparagraph (B) was sent by the servicer.

"(2) SUFFICIENCY OF DEMONSTRATION.—A servicer of a federally related mortgage shall accept any reasonable form of written confirmation from a borrower of existing insurance coverage, which shall include the existing insurance policy number along with the identity of, and contact information for, the insurance company or agent.

"(3) TERMINATION OF FORCE-PLACED INSURANCE.—Within 15 days of the receipt by a servicer of confirmation of a borrower's existing insurance coverage, the servicer shall—

"(A) terminate the force-placed insurance; and

"(B) refund to the consumer all force-placed insurance premiums paid by the borrower during any period during which the borrower's insurance coverage and the force-placed insurance coverage were each in effect, and any related fees charged to the consumer's account with respect to the force-placed insurance during such period.

"(4) CLARIFICATION WITH RESPECT TO FLOOD DISASTER PROTECTION ACT.—No provision of this section shall be construed as prohibiting a servicer from providing simultaneous or concurrent notice of a lack of flood insurance pursuant to section 102(e) of the Flood Disaster Protection Act of 1973.

"(m) LIMITATIONS ON FORCE-PLACED INSURANCE CHARGES.—All charges for force-placed insurance premiums shall be bona fide and reasonable in amount.

"(n) PROMPT CREDITING OF PAYMENTS REQUIRED.—

"(1) IN GENERAL.—All amounts received by a lender or a servicer on a home loan at the address where the borrower has been instructed to make payments shall be accepted and credited, or treated as credited, on the business day received, to the extent that the borrower has made the full contractual payment and has provided sufficient information to credit the account.

"(2) SCHEDULED METHOD.—If a servicer uses the scheduled method of accounting, any regularly scheduled payment made prior to the scheduled due date shall be credited no later than the due date.

"(3) NOTICE OF NONCREDIT.—If any payment is received by a lender or a servicer on a home loan and not credited, or treated as credited, the borrower shall be notified within 10 business days by mail at the borrower's last known address of the disposition of the payment, the reason the payment was not credited, or treated as credited to the account, and any actions necessary by the borrower to make the loan current.".

(b) INCREASE IN PENALTY AMOUNTS.—Section 6(f) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(f)) is amended—

(1) in paragraphs (1)(B) and (2)(B), by striking "$1,000" each place such term appears and inserting "$2,000"; and

(2) in paragraph (2)(B)(i), by striking "$500,000" and inserting "$1,000,000".

(c) DECREASE IN RESPONSE TIMES.—Section 6(e) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(e)) is amended—

(1) in paragraph (1)(A), by striking "20 days" and inserting "10 days";

(2) in paragraph (2), by striking "60 days" and inserting "30 days"; and

(3) by adding at the end the following new paragraph:

"(4) LIMITED EXTENSION OF RESPONSE TIME.—The 30-day period described in paragraph (2) may be extended for not more than 30 days if, before the end of such 30-day period, the servicer notifies the borrower of the extension and the reasons for the delay in responding.".

(d) REQUESTS FOR PAY-OFF AMOUNTS.—Section 6(e) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(e)) is amended by inserting after paragraph (4) (as added by subsection (c) of this section) the following new paragraph:

"(5) REQUESTS FOR PAY-OFF AMOUNTS.—A creditor or servicer shall send a payoff balance within 7 business days of the receipt of a written request for such balance from or on behalf of the borrower.".

(e) PROMPT REFUND OF ESCROW ACCOUNTS UPON PAYOFF.—Section 6(g) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(g)) is amended by adding at the end the following new sentence: "Any balance in any such account that is within the servicer's control at the time the loan is paid off shall be promptly returned to the borrower within 20 business days or credited to a similar account for a new mortgage loan to the borrower with the same lender.".

SEC. 604. MORTGAGE SERVICING STUDIES REQUIRED.

(a) MORTGAGE SERVICING PRACTICES.—

(1) STUDY.—The Secretary of Housing and Urban Development, in consultation with the Federal banking agencies, and the Federal Trade Commission, shall conduct a comprehensive study on mortgage servicing practices and their potential for fraud and abuse.

(2) ISSUES TO BE INCLUDED.—In addition to other issues the Secretary of Housing and Urban Development, the Federal banking agencies, and the Federal Trade Commission may determine to be appropriate and possibly pertinent to the study conducted under paragraph (1), the study shall include the following issues:

(A) A survey of the industry in order to examine the issue of the timely or effective posting of payments by servicers.

(B) The employment of daily interest when payments are made after a due date.

(C) The charging of late fees on the entire outstanding principal.

(D) The charging of interest on servicing fees.

(E) The utilization of collection practices that failed to comply with the Fair Debt Collection Practices Act.

(F) The charging of prepayment penalties when not authorized by either the note or law.

(G) The employment of unconscionable forbearance agreements.

(H) Foreclosure abuses.

(3) REPORT.—Before the end of the 12-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report on the study conducted under this subsection to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) MORTGAGE SERVICING IMPROVEMENTS.—

(1) STUDY.—The Secretary of Housing and Urban Development, in consultation with the Federal banking agencies, and the Federal Trade Commission, shall conduct a comprehensive study on means to improve the best practices of the mortgage servicing industry, and Federal and State laws governing such industry.

(2) REPORT.—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report on the study conducted under this subsection to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, together with such recommendations for administrative or legislative action as the Secretary, in consultation with the Board and the Commission, may determine to be appropriate.

SEC. 605. ESCROWS INCLUDED IN REPAYMENT ANALYSIS.

(a) IN GENERAL.—Section 128(b) of the Truth in Lending Act (15 U.S.C. 1638(b)) is amended by adding at the end the following new paragraph:

"(4) REPAYMENT ANALYSIS REQUIRED TO INCLUDE ESCROW PAYMENTS.—

"(A) IN GENERAL.—In the case of any consumer credit transaction secured by a first mortgage or lien on the principal dwelling of the consumer, other than a consumer credit transaction under an open end credit plan or a reverse mortgage, for which an impound, trust, or other type of account has been or will be established in connection with the transaction for the payment of property taxes, hazard and flood (if any) insurance premiums, or other periodic payments or premiums with respect to the property, the information required to be provided under subsection (a) with respect to the number, amount, and due dates or period of payments scheduled to repay the total of payments shall take into account the amount of any monthly payment to such account for each such repayment in accordance with section 10(a)(2) of the Real Estate Settlement Procedures Act of 1974.

"(B) ASSESSMENT VALUE.—The amount taken into account under subparagraph (A) for the payment of property taxes, hazard and flood (if any) insurance premiums, or other periodic payments or premiums with respect to the property shall reflect the taxable assessed value of the real property securing the transaction after the consummation of the transaction, including the value of any improvements on the property or to be constructed on the property (whether or not such construction will be financed from the proceeds of the transaction), if known, and the replacement costs of the property for hazard insurance, in the initial year after the transaction.".

TITLE VII—APPRAISAL ACTIVITIES

SEC. 701. PROPERTY APPRAISAL REQUIREMENTS.

Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (u) (as added by section 303(f)) the following new subsection:

"(v) PROPERTY APPRAISAL REQUIREMENTS.—

"(1) IN GENERAL.—A creditor may not extend credit in the form of a mortgage referred to in section 103(aa) to any consumer without first obtaining a written appraisal of the property to be mortgaged prepared in accordance with the requirements of this subsection.

"(2) APPRAISAL REQUIREMENTS.—

"(A) PHYSICAL PROPERTY VISIT.—An appraisal of property to be secured by a mortgage referred to in section 103(aa) does not meet the requirement of this subsection unless it is performed by a qualified appraiser who conducts a physical property visit of the interior of the mortgaged property.

"(B) SECOND APPRAISAL UNDER CERTAIN CIRCUMSTANCES.—

"(i) IN GENERAL.—If the purpose of a mortgage referred to in section 103(aa) is to finance the purchase or acquisition of the mortgaged property from a person within 180 days of the purchase or acquisition of such property by that person at a price that was lower than the current sale price of the property, the creditor shall obtain a second appraisal from a different qualified appraiser. The second appraisal shall include an analysis of the difference in sale prices, changes in market conditions, and any improvements made to the property between the date of the previous sale and the current sale.

"(ii) NO COST TO CONSUMER.—The cost of any second appraisal required under clause (i) may not be charged to the consumer.

"(C) QUALIFIED APPRAISER DEFINED.—For purposes of this subsection, the term 'qualified appraiser' means a person who—

"(i) is certified or licensed by the State in which the property to be appraised is located; and

"(ii) performs each appraisal in conformity with the Uniform Standards of Professional

Appraisal Practice and title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and the regulations prescribed under such title, as in effect on the date of the appraisal.

"(3) FREE COPY OF APPRAISAL.—A creditor shall provide 1 copy of each appraisal conducted in accordance with this subsection in connection with a mortgage referred to in section 103(aa) to the consumer without charge, and at least 3 days prior to the transaction closing date.

"(4) CONSUMER NOTIFICATION.—At the time of the initial mortgage application, the consumer shall be provided with a statement by the creditor that any appraisal prepared for the mortgage is for the sole use of the creditor, and that the consumer may choose to have a separate appraisal conducted at their own expense.

"(5) VIOLATIONS.—In addition to any other liability to any person under this title, a creditor found to have willfully failed to obtain an appraisal as required in this subsection shall be liable to the consumer for the sum of $2,000.".

SEC. 702. UNFAIR AND DECEPTIVE PRACTICES AND ACTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129C (as added by section 601) the following new section:

"SEC. 129D. UNFAIR AND DECEPTIVE PRACTICES AND ACTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.

"(a) IN GENERAL.—It shall be unlawful, in providing any services for a consumer credit transaction secured by the principal dwelling of the consumer, to engage in any unfair or deceptive act or practice as described in or pursuant to regulations prescribed under this section.

"(b) APPRAISAL INDEPENDENCE.—For purposes of subsection (a), unfair and deceptive practices shall include—

"(1) any appraisal of a property offered as security for repayment of the consumer credit transaction that is conducted in connection with such transaction in which a person with an interest in the underlying transaction compensates, coerces, extorts, colludes, instructs, induces, bribes, or intimidates a person conducting or involved in an appraisal, or attempts, to compensate, coerce, extort, collude, instruct, induce, bribe, or intimidate such a person, for the purpose of causing the appraised value assigned, under the appraisal, to the property to be based on any factor other than the independent judgment of the appraiser;

"(2) mischaracterizing, or suborning any mischaracterization of, the appraised value of the property securing the extension of the credit;

"(3) seeking to influence an appraiser or otherwise to encourage a targeted value in order to facilitate the making or pricing of the transaction; and

"(4) failing to timely compensate an appraiser for a completed appraisal regardless of whether the transaction closes.

"(c) EXCEPTIONS.—The requirements of subsection (b) shall not be construed as prohibiting a mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, or any other person with an interest in a real estate transaction from asking an appraiser to provide 1 or more of the following services:

"(1) Consider additional, appropriate property information, including the consideration of additional comparable properties to make or support an appraisal.

"(2) Provide further detail, substantiation, or explanation for the appraiser's value conclusion.

"(3) Correct errors in the appraisal report.

"(d) RULEMAKING PROCEEDINGS.—The Board, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, and the Federal Trade Commission—

"(1) shall, for purposes of this section, jointly prescribe regulations defining with specificity acts or practices which are unfair or deceptive in the provision of mortgage lending services for a consumer credit transaction secured by the principal dwelling of the consumer or mortgage brokerage services for such a transaction and defining any terms in this section or such regulations; and

"(2) may jointly issue interpretive guidelines and general statements of policy with respect to unfair or deceptive acts or practices in the provision of mortgage lending services for a consumer credit transaction secured by the principal dwelling of the consumer and mortgage brokerage services for such a transaction, within the meaning of subsections (a), (b), and (c).

"(e) PENALTIES.—

"(1) FIRST VIOLATION.—In addition to the enforcement provisions referred to in section 130, each person who violates this section shall forfeit and pay a civil penalty of not more than $10,000 for each day any such violation continues.

"(2) SUBSEQUENT VIOLATIONS.—In the case of any person on whom a civil penalty has been imposed under paragraph (1), paragraph (1) shall be applied by substituting '$20,000' for '$10,000' with respect to all subsequent violations.

"(3) ASSESSMENT.—The agency referred to in subsection (a) or (c) of section 108 with respect to any person described in paragraph (1) shall assess any penalty under this subsection to which such person is subject.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129C (as added by section 601) the following new item:

"129D. Unfair and deceptive practices and acts relating to certain consumer credit transactions.".

SEC. 703. APPRAISAL SUBCOMMITTEE OF FIEC, APPRAISER INDEPENDENCE, AND APPROVED APPRAISER EDUCATION.

(a) CONSUMER PROTECTION MISSION.—

(1) PURPOSE.—A purpose for the establishment and operation of the Appraisal Subcommittee of the Financial Institutions Examination Council (hereafter in this section referred to as the "Appraisal Subcommittee") shall be to establish a consumer protection mandate.

(2) FUNCTIONS OF APPRAISAL SUBCOMMITTEE.—It shall be a function of the Appraisal Subcommittee to protect the consumer from improper appraisal practices and the predations of unlicensed appraisers.

(3) THRESHOLD LEVELS.—In establishing a threshold level under section 1112(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3341(b)), each agency shall determine in writing that the threshold level provides reasonable protection for consumers who purchase 1-4 unit single-family residences.

(b) ANNUAL REPORT OF APPRAISAL SUBCOMMITTEE.—The annual report of the Appraisal Subcommittee under section 1103(a)(4) of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 shall detail the activities of the Appraisal Subcommittee, including the results of all audits of State appraiser regulatory agencies, and provide an accounting of disapproved actions and warnings taken in the previous year, including a description of the conditions causing the disapproval.

(c) OPEN MEETINGS.—All meetings of the Appraisal Subcommittee shall be held in public session after notice in the Federal Register.

(d) REGULATIONS.—The Appraisal Subcommittee may prescribe regulations after notice and opportunity for comment. Any regulations prescribed by the Appraisal Subcommittee shall (unless otherwise provided in this section or title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989) be limited to the following functions: temporary practice, national registry, information sharing, and enforcement. For purposes of prescribing regulations, the Appraisal Subcommittee shall establish an advisory committee of industry participants, including appraisers, lenders, consumer advocates, and government agencies, and hold regular meetings.

(e) FIELD APPRAISALS AND APPRAISAL REVIEWS.—All field appraisals performed at a property within a State shall be prepared by appraisers licensed in the State where the property is located. All Uniform Standards of Professional Appraisal Practice-compliant appraisal reviews shall be performed by an appraiser who is duly licensed by a State appraisal board.

(f) STATE AGENCY REPORTING REQUIREMENT.—Each State with an appraiser certifying and licensing agency whose certifications and licenses comply with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 shall transmit reports on sanctions, disciplinary actions, license and certification revocations, and license and certification suspensions on a timely basis to the national registry of the Appraisal Subcommittee.

(g) REGISTRY FEES MODIFIED.—

(1) IN GENERAL.—The annual registry fees for persons performing appraisals in federally related transactions shall be increased from $25 to $40. The maximum amount up to which the Appraisal Subcommittee may adjust any registry fees shall be increased from $50 to $80 per annum. The Appraisal Subcommittee shall consider at least once every 5 years whether to adjust the dollar amount of the registry fees to account for inflation. In implementing any change in registry fees, the Appraisal Subcommittee shall provide flexibility to the States for multi-year certifications and licenses already in place, as well as a transition period to implement the changes in registry fees.

(2) INCREMENTAL REVENUES.—Incremental revenues collected pursuant to the increases required by this section shall be placed in a separate account at the United States Treasury, entitled the Appraisal Subcommittee Account.

(h) GRANTS AND REPORTS.—

(1) IN GENERAL.—Amounts appropriated for or collected by the Appraisal Subcommittee after the date of the enactment of this Act shall, in addition to other uses authorized, be used—

(A) to make grants to State appraiser regulatory agencies to help defray those costs relating to enforcement activities; and

(B) to report to all State appraiser certifying and licensing agencies when a license or certification is surrendered, revoked, or suspended.

(2) LIMITATION ON OBLIGATIONS.—Obligations authorized under this section may not exceed 75 percent of the fiscal year total of incremental increase in fees collected and deposited in the Appraisal Subcommittee Account pursuant to section 703(g) of this Act.

(i) CRITERIA.—

(1) DEFINITION.—For purposes of this section and title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (notwithstanding section 1116(c) of such title), the term "State licensed appraiser" means an individual who has satisfied the requirements for State licensing in a State or territory whose criteria for the licensing of a real estate appraiser currently meet or exceed the minimum criteria issued by the Appraisal Qualifications Board of The Appraisal Foundation for the licensing of real estate appraisers.

(2) MINIMUM QUALIFICATION REQUIREMENTS.—Any requirements established for individuals in the position of "Trainee Appraiser" and "Supervisory Appraiser" shall meet or exceed the minimum qualification requirements of the Appraiser Qualifications Board of The Appraisal Foundation. The Appraisal Subcommittee shall have the authority to enforce these requirements.

(j) MONITORING OF STATE APPRAISER CERTIFYING AND LICENSING AGENCIES.—The Appraisal Subcommittee shall monitor State appraiser certifying and licencing agencies for the purpose of determining whether a State agency's funding and staffing are consistent with the requirements of title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, whether a State agency processes complaints and completes exams in a reasonable time period, and whether a State agency reports claims and disciplinary actions on a timely basis to the national registry maintained by the Appraisal Subcommittee. The Appraisal Subcommittee shall have the authority to impose interim sanctions and suspensions.

(k) RECIPROCITY.—A State appraiser certifying or licensing agency shall issue a reciprocal certification or license for an individual from another State when—

(1) the appraiser licensing and certification program of such other State is in compliance with the provisions of this title; and

(2) the appraiser holds a valid certification from a State whose requirements for certification or licensing meet or exceed the licensure standards established by the State where an individual seeks appraisal licensure.

(l) CONSIDERATION OF PROFESSIONAL APPRAISAL DESIGNATIONS.—No provision of section 1122(d) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 shall be construed as prohibiting consideration of designations conferred by recognized national professional appraisal organizations, such as sponsoring organizations of The Appraisal Foundation.

(m) APPRAISER INDEPENDENCE.—

(1) PROHIBITIONS ON INTERESTED PARTIES IN A REAL ESTATE TRANSACTION.—No mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, nor any other person with an interest in a real estate transaction involving an appraisal shall improperly influence, or attempt to improperly influence, through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, nonpayment for services rendered, or bribery, the development, reporting, result, or review of a real estate appraisal sought in connection with a mortgage loan.

(2) EXCEPTIONS.—The requirements of paragraph (1) shall not be construed as prohibiting a mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, or any other person with an interest in a real estate transaction from asking an appraiser to provide 1 or more of the following services:

(A) Consider additional, appropriate property information, including the consideration of additional comparable properties to make or support an appraisal.

(B) Provide further detail, substantiation, or explanation for the appraiser's value conclusion.

(C) Correct errors in the appraisal report.

(3) PROHIBITIONS ON CONFLICTS OF INTEREST.—No certified or licensed appraiser conducting an appraisal may have a direct or indirect interest, financial or otherwise, in the property or transaction involving the appraisal.

(4) MANDATORY REPORTING.—Any mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, or any other person with an interest in a real estate transaction involving an appraisal who has a reasonable basis to believe an appraiser is violating applicable laws, or is otherwise engaging in unethical conduct, shall refer the matter to the applicable State appraiser certifying and licensing agency.

(5) REGULATIONS.—The Federal financial institutions regulatory agencies (as defined in section 1003(1) of the Federal Financial Institutions Examination Council Act of 1978) shall prescribe such regulations as may be necessary to carry out the provisions of this subsection.

(6) PENALTIES.—Any person who violates any provision of this subsection shall be subject to civil penalties under section 8(i)(2) of the Federal Deposit Insurance Act or section 206(k)(2) of the Federal Credit Union Act, as appropriate.

(7) PROCEEDING.—A proceeding with respect to a violation of this subsection shall be an administrative proceeding which may be conducted by a Federal financial institutions regulatory agency in accordance with the procedures set forth in subchapter II of chapter 5 of title 5, United States Code.

(n) APPROVED EDUCATION.—The Appraisal Subcommittee shall encourage the States to accept courses approved by the Appraiser Qualification Board's Course Approval Program.

SEC. 704. STUDY REQUIRED ON IMPROVEMENTS IN APPRAISAL PROCESS AND COMPLIANCE PROGRAMS.

(a) STUDY.—The Comptroller General shall conduct a comprehensive study on possible improvements in the appraisal process generally, and specifically on the consistency in and the effectiveness of, and possible improvements in, State compliance efforts and programs in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. In addition, this study shall examine the existing de minimis loan levels established by Federal regulators for compliance under title XI and whether there is a need to revise them to reflect the addition of consumer protection to the purposes and functions of the Appraisal Subcommittee.

(b) REPORT.—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report on the study under subsection (a) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, together with such recommendations for administrative or legislative action, at the Federal or State level, as the Comptroller General may determine to be appropriate.

SEC. 705. CONSUMER APPRAISAL DISCLOSURE.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129D (as added by section 702) the following new section:

"SEC. 129E. CONSUMER APPRAISAL DISCLOSURE.

"In any case in which an appraisal is performed in connection with an extension of credit secured by an interest in real property, the creditor or other mortgage originator shall make available to the applicant for the extension of credit a copy of all appraisal valuation reports upon completion but no later than 3 business days prior to the transaction closing date.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129D (as added by section 702) the following new item:

"129E. Consumer appraisal disclosure.".

The CHAIRMAN. Pursuant to House Resolution 825, the gentleman from Pennsylvania (Mr. KANJORSKI) and a member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I've long said that predatory lending is a complex problem that requires a comprehensive solution. The adoption of my amendment will make this bill more complete.

This amendment is based on the Escrow, Appraisal and Mortgage Servicing Improvements Act, H.R. 3837, which the Financial Services Committee approved last week on a voice vote. In brief, this amendment would improve mortgage servicing, better escrowing practices, and enhance appraiser oversight.

I am pleased that several Members of both sides of the aisle have joined me to put forward this worthwhile amendment. This proposal also has the support of many outside of this Chamber, including the Appraisal Institute, the National Association of Realtors, the National Association of Mortgage Brokers, and the Center for Responsible Lending, to name a few.

While there are many components to this proposal, I would like to highlight three of its key provisions. First, it would mandate the establishment of escrows for those borrowers who meet certain tests to protect them from tax liens and costly force placed insurance. We have learned that the subprime borrowers are substantially less likely than prime borrowers to have escrows, even though they are more likely to need help in budgeting for these substantial expenses.

Secondly, the amendment reforms mortgage servicing by mandating swifter response times to consumer inquiries. This change ought to help ensure that those homeowners who need help in the coming months will receive expedited assistance from their mortgage servicers.

Third, the amendment would establish enforceable national appraisal independence standards with sufficient penalties. The appraisal field is one that demands reform, as evidenced by 90 percent of the appraisers reporting pressure to inflate values. Appraisals verify the value of the collateral for the buyer, the seller, the lender, and the investor. Protection from pressure is, therefore, vital.

Two other issues in this amendment that deserve mention today include the prompt crediting of payments by servicers and providing borrowers with timely access to all appraisals. Going forward, we will work to polish the wording of the former. We will also conform the language of the latter to the existing standards of the Equal Credit Opportunity Act.

In sum, Mr. Chairman, my amendment should be part of the legislative response to improve lending practices and enhance accountability. I encourage every one of my colleagues to support this.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I claim the time in opposition, although I am not opposed.

The CHAIRMAN. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I would like to echo the remarks of Mr. KANJORSKI and thank him and my colleagues, Mr. HODES, Mrs. CAPITO and Ms. MOORE, for working on this amendment, which is based on H.R. 3837, the Escrow, Appraisal and Mortgage Servicing Improvements Act.

Overall, this amendment addresses deceptive, abusive and fraudulent mortgage lending practices related to titles on escrow accounts, mortgage servicing and appraisals. We worked hard following our markup last week to clean up language in this amendment regarding the prompt crediting of payments and Truth in Lending Act and the Real Estate Settlement Procedures Act, commonly known as RESPA, liability, in addition to making several more technical changes.

We have more to do, especially further developing the language in the payments and escrow sections in this bill; but I'm confident that, based on the bipartisan progress that we've made this far, we can work out our differences as the bill continues to move through the legislative process.

Again, I thank Mr. KANJORSKI and my colleagues from both sides of the aisle for their hard work and cooperation on this amendment. It has broad bipartisan support, and I urge my colleagues to vote for it.

I reserve the balance of my time.

Mr. KANJORSKI. Mr. Chairman, may I inquire what time we have left.

The CHAIRMAN. The gentleman from Pennsylvania has 2 minutes. The gentlewoman from Illinois has 3½ minutes.

Mr. KANJORSKI. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Mr. Chairman, I thank Representative KANJORSKI, the chairman of the Capital Markets Subcommittee, for yielding me this time.

I believe that this amendment is a good complement to Chairman FRANK's antipredatory lending bill, and I commend colleagues on both sides of the aisle for the bipartisan nature of this amendment, which is similar to H.R. 3837, the bill of which I was a proud cosponsor.

Many of my constituents have had problems with their mortgage servicers. This amendment makes sure that servicers provide faster responses to consumer inquiries and provides increased penalties for abusive servicing practices.

Escrows help homeowners pay their property taxes on time, but many homeowners are unaware of the total cost of the loan because the exact amount of taxes and insurance isn't disclosed at the time of closing. This amendment would make sure that homeowners are informed of the actual amount of the loan, including the escrow payments.

And also, lastly, faulty appraisals have been a huge problem and can have a devastating impact on a family's single largest investment, their home. If the initial appraisal is inaccurate, reselling the home for what the family paid can be nearly impossible.

The amendment creates a Federal independent standard for appraisals enforced by tough penalties.

I urge my colleagues to support the amendment.

Mrs. BIGGERT. Mr. Chairman, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Chairman, I yield 1 minute to the gentlelady from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Chairman, I'll be brief.

I hope that with Mr. FRANK's bill, we can see that these exotic products have created a crisis in the mortgage industry. But as Attorney General Cuomo from New York said, any real estate scam, at the very base and root of it, is a faulty and a bad appraisal.

This is a very commonsense regulation, and I congratulate Mr. KANJORSKI and my other co-authors for bringing this forward.

This amendment is about putting the interests of homebuyers first.

Buying a home is daunting enough without having to worry that the people that supposedly work for you aren't on your side.

The safeguards in this amendment—the independence standards for appraisers and provisions that strengthen Federal oversight of the appraisal process will assure homebuyers that the home they are purchasing hasn't been inflated in "perceived" value by an unscrupulous appraiser.

A bad appraisal can also make it impossible for a subprime borrower to refinance—what happens when they try to get into a prime loan and a responsible bank wants a responsible appraisal done? That's when the other shoe drops and the homeowner finds out they've been duped.

These safeguards would protect consumers, but would also benefit the secondary market and our economy.

When a mortgage is sold on the secondary market, investors need to know that the securities they hold are backed up by a home that has been appraised accurately.

Further, the amendment's requirements that subprime and other at-risk borrowers receive an escrow account will protect those borrowers from huge end-of-the-year tax bills and will reduce foreclosures.

I urge my colleagues to support the Kanjorski-Biggert-Capito-Hodes-Moore amendment.

Mrs. BIGGERT. Mr. Chairman, I yield the remainder of my time to the gentleman from Alabama, the ranking member, Mr. BACHUS.

Mr. BACHUS. Mr. Chairman, I rise in strong support of this bipartisan amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI). The amendment, among other things, enhances the integrity of the appraisal process, and requires the taxes and insurance on subprime mortgages be escrowed. These are two glaring problems in today's subprime market, and I think both these requirements will go a long way towards making these loans sounder and reducing the number of foreclosures and delinquencies.

These issues are ones that the gentleman from Pennsylvania has worked on for many years. He deserves credit for an amendment that will improve many key aspects of the mortgage origination, servicing, and appraisal process; and I compliment him.

Chairman KANJORSKI worked closely with my colleagues, Ranking Members JUDY BIGGERT and SHELLEY MOORE CAPITO, in crafting the amendment. And the three of them actually offered the amendment that addresses legitimate administrative and operational concerns that have been raised, not only by consumer groups, but by the industry itself. And the mortgage appraisers, or the Appraisers Institute, actually endorsed this measure. And it maintains the underlying bill's strong consumer protection.

□ 1330

And this amendment offers additional strong protections.

I commend all three of our colleagues for their efforts and urge support for the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KANJORSKI. I thank the ranking member and the ranking lady of the subcommittee. What a pleasure it was to work on this.

I want to say to all my colleagues that may be listening to our discussion today, this is a perfect example of how this House can find bipartisan support for a very complicated issue.

This amendment sounds like an amendment, but it's a 44-page bill standing on its own, which we are hoping to attach to Mr. FRANK's bill so that we solve all of the major problems remaining that can be solved today and then move on to mitigation of loss in the future.

I urge all of my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI).

The amendment was agreed to.

Mr. FRANK of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. KAPTUR) having assumed the chair, Mr. CARDOZA, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes, had come to no resolution thereon.

PERMISSION TO OFFER AMENDMENT NO. 16 OUT OF SEQUENCE DURING FURTHER CONSIDERATION OF H.R. 3915

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that during further consideration of H.R. 3915 in the Committee of the Whole pursuant to House Resolution 825, amendment No. 16 may be considered out of sequence.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 825 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3915.

☐ 1332

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes, with Mr. CARDOZA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 2 by the gentleman from Pennsylvania (Mr. KANJORSKI) had been disposed of.

AMENDMENT NO. 3 OFFERED BY MRS. MALONEY OF NEW YORK

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-450.

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mrs. MALONEY of New York:

Page 66, after line 3, insert the following new paragraph (and redesignate the subsequent paragraph accordingly):

"(2) PHASED-OUT PENALTIES ON QUALIFIED MORTGAGES.—A qualified mortgage (as defined in subsection (c)) may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal after the loan is consummated in excess of the following limitations:

"(A) During the 1-year period beginning on the date the loan is consummated, the prepayment penalty shall not exceed an amount equal to 3 percent of the outstanding balance on the loan.

"(B) During the 1-year period beginning after the period described in subparagraph (A), the prepayment penalty shall not exceed an amount equal to 2 percent of the outstanding balance on the loan.

"(C) During the 1-year period beginning after the 1-year period described in subparagraph (B), the prepayment penalty shall not exceed an amount equal to 1 percent of the outstanding balance on the loan.

"(D) After the end of the 3-year period beginning on the date the loan is consummated, no prepayment penalty may be imposed on a qualified mortgage.".

Page 66, after line 11, insert the following new paragraph:

"(4) OPTION FOR NO PREPAYMENT PENALTY REQUIRED.—A creditor may not offer a consumer a residential mortgage loan product that has a prepayment penalty for paying all or part of the principal after the loan is consummated as a term of the loan without offering the consumer a residential mortgage loan product that does not have a prepayment penalty as a term of the loan.".

The CHAIRMAN. Pursuant to House Resolution 825, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I yield myself 3 minutes.

This amendment, which I am offering with my good friend and colleague from New Jersey, ALBIO SIRES, addresses prepayment penalties and prime loans. This is a well-balanced amendment that has gained the support both of consumer groups and industry.

Prepayment penalties are designed to deter borrowers from refinancing, or just paying off their loans. This seems unfair; why should anyone be penalized for paying off their loans? Why should borrowers not be able to take advantage of a better offer if it becomes available? Isn't that how the free market system is supposed to work?

The underlying bill prohibits prepayment penalties on subprime loans and requires that prepayment penalties on prime loans expire 3 months before a loan resets. But I think we need to offer all borrowers, including prime borrowers, an alternative to loans with prepayment penalties. At the most, prepayment penalties should last 3 years, the time needed for lenders to recover their investment.

Mortgage lenders argue that prepayment penalties enable them to offer loans at lower interest rates because they are assured of income for a period of time. Our amendment just requires them to offer prime borrowers an informed choice. If a lender offers a borrower a loan with a prepayment penalty, they also have to offer that borrower a loan with no prepayment penalty.

Also, our amendment would limit the period of prepayment penalties to 3 years and limit the amount of the penalty to 3 percent of the outstanding balance in the first year, 2 percent in the second, and 1 percent in the third. This standard has already been adopted in many States and is often referred to as the "California standard." It represents what reputable lenders consider best practices. Prepayment penalties beyond 3 years are simply unjustified by any market need.

This is a balanced amendment that gives lenders adequate security and the option to offer prime loans with prepayment penalties, but also gives prime borrowers a choice to avoid prepayment penalties if they so wish. It is a sensible and necessary step to improved disclosure and improved choice.

I urge my colleagues to support it.

Madam Chairman, I reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I claim the time in opposition.

The Acting CHAIRMAN (Ms. KAPTUR). The gentleman from Florida is recognized for 5 minutes.

Mr. FEENEY. I appreciate the gentlelady's amendment. And I suppose I can't argue that it does a great deal of harm under the bill, because what the bill essentially does is it takes millions of potential homebuyers and makes them ineligible, as a practical matter, for loans. And so all we're doing is taking those million people that can't get loans and saying one more type of loan they can't get is a loan with a prepayment penalty that lasts longer than 3 years built in.

Having said that, assuming some potential homebuyers escape the penalties under this bill and they actually do qualify to get a loan that puts them in a house that they like and that's affordable, what the gentlelady's amendment does is to make the marginal interest rate they may have to pay higher.

As the gentlelady said, lenders have demonstrated, I think conclusively, that there are lower interest rates available at times if you have a prepayment penalty built in because they know that that loan is going to be out there for 15, 20 or 30 years putting a stream of money into the pocket of the lender. That's why they do the more attractive long-term interest rate.

Now, I happen to not like prepayment penalties. Most Americans move a lot. But there are Americans, for example, on a fixed income that are retired and have a pension and they know they're going to be in a house for a long period of time and they don't mind a prepayment penalty.

What the gentlelady does is to take choices away from homeowners. By the way, I agree with the notion that we ought to have informed consent. There is nobody here arguing that we shouldn't inform consumers what the prepayment penalty is, what the consequences can be. What we are suggesting is that when you limit for 3 years the amount of the prepayment penalty, there are some homebuyers that otherwise would be able to get an attractive interest rate, buy the home of their dreams, stay in that home for 15 or 20 years and never pay the penalty that will never, ever get to move into that home because the gentlelady thought, in general, prepayment penalties are a bad idea for everybody. They are a bad idea for some people. If you move a lot, if you're going to have your circumstances changed, they can be a very bad idea. I negotiated a slightly higher interest rate because I do not have a prepayment penalty on my mortgage, but I think that individual free men and women, after they are informed, ought to be making these choices and not the Congress of the United States.

Again, I don't think this is a horrendous amendment because what the bill does is to say to millions of potential borrowers, as a practical matter, they will be ineligible going forward to get access to credit. But this makes a really bad bill marginally worse.

With that, Mr. Chairman, I yield back the balance of my time.

Mrs. MALONEY of New York. Mr. Chairman, I yield the remainder of my time to my colleague who has personal experience with prepayment penalty abuses.

The CHAIRMAN. The gentleman from New Jersey is recognized for 2½ minutes.

Mr. SIRES. I rise in support of this amendment. And this amendment, all it affords is a choice.

I want to thank Congresswoman MALONEY for her hard work and leadership on this issue, and I appreciate some of the concerns that I had on this amendment.

Let me just share a personal story. Before coming to Congress, I was part owner of a title insurance agency, and I have taken out a couple of mortgages in my time. It is fair to say that I had more knowledge about mortgages than the average consumer, and certainly more than a first-time home buyer. Yet, when I sold my home, I sold my home for the reason to come to Congress, I was shocked to learn that I owed $7,500 as a prepayment penalty. The circumstances that I sold the home were the fact that I was elected to Congress, that I had to disassociate myself with the property. If I was surprised by this penalty, imagine how surprised someone with less experience and knowledge would be. That is why I strongly support this amendment. It presents the consumer with the necessary information so they can make an appropriate choice for their family.

The amendment also recognizes that the market should have the flexibility to offer prepayment penalties, and that the secondary market must have confidence that the mortgages they buy and sell are more secure.

Our amendment does not prohibit prepayment penalties on prime mortgages, nor does it cap the penalties at unreasonable levels. The penalties allowed by this amendment conform to industry best practices.

And I said it before, I strongly support this amendment. It is friendly to consumers and business. It would only serve to improve all mortgage transactions, which will ensure that the mortgage market has some stability.

I encourage all my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. WATT

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–450.

Mr. WATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. WATT:

Page 46, line 7, insert "the greater of actual damages or" after "shall not exceed".

The CHAIRMAN. Pursuant to House Resolution 825, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

The bill, as currently constructed, caps damages at the amount of three times the broker or lender fees for steering. It's crucial to increase the remedies for steering so that a limited remedy does not simply get figured into the cost of doing business. A more effective way of changing broker behavior would be to provide a remedy that provides for the greater of actual damages, or three times the broker or lender fees, because it is unlikely that we will incentivize people not to steer unless we make the penalties sufficiently onerous.

We want to eliminate the possibility that a lender will simply treat the remedy in the bill as a cost of doing business, and we believe that making the damages alternatively three times the broker's fees or actual damages will have more impact on reducing this bad kind of conduct. That's what the amendment does.

Mr. Chairman, I reserve the balance of my time.

□ 1345

Mr. BACHUS. Mr. Chairman, I am opposed to the amendment and claim time in opposition.

The CHAIRMAN. The gentleman from Alabama is recognized for 5 minutes.

Mr. BACHUS. Mr. Chairman, in my opening statement I talked about the fact that we had had negotiations over the past 2 years trying to really gain a balance in this legislation between lender and borrower to ensure that credit is still available to borrowers, to ensure that there was proper incentive for lenders to make loans which did not violate this act. And I believe, in fact, we have done that. It's a careful balance. And I must say that I think the sense of proportionality in the amount of damages to be awarded that we have it right. But I believe this amendment would increase potential damages and is not warranted.

We are not trying to create a right of actions in this lawsuit. We are trying to discourage lenders from making predatory loans. And if they do make predatory loans, then our function here is for them to pay reasonable compensation and also to cure that loan or to make things right. And I believe that the underlying bill, not this amendment, strikes the right balance between consumers and originators.

I also believe that this amendment might unknowingly remove the incentive for an originator to originate a loan. As some of my colleagues on this side have cautioned, they believe the bill already does that. And I believe this would just be additional evidence to those who are already opposed to the bill that we have the right set of incentives and rights and liabilities under the bill.

At this time I would like to yield 1 minute to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Chairman, I support this bill, and I appreciate the work that my friend Mr. WATT has performed. But with respect to this amendment, I have to oppose this amendment.

One of the things that Mrs. BIGGERT talked about was five principles that she saw in this bill. There is also a sixth principle of real estate and financing, and that is certainty. And what I fear is by making this the greater of actual damages or triple damages, triple being the amount of money that the mortgage originator made, at least he can figure out what that is. Actual damages really does just set the prelude for a lawsuit or a major controversy.

So I support this bill. I don't support the amendment. And I am going to urge a "no" vote on the amendment.

Mr. BACHUS. Mr. Chairman, at this time I would like to yield such time as he may consume to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chairman, I continue to be concerned about the increased liability exposure that is being introduced into the market creating even greater uncertainty at a time that many of us believe that we need even more liquidity in the market as we're looking at facing all of these subprime adjustable resets.

So, again, I find it somewhat odd that when we look at the Federal Reserve that appears to be pushing on the accelerator, this committee wants to push further on the brake.

And anytime you add increased liability upon a standard that many of us believe to be highly subjective, dealing with such terms as "appropriate," "net tangible benefit," "predatory characteristics," you are going to chase more people out of the marketplace. Fewer people are going to want to originate these mortgages. You are deciding de facto with this amendment that there is some portion of Americans who are going to be denied their homeownership opportunities. Now, I can't tell you what their names are. I don't know exactly who they are. But there are just millions and millions of Americans who are just barely going to qualify to be able to get into their own home or keep their own home. And I hear from them every single day.

I've heard from the Kirkland family in Athens, Texas, in the Fifth Congressional District that I have the honor of representing. They wrote to me: "Dear Congressman, I think Congress should not ban subprime loans. I think it lets people buy a home, improve their life, and own a piece of the dream."

Now, this bill doesn't outlaw all subprime loans. The amendment doesn't outlaw all subprime loans. But there is a universe of subprime loans that de facto are going to be outlawed by the increased liability exposure in this amendment, and people like the Kirkland family will no longer own their home, and that is wrong.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Chairman, I have said before that the remedies under this bill are very modest. They are so modest, in fact, that a great many consumers who have actually been harmed, who have clearly been wronged, who have clearly entered into a mortgage that violated the law are not going to have much they can do about it.

The other side calls this bill a trial lawyer bonanza, Mr. Chairman. Not many people are going to even find a lawyer who can bring a claim like this.

This takes very modest remedies and improves them only slightly. It's not going to provide for punitive damages or pain and suffering. It's just their out-of-pocket loss if they entered into a mortgage that violated the law. Again, the remedies are very modest. This makes them only slightly less modest.

Mr. WATT. Mr. Chairman, I yield myself the balance of my time.

I have listened to and acknowledged the concerns that are raised by the other side and by Mr. PERLMUTTER from our side about this provision.

It is clear that certainty has value. But certainty when certainty is unfair and when you are trying to discourage a particular act such as steering a borrower to a higher priced loan, if you don't put in the bill the ability of people to get the actual damages that they incur as a result of being steered to a higher priced loan, then you are not going to deter the activity. Many unsavory people will treat this just as a cost of doing business because the reward for steering is so high that they can incur that risk for nine transactions and get rewarded and pay the cost of the risk on the one transaction that they might get caught on.

So if you really want to deter people from steering to the highest cost loan, you've got to provide an effective remedy that deters them from doing that. That's all I am trying to do. If people don't engage in this activity, there are no remedies. We don't even need any remedies. But where they engage in an activity that we have acknowledged under the bill is an undesirable activity, we have outlawed it. We have said thou shalt not steer to a higher cost loan. If you don't provide a remedy that is commensurate with that, then what you are saying to the market is you don't really care.

So I think this amendment is good, and I encourage my colleagues to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BACHUS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. PRICE OF GEORGIA

The CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 110–450.

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. PRICE of Georgia:

Page 36, line 25, insert "or a qualified mortgage (as defined in section 129B(c)(3)(B))" before the period at the end.

The CHAIRMAN. Pursuant to House Resolution 825, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I want to draw my colleagues' attention to what it is we are doing here today and what they think we might be doing. I would suggest, Mr. Chairman, today we are considering legislation that will change the way the mortgage industry is regulated in its entirety. Not just for the subprime market, in its entirety.

I and others are fond of saying that Congress does two things very well: one is nothing and two is overreact. And here today we are considering what the Wall Street Journal has dubbed the Sarbanes-Oxley for the housing industry. As you will recall, Mr. Chairman, there is general consensus that the Sarbanes-Oxley legislation that was passed was indeed an overreaction and resulted in damage to the business arena and also decreased jobs across our Nation.

What the Wall Street Journal has said about this bill is that it's "an attempt to punish business in general for the excesses of an unscrupulous few and the perverse incentives created by Washington policy." Hence Sarbanes-Oxley for the housing industry.

Now, we have had a period here where some credit, some loans were unwisely given and that allowing individuals, allowing Americans to purchase homes and to realize their American Dream is a good thing.

For this reason I am offering an amendment that would limit this legislation to the area of lending that is of most concern today, that is, the subprime arena. Again, this bill regulates more than just the subprime market. Despite the fact that at our hearing in our committee on the legislative proposals, and we had an array of witnesses from all across the market and all across the political spectrum, during 9 hours of hearings, not a single individual, not one, advocated that we change the way that all mortgages are regulated. But that's what we are doing here with this bill today.

What we heard from those testifying was that they agreed that the subprime market might be underregulated, but not the prime market, not the jumbo market, not the other markets. What they said was that something needed to be done with the subprime market. Now, why are we here today? Well, there must be something else going on.

Later in that hearing, Chairman FRANK asked the third panel, comprised of representatives of various segments of the industry, a similar question: Do you think that all of the loans that were made over the last couple of years in the subprime area should have been made? And the panel's answer was clear: no, not all loans.

It's worth noting that Mr. Lackritz, the president and CEO of the Securities Industry and Financial Markets Association, appropriately pointed out to the chairman that there was obviously credit that was imprudently granted, but that we have to also think at the same time that it's important that we take a lot of pride in what this committee has done and in what the industry has done to broaden the circle of homeownership. Don't ban that, he said. Don't ban that. Yet that's exactly what will happen if this legislation passes.

Mr. Dugan, from the Office of the Comptroller of the Currency, testified that as a result of this legislation "some creditworthy borrowers would be denied loans."

For that reason, I believe it is important that we focus and take a measured approach. Adopt this amendment and we will confine the bill to the area that everyone says needs some assistance, where everyone says there is a problem: the subprime arena.

Mr. Chairman, there are 44 million mortgages out there across our Nation. Fourteen percent of them are in the subprime arena. Fifteen percent of those are challenged. That is a challenge for those individuals who are having that difficulty right now, but that doesn't call for entire re-regulation of the overall market. In the prime area, 3 percent of those loans are challenged. All loans, all loans, including prime loans, would be subject to the murky new requirements of this legislation which would require lenders to determine if borrowers have "a reasonable ability to pay" or a "net tangible benefit" from the refinancing of their loan. There is no reason to restrict the availability and the affordability of prime loans to eligible borrowers, especially when we have demonstrated how well these loans are operating even in today's market.

For that reason, I urge the adoption of the amendment. Let's not subject prime loans that are operating well today to the same burdensome regulation that is proposed for subprime loans.

Mr. Chairman, I yield back the balance of my time.

□ 1400

Mr. SCOTT of Georgia. I rise to oppose the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Georgia. Mr. Chairman, the Price amendment attempts to exempt prime loans from the requirement of the bill. The Price amendment takes out prime loans from the definition of residential mortgage loans. Now, Mr. Chairman, this is one of the most significant financial crises that has impacted every sphere of our economy. While, yes, subprime issues may be at the eye of the storm, these winds are howling and they are blowing fierce and hard throughout every length and breadth of this country. More than three-fourths of Americans with mortgages have prime loans. The Price amendment will do one essential thing. It will deprive the vast majority of Americans, 78 percent of Americans will be deprived by his amendment of the many important critical protections in this bill.

Mr. Chairman, all Americans need consumer protections against risky loans. This crisis has weakened the entire American economy. Look at Citigroup. Look at Countrywide. Major Fortune 200, 500 corporations have suffered tremendously. That has a ripple effect and has made millions of middle- and upper-income American families, as well as the lower-income families less secure. All Americans deserve to have the protections to stop bad loans from being made in the first place.

We need to make sure that both prime and subprime consumers get mortgages that they can repay. We need to make sure that prime and subprime mortgageholders are strengthened by consumer protections against reckless, abusive lending practices for both prime and subprime, and we need to make sure that both prime and subprime borrowers are not steered into more expensive mortgages. For example, Mr. Chairman, for prime borrowers, the Price amendment removes the important requirement in this bill that mortgage originators comply with what is known as "Federal duty of care." By that we mean what we have under this bill, where mortgage originators have to offer prime borrowers full disclosures that are mandated by the bill. This bill ensures that all borrowers can make informed decisions when taking out loans. All borrowers deserve that, both prime and subprime.

Also under our bill, mortgage originators must present all borrowers, including prime borrowers, with the range of loan products that the borrowers can repay or that provide them with a net tangible benefit. The question was raised, what is net tangible benefit? It is making sure that the loan doesn't leave you in a worse-off position, for example, such as when you refinance, where your cash-out is less than the fees that you are paying.

The Price amendment also would take away this important protection from our borrowers. It removes the protection of prime borrowers against steering. This is critically important, as the gentleman from North Carolina that preceded me talked about. This carefully crafted bill requires strong rules against talking borrowers into more expensive loans that they cannot afford.

Mr. Chairman, both subprime and prime borrowers deserve that. These 78 percent of homeowners, borrowers would not have that kind of protection if we adopt the Price amendment. We need to protect our borrowers, both prime and sub, from having borrowers being talked into loans that have predatory characteristics like equity stripping, they do that for prime as well as subprime, excessive fees that leave them in a worse position than they were before.

The Price amendment would take away the important consumer protection that protects a consumer from loans they cannot repay, does not provide the tangible benefit, and then, Mr. Chairman, one important measure that treats borrowers differently based on race. At the bottom of this is this tug of war in this whole fight because this is targeted. There are many African Americans who are target or are prime, but they are targeted to move into subprime.

This issue bleeds all across the horizon, Mr. Chairman. This amendment that Mr. PRICE is offering severely weakens and guts this measure and deprives all Americans from having the equality of protection under the law. It must be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–450 on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. WATT of North Carolina.

Amendment No. 16 by Mr. PRICE of Georgia.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

AMENDMENT NO. 4 OFFERED BY MR. WATT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. WATT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 250, not voting 18, as follows:

[Roll No. 1112]

AYES—169

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bordallo
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carnahan
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Conyers
Costello
Courtney
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Duncan
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Markey
Marshall
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (WI)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pomeroy
Price (NC)
Rangel
Reyes
Richardson
Rodriguez
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sires
Skelton
Slaughter
Solis
Space
Stark
Stupak
Sutton
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—250

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Chabot
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Farr
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Schiff
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Bono
Capuano
Carson
Cubin
Doyle
Fortuño
Hinojosa
Jindal
Kilpatrick
Kucinich
Linder
Mack
Moran (VA)
Oberstar
Paul
Ruppersberger
Saxton
Weller

□ 1431

Messrs. KELLER of Florida, SHULER, ROGERS of Alabama, DAVIS of Alabama, FARR, CARNEY, McINTYRE, COHEN, SPRATT, RAHALL and Mrs. BOYDA of Kansas changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. FRANK OF Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having assumed the chair, Mr. CARDOZA, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes, had come to no resolution thereon.

FAREWELL REMARKS OF THE HONORABLE DENNIS J. HASTERT, MEMBER OF CONGRESS

The SPEAKER. The Chair recognizes the distinguished Speaker of the House, DENNIS HASTERT of Illinois.

Mr. HASTERT. Madam Speaker, as Members of Congress, we are not here just to vote, but to speak; to give voice on this floor to the aspirations of our constituents, so this place where we speak, the Well of the House, is very special to me.

When I was a freshman Congressman in 1987, I delivered my first remarks from this podium. Twelve years later, on January 6, 1999, when I was first sworn in as Speaker, I made my acceptance speech from here as well. I explained at the time that I was breaking the tradition of the Speaker by making my acceptance remarks not from the Speaker's chair, because my legislative home is here on the floor, with you, and so is my heart.

Well, my heart is still here, and always will be. But the Bible reminds us in the book of Ecclesiastes, "To everything there is a season; a time for every purpose under heaven." I think that pretty much sums up our existence in this place.

So now, after 21 years serving the people of Illinois in this House, the time has come for me to make my last speech from this podium. Our Founding Fathers envisioned a citizen legislature, and it is time for this legislator to return to being a private citizen.

Madam Speaker, when I was reelected as Speaker of this House in January of 2003, I was able to congratulate you on being the first woman to be nominated as Speaker. Just four short years later, you surpassed that achievement and became the first woman elected as Speaker. And I have to admit that as we went into that 2006 election, I was hoping that you would put off that achievement just a little bit longer. I think all of us in this House, regardless of party or our affiliation, were proud to be serving when that glass ceiling was shattered.

I would also like to thank you, Madam Speaker, for the many courtesies that you have shown me as a former Speaker of this House during the past year, including the opportunity to formally say good-bye to all of my colleagues here today.

I will get myself into trouble if I start singling out Members in these remarks. I owe so much to so many of you; for your friendship, for the many things you have taught me, and for your support during some very difficult days, such as the aftermath of 9/11 when I became a wartime Speaker.

But I would be remiss if I did not extend a heartfelt "thank you" to my colleagues and former colleagues in the Illinois congressional delegation and my freshman class of 1986. We have accomplished much working together.

I also want to thank my leader, the gentleman from Ohio (Mr. BOEHNER) and his fellow Republican leaders, who head a vibrant minority, the largest Republican minority since 1955, a minority that is demonstrating to the country that it should, and I think will, lead this House yet again some day.

I also want to thank the chairman of the Energy and Commerce Committee, the dean of this House, the gentleman from Michigan (Mr. DINGELL) who for four times administered to me the Oath of Office as Speaker. You, Chairman DINGELL, and our Republican leader on the committee, Mr. BARTON, welcomed me home to the committee. I have enjoyed working this past year as we have tried to tackle some of the most important issues that face our Nation, such as energy security, health care and telecommunications, and for that I thank both of you gentlemen.

More than 25 years ago when I entered politics, I never envisioned that this former teacher and wrestling coach from Kendall County, Illinois, would have the opportunity to lead the United States House of Representatives. It was you, the Members of this House, who gave me that opportunity longer than any other member of my party in history, and I am grateful to you.

Becoming Speaker was a very humbling experience, an opportunity that only 51 men and one woman have ever had since 1789. I suspect that sitting here in this Chamber are several men and women who will some day have the honor to be Speaker of this House. But whether that honor comes your way or not, you are already the trustee of one of the most wonderful jobs that anyone wanting to serve their country can have. You are a Member of the United States House of Representatives, entrusted by more than 700,000 people, citizens, to represent them.

Eleven times the voters of the 14th District of Illinois hired me as their representative. It has been a journey that we have traveled together, and every year brought new challenges. I am proud of so many of the things that I was able to work on over those years, working to make health care more affordable and accessible by creating tax-free Health Savings Accounts; delivering on long-awaited prescription drug coverage for seniors, while at the same time modernizing Medicare for the 21st century; passing two of the largest tax relief packages for working Americans in our Nation's history, which encouraged Americans to invest and small businesses to grow and to create new jobs; and reducing the unfair Social Security earnings limit on our senior citizens that needed to work.

Back home in Illinois, I was proud to work on environmental issues, like the removal of the dangerous thorium tailings from West Chicago, Illinois, and preserving the vital drinking water supply of the people of the Fox Valley.

But ultimately, the most important responsibility for any of us that serve this House is to provide for the defense of our Nation. It is our most solemn obligation.

On September 11, 2001, I became a wartime Speaker, and together we became a wartime Congress. On that dark day, our Congress was united. We were not Republicans or Democrats; we were just Americans. We stood shoulder to shoulder on the steps of this Capitol and vowed to do whatever was necessary.

In the following days and weeks and months, President Bush, Leader Gephardt and I worked together. We tried to bind the wounds of those victimized by the attacks, and then made sure that it would never happen again. We demanded that our intelligence agencies do a better job of sharing information. We gave law enforcement more effective tools and resources to guard against attack. And we made an unprecedented investment in homeland security.

Did we get it all right? Of course not. Only hindsight is 20/20. But through those efforts, and the grace of God, we have avoided additional attacks on American soil. There is no doubt in my mind that the American people are safer today because of the heroic actions of our men and women who serve in our armed services and intelligence agencies and because of the actions taken here by our Congress.

It is popular these days to ask political figures what mistakes they have made, where they have failed. As a former history teacher, I know such analysis is best tempered by time and reflection, and that is probably best left to others.

But I will say this: I continue to worry about the breakdown of civility in our political discourse. I tried my best, but I wish I had been more successful. When I addressed this Chamber for the first time as your Speaker, I noted that "solutions to problems cannot be found in a pool of bitterness." Those words are as true today as they were then.

We each have a responsibility to be passionate about our beliefs. That is healthy government. But we also have a responsibility to be civil, to be open-minded, and to be fair; to listen to one another; to work in good faith to find solutions to the challenges facing this Nation.

□ 1445

That is why the American people sent us here. They did not send us here just to get reelected.

As Speaker, I served with two Presidents. President Clinton and I worked together to fight the flow of drugs from Colombia, drugs that destroy the lives of our children. And despite our differences on some issues, we were able to find common ground on others.

For most of my years as Speaker, President Bush has been our wartime President. I believe history will judge him as a man of courage and foresight as well as resolve. I must say, I was proud to serve by his side and honored to call him a friend.

No Member of Congress could succeed in serving his or her constituents without the help of a dedicated staff. They often worked long hours, hard days. Many of them gave some of their most productive years to this institution, and I want to thank all of them and each of them for their service. And I also want to thank all of the people who make and have made this great body function on a daily base: the officers of the House, the Capitol Police, the Chaplain, the permanent staff. They are dedicated professionals who I came to appreciate even more during my years as Speaker.

I am also blessed to have a family that helped me every day over these 21 years. My two sons, Josh and Ethan, my daughter-in-law, Heidi, and our newest addition, my grandson, Jack Hastert. Most importantly, I want to thank my wife, Jean, who is here in the gallery. Thank you, Jean, for the love and the help you have given me.

In 2003, during the Cannon Centenary Conference on the Changing Nature of the Speakership, I said that at the end of the day the Speaker of the House is really just the person who stands up for the American people. That is the same role that every man and woman who serves here should play. Our Founders dreamed of a Nation, a Nation empowered by freedom, where citizens would find justice, where hardworking men and women would find economic opportunity.

Each of us who comes to this place has different ideas of how to preserve and enhance that dream. It is on the floor of this House where those ideas clash, peacefully, and through that struggle our democracy is renewed.

Never lose sight of the fact that you participate in the greatest ongoing democratic ritual in the world. We are, as President Reagan often reminded us, "A Shining City on a Hill." Always be mindful of your duties to your constituents and be respectful of the traditions of this institution.

I pray that God will guide you in all that you do in these Halls; that He gives you the knowledge to do the people's work, the strength to persevere, and the wisdom to know when to listen to what others have to say.

Madam Speaker, there is a tradition among Olympic wrestlers that you leave your shoes on the mat after your last match. Don't be alarmed, Madam Speaker, I won't be challenging the rules of decorum by removing my shoes on the House floor. But I do hope that I have left a few footprints behind that may be of value to those who come after me, just as I have benefited from the footprints of those who I followed to this most wonderful of institutions, the people's House.

May God bless each of you. May God bless this House. May God bless the United States of America.

Good-bye, friends.

The SPEAKER pro tempore (Mr. HOYER). The Chair now recognizes the distinguished gentlelady from California, the Speaker of the House of Representatives, NANCY PELOSI.

Ms. PELOSI. Thank you, Mr. Speaker.

Thank you, my colleagues. I accept that recognition as a recognition of the role of Speaker of the House, a role that DENNIS HASTERT performed with great distinction, and I rise to salute his leadership, Mr. Speaker.

My colleagues, you have heard me say on a number of occasions in relationship to DENNIS HASTERT that in the Congress, as Members of Congress, we hold the title "Honorable" by virtue of our office that we hold. But in the case of DENNIS HASTERT, he holds the title of "Honorable" not just for the office he holds, but by virtue of his character, his leadership, and his contributions to our country.

About a year and a half ago in June we all observed a celebration for Speaker DENNIS HASTERT when he became the longest-serving Republican Speaker of the House.

Long may his record stand.

That milestone was testament to the great respect he commanded not only in the Republican Conference but in this Congress as a whole and in our country. Thank you, DENNIS HASTERT, for your record of achievement.

I want to acknowledge someone who had a role that I once had, minority leader, who is with us today and honors us with his presence and again is a tribute to the leadership of DENNIS HASTERT, Minority Leader Bob Michel.

Many of you know but I think it always bears repeating that DENNIS HASTERT has long had a commitment to our country, first as a teacher: for 16 years, a teacher of our children, and a coach, as he reminds us.

He then went on to the State legislature in Illinois where he served for 6 years. And then in 1986 he came to the Congress of the United States where he has served with great distinction and with many accomplishments, and he enumerated some earlier.

In 1999, this Congress elected him the Speaker of the House. The Speaker of the House. He brought to that office the values of the heartland of America and the wishes and the voice for the people of Illinois' 14th Congressional District, and we have all benefited from that.

Although we have from time to time on occasion differed on issues, I remember once, we all agree on the importance of public service, the kind of public service that has been the hallmark of Speaker HASTERT's career, whether in the classroom or in the Congress of the United States.

Today I want to join my friend, DENNIS, in saluting Jean for sharing DENNIS with us for all these years and for her role as a teammate to him and his contributions to our country. And thanks to Joshua and Ethan and to your entire family.

Mr. Speaker, and by that Mr. Speaker I am speaking to Speaker DENNIS HASTERT, I know I speak for everyone in this House when I thank you for your service, for many things, which I could enumerate, but I want to mention one in particular which I have mentioned to this House before.

We all were part of history when Rosa Parks became the first African American woman to lie in state under the Capitol dome. It was a great day for Congress and for our country. It simply would not have happened without the leadership of Speaker DENNIS HASTERT.

As you can imagine, Mr. Speaker, it is always a pleasure for me to say I know I speak for every Member of this House, but I know I do when I say thank you for your leadership, congratulations on a great career. I know great things are yet to come.

Best wishes to you and your family. Godspeed in your future. God truly blessed America with your service to our country.

Thank you, Mr. Speaker.

□ 1500

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. FRANK of Massachusetts. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 259) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 259

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, November 15, 2007, or Friday, November 16, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, December 4, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, November 15, 2007, through Thursday, November 29, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 3, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC 2. The Speaker of the House and the Majority Leader of the Senate, or their respect designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore (Mr. WEINER). The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 214, nays 196, not voting 22, as follows:

[Roll No. 1113]

YEAS—214

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)

Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Blackburn
Bono
Carson
Conyers
Cubin
Delahunt
Doyle
Ehlers
Emerson
Hastert
Hinojosa
Jindal
Kucinich
Mack
Melancon
Moran (VA)
Oberstar
Paul
Slaughter
Waxman
Weldon (FL)
Weller

☐ 1518

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO OFFER AMENDMENT NO. 10 AT ANY TIME DURING FURTHER CONSIDERATION OF H.R. 3915

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that during further consideration of H.R. 3915 in the Committee of the Whole, pursuant to House Resolution 825, amendment No. 10 be permitted to be offered at any time.

The SPEAKER pro tempore (Ms. MCCOLLUM of Minnesota). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 825 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3915.

☐ 1519

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes, with Mrs. TAUSCHER (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 16 printed in House Report 110–450 by the gentleman from Georgia (Mr. PRICE) had been postponed.

AMENDMENT NO. 5 OFFERED BY MR. WATT

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–450.

Mr. WATT. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. WATT:

Page 60, line 3, strike "or" and insert "and".

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Madam Chairman, this amendment, on its face, is very, very simple, although I expect there will be some controversy about it. The amendment simply changes one word. The word is "or." We change the word to "and" in the bill instead. You would think that would be noncontroversial, but let me get into the effect of that.

Currently, if an assignee of a mortgage has policies and procedures not to buy subprime loans that do not meet safe harbor provisions that are in this bill, or if the assignee is willing to cure such loans, the assignee has no liability until you get to a foreclosure situation. That's very complicated, I understand; but that's what the bill provides.

The effect of the amendment would be to require the assignee to have policies and procedures in place and do certain things and be willing to cure the loan to avoid being liable for rescission.

That's important because if you give the option to an assignee of either curing or having policies and practices that are responsible in place, an assignee can then just treat the cure as a cost of doing business, and it becomes an ineffective choice. But if they are obligated to both have the policies and procedures and protections in place, and be willing to cure the loan, then they are not going to exercise the option to do the least onerous one of those things.

It is a simple provision, a simple change, although I understand the arguments against it.

And I will, having created the framework and explained what we are trying to do, reserve the balance of my time.

Mr. BACHUS. Madam Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Alabama is recognized for 5 minutes.

Mr. BACHUS. Madam Chairman, as has been discussed both in committee and on the floor of the House this morning, this legislation is a result of Democrats joining with Republicans. Not all. I mean, many Republicans are opposed to this legislation.

But after 2 years of trying to address the subprime lending crisis, many Members of this body came together to craft legislation. That legislation is not perfect, nor will it be. I have concerns about it.

My Members, many of them, are particularly concerned about the liability provisions. And this amendment fundamentally unravels, at least a consensus that some of us have reached with the other part by gutting the safe harbor contained in the legislation that is critical to the functioning of the secondary mortgage market. Without liquidity provided by the secondary market, the homeownership dreams of millions of Americans, particularly low- and middle-income Americans, will simply not be realized.

If this amendment is enacted, the safe harbor for the secondary market would disappear because notwithstanding the satisfaction of the statutory elements of the safe harbor, securitizers would be required to cure any violations of the bill's minimum standards by a creditor. This would effectively eliminate any benefit from the conduct of due diligence by secondary market participants that this bill is intended to promote. Deprived of that safe harbor, securitizers would simply stop purchasing loans. The effect on the availability of mortgage credit and on the housing market across the country would be devastating.

Madam Chairman, I reserve the balance of my time.

Mr. WATT. Madam Chairman, I reserve the balance of my time.

Mr. BACHUS. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding. I too share great concern about this amendment. I've had concern about assignee liability in this legislation to begin with. But I at least recognized the benefit of having a so-called safe harbor provision.

As I looked at the safe harbor, I was somewhat fearful that there were still some dangerous reefs that were lurking beneath the waves. I'm fearful if this amendment is passed not only will those dangerous reefs be present, but any harbor will have disappeared as well.

Again, we need to step back and decide, on this entire issue of assignee liability, when we look at all the resets that are due to happen in the market, will this legislation add liquidity to the market? Will it subtract liquidity from the market?

For people who are trying to keep their homes, over and above whatever the market is providing, are the actions of us in this body going to exacerbate the situation and dry up even more liquidity?

I think this is a major amendment, that whatever balance was struck in this area completely removes that balance. And I think it will provide for an explosion of liability exposure that could be very, very damaging to the secondary market.

I've heard the distinguished chairman of the committee on a couple of occasions refer to Chairman Bernanke's comments on the subject. And I'm not sure I've seen where he's actually advocated assignee liability, although he has acknowledged that, under certain circumstances, in a very limited situation, it might be helpful.

But I also saw in his testimony before our committee, if I can quote from the chairman: "We've seen from different States different experiences and there have been examples where assignee liability provisions have driven lenders out of the State."

Let's not drive them out of the Nation. Let's reject this amendment.

☐ 1530

Mr. WATT. Madam Chairman, I reserve the balance of my time.

Mr. BACHUS. May I inquire as to how much time is remaining?

The Acting CHAIRMAN. The gentleman from Alabama has 1 minute remaining. The gentleman from North Carolina has 2½ minutes remaining.

Mr. BACHUS. Madam Chairman, if this amendment is adopted, it's going to seriously damage this bill. I urge all of my colleagues to resist this amendment.

Madam Chairman, I yield the remaining time to the gentleman from North Carolina.

Mr. MCHENRY. I thank the ranking member.

In brief, my colleagues must understand the simplicity of this amendment. What it would say is the secondary market has to give a road map for those who are facing foreclosure for them to get out of their mortgage. In essence, what it says is, if you want out of your mortgage, here's the road map to do it.

I think this would be a destructive influence on the market. It would further undermine the secondary market and the liquidity in the marketplace and would further harm home ownership. I urge my colleagues to oppose it.

Mr. WATT. I yield myself the balance of the time, and I assure you, I won't use it.

The arguments that have been made are absolutely correct with respect to 99 44/100 percent of the people operating in the market. These are not bad people. But this bill was drawn to get at that small percentage of the market that is out of control. And if you give that small percentage of the market the option of either doing some paperwork or curing, as opposed to having to do both of those things, I guarantee you they will take the option that is most cost beneficial to them. And that's what we've been trying to stop, those people in the marketplace who are out of control. And that's what this amendment is designed to do.

For the rest of the market, it really won't have any impact at all because they're going to put procedures in place and they are going to be willing to cure, if that's the last resort.

So, I think, unfortunately, there are players in this market that have been out of control. This bill is designed to deal with them, and this amendment would help disincentivize them being out of control without harming anybody else. I would encourage my colleagues to support it.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The amendment was rejected.

AMENDMENT NO. 10 OFFERED BY MR. PUTNAM

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–450.

Mr. PUTNAM. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. PUTNAM:

Page 79, after line 20, insert the following new section (and amend the table of contents accordingly):

SEC. 214. REPORT BY THE GAO.

(a) REPORT REQUIRED.—The Comptroller General shall conduct a study to determine the effects the enactment of this Act will have on the availability and affordability of credit for homebuyers and mortgage lending, including the effect—

(1) on the mortgage market for mortgages that are not within the safe harbor provided in the amendments made by this title;

(2) on the ability of prospective homebuyers to obtain financing;

(3) on the ability of homeowners facing resets or adjustments to refinance—for example, do they have fewer refinancing options due to the unavailability of certain loan products that were available before the enactment of this Act;

(4) on minorities' ability to access affordable credit compared with other prospective borrowers;

(5) on home sales and construction;

(6) of extending the rescission right, if any, on adjustable rate loans and its impact on litigation;

(7) of State foreclosure laws and, if any, an investor's ability to transfer a property after foreclosure;

(8) of expanding the existing provisions of the Home Ownership and Equity Protection Act of 1994;

(9) of prohibiting prepayment penalties on high-cost mortgages; and

(10) of establishing counseling services under the Department of Housing and Urban Development and offered through the Office of Housing Counseling.

(b) REPORT.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress containing the findings and conclusions of the Comptroller General with respect to the study conducted pursuant to subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from Florida (Mr. PUTNAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. PUTNAM. Madam Chairman, I have an amendment today that would direct the GAO to conduct a study to determine the effects the enactment of H.R. 3915 will have on the availability and affordability of credit for homebuyers and mortgage lending, and then submit a report to Congress containing the findings and conclusions within 1 year of enactment.

With that, I would yield to my chairman.

Mr. FRANK of Massachusetts. Madam Chairman, on the question of this GAO report, I believe it is a reasonable request because I am confident it will come back in support of our bill. And I think it is entirely reasonable to ask them to start, without waiting for passage of the whole bill in both Houses.

Mr. PUTNAM. So the gentleman would agree that we could join together and request the study even prior to final passage of the bill?

Mr. FRANK of Massachusetts. Yes. Well, actually, final passage of the bill is going to, I hope, happen in a couple of hours in the House; but before it gets to the Senate, without waiting for the Senate, yes.

Mr. PUTNAM. I thank the gentleman. And I look forward to joining him on that request to the GAO.

Madam Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I rise in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. And I will yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Let me thank Chairman FRANK, Chairman WATT, Congresswoman WATERS and all the members of the Financial Services Committee for their leadership and commitment to help Americans who are struggling. And we all know, quite frankly, many, many people are struggling to keep their homes as this mortgage crisis continues to claim victims.

This legislation adds a very important piece of what we're trying to do in terms of the protections, including limiting prepayment penalties, requiring that loans be affordable, and that refinancing provide a net benefit to borrowers. However, I have some concerns about H.R. 3915 that I hope will be addressed as it moves through the process, and I would like to just mention a few of those concerns because I think they're very important to hear. They were forwarded by ACORN, the Center for Responsible Lending, the Consumer Federation of America, Leadership Conference on Civil Rights, the NAACP, Ohio Attorney General Marc Dann, and Opportunity Finance Network. They raised concerns with regard to these issues:

One, the ability to pay. They believe the standard does not apply to all loans, it undercuts agency guidelines, and will not change the markets;

Secondly, the prohibition on steering is weak and upselling of loan rates still possible. Homeowners cannot prevent foreclosure. Some feel, and I know that this is being addressed today, that the preemption is too broad.

So, I know that, as this bill moves through the process, we will look at it. It is a starting point. I urge our colleagues to make sure that it does become stronger because this American Dream of home ownership is, quite frankly, turning to a nightmare for so many people.

I want to thank Chairman FRANK for his leadership and for really trying to put together a bipartisan bill. And also, with regard to the Putnam amendment, the reporting, I think, makes sense.

NOVEMBER 15, 2007.

Hon. BARNEY FRANK,
Chairman, House Financial Services Committee.
Hon. SPENCER BACHUS,
Ranking Member,
House Financial Services Committee.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: We, the undersigned organizations, write to present our views on H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007. While we greatly appreciate your efforts to reduce predatory lending and to restore balance to the mortgage market, we believe this bill requires improvements in the areas described below in order for the bill to achieve its goals.

Subprime lending has been a disaster of monumental proportions, shattering hopes of economic progress for millions of families and triggering a devastating chain reaction of losses for communities and businesses. More than two million families will likely lose their homes as a result, and for most families—especially African-Americans and Latinos—their home equity represents the greatest share of their family wealth. Wall Street's demand for risky loans with higher interest rates played a key role in encouraging reckless lending, and brokers delivered whatever loans they could sell.

When H.R. 3915 was introduced, we applauded many of its strongest provisions, such as the originator duty of care and anti-steering rules, the bans on yield spread premiums, prepayment penalties, mandatory arbitration, and single premium credit insurance, and the special protections for extremely high-cost mortgages and for renters.

It is crucial to retain those strong provisions, to improve the remedies and market incentives in the bill, and to avoid preemption of state laws related to these issues. Unfortunately, as the bill has passed through the legislative process, several of the strongest provisions (such as the duty of case and ban on yield-spread premiums) have been weakened, the remedies have been weakened rather than strengthened, and a preemption clause has been added that would eliminate important state claims that help homeowners protect the homes.

Our concerns about the bill fall into four main areas:

"Ability to Pay" Standard Does Not Apply to All Loans, Undercuts Agency Guidance, and Will Not Change Market: The bill requires no ability to pay standards for approximately 90% of the current mortgage market and creates an irrebuttable presumption that any loan below 8.25% is affordable. This immunity undercuts the existing joint agency guidance that currently sets ability to pay standards for risky loans, especially loans such as payment options ARMs, the majority of which are "qualified mortgages." Moody's estimates that monthly payments on $220 billion of POARMs will reset—in most cases to much higher monthly payments—between 2009 and 2011. Additionally, because there is no requirement that secondary market purchasers conduct due diligence, we fear that the secondary market will continue to purchase abusive loans and choose to absorb the expense of any cures as part of the cost of doing business.

Prohibition on Steering is Weak and Upselling of Loan Rate Still Possible: Rather than prohibiting yield spread premiums, as was originally intended, the bill as amended now essentially authorizes such practices as long as there is disclosure to the consumer. Research shows that disclosure has virtually no effect on preventing abusive lending practices such as steering. We also fear that incorporating Title II into the Title I standards significantly weakens the entire structure, and the permitted damages are insufficient to change the market. Moreover, the damages for violation of the steering provision are too low to change broker behavior.

Homeowners Cannot Prevent Foreclosure: As currently drafted, homeowners have no rights against the actual holder of the loan (in other words, against the entity that will foreclose on them) until a foreclosure has already begun. At that point, not only has the family been traumatized, but the damage to the homeowner's credit is done, which will likely prevent the use of the rescission remedy. Moreover, even in foreclosure, it is not fully clear that homeowners will be able to reach the holder in the vast majority of situations.

Preemption is Too Broad: Although we appreciate that there is not preemption for the entire bill, the broad preemption in the area of assignee liability would wipe out the many existing state laws, such as UDAP statutes [and UCC protections?], that provide remedies against assignees. Since most loans are sold soon after origination, and since so many originators and creditors are thinly capitalized (assuming they even are still in business), many homeowners will be left without any remedy for unaffordable loans.

Ultimately, unless legislation fundamentally changes the incentive structure both for Wall Street and for mortgage originators, predatory lending is likely to continue in one form or another.

We look forward to continuing to work with the Congress as this bill moves through the legislative process.

Sincerely,

ACORN, CDFI Coalition, Center for Responsible Lending, Consumer Federation of America, Leadership Conference on Civil Rights, NAACP, Ohio Attorney General Marc Dann, Opportunity Finance Network.

Mr. FRANK of Massachusetts. I yield myself 1 minute to comment on what the gentlewoman has said because we've agreed to the gentleman's amendment, so we're on some other subjects now.

What I would say is this: I would want to stress with regard, for instance, to ability to pay and jeopardizing the right of the homeowner, nothing in this bill in any way diminishes State remedies regarding ability to pay on prime loans. That's the argument, that we do not deal with the ability to pay on prime loans, et cetera. But the effect of that is that any remedy a State wants to pursue against the originator of the loan or the lender remains unimpeded. So we did want to make that point.

And just to say also, with regard to the incentive to charge more, the gentleman from North Carolina (Mr. MILLER) and I discussed that. It will be very clear to anybody by the time this bill becomes law that there is no possibility of anyone being given higher compensation in return for getting people into a more expensive loan.

As to preemption, there will be some. There are people who want none at all. I do not think you could have a secondary market if there were no preemption. But we have already, in the manager's amendment, defined it, and I think reassured people that, for instance, fraud, deception, et cetera, that causes arising out of that will not be preempted.

I now yield the remaining time to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished Chair for yielding the time. And let me acknowledge in this very short time the importance of this legislation, and particularly, its importance to my community in Houston.

The most important point that I would like to emphasize is the issue of the standards being put in place for mortgage brokers. I happen to be very happy that standards are preempting State standards in this instance, because Texas needs that kind of regulation.

Let me also take note of the fact that I know Mr. WATT was intending to bring forward an amendment regarding reverse mortgages, and may submit it or not. But knowing that I just recently dealt with a constituent, an elderly constituent who suffered from a reverse mortgage loan, she utilized the reverse mortgage, and now she can't find any of those that provided that loan and cannot afford to pay it back and she is about to lose her house. So, with the numbers of homeless in our community and with the numbers of homeless across America, the fact that we are talking about creating a better housing market and also creating jobs as we go forward, this is a constructive bill.

I would ask my colleagues to consider the fact that affordable housing only comes from a regulated and positive market. I like the underlying amendment, but I think it is important to set standards for mortgage brokers and to ensure that there is consumer protection in housing for those most vulnerable.

And I appreciate, in particular, that this bill has created a Office of Housing Counseling to help new homeowners. And might I, as I close, Madam Chairman, just indicate that I support the concerns of ACORN and the NAACP and look forward to those issues being corrected as we make our way to conference.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. PUTNAM).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. WATT

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–450.

Mr. WATT. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. WATT:

Page 52, strike lines 13 and 14 and insert the following new subparagraph:

"(B) if such loan is—

"(i) a qualified safe harbor mortgage; or

"(ii) a nontraditional mortgage.".

Page 56, after line 3, insert the following new subparagraph:

"(D) NONTRADITIONAL MORTGAGE.—The term 'nontraditional mortgage' means any residential mortgage loan that allows a borrower to defer payment of principal or interest.".

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Madam Chair, you may not have to recognize anybody in opposition to this amendment because I plan to offer it and then withdraw it. But I think I would be remiss not to discuss the issue because of two reasons: Number one, it needs to be discussed because of the very difficult, delicate balance that the Chair has been able to walk to get us to this point; and number two, to illustrate once again that when you allow good things to happen in the marketplace, some people in the marketplace will abuse them. And trying to get the right balance to encourage good things to happen in the marketplace and not discourage that from happening opens up, sometimes, the possibility that people who are not well intentioned will engage in activities that need to be prevented. And this is the classic case of that.

Basically, the bill now presumes that we meet the ability to repay a loan and provide net tangible benefit to a borrower if it is not a subprime loan. If it is a prime loan in the marketplace right now, that interest rate is 8.25 percent, so anything below that we presume to be a good loan.

The market now has done this. They've made available in the market a loan that defers interest and principal. And that is a good thing for about 90 percent of the people, maybe even more than that, who have the ability to do that. I'm the classic example of that. I have a loan in which I can defer for a period of time both the interest and the principal on the loan. But if you make that kind of loan available to somebody who doesn't have the income level that is sufficient to pay it, under this bill, they can't even go back and offer proof that you shouldn't have done that, because we presumed, irrefutably presumed, that this is a good loan. And so the amendment that I was trying to craft and offer would have tried to close that. The problem is, if I close it for the bad people, then I also close it for the good people.

And so, as an alternative to proceeding with the amendment, I have convinced the Chair, I hope, that we will continue to work on this issue and find a way to stop the bad people from making these kinds of loans or abusing the process without penalizing the people who really deserve and should have these kinds of loans, which I acknowledged from the very beginning serve a useful place in the marketplace.

I yield to the chairman of the committee.

Mr. FRANK of Massachusetts. I will say on this, as on a number of other issues, I will say very sincerely that the gentleman from North Carolina has persuaded me. I think he has clearly identified an issue that needs some further work. And as we go forward, ultimately to get this bill done, I would hope that we can work together on this.

Mr. WATT. And that's all I wish to have acknowledged, and to demonstrate to everybody who is listening, really, that this has been a difficult issue, because just about any kind of loan that can be made in the marketplace, somebody can benefit from.

□ 1545

But when you have a loan that is particularly subject to being abused, you have to have rules to constrain it.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 7 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–450.

Mr. HENSARLING. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. HENSARLING:

Page 73, after line 25, insert the following new section (and redesignate subsequent sections accordingly):

SEC. 211. LENDER RIGHTS IN THE CONTEXT OF BORROWER DECEPTION.

Section 130 of the Truth in Lending Act is amended by adding at the end the following new subsection:

"(j) EXEMPTION FROM LIABILITY AND RESCISSION IN CASE OF BORROWER FRAUD OR DECEPTION.—In addition to any other remedy available by law or contract, no creditor, assignee, or securitizer shall be liable to an obligor under this section, nor shall it be subject to the right of rescission of any obligor under 129B, if such obligor, or co-obligor, knowingly, or willfully furnished material information known to be false for the purpose of obtaining such residential mortgage loan.".

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Madam Chairman, there are clearly many reasons why home loans go delinquent. The number one reason, we all know, is the loss of a job, or other bad luck like long-term illness or disability. Clearly a phenomenon that has been discussed at quite some length in committee and on the floor, predatory lending has played a significant role as well. And many of us have urged very robust antifraud provisions and increased resources for enforcement.

But I think we also shouldn't underestimate the role of another phenomenon in home loans becoming delinquent, and I call that predatory borrowing. People who knowingly take advantage of the system, who game the system, who give false information in their disclosures and their verifications. And making the risk-based analyses that lenders use to determine how much money a person should be responsibly lent makes that impossible. And there are borrowers, there are borrowers all across America who have knowingly exaggerated their incomes. They represented that they used a home for their primary residence, and they didn't. They acted as straw buyers in property-flipping schemes and used other scams to qualify for loans that otherwise they would not have qualified for and loans that they cannot pay back, and to a great extent many other people are now suffering.

And the result of this predatory borrowing is predictable: Higher foreclosure rates; reduced availability of credit in the market; fewer homeownership opportunities for those low-income people, those people who may have a checkered credit past but who are honest, who are responsible, and who just need a second chance.

So, Madam Chairman, I think this is a very, very modest amendment today that would simply remove the civil liability of a lender and cancel the right of rescission for a borrower in instances where the borrower knowingly lied on their mortgage loan application.

Borrowers who have done this, who have misled lenders into giving them these loans, should not be able to turn around and then sue the lender and be able to rescind those loans to compound their deception with some kind of financial advantage. I hope that most, if not all, of us would hopefully conclude that that is an absurd and perverse result. One should not profit from their dishonesty.

I certainly appreciate the chairman's willingness to work with me on this amendment. I have been led to believe that he supports it. And although I respect the views of everybody in this committee, I have clearly said that I do not believe this bill should pass. But if it does pass, if it does pass, there does need to be some minimal acknowledgment of the role of personal responsibility and of predatory borrowing. And I urge the adoption of the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I claim the time in opposition, not in opposition although there is going to be a secondary amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. FRANK OF Massachusetts. The gentleman said he had been led to believe that I would be supportive. I wouldn't want the gentleman to be in suspense as to whether or not he had been misled.

I know there have been conversations between him and the gentleman from North Carolina about a secondary amendment. And assuming everything goes as we have all discussed, he has not been misled. The gentleman can sleep easily tonight that people told him the truth, because I am prepared to be supportive of what we have got worked out.

Madam Chairman, I yield back the balance of my time.

AMENDMENT NO. 8 OFFERED BY MR. WATT TO AMENDMENT NO. 7 OFFERED BY MR. HENSARLING

Mr. WATT. Madam Chairman, I have a secondary amendment to the Hensarling amendment at the desk which has been made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 printed in House Report 110–450 offered by Mr. WATT to amendment No. 7 printed in House Report 110–450 offered by Mr. HENSARLING:

In the amendment, insert "and with actual knowledge" after "willfully".

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Madam Chairman, my good friend Mr. HENSARLING may be surprised to know that we actually agree very much with the spirit of what he is trying to do. And I am not sure that my amendment will absolutely cure all of the concerns we have with it, but it will certainly make it better, and we will continue to work on trying to really address the issue.

We don't want anybody to walk in and give false information on an application for a loan. One of the reasons we fought so hard to protect State laws and not to preempt all State laws is because that would be fraud and we think it would be outrageous, it would be shyster. But as everything, there is another side to this, and I will illustrate it with a loan that I just recently closed myself, a loan that was made to me.

I submitted the application. I submitted the financial information. And what happened after that was that because the lender wanted their own form, they took my information that I had submitted to them and put it on their own form. They handed it back to me in a stack of forms that I needed to sign, and I signed them.

Now, what has happened in the marketplace much, much more than the gentleman would like to know is that when that second block of papers came back, somebody had put false information on that application because they knew this borrower was not going to qualify for the loan if they didn't fudge the borrower's income, if they didn't fudge the borrower's credit in some way. So it was not the borrower who gave the false information; it was somebody else in the chain. And that is what we have got to guard against. And that's what the basic bill is all about.

Now, we don't have any problem holding people personally accountable for the information that they knowingly provide; but if somebody just sticks some documents in front of me after I have given them the right information and they go back and change the information or put it on another form and I just happened to sign it because I presumed that the lender I am dealing with or the broker I am dealing with is honorable, I shouldn't be held accountable for that. And my second-degree amendment helps to make that clearer. And I hope by the time this bill gets passed, we can make it absolutely clear that what Mr. HENSARLING is trying to accomplish and what I am trying to accomplish get taken into account.

Madam Chairman, I reserve the balance of my time.

Mr. HENSARLING. Madam Chairman, I would like to claim the time in opposition although I am uncertain at this point whether I am actually opposed to the gentleman's second degree amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HENSARLING. Madam Chairman, although it has been many years, I had a short and unillustrious career as an attorney; so I'm somewhat familiar with the term "knowingly" as a legal term of art. I am less familiar with the phrase "with actual knowledge." Hearing the gentleman from North Carolina's explanation, I think we are trying to get at the very same situation. So the only thing that made me somewhat nervous is I am unacquainted with the phrase as a legal term of art. I do believe that the gentleman and myself are trying to achieve the same thing. Perhaps it's innocuous.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. HENSARLING. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would be glad, Madam Chairman, to give the gentleman my assurance. And we can't all, when we see these things, know it's exactly right. If as we go forward, assuming the secondary amendment and the primary amendment are adopted, if the gentleman needs some further clarification of questions that we can deal with between now and the time of the final bill, we are open to continue those discussions.

Mr. WATT. Madam Chairman, will the gentleman yield?

Mr. HENSARLING. I yield to the gentleman from North Carolina.

Mr. WATT. I will give him the same assurance. And I said it in my statement because I just got the gentleman's amendment yesterday or the day before, and I confess that my amendment to his amendment may not accomplish everything that both of us are trying to accomplish either, which is why I said we are going to have to continue to work on this, and I am certainly willing to continue to work with him.

I understand exactly what the gentleman is trying to achieve. We share that objective. But we want to make sure that the concerns I raise don't get washed up in the "knowingly" term that the gentleman used.

Mr. HENSARLING. I appreciate the gentleman's comments. I certainly take the distinguished chairman at his word, and I take the gentleman from North Carolina at his word, and I certainly withdraw any objection that I might have to the second-degree amendment.

Madam Chairman, I yield back the balance of my time.

Mr. WATT. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT) to the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The amendment to the amendment was agreed to.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. MEEKS OF NEW YORK

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110-450.

Mr. MEEKS of New York. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. MEEKS of New York:

Page 15, line 10, strike "reviewed, approved, and" and insert "reviewed, and".

Page 15, after line 12, insert the following new paragraph:

(3) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer pre-licensure educational courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

Page 15, line 13, strike "and administered".

Page 15, line 14, insert "and administered by an approved test provider" before the period.

Page 17, line 23, strike "reviewed, approved, and" and insert "reviewed, and".

Page 18, after line 14, insert the following new paragraph:

(5) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer any continuing education courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from New York (Mr. MEEKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MEEKS of New York. Madam Chairman, over the past few years, the Financial Services Committee has been working to strike the right balance between protecting home buyers without eliminating the viability of the subprime mortgage market. Under the leadership of Chairman FRANK, I believe we have struck that balance in a bipartisan manner. This is why I wholeheartedly agree and wanted to be an original cosponsor of this legislation.

Madam Chairman, one of the new requirements of this bill is that all mortgage originators must be licensed to serve the public. The purpose of this requirement is to have a depository of all mortgage originators and hopefully eliminate from the system those loan originators that take advantage of borrowers. I know in my district this has been a real problem. Along with the fingerprinting and the pulling of a credit report, mortgage originators must also participate in 20 hours of education in a program approved by the Nationwide Mortgage Licensing System and Registry which is to be developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators.

Madam Chairman, I am very supportive of this aspect of the legislation. But I am concerned that it leaves open an opportunity for a conflict of interest. The conflict would take place if the Nationwide Mortgage Licensing System were to decide to offer the education requirement themselves.

Currently, 34 States have mortgage education requirements for loan originators licensed in those respective States. This training is conducted by many small business providers who are approved to offer mortgage education by each State's regulating bodies. My amendment is quite simple. It does the following:

A, to maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer educational courses for pre-licensure or continuing education for mortgage originators.

□ 1600

And, B, in approving courses under this act, the Nationwide Mortgage Licensing Systems and Registry shall apply reasonable standards in the review and approval of courses.

Mr. Chairman, to make it simple, I used to be a judge. A judge cannot preside over a case in which he is the litigant. This amendment has been discussed with the Conference of State Bank Supervisors, and they do not object. I think it is a simple amendment.

I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I claim the time in opposition although I am not opposed to the amendment.

The Acting CHAIRMAN (Mr. HOLDEN). Without objection, the gentleman from Alabama is recognized for 5 minutes.

There was no objection.

Mr. BACHUS. I want to compliment the gentleman from New York (Mr. MEEKS) for offering this amendment. I know it clarifies the role of the Conference of State Bank Supervisors and the approval process for State license mortgage practitioners and originators. I compliment the gentleman. I know that the Conference has worked with the industry in crafting this amendment. I urge support for it.

Mr. MEEKS of New York. Thank you, Mr. BACHUS.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. MEEKS).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–450.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Ms. GINNY BROWN-WAITE of Florida:

Page 54, line 14, strike "and".

Page 54, line 16, strike the period and insert "; and"..

Page 54, after line 16, insert the following new clause:

"(iv) a mortgage insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.).".

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, it is no secret that Americans are facing a growing crisis in the subprime housing market. Subprime mortgage foreclosures have spiked and crashed for the last 6 years. Rates have ranged as high as 9.25 in 2002 for foreclosures and as low as roughly 3 percent in mid 2005. In the first quarter of this year, they crept back up again to 5 percent.

However, foreclosure rates among loans the Federal Housing Administration insures have stayed somewhat consistent throughout that time. Since there has been less than 1 percent fluctuation in these foreclosure rates since 2001, I think it is very imperative that we have this amendment adopted.

This amendment excludes loans insured by FHA from the provisions of this bill. The language is actually very similar to an amendment that I offered and that was accepted in the Financial Services Committee, one that exempted VA loans.

Mr. Chairman, the provisions in this bill will help Americans in the pursuit of owning their own home, many believe, but there are still millions of Americans who without FHA probably would not have had this opportunity. But if VA and FHA are already writing loans that are clearly good for their customers, Congress should leave them alone and let them carry on with their business. Obviously, it is working, and as the old axiom goes, if it's not broke, don't fix it.

Therefore, I urge Members to support my amendment that exempts FHA-insured loans from the provisions of this bill.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time that is set aside for someone in opposition since no one is.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. FRANK of Massachusetts. I appreciate the gentlewoman coming forward. She has on this and other occasions played a very constructive role in helping us work things out. We have already done this for the Veterans Administration, Department of Veterans Affairs. Yes, in fact, it is our hope to get more people into the FHA program as an alternative to subprime. One of the things we've done, and the Senate is now doing it, is to extend the FHA's reach to people with subprime; although I do want to remind my friends in the Senate, I feel very strongly that when we do that, it would be terrible social policy to make people with weaker credit who are faithfully making their payments pay more than other people, and we will deal with that as we work out the 2 bills.

But for purposes of this bill, the gentlewoman is absolutely correct. So I intend to support her amendment.

And that leaves me with some extra time, so I would now yield 2 minutes to the gentleman from California, a member of the committee.

Mr. BACA. Mr. Chairman, I stand in support of this amendment and also rise in support of H.R. 3515. I want to thank Chairman FRANK for his leadership.

The headline from yesterday's San Bernardino Sun, my local paper, read "Area Number 3 in Nation in Foreclosures."

Right now, one in 43 houses in San Bernardino and Riverside Counties are undergoing foreclosure. Our families are being torn apart by this crisis. The American Dream of homeownership has become a nightmare for them.

I had a town hall meeting in my district on foreclosures last weekend. I am glad that I did because we were able to assist a lot of families. These families are scared and need help. They feel hopeless, unless Congress addresses this issue.

Our families said that the teaser rate was resetting to a payment that was more than half of their income. Another said they had to take a second job just to afford the new payments after the rates were adjusted. It was clear that these families were steered into loans that they could not afford.

On the other hand, other constituents told me that the interest rate they received on the loans was higher than what they were told that they would receive. Too many consumers are victims of this type of predatory bait-and-switch practice.

This bill includes an amendment which I offered which requires additional disclosures to provide consumers information before signing. This will help put an end to the abusive practice and ensure that consumers have accurate information about the cost of their loan so that they know what they are buying.

H.R. 3915 will help put an end to predatory lending once and for all. And it prohibits prepayment penalties, outlaws discriminatory steering practices and bans yield spread premiums. It also includes stronger underwriting standards to help stop predatory lenders in their tracks.

I ask my colleagues to support H.R. 3915 and support this amendment.

[From the Sun, Nov. 13, 2007]

AREA NO. 3 IN NATION IN FORECLOSURES

(By Matt Wrye)

If you know 43 homeowners in the area there's a fair chance one of them just lost their house to foreclosure.

In a report to be released today Wednesday, Realty Trac, a real-estate service, said there is one foreclosure for every 43 households in San Bernardino and Riverside counties, according to third-quarter 2007 data.

That puts the region at No. 3 nationwide for home foreclosures. Stockton was at the top of the list, followed by Detroit.

The two-county area saw more than 31,661 foreclosure filings on 20,664 between 20,664 properties between July and September.

That number will drop steadily, but higher-than-normal foreclosure rates will continue until 2009 or 2010, said Jack Kyser, chief economist for the Los Angeles County Economic Development Corp.

"It's catching up to us," he said about the subprime mortgage fallout. "Unfortunately, the trend will continue. It's going to be slowing down, but people forget the size of the Riverside-San Bernardino area."

John Husing, a regional economist based in Redlands, agrees with Kyser.

"There's no question that you have a disproportionately large number of foreclosures and you'll be continuing to have that in the Inland Empire versus other places in the country and Southern California," Husing said. "The trend is going to continue for at least the next year to year and a half because of mortgages that were reset back in 2005 and 2006."

The top 10 was rounded out by Fort Lauderdale, Fla.; Las Vegas; Sacramento; Cleveland; Miami; Bakersfield and Oakland.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield my remaining time to the gentleman from Oregon.

The Acting CHAIRMAN. The gentleman from Oregon is recognized for 2 minutes.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I appreciate watching the legislative process work here. Too seldom in the last 12 years have we watched this unfold in the way that it has, and I congratulate Mr. FRANK, Mr. WATT, Mr. MILLER, the Ranking Member BACHUS, this is how the legislative process should work.

I will tell you, this is not a Sarbanes-Oxley moment, where Congress stalled and stalled and stalled until the problems got so great they exploded. Then Congress rushed to act; actually didn't know in many instances what people were voting on.

This bill has been a deliberate process. It has not been rushed. It has been bipartisan. And I must say that I feel better than at any point in the last 4 or 5 years, as I have been alarmed as Congress has been missing in action on this issue where the regulatory structures have looked the other way.

The big question for me, though, is where we go from here. I am pleased in the Ways and Means Committee we have been able to make some tax adjustments so that people will not be taxed on phantom "profits" if they end up having a loan foreclosed upon.

I am eager to find out if the gentleman, Mr. MILLER from North Carolina, can move forward dealing with fundamental bankruptcy reform so that people who are homeowners get the same protection that would be given to a speculator in an identical home in a subdivision or identical units in a condominium tower. This is extremely critical.

We are talking now not just about the hundreds of thousands of people that will be affected by this legislation. Ultimately, there will be ripple effects throughout the economy, a shaken industry, and millions of innocent homeowners who are going to have their property values drop because regulators were asleep at the switch, because Congress was missing in action, and because abusive practices took place.

H.R. 3915 is a good start. I commend the committee and look forward to working with you as it works its way through for the refinement of this legislation and the next step.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I certainly appreciate the fact that the gentleman from Massachusetts (Mr. FRANK), the chairman of the Financial Services Committee, has worked with me both on the VA and the FHA loan exemption. I think it is the right thing to do, and I would urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110–450.

Mr. GARRETT of New Jersey. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. GARRETT of New Jersey:

Page 52, strike line 9 and all that follows through line 15 (and redesignate subsequent paragraphs accordingly).

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Before I begin, let me just recognize and appreciate the work by the ranking member of the committee with regard to this overall underlying piece of legislation for his work to try to improve the legislation. I believe his actions have been done in view of his constituents and their concerns with the primary lending market as we see it today.

Getting to the amendment that is before us, Mr. Chairman, the amendment would simply strike the rebuttable presumption paragraph under section 203 of the manager's amendment text. As currently drafted, section 203 of the bill specifically lists several criteria that lenders must meet when they originate a loan and that loan to be considered a qualified safe harbor mortgage. Qualified safe harbor mortgages are loans that: 1, document consumer income; 2, an underwriting process based on fully indexed rate; 3, a debt-to-income ratio not greater than 50 percent; four, no negative amortization; and five, six payments for at least 7 years an adjustable rate loan with an APR that varies less than 3 percent over indexed rate.

Now after meeting this prescriptive list of requirements, the loan can be considered a qualified safe harbor mortgage. It is presumed that the mortgage is an appropriate loan. However, section 203 also contains a provision that, even when all these provisions are met, would allow a borrower to rebut this presumption in a court of law and claim that the creditor has made a loan to them in bad faith anyway.

You see, by allowing lenders to still be held legally liable for a loan even after all these conditions have been met, we are creating even more uncertainty for loan originators. This will in turn lead to further tightening of the credit market and keep more people from getting loans.

Mr. Chairman, if a creditor goes through all these requirements as listed, I do not believe that they should still have to worry about being held legally liable if the borrower cannot make their payments. Such a provision undermines the very nature of a safe harbor vision. It undermines the presumption of good faith that the law itself establishes. How can we on one hand tell the lender that they are providing them with a safe harbor from suit and then turn right around and say that safe harbor can be rebutted? I am afraid this will, at the very least, raise the cost of loans, at the worst, keep the loans from being made at all.

Mr. Chairman, I ask you to help the providers, lenders make some sense of the legal clarity and to make this a safe harbor, a true safe harbor. I would ask every Member to support this important amendment.

I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WATT. Mr. Chairman, once again, Mr. GARRETT has focused on an issue that we talked about earlier in the debate. I offered an amendment and withdrew it, and it related to this general section. Basically, what we have done is allowed the lenders to presume, if they meet certain conditions, that their loan will be considered a safe harbor loan and go into the secondary market without any complications.

In certain kinds of loans, we have made that presumption rebuttable because there is still tremendous opportunity for abuse even if they meet all of the safe harbor requirements. In other instances, we have made the presumption irrebuttable, and it was on the irrebuttable part of that that I offered the amendment and withdrew it. This is on the rebuttable part.

Now, the problem with Mr. GARRETT's amendment is that if you take out this rebuttable presumption, then the presumption becomes irrebuttable for all kinds of loans, those that have risks, and those that don't have risks.

□ 1615

So what does that mean to the average lay person when you create a rebuttable or irrebuttable presumption? An irrebuttable presumption makes it impossible for you ever to rebut it. Because it is irrebuttable, you can't even raise it anymore. A rebuttable presumption makes it possible, even though it is presumed, that you can still go and offer evidence that what is generally a fair loan turned out to be, in your particular case, an unfair loan.

So the effect of Mr. GARRETT's amendment would be to make it impossible ever for anybody to get into court and contest any of these loans. Because if you take out the rebuttable presumption, it becomes an irrebuttable presumption. We don't want that. I mean, that is where the marketplace is now. It is out of control. It has been out of control.

While we are setting up a construct to make the market better, we don't want to pass a law that then sanctions going right back to where we are now. That is how we got here in the first place, the market was out of control. And the construct that we have set up allows people to buy mortgages in the secondary market and presume that they will be okay.

But we don't want to set up a situation where it is impossible for anybody to go into the secondary market or against anybody and say under no circumstances will you be able to get liability. That is what Mr. GARRETT would have you do. I think it would be very, very, very bad public policy.

With that, I encourage opposition.

Mr. Chairman, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, the gentleman misstates the case when he says you can never get into court. You can get into court when these five different criteria are not met. But when these five criteria are met, you have a safe harbor. That is the language of the bill. What is a safe harbor for, if not for giving protection to those who are meeting the requirements.

With that, I yield such time as he may consume to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. I thank the gentleman for his courtesy. I shall try to be brief. I had hoped at the outset the bill would present a uniform national standard so all those engaged in this practice would have legal certainty as to the behavior that complies with the law, no matter where one might extend credit. Unfortunately, that is not the case in the underlying bill.

I had hoped more clarity in the provisions of enforceability. I am troubled by some of the unclear language, the way in which some descriptive phrases have been used, as in, for example, the anti-steering provision, which states that loan products which have predatory characteristics, one cannot be sure what constitutes a predatory characteristic. Third, in contract resolution, we had hoped that we would at least avail ourselves of mandatory arbitration, which is a common business practice to resolve differences without the court being involved. Unfortunately, the bill in its current form prohibits mandatory arbitration, which leads us then to the gentleman's very well-thought-out amendment relative to the safe harbor provision.

At least we should have the statement that if you engage in lending practices of a certain type, that there will be legal certainty you will not be sued at some future point for engaging in the honorable profession of extending credit to people trying to buy homes.

On that point, let me quickly add that 95 percent or more of the people engaged in this practice are honorable people, doing a public service, extending credit to people who pay their obligations on time. It is a mischaracterization on this floor to represent that all people engaged in the business of extending credit for this honorable purpose are up to no good. In fact, when foreclosures occur, it actually costs the industry business.

This is not a helpful environment. We would be legislating with certainty, and the bill in the underlying form does not provide that. The gentleman's amendment is excellent, well-constructed. I hope the House will favorably consider it.

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. FRANK of Massachusetts. Will the gentleman yield to me?

Mr. WATT. I yield to the chairman.

Mr. FRANK of Massachusetts. As I said to my friend from Louisiana, I know everybody can't hear everything. He defends against an accusation that was not made when he said, Don't say they are all up to no good. Several of us on this side have explicitly said that we believe the majority are well-intentioned. The problem, I think, is that where there are people who are not well-intentioned, there are no rules to stop them. But we did on several occasions quite say the opposite of what the gentleman said we shouldn't have said.

Mr. WATT. I would just add to that, on the floor today time after time after time, I have said that the great, great, great majority of the lenders are abiding by the rules. It's not those lenders who created this crisis. It is those people who are operating outside the rules, and that is what we are trying to put a construct around that is workable to protect those who abide by the rules of the road without shielding those who will abuse the process. This amendment would allow that to happen.

Mr. Chairman, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I would like to point out that this amendment is supported by the Mortgage Bankers Association, the American Financial Services Association, and Financial Services Roundtable. I believe they do that because they realize when a bill sets up the language of presumption of ability to repay and net tangible benefits, as it has done on line 1, page 52, and then defines that as a safe harbor, with the one hand, but then immediately takes it away with the other hand by saying that you can still go into court after the lender has met all the requirements as we defined as what is an ability to repay and tangible benefits, we are creating more uncertainty in the market, as the gentleman from Louisiana indicated, one that will hurt the overall economy and the ability to secure loans.

I ask for a "yes" vote on this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 110–450.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Is the gentleman the designee of the gentleman from North Carolina?

Mr. FRANK of Massachusetts. Yes, I am.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. FRANK of Massachusetts:

Page 64, line 12, strike the closing quotation marks and the second period.

Page 64, after line 12, insert the following new paragraphs:

"(10) PATTERN OR PRACTICE OF VIOLATIONS.—

"(A) IN GENERAL.—In addition to any money penalty that may be imposed by any agency referred to in subsection (a) or (c) of section 108 under any provision of law referred to in such section in connection with such agency or any other enforcement action taken by such agency under such section, any creditor, assignee, or securitizer which engages in a pattern or practice of originating, assigning, or securitizing residential mortgage loans that violate subsection (a) or (b) shall forfeit and pay a civil penalty of—

"(i) not less than $25,000 for each such loan; and

"(ii) $1,000,000 for engaging in such pattern or practice.

"(B) INFORMATION.—Any person may submit information to any agency referred to in subparagraph (A) regarding any pattern or practice of violating subsection (a) or (b) and such agency shall promptly bring such complaint to the attention of any other such agency which may have jurisdiction over any person involved in the alleged violation.

"(11) TRUST FUND FOR CONSUMERS WITHOUT REMEDY.—

"(A) IN GENERAL.—Any civil money penalty collected under paragraph (10) shall be transferred to the Secretary of the Treasury to be held in trust in the Consumers Rescission and Cure Remedial Fund for the benefit of borrowers with residential mortgage loans that were originated in violation of subsection (a) or (b) for which the consumers are eligible for rescission or cure but have no party against whom to assert such remedies.

"(B) REGULATIONS.—The Secretary of the Treasury shall prescribe regulations establishing—

"(i) a claims process for consumers described in subparagraph (A) to file claims against the Consumers Rescission and Cure Remedial Fund for rescission or cure of a residential mortgage loan that was originated in violation of subsection (a) or (b);

"(ii) a procedure for administrative determination of claims, and the allowance or disallowance of any such claim, and a review of such determination; and

"(iii) a process for payment of any claim allowed against the Fund to effectuate a rescission or cure as part of a final settlement entered into by the consumer with the Secretary with respect to such claim.

"(C) FINALITY.—Any determination by the Secretary under this paragraph shall be final and not subject to judicial review.".

The ACTING Chairman. Pursuant to House Resolution 825, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer this amendment, but I do not intend to push it today. I will be withdrawing it with the consent of the body. I was not as careful as I should have been in supervising or making clear my intentions in what I wanted. I do believe 1 of the 2 most controversial items in this is preemption. Very few people think we have done preemption just right. Fortunately, a lot of us are here. A lot of other people think we have done too much or too little.

The question of preemption is really twofold: 1, should you preempt; and, secondly, having preempted, having prevented the State from acting, have you put sufficient rules in there to defer bad behavior. I think we probably didn't, as I read this over. That is, I think we have preempted, as we have clarified it, the right amount: Not too much and not too little. But we have not put into the preemption enough in terms of deterrence.

We do have the policies and procedures in the safe harbor exemption. But what I think we should have and what this amendment was meant to embody is the ability of aggrieved parties or representatives, Attorneys General of the States, others, to go to the regulator of the entity in question and say, Look, there's been this pattern of abuse. When we have a pattern of abuse, you act.

We did not want to make the liability for any one violation too heavy. We didn't want to overkill. But we then would run into the problem the gentleman from North Carolina talked about, where violations at a moderate level of penalty could be simply a cost of doing business. So having a pattern and practice approach in here prevents people from treating a moderate penalty from simply being a cost of doing business.

It was drafted more than I had intended. That is my fault. I should have been paying more attention. I do not think originators ought to be covered in this, certainly not with a $1 million limitation.

So for that reason I am going to offer this and say that I hope to withdraw it now and work on it further.

I would yield to my friend from Colorado who is one of those who brought some of the problems here to my attention.

Mr. PERLMUTTER. Mr. Chairman, I thank the chairman for yielding to me, and I thank the chairman for being willing to work on this particular amendment to zero in on the major players who, in a repeated fashion, time after time, show by pattern and practice an abuse of this predatory lending policy.

I do want to reiterate something that Mr. BLUMENAUER said. I want to congratulate the ranking member and Mrs. BIGGERT and Mrs. CAPITO and a number of the others on the Republican side of the aisle, along with the sponsors of this bill, for working and refining and developing a bill that will deal with the problems that we have seen of predatory lending and subprime loans that have hurt a lot of the people in this country and our financial system.

I also intend to work with the chairman on the eviction piece, the rental piece of this, so we don't harm the single-family, owner-occupied system of FHA and VA-type loans.

Mr. FRANK of Massachusetts. Let me take back my time. The gentleman raised that issue.

The gentleman from Texas (Mr. MARCHANT) raised an issue on renter protection. So you cannot be the homeowner being foreclosed upon and then get the rights of a tenant. The gentleman from Colorado had a further point, which is in those cases where there was a very specific prohibition in the loan against rental, that should not be overcome by what we do.

I would yield the remainder of my time to the gentleman from North Carolina.

The Acting CHAIRMAN. The gentleman from North Carolina is recognized for 2 minutes.

Mr. MILLER of North Carolina. Mr. Chairman, one of my concerns about this bill is the weakness, the inadequacy of the remedies available to the consumer. I have said that earlier today in the debate on this bill that I am very concerned that if industry is looking at one consumer in 50, or one in 100, or one in 200 who has actually been the victim of illegal practices, brings a claim for very modest remedies, many industries or some in industry may simply view that as a minor cost of doing business, a minor nuisance, and just keep doing what they are doing.

This amendment, while I agree it does need to be tinkered with some, would raise the stakes substantially. It does provide a more substantial penalty, $1 million plus $25,000 for each loan. That actually is not that much. Ameriquest, one of the biggest subprime lenders, paid $425 million in a settlement and just kept doing it. Just kept going. It was the cost of doing business. And their CEO is now the ambassador to one of those small, pleasant countries in Europe that big campaign contributors get appointed to be ambassadors to. It hasn't affected them in the slightest.

This amendment would call the attention of the regulatory agencies, the SEC to pay attention to the securitizers, the Goldman Sachses of the world, the big banks; Bank of America would have to answer to the OCC, their regulatory body, and on and on. Mr. Chairman, those industry groups do not want the attention of their regulator that way. They do not want to be under that kind of scrutiny; they do not want to pay those penalties. And this would substantially raise the stakes for them and encourage them to abide by the law.

Mr. FRANK of Massachusetts. Let me take back the time. The gentleman has underlined an important point. We are going to see this back again in somewhat buffed-up form. It goes to the regulators, so this isn't going to lead to court. It is not an explosion of litigation. It would allow a range of people to bring it, including State Attorneys General, but it would be brought to the regulator, someone familiar with that business model and an entity able to discriminate between good and bad practices.

I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 14 OFFERED BY MR. AL GREEN OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 110–450.

Mr. AL GREEN of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. AL GREEN of Texas:

Page 15, line 7, insert "which shall include instruction on fraud, consumer protection and fair lending issues" before the period.

Page 16, line 6, strike "and" after the semicolon.

Page 16, line 8, strike the period and insert "; and".

Page 16, after line 8, insert the following new clause:

(iv) Federal and State law and regulation, including instruction on fraud, consumer protection, and fair lending issues.

Page 17, line 20, insert ", including education on fraud, consumer protection, and fair lending issues.".

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from Texas (Mr. AL GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. Mr. Chairman, I also would like to thank the chairman of the full committee, Chairman FRANK, Ranking Member BACHUS, the subcommittee Chair and ranking member as well.

Mr. Chairman, this is a very simple and straightforward amendment. This amendment deals with minimum standards for mortgage originators, and it requires that mortgage originators receive a certain amount of training.

□ 1630

The bill itself right now requires at least 20 hours of education, of which at least 3 hours of Federal law shall be included in the regulations as well, along with 3 hours of ethics. What this amendment does is include in the ethics training instructions on fraud, consumer protection and fair lending issues. It is very straightforward. It is not complicated.

Mr. Chairman, I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Alabama is recognized for 5 minutes.

There was no objection.

Mr. BACHUS. Mr. Chairman, I compliment the author, Mr. GREEN, for this amendment. I would anticipate and hope that with the passage of this amendment that mortgage originators would receive instructions on these subjects. So I very much am in support of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. AL GREEN of Texas. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank Congressman GREEN and express gratitude to Chairman FRANK, Ranking Member BACHUS, Subcommittee Chair Watt and Congressman MILLER for their extraordinary efforts to restore confidence in our Nation's housing markets and address the housing mortgage crisis facing our Nation, this crisis has been felt no more harshly than in the State of Ohio, one of the hardest hit States in our Union, where our foreclosure filing rates have gone up 300 percent since just last year, thousands upon thousands of Ohioans having for sale and foreclosure signs in front of their homes. In Ohio, $20 billion and growing is the gap, the financing gap.

I rise in support of the gentleman's amendment, but want to clarify that under the bill, any legal case that has been filed can proceed forward, indeed until the regulations for implementation of the bill are completed after it is signed by the President. States are not limited in their ability to prosecute in cases of fraud, collusion, misrepresentation, deception, false advertising or civil rights. Importantly, any mortgage made in the future will have to assure the borrower's ability to repay and that the borrower be yielded a net tangible benefit.

As this bill moves forward, I believe it can be perfected even more to restore confidence, discipline and provide accountability in our troubled, very troubled, housing markets, which are helping to drive our Nation into recession.

I just want to say to Chairman FRANK, you are the right man in the right place at the right time. I just hope that the other body and the President of the United States follow your leadership on this really critical issue, take it not just to Ohio, but to our country.

STOCKTON, DETROIT, RIVERSIDE-SAN BERNARDINO POST TOP METRO FORECLOSURE RATES IN Q3

(By RealtyTrac Staff)

IRVINE, Calif.—Nov. 14, 2007—RealtyTrac® (realtytrac.com), the leading online marketplace for foreclosure properties, today released its Q3 2007 Metropolitan Foreclosure Market Report, which shows Stockton, Calif., Detroit and Riverside-San Bernardino, Calif., documented the three highest foreclosure rates among the nation's 100 largest metropolitan areas during the third quarter.

RealtyTrac publishes the largest and most comprehensive national database of foreclosure and bank-owned properties, with over 1 million properties from nearly 2,500 counties across the country, and is the foreclosure data provider to MSN Real Estate, Yahoo! Real Estate and The Wall Street Journal's Real Estate Journal.

"Although cities in just three states—California, Ohio and Florida—accounted for more than two-thirds of the top 25 metro foreclosure rates, increasing foreclosure activity was not limited to just a few hot spots," said James J. Saccacio, chief executive officer of RealtyTrac. "In fact, 77 out of the top 100 metro areas reported more foreclosure filings in the third quarter than they had in the previous quarter. Still, there continue to be pockets of the country—most noticeably metro areas in the Carolinas, Virginia and Texas—that have thus far dodged the foreclosure bullet."

CALIFORNIA, OHIO, FLORIDA CITIES DOMINATE TOP METRO FORECLOSURE RATES

Stockton, Calif., documented one foreclosure filing for every 31 households during the quarter, the highest foreclosure rate along the nation's 100 largest metro areas. A total of 7,116 foreclosure filings on 4,409 properties were reported in the metro area during the quarter, up more than 30 percent from the previous quarter.

Detroit's third-quarter foreclosure rate of one foreclosure filing for every 33 households ranked second highest among the nation's 100 largest metro areas. A total of 25,708 foreclosure filings on 16,079 properties were reported in the metro area during the quarter, more than twice the number of filings in the previous quarter.

The Riverside-San Bernardino, Calif., metropolitan area in Southern California documented the nation's third highest metro foreclosure rate, one foreclosure filing for every 43 households. A total of 31,661 foreclosure filings 20,664 properties were reported in the metro area during the quarter, up more than 30 percent from the previous month.

Other cities in the top 10 metro foreclosure rates: Fort Lauderdale, Fla.; Las Vegas; Sacramento, Calif.; Cleveland; Miami; Bakersfield, Calif.; and Oakland, Calif. California cities accounted for seven of the top 25 metro foreclosure rates, while Florida and Ohio each accounted for five of the top 25 spots.

RIVERSIDE-SAN BERNARDINO, LOS ANGELES, DETROIT REPORT MOST FORECLOSURE FILINGS

The Riverside-San Bernardino metropolitan area reported the most foreclosure filings during the quarter, followed by Los Angeles, with 29,501 filings on 18,043 properties. The Los Angeles foreclosure rate of one foreclosure filing for every 113 households ranked No. 26 among the nation's 100 largest metro areas. Detroit reported the third highest number of foreclosure filings during the quarter.

Atlanta's foreclosure filing total of 21,695 on 18,940 properties was the fourth highest foreclosure filing total, and the metro area's foreclosure rate of one foreclosure filing for every 92 households ranked No. 18 among the top 100 metro areas.

Other cities with foreclosure filing totals among the 10 highest were Phoenix, Fort Lauderdale, Fla., Cleveland, Chicago, Miami and Sacramento, Calif.

REPORT METHODOLOGY

The RealtyTrac Metro Foreclosure Market Report provides the total number of foreclosure filings by metropolitan area, along with the number of households per foreclosure filing. The household numbers are based on the U.S. Census Bureau's 2005 estimates of total housing units.

Beginning with the Midyear 2007 report, the report also includes counts of properties with at least one foreclosure filing reported against them. This new metric only counts a property once, even if there were multiple foreclosure actions filed against the property during the time period covered by the report.

FORECLOSURE ACTIVITY FOR THE NATION'S 100 LARGEST MSAS—Q3 2007

Rate rank	Foreclosure filings
	Total filings
1. Stockton, CA	7,116
2. Detroit/Livonia/Dearborn, MI	25,708
3. Riverside/San Bernardino, CA	31,661
4. Fort Lauderdale, FL	16,595
5. Las Vegas/Paradise, NV	14,948
6. Sacramento, CA	15,479
7. Cleveland/Lorain/Elyria/Mentor, OH	16,332
8. Miami, FL	15,484
9. Bakersfield, CA	3,947
10. Oakland, CA	13,245
11. Akron, OH	3,992
12. Denver/Aurora, CO	13,179
13. Fresno, CA	3,687
14. Memphis, TN	6,239
15. Phoenix/Mesa, AZ	18,328
16. San Diego, CA	12,274
17. Dayton, OH	4,147
18. Atlanta/Sandy Springs/Marietta, GA	21,695
19. Tampa/St. Petersburgh/Clearwater, FL	13,562
20. Toledo, OH	3,119
21. Palm Beach, FL	6,387
22. Dallas, TX	14,717
23. Columbus, OH	7,265
24. Indianapolis, IN	6,604
25. Sarasota/Bradenton/Venice, FL	3,308
26. Los Angeles/Long Beach, CA	29,501
27. Orlando, FL	7,189
28. Warren/Farmington Hills/Troy, MI	9,025
29. Fort Worth/Arlington, TX	6,328
30. Cincinnati, OH	6,144
31. Orange, CA	6,899
32. Worchester, MA	2,069
33. Jacksonville, FL	3,501
34. Tucson, AZ	2,514
35. San Antonio, TX	4,300
36. Houston/Baytown/Sugarland, TX	11,960
37. Springfield, MA	1,637
38. Washington/Arlington/Alexandria, DC–VA–MD	9,099
39. Essex, MA	1,605
40. Newhaven/Milford, CT	1,850
41. Chicago, IL	16,314
42. Ventura, CA	1,400
43. San Jose/Sunnyvale/Santa Clara, CA	3,245
44. Austin/Round Rock, TX	3,063
45. Gary, IN	1,408
46. Charlotte/Gastonia, NC	3,148
47. Newark, NJ	3,970
48. Boston/Quincy, MA	3,386
49. Tacoma, WA	1,369
50. Lake/Kenosha, IL–WI	1,110
51. Milwaukee/Waukesha/West Allis, WI	2,870
52. Camden, NJ	1,225
53. Little Rock/North Little Rock, AR	1,250
54. Kansas City, MO–KS	3,659
55. Edison, NJ	3,787
56. St Louis, MO–IL	4,820
57. Cambridge/Newton/Framingham, MA	2,278
58. Tulsa, OK	1,497
59. Nashville/Davidson, TN	2,224
60. Scranton/Wilkes-Barre/Hazleton, PA	898
61. Hartford, CT	1,674
62. Bridgeport/Stamford/Norwalk, CT	1,171
63. Salt Lake City, UT	1,253
64. Oklahoma City, OK	1,639
65. Baltimore/Towson, MD	3,516
66. Louisville, KY–IN	1,696
67. Raleigh/Cary, NC	1,242
68. Bethesda/Frederick/Gaithersburg, MD	1,362
69. Minneapolis/St Paul/Bloomington, MN–WI	3,699
70. Philadelphia, PA	4,456
71. Omaha/Council Bluffs, NE–IA	846
72. Knoxville, TN	701
73. Suffolk/Nassau, NY	2,321
74. Pittsburgh, PA	2,548
75. Seattle/Bellevue/Everett, WA	2,318
76. El Paso, TX	527
77. New York/Wayne/White Plains, NY–NJ	9,240
78. New Orleans, LA	1,212
79. Wilmington, DE–NJ	543
80. Buffalo/Cheektowaga/Tonawanda, NY	960
81. Poughkeepsie/Newburgh/Middletown, NY	446
82. Providence/New Bedford, RI	816
83. Portland/Vancouver/Beaverton, OR–WA	1,474
84. Rochester, NY	695
85. Wichita, KS	343
86. Greensboro/Highpoint, NC	405
87. San Francisco, CA	940
88. Albany/Schenectady/Troy, NY	449
89. Albuquerque, NM	387
90. Birmingham/Hoover, AL	451
91. Norfolk/Virginia Beach/Newport News, VA	580
92. Charleston, SC	254
93. Columbia, SC	279
94. Richmond, VA	448
95. Syracuse, NY	249
96. Allentown/Bethlehem/Easton, PA	204
97. Honolulu, HI	197
98. Baton Rouge, LA	147
99. McAllen/Edinburg/Pharr, TX	106
100. Greenville, SC	79

Mr. AL GREEN of Texas. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Chairman, I simply want to correct something I said earlier today. Earlier today I said the Mortgage Bankers Association was opposed to this bill. That is not correct. They do not support the bill. In a letter dated today, they outlined four areas of major concern with the bill, but they did not oppose the bill. They did not support the bill, but they did not oppose it. So what I said earlier today, it was incorrect.

Mr. AL GREEN of Texas. Mr. Chairman, I would like to yield 1 minute to Mrs. STEPHANIE TUBBS JONES, please.

Mrs. JONES of Ohio. Mr. Chairman, there is a God. For the past 8 years I have introduced legislation called the Predatory Lending Reduction Act, saying to the community and the world that there is a problem happening out here. And here we are in 2007, some 8 years later, and there is a wake-up call going on.

Across the country, people are having problems with their mortgages and communities are losing tax underwriting as a result thereof. I am pleased that H.R. 3915 incorporates language from the Predatory Lending Reduction Act that I introduced 8 years ago and that it requires a licensing and registration for mortgage brokers.

We all know that all subprime lenders are not predatory lenders, but we also know that all predatory lenders are subprime lenders, and we have to get on top of this.

Thank God we are saving the people of America.

Mr. AL GREEN of Texas. Mr. Chairman, I would simply close by indicating I am very pleased to see the bipartisan effort that has been generated by this bill. This is a good bill, and I ask all of my colleagues to please support it.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. MCHENRY

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 110–450.

Mr. MCHENRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. MCHENRY:

Page 80, strike line 1 and all that follows through page 102, line 26 (all of title III) (and redesignate the subsequent title and sections and conform the table of contents accordingly).

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from North Carolina (Mr. MCHENRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, the amendment I offer today is really the crux of this debate that we are having here on the House floor on how to best take on the mortgage crisis that we are facing as a country.

This is a very substantive debate. I think it is a very legitimate debate for the House to have, about how we approach the mortgage marketplace and ensure that individuals, families, can still access credit so they can actually get a home for themselves and their children.

Now, the issue at hand is title III of the bill, the so-called North Carolina standard, put forward by my colleagues from North Carolina, Mr. WATT and Mr. MILLER. What, in essence, they do is make all subprime loans HOEPA loans. These are really high-cost loans, so-called innovative loans.

What this does is make all subprime loans HOEPA loans, and, as the Comptroller of the Currency said in a recent hearing before the Financial Services Committee, "It is fair to say that in the past HOEPA loans were viewed as so extreme that few institutions provided HOEPA loans because it was such a rigorous and, what is the word, a scarlet letter of sorts that people wouldn't make the loans. So when you look at our home loan registry, for example, you don't find many HOEPA loans anymore."

Well, there were 10 million mortgages let in 2006. Only 15,200 were HOEPA loans. A very small percentage.

In essence, what title III of this bill does is it, in essence, eliminates the subprime marketplace in America. What it does in North Carolina, it has curtailed refinancing and initial financing in the subprime marketplace. This is very harmful to individuals and families.

With that, I encourage my colleagues to vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of North Carolina. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Chairman, title III hardly turns all subprime loans into HOEPA loans. HOEPA loans are very high-cost loans, loans with a very high interest rate. For first loans, it is 8 percent above the Treasury rate, which works out to about 13 percent. Or for subordinate loans, second or third mortgages, it is 10 percent above, which is more like a 15 percent interest rate.

In contrast, this legislation before us, the other provisions of the legislation, the other titles, treats the subprime loans as loans with an interest rate of about 8.5. So there is plenty of room between 8.5 or 13 or 15.

Mr. Chairman, it is simply not true that this legislation in North Carolina has created a problem with lending in North Carolina. We have heard it again and again in the Financial Services Committee for 4 or 5 years. We have heard repeatedly testimony by the North Carolina Commissioner of Banks, Joe Smith, who has said there is a ready availability of credit in the subprime market in North Carolina, and that it is no more expensive than it is anywhere else that he knows of.

We have heard from witnesses from industry who have said repeatedly they have been able to lend in North Carolina on the same terms and at the same rates as everywhere else, and they have been able to do so profitably.

There was a business school study at the University of North Carolina that said there has been no difference in the availability or the cost of credit in the subprime market in North Carolina because of the protections of the North Carolina law. A Morgan Stanley survey of 280 subprime branch managers said there had been no reduction in subprime lending in North Carolina as a result of these consumer protections. And it just goes on.

In the time between 1998 before the North Carolina law was enacted and went into effect in 2003, there was a 366 percent growth in subprime lending in North Carolina. It is sort of hard to see from that that the North Carolina law killed off subprime lending.

What it did do is it protects consumers from equity stripping, from having huge chunks of their equity in their home, their life savings, taken from them at closing by outrageous upfront costs and fees, many of which were poorly disclosed.

This lowers the trigger for a HOEPA loan from 8 points at closing to 5 points at closing and closes some of the loopholes so that consumers, when they have to borrow money against their home, are not going to have their equity stripped, are not going to have their life savings, the equity in their home, taken from them.

Mr. Chairman, I reserve the balance of my time.

Mr. McHENRY. Mr. Chairman, let me quote Congressman MILLER from our recent subprime markup in Financial Services. "Yes, there are fewer loans being made in North Carolina," is the reference. "That is also an intended consequence of reform. This is the heart of the bill."

The statistics for North Carolina, amongst subprime lenders there is a decline of 8.1 percent in the last 5 years. In comparison States, there was a growth of 1 percent of prime lending. In comparison States, loans by subprime lenders increased by 4.6 percent, and loans made in North Carolina decreased, subprime loans, by 8.1 percent. There is a significant disparity there.

Furthermore, in refinancing in subprime loans in North Carolina, there was a decline of 11.4 percent. In comparable States, there was an increase of 4 percent.

It shows that there are fewer loans being made and less availability of credit in North Carolina because of the so-called North Carolina standard.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of North Carolina. Mr. Chairman, I have the right to close, so I think I will wait until Mr. McHENRY is done.

The Acting CHAIRMAN. The gentleman reserves the balance of his time.

Mr. McHENRY. Mr. Chairman, I would inform my colleague I have the right to close.

Mr. MILLER of North Carolina. Only one of us is right.

The Acting CHAIRMAN. The gentleman from North Carolina (Mr. MILLER) has the right to close.

Mr. McHENRY. Two additional points on my amendment here. It strikes title III, which bans rolling closing costs, points and fees into the financing of subprime mortgages, as well as eliminating prepayment penalties. So if someone currently has a prepayment penalty and they want to get out of this high-cost mortgage they currently have, and they seek to refinance their way into a more affordable mortgage, they would be prevented from rolling that prepayment penalty into the next loan.

So my contention is title III of this bill eliminates people's options and opportunities to refinance their way out of foreclosure and default.

So I would encourage my colleagues to vote for my amendment to strike I think the most egregious title within this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of North Carolina. Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. McHENRY. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state it.

Mr. McHENRY. Who has the right to close on an amendment? Is it those opposed to it or those who are offering the amendment?

The Acting CHAIRMAN. When the Member claiming time in opposition hails from the committee of jurisdiction, he has the right to close.

The gentleman from North Carolina has 1 minute remaining.

Mr. McHENRY. Thank you, Mr. Chairman.

Let me tell you one story in North Carolina. Ben Ingle is a mortgage broker at NBI Mortgage in Shelby, North Carolina. Ben was able to secure a loan for a woman who was a victim of domestic violence and a victim of her ex-husband's bad credit. Her ex-husband ruined her credit. In this process, she got out of an abusive relationship and wanted to have a home for her son and herself, but she had a tough time because of her credit situation.

Well, Ben was able to work with her over an extended period of time. In fact, when it was all said and done, under this legislation before us today, Ben would have been only able to make $4.16 an hour for the work that he did for this lady to qualify her for a loan.

☐ 1645

Now, she is very happy to be in a loan today and have a mortgage today and have a home for her son. But what this bill does is harm our communities and I think our mortgage brokers that are doing the right thing.

At the end of the day, mortgage originators are a part of our community. They are community leaders oftentimes, and what we are trying to do is battle unscrupulous actors and have good protections for homeownership in America.

Title III of this bill would prevent this young lady from having the option to get the lending she needed for a home. This is about homeownership. I urge Members to vote for my amendment and vote against the bill.

Mr. MILLER of North Carolina. Mr. Chairman, the woman from Shelby would be able to borrow under this bill, it just would be a highly regulated loan, only if she is paying more than 13 percent interest or paying more than 5 percent in closing costs, which is a lot in closing costs.

Mr. McHENRY really got at what is wrong with predatory lending when he said that people need to be able to refinance to pay off the loans they are in now.

That is not the kind of mortgage system we want. We don't want people refinancing to pay off the loan they are in now and pay the prepayment penalties on this loan and pay points and fees for the next loan, and then 2 years later doing it all over again. We don't want people in a cycle of borrowing and borrowing again. We want people to get into loans that they can pay off. They can pay month after month, and at some point have a ceremony, a little party, that people in another generation had of burning the mortgage because it is paid off. So for the rest of their lives, they will own their home free and clear.

Predatory lending traps people in a cycle of borrowing and borrowing again. That is something that North Carolina law successfully dealt with. If there was some slight dip in overall loans, it is because people weren't caught in a cycle of borrowing to pay off the last mortgage and then having to borrow 2 years from now to pay off the mortgage they are entering today.

It ends flipping of loans to generate fees for everybody else in the system who is getting rich off the middle class, off the middle-class homeowners. The North Carolina law is working fine for North Carolina. It will work fine for the rest of us. It has been the model for most of the States that have had their own predatory lending legislation, consumer protection legislation in the last few years. Keep title III in this bill.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MCHENRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. VAN HOLLEN

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in House Report 110–450.

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. VAN HOLLEN:

Page 71, line 5, strike the closing quotation marks and the second period.

Page 71, after line 5, insert the following new subsection:

"(m) CLOSING COSTS.—In the case of a residential mortgage loan, any costs incurred in connection with the consummation of the loan may not exceed by more than 10 percent the estimate of the amount of such costs disclosed to the consumer in advance of the consummation of the loan.".

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Chairman, let me begin by commending the chairman of the Financial Services Committee, Mr. FRANK, and the ranking member, Mr. BACHUS, for crafting a bill that is before us today to help protect homeowners across the country and to stop predatory lending.

The amendment I am proposing is designed to protect consumers from bait-and-switch schemes perpetrated by a small number of unscrupulous lenders who have learned to exploit flaws in the existing system. Under the existing law we have today, lenders are required to provide homeowners with a good-faith estimate of their settlement costs, the costs they will have when they settle on a transaction.

However, under current law there is absolutely no penalty for lenders who are widely off in providing those estimates. We have many cases where you have a few bad actors who lure consumers to borrow by low-balling their estimate of closing costs only to jack-up those costs when it comes to the last minute at the settlement table.

This amendment would address this problem by saying that in the case of residential mortgage loans, the amount of closing costs may not exceed by more than 10 percent any estimate of the closing cost provided to the consumer in advance of closing. By setting that kind of ceiling, we reduce the chance that borrowers will be blindsided by unexpected fees at closing.

The intent of this amendment is to protect consumers from negligent or fraudulent lenders and introduce greater confidence and certainty into the process.

Mr. Chairman, as currently drafted, I believe this amendment is too broad. We need to make sure we hold lenders accountable for estimates that are within their control, not those estimates that may be outside of their control. In a moment I am going to move to withdraw the amendment.

But before that, I would like to yield to the chairman of the committee.

Mr. FRANK of Massachusetts. I thank the gentleman from Maryland.

This is a very complicated subject. It involves a number of moving parts.

At every stage, and we said this from the beginning, at every stage in this bill, from the bill's introduction to the hearing to the markup to now, it has been improved. No one really knew enough. We are in a somewhat unknown area.

I would also say ultimately, I think, if we're going to get any legislation here, as I said before, we are going to get a bill that no single Member of this House likes in every particular because we are going to have to work together.

The gentleman from Maryland has identified one more area where we believe improvement can go forward. It is a subject that has to be refined some. This is the end of the session. We are getting legislation drafted. It can't always be done as carefully as we would like.

I appreciate the gentleman calling this to our attention; and in the bipartisanship spirit we have had, I believe we can continue to work on this, and by the time this bill is finally ready to be signed, we can include the thrust of what the gentleman is trying to accomplish.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. VAN HOLLEN. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, we have discussed this amendment, and I acknowledge that the gentleman brings up a valid point. It is something that we will continue to adjust as the process goes forward.

Mr. VAN HOLLEN. Mr. Chairman, I thank Mr. BACHUS and the chairman of the committee as well. I appreciate your willingness to work on this issue as we go forward.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 18 OFFERED BY MS. SUTTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 18 printed in House Report 110–450.

Ms. SUTTON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Ms. SUTTON:

After section 211, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 212. 6-MONTH NOTICE REQUIRED BEFORE RESET OF HYBRID ADJUSTABLE RATE MORTGAGES.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 128 the following new section:

"§ 128A. Reset of hybrid adjustable rate mortgages

"(a) HYBRID ADJUSTABLE RATE MORTGAGES DEFINED.—For purposes of this section, the term 'hybrid adjustable rate mortgage' means a consumer credit transaction secured by the consumer's principal residence with a fixed interest rate for an introductory period that adjusts or resets to a variable interest rate after such period.

"(b) NOTICE OF RESET AND ALTERNATIVES.—During the 1-month period that ends 6 months before the date on which the interest rate in effect during the introductory period of a hybrid adjustable rate mortgage adjusts or resets to a variable interest rate, the creditor or servicer of such loan shall provide a written notice, separate and distinct from all other correspondence to the consumer, that includes the following:

"(1) Any index or formula used in making adjustments to or resetting the interest rate and a source of information about the index or formula.

"(2) An explanation of how the new interest rate and payment would be determined, including an explanation of how the index was adjusted, such as by the addition of a margin.

"(3) A good faith estimate, based on accepted industry standards, of the creditor or servicer of the amount of the monthly payment that will apply after the date of the adjustment or reset, and the assumptions on which this estimate is based.

"(4) A list of alternatives consumers may pursue before the date of adjustment or reset, and descriptions of the actions consumers must take to pursue these alternatives, including—

"(A) refinancing;

"(B) renegotiation of loan terms;

"(C) payment forbearances; and

"(D) pre-foreclosure sales.

"(5) The names, addresses, telephone numbers, and Internet addresses of counseling agencies or programs reasonably available to the consumer that have been certified or approved and made publicly available by the Secretary of Housing and Urban Development or a State housing finance authority (as defined in section 1301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989).

"(6) The address, telephone number, and Internet address for the State housing finance authority (as so defined) for the State in which the consumer resides.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 128 the following new item:

"128A. Reset of hybrid adjustable rate mortgages.".

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentlewoman from Ohio (Ms. SUTTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. SUTTON. Mr. Chairman, first of all I would like to commend the chairman of the Financial Services Committee for his extraordinary leadership and hard work on this legislation. I also want to thank the ranking member, Mr. BACHUS, along with Mr. FRANK for their extraordinary hard work. I also extend my thanks to Mr. MILLER, the sponsor of this bill, as well.

Today I rise to offer an amendment to H.R. 3915 that I believe will take an important step in preventing avoidable foreclosures. The news stories we see every day remind us that this subprime mortgage crisis is not going away immediately. In fact, it is getting worse.

RealtyTrac just released its third quarter foreclosure numbers, and the numbers are staggering. Foreclosure filings increased 30 percent nationally from the second quarter, which translates to one foreclosure filing for every 196 American households.

Two of the largest metro areas in my district are among the 15 with the highest foreclosure rates nationally. Foreclosures in the Cleveland, Lorain, Elyria area are up 179 percent from last year. One in every 57 homes in that area is in foreclosure. In Akron, it is one of every 76. These are families in my district who are suffering.

Many of the loans involved in the current subprime mortgage crisis are hybrid adjustable rate mortgages. Though these loans typically begin with a low fixed "teaser" rate, it resets after 2 or 3 years, often to as much as 2 or 3 times the original payment.

According to a recently conducted survey, 1 in 4 homeowners with adjustable rate mortgages were not aware how soon their rates could spike, and three-quarters did not know how much their payments might increase.

A homeowner who does not know what is coming may not be able to ask for help until it is too late. The amendment I am offering today would take a simple step to help ensure homeowners have the opportunity to pursue all of the options available to them before the foreclosure becomes inevitable.

My amendment, which is based on a recommendation of the Ohio Foreclosure Prevention Task Force, will require lenders to send a notice to homeowners holding hybrid adjustable rate mortgages 6 months before their interest rates are due to reset. The notice will contain four key pieces of information:

It will include the new interest rate and an explanation of how it will be determined;

Second, it will require the lender to include a good-faith estimate of the monthly payment that will apply after the loan resets;

Third, it contains a list of alternatives the consumer may pursue before the date of the adjustment or reset if they feel they will have difficulty in meeting the payment obligations;

Finally, it will include the contact information of the local HUD-approved housing counseling agencies, as well as the State housing finance authority for the State in which the consumer resides.

Enhanced disclosures will help prevent avoidable foreclosures and ensure our families are not caught by surprise and trapped in a position that may ultimately force them out of their homes. I believe this disclosure is a vital tool for our families, and I urge a "yes" vote on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. SUTTON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I want to thank the gentlewoman. She has been very diligent and called to the attention of the committee some of the concerns of the Attorney General of Ohio, with whom she has been working, as have her other Ohio colleagues. I appreciate this particular amendment and also the willingness of the gentlewoman to work with us as we continue to make this a better bill. I hope her amendment is adopted.

Ms. SUTTON. Mr. Chairman, I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I would like to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Alabama is recognized for 5 minutes.

Mr. BACHUS. Mr. Chairman, the gentlewoman from Ohio obviously points out a significant problem with foreclosures in Cleveland. It is actually a heart-breaking experience that the people of Cleveland are going through when one out of every five or six houses are undergoing foreclosures. You hear some pretty devastating figures. I know, I used to be an attorney for the FOP, Fraternal Order of Police, in Birmingham; and there is absolutely nothing more problematic in a community than a vacant house from a crime standpoint as well as from a property value standpoint.

The notice she requires, I think some of that is addressed by Mr. GREEN and Mr. MCHENRY, but it is at an earlier time. I would say this, I personally am not going to ask for a roll call on this.

Going forward, I think parts of this amendment are very good. I think stating what the new interest rate will be, giving somebody a notice. The Federal Reserve said some folks sort of, you know, this is something that they don't always see or focus on. But explaining what the new interest rate is going to be and how it is going to be determined, that could be somewhat problematic, but it could be worked in a range as long as the regulators are given some discretion. Offering the borrower the best estimate of what the new monthly payment will be could also, as long as there was some range or discretion in there.

The last two things I think are very good, offering alternatives that the consumer could pursue. That might be very valuable, as would providing information on HUD-approved house counseling. I think that would be very valuable. I personally am not going to ask for a roll call on this. Other Members might.

Mr. Chairman, at this time I yield the balance of my time to the gentleman from Florida because, as you know, on this side, as with this whole body, we come with different perspectives.

Mr. FEENEY. Mr. Chairman, I appreciate the ranking member yielding on this.

Everybody deserves as much notice as possible when their obligations in life are going to change. Every mortgage describes the terms of how the note and the loan will change.

One of the problems I see with this bill is when you are required to give a borrower 6-months' notice on what their interest rate is going to be, my understanding is that some mortgages are triggered off dates that may be only 3 or 4 months in advance of the reset date. For example, does a lender have to guess high? Does a lender have to estimate 3 or 4 months out rates are going to go up so they are going to basically send the borrower notice 6 or 7 or 8 months ahead of time so they comply with this very burdensome notice regulation, and they are basically going to stick a borrower, perhaps, with a higher interest rate if the market actually lets interest rates come down than they would have otherwise been able to do.

□ 1700

I don't know whether you have to send a new notice or an adjusted notice also in terms of the alternatives that we have to describe. There are lots of alternatives if you are going to have trouble making your mortgage payment. You could hit the lottery, I suppose. You could hope that a rich uncle passes away and endows you. There are all sorts of potential alternatives.

Now, if we had a form list of three or four potential things that a borrower could do, that might make sense. But I think this is very subjective.

And speaking of the subjectivity, something I wanted to get to earlier, one of the big problems with this bill is that it has all sorts of subjective requirements, for example, that lenders cannot make loans that are not the most appropriate loans. Who knows, other than 20/20 hindsight, whether a loan was appropriate in specific circumstances? Supposing that a family gets divorced? A loan that might have been appropriate one day may be inappropriate. Suppose somebody loses their job or gets sick?

And the other huge subjective part of this entire bill is the net tangible benefits test. Supposing I go take out a loan for $100,000. I decide to go down and decide to play the ponies and I win a 10:1 payment, I become a millionaire. Well, that loan after the fact turned out to have huge net tangible benefits to me.

On the other hand, supposing I take out a $100,000 loan and put it in investments in the stock market and the market gets jittery because Congress is talking about all sorts of tax hikes. Supposing my stocks decrease from $100,000 to $50,000. Well, it turns out after the fact that my taking out that loan to put the money in the stock market did not have much net tangible benefit.

These subjective tests are a nightmare for people trying to provide credit in America.

Ms. SUTTON. I would inquire how much time I have remaining.

The Acting CHAIRMAN (Mr. HOLDEN). The gentlewoman from Ohio has 1½ minutes remaining.

Ms. SUTTON. Mr. Chairman, requiring lenders and servicers to include their best estimate of the amount that will be incurred when the loan resets is a commonsense way to deal with providing these borrowers with information that is essential if they are in a position to avoid foreclosure, and all we are asking under this amendment is for a good-faith estimate based on accepted industry standards.

The estimate need not be exact. A lender or servicer simply needs to make a good-faith effort to estimate the payment that will apply after reset.

It is important to keep consumers informed about the date of reset, but if they are not sure what they will face when the loan resets, it will be much more difficult for them to prepare what is coming. This is a simple requirement to insure that not only will homeowners know when this will happen, but also what will happen.

I appreciate greatly the remarks of the ranking member, Mr. BACHUS, and of course the support of the chairman of the Financial Services Committee.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. SUTTON).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-450 on which further proceedings were postponed, in the following order:

Amendment No. 16 by Mr. PRICE of Georgia.

Amendment No. 12 by Mr. GARRETT of New Jersey.

Amendment No. 15 by Mr. MCHENRY of North Carolina.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 16 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 249, not voting 16, as follows:

[Roll No. 1114]

AYES—172

Aderholt
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—249

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Gallegly
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman

Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—16

Akin
Blunt
Bono
Carson
Cubin
Davis (KY)
Doyle
Everett
Fortuño
Jindal
Kucinich
Mack
Oberstar
Paul
Velázquez
Weller

□ 1724

Mrs. McCARTHY of New York and Messrs. CLEAVER, MORAN of Virginia and TURNER changed their vote from "aye" to "no."

Messrs. BAKER and BROWN of South Carolina changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 229, not voting 20, as follows:

[Roll No. 1115]

AYES—188

Aderholt
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—229

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—20

Akin
Allen
Bono
Carson
Cubin
Doyle
Everett
Fortuño
Gilchrest
Jindal
Kucinich
Mack
Mahoney (FL)
Moore (WI)
Neal (MA)
Norton
Oberstar
Paul
Radanovich
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1729

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. MCHENRY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 245, not voting 24, as follows:

[Roll No. 1116]

AYES—168

Aderholt
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)

Davis, David
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)

NOES—245

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—24

Akin
Bono
Capuano
Carson
Cubin
Deal (GA)
Doyle
Etheridge
Everett
Fortuño
Heller
Holt
Jindal
Jones (OH)
Kucinich
Mack
Norton
Oberstar
Paul
Radanovich
Spratt
Sullivan
Weiner
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining on this vote.

☐ 1733

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Chairman, on rollcall Nos. 1114, 1115 and 1116, had I been present, I would have voted "aye" on all 3 votes.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Ross) having assumed the chair, Mr. Holden, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee, having had under consideration the bill (H.R. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes, pursuant to House Resolution 825, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. BLACKBURN. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Blackburn moves to recommit the bill H.R. 3915 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendments:

Page 71, line 5, strike the closing quotation marks and the second period.

Page 71, after line 5, insert the following new subsection:

"(m) Approved Identification to Obtain a Residential Mortgage Loan.—

"(1) Verification required.—A creditor may not extend any credit in connection with a residential mortgage loan unless the creditor verifies the identity of an individual seeking to obtain any such loan.

"(2) Form of identity.—A creditor may not accept, for the purpose of verifying the identity of an individual seeking to obtain a residential mortgage loan, any form of identification of the individual other than the following:

"(A) Social security card with photo identification card.—A social security card accompanied by a photo identification card issued by the Federal Government or a State Government.

"(B) REAL ID Act identification.— A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109–13; 49 U.S.C. 30301 note) other than an identification card issued under section 202(d)(11) of such Act.

"(C) Passport.—A passport issued by the United States or a foreign government.

"(D) USCIS photo identification card.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).".

The SPEAKER pro tempore. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, we've heard a lot today about H.R. 3915 and how it is a dramatic departure from current law that I believe will have an unintended negative impact on banks and creditworthy home buyers.

I think it's the opinion of many in this Chamber, certainly it's my opinion, that in an attempt to improve conditions in the housing market, this bill instead will likely prevent more hard-working Americans from obtaining a mortgage in a market that is already feeling the pinch. They need more help; they do not need roadblocks.

The legislation before the House today may do more harm than good. Yet reasonable people, which we are in this Chamber, can choose to disagree on issues, and this is one of those where we are in disagreement. I respect my colleagues on both sides of the aisle for their varying positions on this legislation, but there is disagreement.

I believe most of my colleagues cannot disagree with the following proposition, and it is this: American creditors should not be able to extend any credit in connection with a residential mortgage loan unless they verify the identity and legal immigration status of a potential debtor and verify the status with only a secure ID.

Mr. Speaker, this recommittal makes good, solid common sense. The American people do not believe that illegal immigrants and other individuals without proper identification are entitled to the same benefits, privileges and services as U.S. citizens and legal aliens. To extend such benefits only reinforces their notion that the laws of this land exist only on paper.

This motion to recommit will help preserve the faith the American people have left with this government and show that we are serious about denying services to those who are not entitled.

It is quite simple. The motion, number one, requires creditors to verify the identity of an individual seeking to obtain a loan for a residential mortgage; and, number two, prevents a creditor from accepting, for the purpose of verification, any form of identification other than a Social Security card with photo ID, a REAL ID identification card, a passport, or a USCIS-issued photo ID card.

Mr. Speaker, the American people have spoken out loud and clear on this issue. They do not believe that illegal immigrants, international criminals, and those who may wish this Nation harm should have access to American financial markets. That is why I had previously introduced H.R. 1314, the Photo ID Security Act. The legislation responded to plans and actions by firms in the financial services sector to affirmatively target this population by accepting insecure identification. My office was flooded with phone calls, e-mails, letters from across the country; many included credit cards that people had cut up in protest to their bank's decisions.

The motion to recommit adopts much of the language that was found and cosponsored in a bipartisan basis in H.R. 1314 and will provide American citizens the reassurance they need that the American financial services sector is, indeed, secure. It doesn't solve all the problems of the underlying legislation, but it is certainly a start.

Let's take one step forward for the security of the financial services market, Mr. Speaker, and let's all support this motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. We have, from time to time, debated the issue as to whether or not we could make sure that no one who is not a legal resident or a citizen could qualify, but that's not what we're debating today. Let me read from page 2.

There are four kinds of identification that you must show. By the way, the mortgage industry and the real estate industry will not like the further paperwork here, but listen to this, lines 14 and 15, "You must show a passport issued by the United States or a foreign government." Now, what makes anyone think that people who are in the United States with a foreign passport are here legally? They have foreign passports from other countries.

I think the problem is some on the other side have taken the word "alien" too literally, that is, they think an alien is someone who's not from the Earth. Because someone who is in America illegally who is from the Earth might have an Iranian passport or a Venezuelan passport or a Burmese passport.

So understand, what I think is happening is this. I've been seeing these a lot. I do a lot of recommits; it's a heck of a way to spend your life, but that's my job. This foreign government passport is new. I think what happened was this. I think the real estate industry, this is literally my speculation, the real estate industry said to the Republicans, Hey, wait a minute, we make a lot of money selling houses to foreigners. Don't cut out the foreigners.

□ 1745

But you forgot to say legal foreigners. This is what this bill says. So you may have some Americans who don't have all this ID, who don't have a passport, who don't live in a REAL ID State. They may not have this. They may have a driver's license that they can use and it's not a REAL ID State.

An American in a REAL ID State who doesn't have a passport can't make it. But an Iranian with an Iranian passport, Welcome to my home. Here's your mortgage.

Now, I understand the impulse to prevent illegal aliens from getting predatory mortgages. That's a very kind thing that the Republicans want to do for them. But they don't do it competently. Read the bill. It says if you have a foreign passport, you qualify. You vote for this and you will be favoring people from other countries who are here illegally over Americans who don't have a passport and don't live in a REAL ID State. Now, that's irrefutable.

In your desire to further the profitability of the real estate industry, and a lot of them are my friends and I have nothing against their profitability, but why would we want to vote for a recommit that elevates a foreigner who has no legal right to be in the United States and say they can qualify under this recommit, but an American who doesn't have a passport and doesn't live in a REAL ID State, has a driver's license and therefore didn't think they needed something, they wouldn't qualify. So we say to Americans, if you happen to be American, you had better get a passport and, now, it could be a Venezuelan passport, could be a Canadian passport, we don't care where it's from, just get a passport. I am baffled by this and I just think somebody didn't think this one through.

The point is that this recommit says nothing about restricting the mortgage process to people who are here only legally, because if you really think that people who are here illegally don't have a foreign passport, then you don't understand the situation.

So I say let's reject this effort to elevate foreign passports from people who may be here illegally over Americans who happen to not live in a REAL ID State and reject this recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. BLACKBURN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 188, noes 231, not voting 13, as follows:

[Roll No. 1117]

AYES—188

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany

Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—231

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fortenberry
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—13

Bono
Carson
Cubin
Doyle
Everett
Jindal
Kucinich
Mack
Marshall
Oberstar
Paul
Royce
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1804

Mr. ALTMIRE changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above stated.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SCOTT of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 291, nays 127, not voting 14, as follows:

[Roll No. 1118]

YEAS—291

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kline (MN)
Knollenberg
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—127

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boustany

Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Duncan
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kuhl (NY)
Lamborn
Lewis (KY)
Linder
Lucas
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McMorris Rodgers
Mica
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—14

Bono
Burton (IN)
Buyer
Carson
Cubin
Doyle
Everett
Jindal
Kucinich
Mack
Oberstar
Paul
Salazar
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised less than 2 minutes are remaining on this vote.

☐ 1812

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BURTON of Indiana. Mr. Speaker, on rollcall No. 1118, had I been present, I would have voted "nay."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3915, MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3915, to include corrections in spelling, punctuation, references to line numbers, section numbering, and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RESTORE ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 746, proceedings will now resume on the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R 3773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective Act of 2007" or "RESTORE Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Clarification of electronic surveillance of non-United States persons outside the United States.
Sec. 3. Procedure for authorizing acquisitions of communications of non-United States persons located outside the United States.
Sec. 4. Emergency authorization of acquisitions of communications of non-United States persons located outside the United States.
Sec. 5. Oversight of acquisitions of communications of non-United States persons located outside of the United States.
Sec. 6. Foreign Intelligence Surveillance Court en banc.
Sec. 7. Audit of warrantless surveillance programs.
Sec. 8. Record-keeping system on acquisition of communications of United States persons.
Sec. 9. Authorization for increased resources relating to foreign intelligence surveillance.
Sec. 10. Reiteration of FISA as the exclusive means by which electronic surveillance may be conducted for gathering foreign intelligence information.
Sec. 11. Technical and conforming amendments.
Sec. 12. Sunset; transition procedures.

SEC. 2. CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

Section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

"CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES

"SEC. 105A. (a) FOREIGN TO FOREIGN COMMUNICATIONS.—Notwithstanding any other provision of this Act, a court order is not required for the acquisition of the contents of any communication between persons that are not United States persons and are not located within the United States for the purpose of collecting foreign intelligence information, without respect to whether the communication passes through the United States or the surveillance device is located within the United States.

"(b) COMMUNICATIONS OF NON-UNITED STATES PERSONS OUTSIDE OF THE UNITED STATES.—Notwithstanding any other provision of this Act other than subsection (a), electronic surveillance that is directed at the acquisition of the communications of a person that is reasonably believed to be located outside the United States and not a United States person for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting that person shall be conducted pursuant to—

"(1) an order approved in accordance with section 105 or 105B; or

"(2) an emergency authorization in accordance with section 105 or 105C.".

SEC. 3. PROCEDURE FOR AUTHORIZING ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.

Section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

"PROCEDURE FOR AUTHORIZING ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES

"SEC. 105B. (a) IN GENERAL.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly apply to a judge of the court established under section 103(a) for an ex parte order, or the extension of an order, authorizing for a period of up to one year the acquisition of communications of persons that are reasonably believed to be located outside the United States and not United States persons for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting those persons.

"(b) APPLICATION INCLUSIONS.—An application under subsection (a) shall include—

"(1) a certification by the Director of National Intelligence and the Attorney General that—

"(A) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States;

"(B) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

"(C) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications; and

"(D) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)); and

"(2) a description of—

"(A) the procedures that will be used by the Director of National Intelligence and the Attorney General during the duration of the order to determine that there is a reasonable belief that the targets of the acquisition are persons that are located outside the United States and not United States persons;

"(B) the nature of the information sought, including the identity of any foreign power against whom the acquisition will be directed;

"(C) minimization procedures that meet the definition of minimization procedures under section 101(h) to be used with respect to such acquisition; and

"(c) SPECIFIC PLACE NOT REQUIRED.—An application under subsection (a) is not required to identify the specific facilities, places, premises, or property at which the acquisition of foreign intelligence information will be directed.

"(d) REVIEW OF APPLICATION.—Not later than 15 days after a judge receives an application under subsection (a), the judge shall review such application and shall approve the application if the judge finds that—

"(1) the proposed procedures referred to in subsection (b)(2)(A) are reasonably designed to determine whether the targets of the acquisition are located outside the United States and not United States persons;

"(2) the proposed minimization procedures referred to in subsection (b)(2)(C) meet the definition of minimization procedures under section 101(h); and

"(3) the guidelines referred to in subsection (b)(2)(D) are reasonably designed to ensure that an application is filed under section 104, if otherwise required by this Act, when the Federal Government seeks to conduct electronic surveillance of a person reasonably believed to be located in the United States.

"(e) ORDER.—

"(1) IN GENERAL.—A judge approving an application under subsection (d) shall issue an order—

"(A) authorizing the acquisition of the contents of the communications as requested, or as modified by the judge;

"(B) requiring the communications service provider or custodian, or officer, employee, or agent of such service provider or custodian, who has authorized access to the information, facilities, or technical assistance necessary to accomplish the acquisition to provide such information, facilities, or technical assistance necessary to accomplish the acquisition and to produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition;

"(C) requiring such communications service provider, custodian, officer, employee, or agent, upon the request of the applicant, to maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished;

"(D) directing the Federal Government to—

"(i) compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to such order; and

"(ii) provide a copy of the portion of the order directing the person to comply with the order to such person; and

"(E) directing the applicant to follow—

"(i) the procedures referred to in subsection (b)(2)(A) as proposed or as modified by the judge;

"(ii) the minimization procedures referred to in subsection (b)(2)(C) as proposed or as modified by the judge; and

"(iii) the guidelines referred to in subsection (b)(2)(D) as proposed or as modified by the judge.

"(2) FAILURE TO COMPLY.—If a person fails to comply with an order issued under paragraph (1), the Attorney General may invoke the aid of the court established under section 103(a) to compel compliance with the order. Failure to obey an order of the court may be punished by the court as contempt of court. Any process under this section may be served in any judicial district in which the person may be found.

"(3) LIABILITY OF ORDER.—Notwithstanding any other law, no cause of action shall lie in any court against any person for providing any information, facilities, or assistance in accordance with an order issued under this subsection.

"(4) RETENTION OF ORDER.—The Director of National Intelligence and the court established under subsection 103(a) shall retain an order issued under this section for a period of not less than 10 years from the date on which such order is issued.

"(5) ASSESSMENT OF COMPLIANCE WITH MINIMIZATION PROCEDURES.—At or before the end of the period of time for which an acquisition is approved by an order or an extension under this section, the judge may assess compliance with the minimization procedures referred to in paragraph (1)(E)(ii) and the guidelines referred to in paragraph (1)(E)(iii) by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.".

SEC. 4. EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.

Section 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

"EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES

"SEC. 105C. (a) APPLICATION AFTER EMERGENCY AUTHORIZATION.—As soon as is practicable, but not more than 7 days after the Director of National Intelligence and the Attorney General authorize an acquisition under this section, an application for an order authorizing the acquisition in accordance with section 105B shall be submitted to the judge referred to in subsection (b)(2) of this section for approval of the acquisition in accordance with section 105B.

"(b) EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly authorize the emergency acquisition of foreign intelligence information for a period of not more than 45 days if—

"(1) the Director of National Intelligence and the Attorney General jointly determine that—

"(A) an emergency situation exists with respect to an authorization for an acquisition under section 105B before an order approving the acquisition under such section can with due diligence be obtained;

"(B) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States;

"(C) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

"(D) there are reasonable procedures in place for determining that the acquisition of foreign intelligence information under this section will be acquired by targeting only persons that are reasonably believed to be located outside the United States and not United States persons;

"(E) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

"(F) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)); and

"(G) minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h); and

"(2) the Director of National Intelligence and the Attorney General, or their designees, inform a judge having jurisdiction to approve an acquisition under section 105B at the time of the authorization under this section that the decision has been made to acquire foreign intelligence information.

"(c) INFORMATION, FACILITIES, AND TECHNICAL ASSISTANCE.—Pursuant to an authorization of an acquisition under this section, the Attorney General may direct a communications service provider, custodian, or an officer, employee, or agent of such service provider or custodian, who has the lawful authority to access the information, facilities, or technical assistance necessary to accomplish such acquisition to—

"(1) furnish the Attorney General forthwith with such information, facilities, or technical assistance in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition; and

"(2) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished.".

SEC. 5. OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105C the following new section:

"OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES

"SEC. 105D. (a) APPLICATION; PROCEDURES; ORDERS.—Not later than 7 days after an application is submitted under section 105B(a) or an order is issued under section 105B(e), the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress—

"(1) in the case of an application, a copy of the application, including the certification made under section 105B(b)(1); and

"(2) in the case of an order, a copy of the order, including the procedures and guidelines referred to in section 105B(e)(1)(E).

"(b) QUARTERLY AUDITS.—

"(1) AUDIT.—Not later than 120 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Inspector General of the Department of Justice shall complete an audit on the implementation of and compliance with the procedures and guidelines referred to in section 105B(e)(1)(E) and shall submit to the appropriate committees of Congress, the Attorney General, the Director of National Intelligence, and the court established under section 103(a) the results of such audit, including, for each order authorizing the acquisition of foreign intelligence under section 105B—

"(A) the number of targets of an acquisition under such order that were later determined to be located in the United States;

"(B) the number of persons located in the United States whose communications have been acquired under such order;

"(C) the number and nature of reports disseminated containing information on a United States person that was collected under such order; and

"(D) the number of applications submitted for approval of electronic surveillance under section 104 for targets whose communications were acquired under such order.

"(2) REPORT.—Not later than 30 days after the completion of an audit under paragraph (1), the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report containing the results of such audit.

"(c) COMPLIANCE REPORTS.—Not later than 60 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report concerning acquisitions under section 105B during the previous 120-day period. Each report submitted under this section shall include a description of any incidents of non-compliance with an order issued under section 105B(e), including incidents of non-compliance by—

"(1) an element of the intelligence community with minimization procedures referred to in section 105B(e)(1)(E)(i);

"(2) an element of the intelligence community with procedures referred to in section 105B(e)(1)(E)(ii);

"(3) an element of the intelligence community with guidelines referred to in section 105B(e)(1)(E)(iii); and

"(4) a person directed to provide information, facilities, or technical assistance under such order.

"(d) REPORT ON EMERGENCY AUTHORITY.—The Director of National Intelligence and the Attorney General shall annually submit to the appropriate committees of Congress a report containing the number of emergency authorizations of acquisitions under section 105C and a description of any incidents of non-compliance with an emergency authorization under such section.

"(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Permanent Select Committee on Intelligence of the House of Representatives;

"(2) the Select Committee on Intelligence of the Senate; and

"(3) the Committees on the Judiciary of the House of Representatives and the Senate.".

SEC. 6. FOREIGN INTELLIGENCE SURVEILLANCE COURT EN BANC.

Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

"(g) In any case where the court established under subsection (a) or a judge of such court is required to review a matter under this Act, the court may, at the discretion of the court, sit en banc to review such matter and issue any orders related to such matter.".

SEC. 7. AUDIT OF WARRANTLESS SURVEILLANCE PROGRAMS.

(a) AUDIT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall complete an audit of all programs of the Federal Government involving the acquisition of communications conducted without a court order on or after September 11, 2001, including the Terrorist Surveillance Program referred to by the President in a radio address on December 17, 2005. Such audit shall include acquiring all documents relevant to such programs, including memoranda concerning the legal authority of a program, authorizations of a program, certifications to telecommunications carriers, and court orders.

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the completion of the audit under subsection (a), the Inspector General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report containing the results of such audit, including all documents acquired pursuant to conducting such audit.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by the Inspector General or the appropriate staff of the Office of the Inspector General of the Department of Justice for a security clearance necessary for the conduct of the audit under subsection (a) is conducted as expeditiously as possible.

SEC. 8. RECORD-KEEPING SYSTEM ON ACQUISITION OF COMMUNICATIONS OF UNITED STATES PERSONS.

(a) RECORD-KEEPING SYSTEM.—The Director of National Intelligence and the Attorney General shall jointly develop and maintain a record-keeping system that will keep track of—

(1) the instances where the identity of a United States person whose communications were acquired was disclosed by an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) that collected the communications to other departments or agencies of the United States; and

(2) the departments and agencies of the Federal Government and persons to whom such identity information was disclosed.

(b) REPORT.—The Director of National Intelligence and the Attorney General shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on the record-keeping system created under subsection (a), including the number of instances referred to in paragraph (1).

SEC. 9. AUTHORIZATION FOR INCREASED RESOURCES RELATING TO FOREIGN INTELLIGENCE SURVEILLANCE.

There are authorized to be appropriated the Department of Justice, for the activities of the Office of the Inspector General, the Office of Intelligence Policy and Review, and other appropriate elements of the National Security Division, and the National Security Agency such sums as may be necessary to meet the personnel and information technology demands to ensure the timely and efficient processing of—

(1) applications and other submissions to the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a));

(2) the audit and reporting requirements under—

(A) section 105D of such Act; and

(B) section 7; and

(3) the record-keeping system and reporting requirements under section 8.

SEC. 10. REITERATION OF FISA AS THE EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE MAY BE CONDUCTED FOR GATHERING FOREIGN INTELLIGENCE INFORMATION.

(a) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance may be conducted for the purpose of gathering foreign intelligence information.

(b) SPECIFIC AUTHORIZATION REQUIRED FOR EXCEPTION.—Subsection (a) shall apply until specific statutory authorization for electronic surveillance, other than as an amendment to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), is enacted. Such specific statutory authorization shall be the only exception to subsection (a).

SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C and inserting the following new items:

"Sec. 105A. Clarification of electronic surveillance of non-United States persons outside the United States.
"Sec. 105B. Procedure for authorizing acquisitions of communications of non-United States persons located outside the United States.
"Sec. 105C. Emergency authorization of acquisitions of communications of non-United States persons located outside the United States.
"Sec. 105D. Oversight of acquisitions of communications of persons located outside of the United States.".

(b) SECTION 103(e) OF FISA.—Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "105B(h) or"; and

(2) in paragraph (2), by striking "105B(h) or".

(c) REPEAL OF CERTAIN PROVISIONS OF THE PROTECT AMERICA ACT.—Sections 4 and 6 of the Protect America Act (Public Law 110-55) are hereby repealed.

SEC. 12. SUNSET; TRANSITION PROCEDURES.

(a) SUNSET OF NEW PROVISIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), effective on December 31, 2009—

(A) sections 105A, 105B, 105C, and 105D of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) are hereby repealed; and

(B) the table of contents in the first section of such Act is amended by striking the items relating to sections 105A, 105B, 105C, and 105D.

(2) ACQUISITIONS AUTHORIZED PRIOR TO SUNSET.—Any authorization or order issued under section 105B of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2009, shall continue in effect until the date of the expiration of such authorization or order.

(b) ACQUISITIONS AUTHORIZED PRIOR TO ENACTMENT.—

(1) EFFECT.—Notwithstanding the amendments made by this Act, an authorization of the acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) made before the date of the enactment of this Act shall remain in effect

until the date of the expiration of such authorization or the date that is 180 days after such date of enactment, whichever is earlier.

(2) REPORT.—Not later than 30 days after the date of the expiration of all authorizations of acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (as added by Public Law 110–55) made before the date of the enactment of this Act in accordance with paragraph (1), the Director of National Intelligence and the Attorney General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on such authorizations, including—

(A) the number of targets of an acquisition under section 105B of such Act (as in effect on the day before the date of the enactment of this Act) that were later determined to be located in the United States;

(B) the number of persons located in the United States whose communications have been acquired under such section;

(C) the number of reports disseminated containing information on a United States person that was collected under such section;

(D) the number of applications submitted for approval of electronic surveillance under section 104 of such Act based upon information collected pursuant to an acquisition authorized under section 105B of such Act (as in effect on the day before the date of the enactment of this Act); and

(E) a description of any incidents of noncompliance with an authorization under such section, including incidents of non-compliance by—

(i) an element of the intelligence community with procedures referred to in subsection (a)(1) of such section;

(ii) an element of the intelligence community with minimization procedures referred to in subsection (a)(5) of such section; and

(iii) a person directed to provide information, facilities, or technical assistance under subsection (e) of such section.

(3) INTELLIGENCE COMMUNITY DEFINED.—In this subsection, the term "intelligence community" has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

The SPEAKER pro tempore. Pursuant to House Resolution 824, the further amendment printed in House Report 110-449 is adopted.

The text of the bill, as amended, is as follows:

H.R. 3773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective Act of 2007" or "RESTORE Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Clarification of electronic surveillance of non-United States persons outside the United States.
Sec. 3. Additional authorization of acquisitions of communications of non-United States persons located outside the United States who may be communicating with persons inside the United States.
Sec. 4. Emergency authorization of acquisitions of communications of non-United States persons located outside the United Statesfwho may be communicating with persons inside the United States.
Sec. 5. Oversight of acquisitions of communications of non-United States persons located outside of the United States who may be communicating with persons inside the United States.
Sec. 6. Foreign Intelligence Surveillance Court en banco.
Sec. 7. Foreign Intelligence Surveillance Court matters.
Sec. 8. Reiteration of FISA as the exclusive means by which electronic surveillance may be conducted for gathering foreign intelligence information.
Sec. 9. Enhancement of electronic surveillance authority in wartime and other collection.
Sec. 10. Audit of warrantless surveillance programs.
Sec. 11. Record-keeping system on acquisition of communications of United States persons.
Sec. 12. Authorization for increased resources relating to foreign intelligence surveillance.
Sec. 13. Document management system for applications for orders approving electronic surveillance.
Sec. 14. Training of intelligence community personnel in foreign intelligence collection matters.
Sec. 15. Information for Congress on the terrorist surveillance program and similar programs.
Sec. 16. Technical and conforming amendments.
Sec. 17. Sunset; transition procedures.

SEC. 2. CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

Section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

"CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES

"SEC. 105A. (a) FOREIGN TO FOREIGN COMMUNICATIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, a court order is not required for the acquisition of the contents of any communication between persons that are not known to be United States persons and are reasonably believed to be located outside the United States for the purpose of collecting foreign intelligence information, without respect to whether the communication passes through the United States or the surveillance device is located within the United States.

"(2) TREATMENT OF INADVERTENT INTERCEPTIONS.—If electronic surveillance referred to in paragraph (1) inadvertently collects a communication in which at least one party to the communication is located inside the United States or is a United States person, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General that require that no contents of any communication to which a United States person is a party shall be disclosed, disseminated, or used for any purpose or retained for longer than 7 days unless a court order under section 105 is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person.

"(b) COMMUNICATIONS OF NON-UNITED STATES PERSONS OUTSIDE OF THE UNITED STATES.—Notwithstanding any other provision of this Act other than subsection (a), electronic surveillance that is directed at the acquisition of the communications of a person that is reasonably believed to be located outside the United States and not a United States person for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting that person shall be conducted pursuant to—

"(1) an order approved in accordance with section 105 or 105B; or

"(2) an emergency authorization in accordance with section 105 or 105C.".

SEC. 3. ADDITIONAL AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

Section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

"ADDITIONAL AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

"SEC. 105B. (a) IN GENERAL.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly apply to a judge of the court established under section 103(a) for an ex parte order, or the extension of an order, authorizing for a period of up to one year the acquisition of communications of persons that are reasonably believed to be located outside the United States and not United States persons for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting those persons.

"(b) APPLICATION INCLUSIONS.—An application under subsection (a) shall include—

"(1) a certification by the Director of National Intelligence and the Attorney General that—

"(A) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States who may be communicating with persons inside the United States;

"(B) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

"(C) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications; and

"(D) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)); and

"(2) a description of—

"(A) the procedures that will be used by the Director of National Intelligence and the Attorney General during the duration of the order to determine that there is a reasonable belief that the persons that are the targets of the acquisition are located outside the United States and not United States persons;

"(B) the nature of the information sought, including the identity of any foreign power against whom the acquisition will be directed;

"(C) minimization procedures that meet the definition of minimization procedures under section 101(h) to be used with respect to such acquisition; and

"(D)(i) the guidelines that will be used to ensure that an application is filed under section 104, if otherwise required by this Act, when a significant purpose of an acquisition is to acquire the communications of a specific United States person reasonably believed to be located in the United States; and

"(ii) the criteria for determining if such a significant purpose exists, which shall require consideration of whether—

"(I) the department or agency of the Federal Government conducting the acquisition has made an inquiry to another department or agency of the Federal Government to gather information on the specific United States person;

"(II) the department or agency of the Federal Government conducting the acquisition has provided information that identifies the specific United States person to another department or agency of the Federal Government;

"(III) the department or agency of the Federal Government conducting the acquisition determines that the specific United States person has been the subject of ongoing interest or repeated investigation by a department or agency of the Federal Government; and

"(IV) the specific United States person is a natural person.

"(c) SPECIFIC PLACE NOT REQUIRED.—An application under subsection (a) is not required to identify the specific facilities, places, premises, or property at which the acquisition of foreign intelligence information will be directed.

"(d) REVIEW OF APPLICATION; APPEALS.—

"(1) REVIEW OF APPLICATION.—Not later than 15 days after a judge receives an application under subsection (a), the judge shall review such application and shall approve the application if the judge finds that—

"(A) the proposed procedures referred to in subsection (b)(2)(A) are reasonably designed to determine whether the targets of the acquisition are located outside the United States and not United States persons;

"(B) the proposed minimization procedures referred to in subsection (b)(2)(C) meet the definition of minimization procedures under section 101(h); and

"(C)(i) the guidelines referred to in subsection (b)(2)(D) are reasonably designed to ensure that an application is filed under section 104, if otherwise required by this Act, when a significant purpose of an acquisition is to acquire the communications of a specific United States person reasonably believed to be located in the United States; and

"(ii) the criteria for determining if such a significant purpose exists require consideration of whether—

"(I) the department or agency of the Federal Government conducting the acquisition has made an inquiry to another department or agency of the Federal Government to gather information on the specific United States person;

"(II) the department or agency of the Federal Government conducting the acquisition has provided information that identifies the specific United States person to another department or agency of the Federal Government;

"(III) the department or agency of the Federal Government conducting the acquisition determines that the specific United States person has been the subject of ongoing interest or repeated investigation by a department or agency of the Federal Government; and

"(IV) the specific United States person is a natural person.

"(2) TEMPORARY ORDER; APPEALS.—

"(A) TEMPORARY ORDER.—A judge denying an application under paragraph (1) may, at the application of the United States, issue a temporary order to authorize an acquisition under section 105B in accordance with the application under subsection (a) during the pendency of any appeal of the denial of such application.

"(B) APPEALS.—The United States may appeal the denial of an application for an order under paragraph (1) or a temporary order under subparagraph (A) in accordance with section 103.

"(e) ORDER.—

"(1) IN GENERAL.—A judge approving an application under subsection (d) shall issue an order—

"(A) authorizing the acquisition of the contents of the communications as requested, or as modified by the judge;

"(B) requiring the communications service provider or custodian, or officer, employee, or agent of such service provider or custodian, who has authorized access to the information, facilities, or technical assistance necessary to accomplish the acquisition to provide such information, facilities, or technical assistance necessary to accomplish the acquisition and to produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition;

"(C) requiring such communications service provider, custodian, officer, employee, or agent, upon the request of the applicant, to maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished;

"(D) directing the Federal Government to—

"(i) compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to such order;

"(ii) provide a copy of the portion of the order directing the person to comply with the order to such person; and

"(iii) provide a certification stating that the acquisition is authorized under this section and that all requirements of this section have been met; and

"(E) directing the applicant to follow—

"(i) the procedures referred to in subsection (b)(2)(A) as proposed or as modified by the judge;

"(ii) the minimization procedures referred to in subsection (b)(2)(C) as proposed or as modified by the judge; and

"(iii) the guidelines referred to in subsection (b)(2)(D) as proposed or as modified by the judge.

"(2) FAILURE TO COMPLY.—If a person fails to comply with an order issued under paragraph (1), the Attorney General may invoke the aid of the court established under section 103(a) to compel compliance with the order. Failure to obey an order of the court may be punished by the court as contempt of court. Any process under this section may be served in any judicial district in which the person may be found.

"(3) LIABILITY OF ORDER.—Notwithstanding any other law, no cause of action shall lie in any court against any person for providing any information, facilities, or assistance in accordance with an order issued under this subsection.

"(4) RETENTION OF ORDER.—The Director of National Intelligence and the court established under subsection 103(a) shall retain an order issued under this section for a period of not less than 10 years from the date on which such order is issued.

"(5) ASSESSMENT OF COMPLIANCE WITH COURT ORDER.—At or before the end of the period of time for which an acquisition is approved by an order or an extension under this section, the court established under section 103(a) shall, not less frequently than once each quarter, assess compliance with the procedures and guidelines referred to in paragraph (1)(E) and review the circumstances under which information concerning United States persons was acquired, retained, or disseminated.".

SEC. 4. EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

Section 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

"EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES

"SEC. 105C. (a) APPLICATION AFTER EMERGENCY AUTHORIZATION.—As soon as is practicable, but not more than 7 days after the Director of National Intelligence and the Attorney General authorize an acquisition under this section, an application for an order authorizing the acquisition in accordance with section 105B shall be submitted to the judge referred to in subsection (b)(2) of this section for approval of the acquisition in accordance with section 105B.

"(b) EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly authorize the emergency acquisition of foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) for a period of not more than 45 days if—

"(1) the Director of National Intelligence and the Attorney General jointly determine that—

"(A) an emergency situation exists with respect to an authorization for an acquisition under section 105B before an order approving the acquisition under such section can with due diligence be obtained;

"(B) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States;

"(C) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

"(D) there are procedures in place that will be used by the Director of National Intelligence and the Attorney General during the duration of the authorization to determine if there is a reasonable belief that the persons that are the targets of the acquisition are located outside the United States and not United States persons;

"(E) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

"(F) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e));

"(G) minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h); and

"(H)(i) there are guidelines that will be used to ensure that an application is filed under secion 104, if otherwise required by this Act, when a significant purpose of an acquisition is to acquire the communications of a specific United States person reasonably believed to be located in the United States; and

"(ii) the criteria for determining if such a significant purpose exists require consideration of whether—

"(I) the department or agency of the Federal Government conducting the acquisition has made an inquiry to another department or agency of the Federal Government to gather information on the specific United States person;

"(II) the department or agency of the Federal Government conducting the acquisition has provided information that identifies the specific United States person to another department or agency of the Federal Government;

"(III) the department or agency of the Federal Government conducting the acquisition determines that the United States person has been the subject of ongoing interest or repeated investigation by a department or agency of the Federal Government; and

"(IV) the specific United States person is a natural person.

"(2) the Director of National Intelligence and the Attorney General, or their designees, inform a judge having jurisdiction to approve an acquisition under section 105B at the time of the authorization under this section that the decision has been made to acquire foreign intelligence information.

"(c) INFORMATION, FACILITIES, AND TECHNICAL ASSISTANCE.—

"(1) DIRECTIVE.—Pursuant to an authorization of an acquisition under this section, the Attorney General may direct a communications service provider, custodian, or an officer, employee, or agent of such service provider or custodian, who has the lawful authority to access the information, facilities, or technical assistance necessary to accomplish such acquisition to—

"(A) furnish the Attorney General forthwith with such information, facilities, or technical assistance in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished.

"(2) PARAMETERS; CERTIFICATIONS.—The Attorney General shall provide to any person directed to provide assistance under paragraph (1) with—

"(A) a document setting forth the parameters of the directive;

"(B) a certification stating that—

"(i) the emergency authorization has been issued pursuant to this section;

"(ii) all requirements of this section have been met;

"(iii) a judge has been informed of the emergency authorization in accordance with subsection (b)(2); and

"(iv) an application will be submitted in accordance with subsection (a); and

"(C) a certification that the recipient of the directive shall be compensated, at the prevailing rate, for providing information, facilities, or assistance pursuant to such directive.".

SEC. 5. OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105C the following new section:

"OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES

"SEC. 105D. (a) APPLICATION; PROCEDURES; ORDERS.—Not later than 7 days after an application is submitted under section 105B(a) or an order is issued under section 105B(e), the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress—

"(1) in the case of an application—

"(A) a copy of the application, including the certification made under section 105B(b)(1); and

"(B) a description of the primary purpose of the acquisition for which the application is submitted; and

"(2) in the case of an order, a copy of the order, including the procedures and guidelines referred to in section 105B(e)(1)(E).

"(b) REGULAR AUDITS.—

"(1) AUDIT.—Not later than 120 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Inspector General of the Department of Justice shall complete an audit on the implementation of and compliance with the procedures and guidelines referred to in section 105B(e)(1)(E) and shall submit to the appropriate committees of Congress, the Attorney General, the Director of National Intelligence, and the court established under section 103(a) the results of such audit, including, for each order authorizing the acquisition of foreign intelligence under section 105B—

"(A) the number of targets of an acquisition under such order that were later determined to be located in the United States;

"(B) the number of persons located in the United States whose communications have been acquired under such order;

"(C) the number and nature of reports disseminated containing information on a United States person that was collected under such order; and

"(D) the number of applications submitted for approval of electronic surveillance under section 104 for targets whose communications were acquired under such order.

"(2) REPORT.—Not later than 30 days after the completion of an audit under paragraph (1), the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report containing the results of such audit.

"(c) COMPLIANCE REPORTS.—Not later than 60 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report concerning acquisitions under section 105B during the previous 120-day period. Each report submitted under this section shall include a description of any incidents of non-compliance with an order issued under section 105B(e), including incidents of non-compliance by—

"(1) an element of the intelligence community with procedures referred to in section 105B(e)(1)(E)(i);

"(2) an element of the intelligence community with procedures referred to in section 105B(e)(1)(E)(ii);

"(3) an element of the intelligence community with guidelines referred to in section 105B(e)(1)(E)(iii); and

"(4) a person directed to provide information, facilities, or technical assistance under such order.

"(d) REPORT ON EMERGENCY AUTHORITY.—The Director of National Intelligence and the Attorney General shall annually submit to the appropriate committees of Congress a report containing the number of emergency authorizations of acquisitions under section 105C and a description of any incidents of non-compliance with an emergency authorization under such section.

"(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Permanent Select Committee on Intelligence of the House of Representatives;

"(2) the Select Committee on Intelligence of the Senate; and

"(3) the Committees on the Judiciary of the House of Representatives and the Senate.".

SEC. 6. DISSEMINATION OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105D (as added by section 5) the following new section:

"DISSEMINATION OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES

"SEC. 105E. The contents of communications collected under section 105B or section 105C, and intelligence reports based on such contents, shall not be disclosed or disseminated with information that identifies a United States person unless an officer or employee of the Federal Government whose rate of basic pay is not less than the minimum rate payable under section 5382 of title 5, United States Code (relating to rates of pay for the Senior Executive Service) determines that the identity of the United States person is necessary to—

"(1) understand the foreign intelligence collected under section 105B or 105C or assess the importance of such intelligence; and

"(2) protect the national security of the United States, the citizens, employees, or officers of the United States, or the members of the United States Armed Forces.".

SEC. 7. FOREIGN INTELLIGENCE SURVEILLANCE COURT EN BANC.

Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

"(g) In any case where the court established under subsection (a) or a judge of such court is required to review a matter under this Act, the court may, at the discretion of the court, sit en banc to review such matter and issue any orders related to such matter.".

SEC. 8. FOREIGN INTELLIGENCE SURVEILLANCE COURT MATTERS.

(a) Authority for Additional Judges.—Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) in paragraph (1) (as so designated)—

(A) by striking "11" and inserting "15"; and

(B) by inserting "at least" before "seven of the United States judicial circuits"; and

(3) by designating the second sentence as paragraph (3) and indenting such paragraph, as so designated two ems from the left margin.

(b) Consideration of Emergency Applications.—Such section is further amended by inserting after paragraph (1) (as designated by subsection (a)(1)) the following new paragraph:

"(2) A judge of the court shall make a determination to approve, deny, or modify an application submitted pursuant to section 105(f), section 304(e), or section 403 not later than 24 hours after the receipt of such application by the court.".

SEC. 9. REITERATION OF FISA AS THE EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE MAY BE CONDUCTED FOR GATHERING FOREIGN INTELLIGENCE INFORMATION.

(a) Exclusive Means.—Notwithstanding any other provision of law, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance may be conducted for the purpose of gathering foreign intelligence information.

(b) Specific Authorization Required for Exception.—Subsection (a) shall apply until specific statutory authorization for electronic surveillance, other than as an amendment to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), is enacted. Such specific statutory authorization shall be the only exception to subsection (a).

SEC. 10. ENHANCEMENT OF ELECTRONIC SURVEILLANCE AUTHORITY IN WARTIME AND OTHER COLLECTION.

Sections 111, 309, and 404 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1811, 1829, and 1844) are amended by striking "Congress" and inserting "Congress or an authorization for the use of military force described in section 2(c)(2) of the War Powers Resolution (50 U.S.C. 1541(c)(2)) if such authorization contains a specific authorization for foreign intelligence collection under this section, or if the Congress is unable to convene because of an attack upon the United States.".

SEC. 11. AUDIT OF WARRANTLESS SURVEILLANCE PROGRAMS.

(a) Audit.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall complete an audit of all programs of the Federal Government involving the acquisition of communications conducted without a court order on or after September 11, 2001, including the Terrorist Surveillance Program referred to by the President in a radio address on December 17, 2005. Such audit shall include acquiring all documents relevant to such programs, including memoranda concerning the legal authority of a program, authorizations of a program, certifications to telecommunications carriers, and court orders.

(b) Report.—

(1) In general.—Not later than 30 days after the completion of the audit under subsection (a), the Inspector General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report containing the results of such audit, including all documents acquired pursuant to conducting such audit.

(2) Form.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) Expedited Security Clearance.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by the Inspector General or the appropriate staff of the Office of the Inspector General of the Department of Justice for a security clearance necessary for the conduct of the audit under subsection (a) is conducted as expeditiously as possible.

SEC. 12. RECORD-KEEPING SYSTEM ON ACQUISITION OF COMMUNICATIONS OF UNITED STATES PERSONS.

(a) Record-Keeping System.—The Director of National Intelligence and the Attorney General shall jointly develop and maintain a record-keeping system that will keep track of—

(1) the instances where the identity of a United States person whose communications were acquired was disclosed by an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) that collected the communications to other departments or agencies of the United States; and

(2) the departments and agencies of the Federal Government and persons to whom such identity information was disclosed.

(b) Report.—The Director of National Intelligence and the Attorney General shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on the record-keeping system created under subsection (a), including the number of instances referred to in paragraph (1).

SEC. 13. AUTHORIZATION FOR INCREASED RESOURCES RELATING TO FOREIGN INTELLIGENCE SURVEILLANCE.

(a) In General.—There are authorized to be appropriated to the Department of Justice, for the activities of the Office of the Inspector General and the appropriate elements of the National Security Division, and to the National Security Agency such sums as may be necessary to meet the personnel and information technology demands to ensure the timely and efficient processing of—

(1) applications and other submissions to the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a));

(2) the audit and reporting requirements under—

(A) section 105D of such Act; and

(B) section 10; and

(3) the record-keeping system and reporting requirements under section 8.

(b) Additional Personnel for Preparation and Consideration of Applications for Orders Approving Electronic Surveillance and Physical Search.—

(1) National security division of the department of justice.—

(A) Additional personnel.—The National Security Division of the Department of Justice is hereby authorized such additional personnel as may be necessary to carry out the prompt and timely preparation, modification, and review of applications under Foreign Intelligence Surveillance Act of 1978 for orders under that Act for foreign intelligence purposes.

(B) Assignment.—The Attorney General shall assign personnel authorized by paragraph (1) to and among appropriate offices of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) in order that such personnel may directly assist personnel of the Intelligence Community in preparing applications described in that paragraph and conduct prompt and effective oversight of the activities of such agencies under Foreign Intelligence Surveillance Court orders.

(2) Director of national intelligence.—

(A) Additional legal and other personnel.—The Director of National Intelligence is hereby authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of applications under the Foreign Intelligence Surveillance Act of 1978 for orders under that Act approving electronic surveillance for foreign intelligence purposes.

(B) Assignment.—The Director of National Intelligence shall assign personnel authorized by paragraph (1) to and among the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), including the field offices of the Federal Bureau of Investigation, in order that such personnel may directly assist personnel of the intelligence community in preparing applications described in that paragraph.

(3) Additional legal and other personnel for foreign intelligence surveillance court.—There is hereby authorized for the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) such additional staff personnel as may be necessary to facilitate the prompt and timely consideration by that court of applications under such Act for orders under such Act approving electronic surveillance for foreign intelligence purposes. Personnel authorized by this paragraph shall perform such duties relating to the consideration of such applications as that court shall direct.

(4) Supplement not supplant.—The personnel authorized by this section are in addition to any other personnel authorized by law.

SEC. 14. DOCUMENT MANAGEMENT SYSTEM FOR APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE.

(a) System Required.—The Attorney General shall, in consultation with the Director of National Intelligence and the Foreign Intelligence Surveillance Court, develop and implement a secure, classified document management system that permits the prompt preparation, modification, and review by appropriate personnel of the Department of Justice, the Federal Bureau of Investigation, the National Security Agency, and other applicable elements of the United States Government of applications under the Foreign Intelligence Surveillance Act of 1978

(50 U.S.C. 1804) before their submission to the Foreign Intelligence Surveillance Court.

(b) SCOPE OF SYSTEM.—The document management system required by subsection (a) shall—

(1) permit and facilitate the prompt submittal of applications to the Foreign Intelligence Surveillance Court under the Foreign Intelligence Surveillance Act of 1978; and

(2) permit and facilitate the prompt transmittal of rulings of the Foreign Intelligence Surveillance Court to personnel submitting applications described in paragraph (1), and provide for the secure electronic storage and retrieval of all such applications and related matters with the court and for their secure transmission to the National Archives and Records Administration.

SEC. 15. TRAINING OF INTELLIGENCE COMMUNITY PERSONNEL IN FOREIGN INTELLIGENCE COLLECTION MATTERS.

The Director of National Intelligence shall, in consultation with the Attorney General—

(1) develop regulations to establish procedures for conducting and seeking approval of electronic surveillance, physical search, and the installation and use of pen registers and trap and trace devices on an emergency basis, and for preparing and properly submitting and receiving applications and orders under the Foreign Intelligence Surveillance Act of 1978; and

(2) prescribe related training on the Foreign Intelligence Surveillance Act of 1978 and related legal matters for the personnel of the applicable agencies of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

SEC. 16. INFORMATION FOR CONGRESS ON THE TERRORIST SURVEILLANCE PROGRAM AND SIMILAR PROGRAMS.

As soon as practicable after the date of the enactment of this Act, but not later than seven days after such date, the President shall fully inform each member of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on the following:

(1) The Terrorist Surveillance Program of the National Security Agency.

(2) Any program in existence from September 11, 2001, until the effective date of this Act that involves, whether in part or in whole, the electronic surveillance of United States persons in the United States for foreign intelligence or other purposes, and which is conducted by any department, agency, or other element of the United States Government, or by any entity at the direction of a department, agency, or other element of the United States Government, without fully complying with the procedures set forth in the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or chapter 119, 121, or 206 of title 18, United States Code.

SEC. 17. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C and inserting the following new items:

"Sec. 105A. Clarification of electronic surveillance of non-United States persons outside the United States.

"Sec. 105B. Additional authorization of acquisitions of communications of non-United States persons located outside the United States who may be communicating with persons inside the United States.

"Sec. 105C. Emergency authorization of acquisitions of communications of non-United States persons located outside the United States who may be communicating with persons inside the United States.

"Sec. 105D. Oversight of acquisitions of communications of non-United States persons located outside of the United States who may be communicating with persons inside the United States.".

(b) SECTION 103(e) OF FISA.—Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "105B(h) or"; and

(2) in paragraph (2), by striking "105B(h) or".

(c) REPEAL OF CERTAIN PROVISIONS OF THE PROTECT AMERICA ACT OF 2007.—Sections 4 and 6 of the Protect America Act (Public Law 110-55) are hereby repealed.

SEC. 18. SUNSET; TRANSITION PROCEDURES.

(a) SUNSET OF NEW PROVISIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), effective on December 31, 2009—

(A) sections 105A, 105B, 105C, and 105D of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) are hereby repealed; and

(B) the table of contents in the first section of such Act is amended by striking the items relating to sections 105A, 105B, 105C, and 105D.

(2) ACQUISITIONS AUTHORIZED PRIOR TO SUNSET.—Any authorization or order issued under section 105B of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2009, shall continue in effect until the date of the expiration of such authorization or order.

(b) ACQUISITIONS AUTHORIZED PRIOR TO ENACTMENT.—

(1) EFFECT.—Notwithstanding the amendments made by this Act, an authorization of the acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) made before the date of the enactment of this Act shall remain in effect until the date of the expiration of such authorization or the date that is 180 days after such date of enactment, whichever is earlier.

(2) REPORT.—Not later than 30 days after the date of the expiration of all authorizations of acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (as added by Public Law 110-55) made before the date of the enactment of this Act in accordance with paragraph (1), the Director of National Intelligence and the Attorney General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on such authorizations, including—

(A) the number of targets of an acquisition under section 105B of such Act (as in effect on the day before the date of the enactment of this Act) that were later determined to be located in the United States;

(B) the number of persons located in the United States whose communications have been acquired under such section;

(C) the number of reports disseminated containing information on a United States person that was collected under such section;

(D) the number of applications submitted for approval of electronic surveillance under section 104 of such Act based upon information collected pursuant to an acquisition authorized under section 105B of such Act (as in effect on the day before the date of the enactment of this Act); and

(E) a description of any incidents of non-compliance with an authorization under such section, including incidents of non-compliance by—

(i) an element of the intelligence community with procedures referred to in subsection (a)(1) of such section;

(ii) an element of the intelligence community with minimization procedures referred to in subsection (a)(5) of such section; and

(iii) a person directed to provide information, facilities, or technical assistance under subsection (e) of such section.

(3) INTELLIGENCE COMMUNITY DEFINED.—In this subsection, the term "intelligence community" has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 19. CERTIFICATION TO COMMUNICATIONS SERVICE PROVIDERS THAT ACQUISITIONS ARE AUTHORIZED UNDER FISA.

(a) AUTHORIZATION UNDER SECTION 102.—Section 102(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1802(a)) is amended by striking "furnishing such aid" and inserting "furnishing such aid and shall provide such carrier with a certification stating that the electronic surveillance is authorized under this section and that all requirements of this section have been met".

(b) AUTHORIZATION UNDER SECTION 105.—Section 105(c)(2) of such Act (50 U.S.C. 1805(c)(2)) is amended—

(1) in subparagraph (C), by striking "; and" and inserting ";";

(2) in subparagraph (D), by striking "aid." and inserting "aid; and"; and

(3) by adding at the end the following new subparagraph:

"(E) that the applicant provide such carrier, landlord, custodian, or other person with a certification stating that the electronic surveillance is authorized under this section and that all requirements of this section have been met.".

SEC. 20. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following new subsection:

"(e) STATUTE OF LIMITATIONS.—No person shall be prosecuted, tried, or punished for any offense under this section unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any offense committed before the date of the enactment of this Act if the statute of limitations applicable to that offense has not run as of such date.

SEC. 21. NO RIGHTS UNDER THE RESTORE ACT FOR UNDOCUMENTED ALIENS.

This Act and the amendments made by this Act shall not be construed to prohibit surveillance of, or grant any rights to, an alien not permitted to be in or remain in the United States.

SEC. 22. SURVEILLANCE TO PROTECT THE UNITED STATES.

This Act and the amendments made by this Act shall not be construed to prohibit the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) from conducting lawful surveillance that is necessary to—

(1) prevent Osama Bin Laden, al Qaeda, or any other terrorist or terrorist organization from attacking the United States, any United States person, or any ally of the United States;

(2) ensure the safety and security of members of the United States Armed Forces or any other officer or employee of the Federal Government involved in protecting the national security of the United States; or

(3) protect the United States, any United States person, or any ally of the United States from threats posed by weapons of mass destruction or other threats to national security.

The SPEAKER pro tempore. Time for debate pursuant to House Resolution 746 is considered expired.

Pursuant to House Resolution 824, debate shall not exceed 1 hour, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 15 minutes and the gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3773.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Members of the House, the RESTORE Act dealing with FISA addresses the needs of the intelligence community for flexibility in dealing with modern communications networks.

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It received the most careful scrutiny and consideration by this Committee on the Judiciary, as well as by the Intelligence Committee, chaired by Chairman REYES, to ensure that it meets every concern our intelligence agencies have raised, every single one of them, and does so consistent with the rules of law, our Constitution, and our values.

Let's begin this discussion this evening by clearing up a few things that the bill will not do. The RESTORE Act will never require our intelligence agencies to stop listening to the bad guys. Never. Special emergency provisions allow us to listen first and get the warrant after the fact, if it's needed. No one will ever have to stop listening to a terrorist plotting an attack. I hope I don't hear that raised on the floor this evening.

The RESTORE Act will not make our intelligence agencies have to get thousands of warrants for terrorists outside the country. It will not do that. Instead, a basket authorization will permit surveillance of an entire foreign terrorist organization. This is the most effective way to target Osama bin Laden, al Qaeda, and other threats to our country and our citizens.

The RESTORE Act does not give the government free rein to listen to Americans. As has always been the case under FISA, this bill requires that the government get a warrant to target an American; any American. We have also a manager's amendment, which continues to promote the goals of intelligence flexibility with appropriate oversight, while safeguarding our security and our liberty. It makes clear that the protections of the act will not inhibit gathering intelligence against present dangers, such as Osama bin Laden, or threats to our troops in the field.

It does provide guidelines to make it easier to determine when the significant purpose of the surveillance act is to acquire information on a United States person and a FISA warrant is needed. It provides important safeguards on dissemination of information about individual Americans when it's acquired under the RESTORE Act's more flexible structure. Specifically, an SES-level manager will review such dissemination on a particularized basis.

Importantly, the RESTORE Act has no retroactive immunity for telecommunications carriers who may have assisted the government in conducting unlawful surveillance on Americans. I am sorry to report to you that the other body has a measure that does give that retroactive immunity. The RESTORE Act now on the floor has no retroactive immunity for telecommunications carriers who may have assisted the government in unlawful surveillance on Americans.

Until we receive the information, the data, the letters that we have requested to know what they have done, information we have been waiting for more than 10 months for, we can't even begin to responsibly consider such a request. So as of now, it's out. No retroactive immunity.

The legislation that we have before us now is a much-needed start to restoring our system of checks and balances, preserving our liberty, and ensuring that our government has the tools they legitimately need to combat terrorism. We got pressed up against the wall in August. It's not going to happen again. There's a 6-month run on the present measure before us. Before we get pushed up against the holidays, we are saying, Let's do it now.

We have had a tremendous working relationship with the chairman of the Intelligence Committee, SILVESTRE REYES, and his staff and my staff. Majority and minority have been working closely together to bring to you a commonsense and balanced piece of legislation that does what we set out to do, and that is to preserve our liberties and make sure we have effective security. We want our intelligence agencies strong, but we want to bring the FISA Court back into the picture, and we do in the measure before us.

Six years ago, the administration unilaterally chose to engage in warrantless surveillance of American citizens without court review. That decision has—to be charitable—created a legal and political quagmire. Officials resigned, the program was riddled with errors, it was shut down for several weeks, officials rushed to the hospital to ask a sick man to reauthorize it over his deputy's objections, and vital prosecutorial resources were diverted. Most importantly, our own citizens questioned wheher their own government was operating within the confines of the law.

Two months ago, when that scheme appeared to be breaking down, the administration forced Congress to accept an equally flawed statute. This new law gutted the power of the FISA court. It granted the administration broad new powers to engage in warrantless searches within the U.S., including physical searches of our homes, computers, offices and medical records. The law contained no meaningful oversight whatsoever.

The legislation before us today seeks to once again strike the appropriate balance between needed government authority and our precious rights and liberties. It tells the government they need no warrant when foreign agents communicate with other foreigners. It reiterates that warrants are needed when Americans are being targeted. The bill also allows the interception of communications of foreign targets who may communicate with U.S. persons. However, it insists that procedures be in place—approved by the FISA court—to insure that no American is being targeted, and that his or her privacy is protected.

The bill also provides for several critical safeguards. We include periodic audits by the Inspector General, we narrow the scope of the authority to protect against threats to our national security, and we protect the privacy of Americans traveling abroad. We also sunset the legislation in December 2009.

The RESTORE Act, which has received careful consideration by the Judiciary Committee and by the Intelligence Committee, addresses the needs of the intelligence community for flexibility and the ability to deal with modern communications networks.

It meets every concern that our intelligence agencies have raised and does so consistent with the rule of law, our Constitution, and our values.

Let me be clear on a few things this bill will NOT do:

The RESTORE Act will never require our intelligence agencies to stop listening to the bad guys. Never. There are emergency provisions and the ability to get a warrant after the fact. No one will ever have to stop listening to a terrorist plotting an attack.

It will not make our intelligence agencies get thousands of warrants for terrorists outside of the country. Instead, they can get a basket authorization to surveil the entire foreign terrorist organization. This is the most effective way to target Osama bin Laden, al Qaeda, and other threats.

The RESTORE Act does not give the government free rein to listen in to Americans. As has always been the case under FISA, this bill requires the government to get a warrant if it wants to target an American.

The Managers' Amendment also reflects the RESTORE Act's goals of intelligence flexibility and oversight, while ensuring both safety and civil liberties. It makes it clear that the protections of the Act will not inhibit gathering intelligence against present dangers, such as Osama bin Laden or threats to our troops in the field. It provides guidelines to flesh out what should be considered when determining whether a significant purpose of collection is to acquire information about a U.S. person, such that a FISA warrant would be required.

The Manager's Amendment also provides important safeguards on dissemination of information about individual Americans when it is acquired under the RESTORE Act's more flexible structure. Dissemination of U.S. person communications acquired under the RESTORE Act's basket authorities can only happen when an SES-level supervisor determines that the identity of that person is needed to understand or assess the importance of the foreign intelligence, and to protect the national security of the United States. This is not a blanket authorization to unmask everyone intercepted, but must be done on a person-by-person basis.

Importantly, the bill has no retroactive immunity for telecommunications carriers. Until we receive the underlying documents relating to their conduct from the administration—and we have been waiting for more than ten months—we cannot even begin to consider this request. Sending a small set of the documents to a subcommittee of the other body does not begin to meet this test.

There is one of the grave concerns about the Protect America Act that bears mention as we consider the RESTORE Act. The Protect America Act was overbroad in the types of entities from which the government could compel information, reaching into business or medical records or libraries. We have narrowed the scope of the acquisitions in the RESTORE Act to ensure that the government can only seek information under the "basket authorizations" from telecommunications service providers and related companies.

I share the concern of our library community that believes their mission and the chance to bring knowledge and freedom of expression abroad will be diminished if the U.S. government can indiscriminately monitor American libraries when they serve foreign users. This is not a hypothetical concern in an age of distance learning. While a library certainly is not the same kind of "communications service provider" as AOL or AT&T, it may allow patrons to access the internet, to send emails, and to conduct research on-line, so it literally "provides" these communications services to patrons. The Judiciary Committee report indicates that these now-standard library services do not make them "telecommunications service providers" for a 105B or 105C acquisition, but let me be clear—nothing in the bill is intended to leave libraries outside of the protections of the Foreign Intelligence Surveillance Act.

The legislation before us today is a much needed start to restoring our system of checks and balances, to preserving our precious liberties, and to insuring that our government has all the tools they legitimately need to combat terrorism. I urge my colleagues on both sides of the aisle to support this common sense and balanced legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a time and place for politics and partisanship. But there are in fact important issues that transcend politics. The security of our Nation outweighs politics, especially when our country is at war.

One of the finest moments of bipartisanship in Washington came after one of the darkest days in our history. On the evening of September 11, 2001, Members of Congress stood shoulder to shoulder on the steps of the Capitol as a symbol of strength and unity in response to the terrorist attacks. In that moment, we stood together, not as Republicans or Democrats, but as Americans resolved to protect our Nation. However, as we stand here today, that same spirit of bipartisanship we shared on 9/11 no longer exists.

We began in August to address a very specific and very urgent issue facing our intelligence community. We learned from the Director of National Intelligence, Admiral McConnell, that the Foreign Intelligence Surveillance Act, or FISA, was outdated for today's technology. But the bill we are considering today does not modernize FISA; it weakens it. Why, after 30 years of lawful foreign intelligence collection, does the Democratic majority suddenly object to a law that their party originally enacted in 1978? Why make it harder to gather intelligence on terrorists after 9/11 than before?

Now, after only a few hours' notice, we are considering the RESTORE Act, which actually restores little. Rather, it undermines our national security and increases the risk of a future terrorist attack on our country. It prevents our intelligence community from gathering critical intelligence information. It ignores the need for legal protection for communications companies that assist law enforcement and intelligence officials. We are at war with terrorists who spend every day plotting attacks against us. Our intelligence community needs to detect and disrupt these plots. To deny this ability could have catastrophic consequences.

Admiral McConnell testified in great detail before the Judiciary Committee about the specific needs of the intelligence community and the need to reform FISA. Admiral McConnell's recommendations are ignored, unfortunately, in the RESTORE Act. Instead, it requires the intelligence community to obtain FISA court orders for all communications of persons reasonably believed to be outside the United States. FISA has never applied to persons outside of the United States.

Under the RESTORE Act, FISA court orders will be required for the first time ever for thousands of overseas terrorist targets. Also, section 18 of the manager's amendment is bluntly titled: "No Rights Under the RESTORE Act for Undocumented Aliens." That is what it says. But the practical effect of the RESTORE Act will be to allow unregulated, warrantless wiretapping of illegal immigrants in the United States. Is this really what the Democratic majority intends?

Finally, the RESTORE Act omits any liability protection for telephone companies and other carriers that assisted the government after September 11, 2001. These companies deserve our thanks, not a flurry of harassing lawsuits. Communications technology has changed since 1978. We can no longer gather foreign intelligence without the assistance of private communications companies. Extending commonsense liability protection to communication providers who acted in good faith to protect the United States from another terrorist attack is completely appropriate. If we fail to provide this protection, we risk losing the future cooperation of communication providers in gathering foreign intelligence.

Democrats made a promise to the American people in 2006 that Members of Congress would put aside politics and work together to find bipartisan solutions to issues facing the American people. That promise has apparently been broken.

Mr. Speaker, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise once again in support of H.R. 3773, the RESTORE Act. I would also like the RECORD to reflect that Congressman BARON HILL intended to be listed as a cosponsor of H.R. 3773, and we are certainly grateful for his support.

In early September, at the direction of Speaker PELOSI, the Intelligence Committee and the House Judiciary Committee took up the call to improve the Protect America Act, or PAA. Passed in August, the PAA modified

FISA and gave sweeping and unprecedented surveillance powers to the executive branch, while requiring minimal oversight and without providing a meaningful judicial check on the President's use of the new powers.

While we were charged with undoing the excesses of PAA, we also have the mandate to provide our intelligence professionals the legal authorities required to protect the country from our enemies. Six years after the tragic attacks of 9/11, Osama bin Laden remains at large and America continues to face threats from al Qaeda and other terrorist organizations. The war in Iraq continues to act as a recruitment tool for all our enemies.

Mindful of these threats, we drafted the RESTORE Act as a bill that we can all support and be proud of. The RESTORE Act arms our intelligence community with powerful new authorities to conduct electronic surveillance of targets outside the United States while maintaining our fundamental liberties. First, it exempts truly foreign-to-foreign communications from any judicial review, even when the communication passes through the United States or the surveillance device is still actually located in the United States. Second, it authorizes the acquisition of foreign intelligence information for all matters of national defense, including information relating to terrorism, espionage, sabotage, and other threats to the national security of our country.

Third, the act clarifies that nothing in the act or the amendments to the act shall be construed to prohibit lawful surveillance necessary to prevent Osama bin Laden, al Qaeda, or any other terrorist organization from attacking the United States or our allies. But these powerful authorities are subject to the checks and the balances required by our Constitution.

The RESTORE Act puts the FISA Court back in business where the rights of Americans are at stake. The RESTORE Act tightens overbroad language in the PAA that authorized physical searches of Americans' homes and offices without a warrant. The RESTORE Act restores meaningful, robust, and continuous oversight by the judicial and legislative branches to ensure that the powerful intelligence-gathering tools authorized by the RESTORE Act are being used effectively and within the boundaries set by our Constitution.

In sum, the RESTORE Act provides tools to keep the Nation safe and upholds our constitutional liberties. This debate has gone on long enough, I believe, Mr. Speaker. It has been unnecessarily prolonged bipartisan maneuvering from some in this House. I am sure that we will see more of that partisan gamesmanship tonight. But I urge my colleagues to reject partisan politics in favor of sound policy and support this critically important bill.

I urge all my colleagues to vote "yes" for the RESTORE Act.

With that, I reserve the balance of my time.

□ 1830

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES), the ranking member of the Crime Subcommittee of the Judiciary Committee.

Mr. FORBES. Mr. Speaker, unfortunately some things never change, and unfortunately this bill happens to be one of them. No matter how dangerous law enforcement says this bill is, it hasn't changed. No matter how dangerous the intelligence community says it is, this bill hasn't changed. And unfortunately there is a cycle that won't change either, and that cycle is simply this.

In the nineties, we cut our intelligence capabilities. On 9/11/2001, we had the worst terrorist attack that has ever hit our shores. Since that time our intelligence community and our law enforcement people have worked hard and they have kept us safe. But if we have another hit, and this bill puts us on the same cycle, because what are we doing now? We are cutting our intelligence capabilities once again, like we did in the nineties. If we have another terrorist attack, the cycle will repeat itself, and they will bring back in law enforcement and they will point their fingers and they will say, why didn't you stop it?

Mr. Speaker, we have an opportunity tonight not to repeat that cycle by not passing this bill and making the amendments necessary to keep our intelligence strong.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize a very effective member of our committee, Mr. SCHIFF of California, as well as the gentleman Mr. FLAKE of Arizona, and I would yield them 2 minutes.

Mr. SCHIFF. I thank the chairman for yielding and for his leadership.

Over the last 2 years, I have worked with my Republican colleague JEFF FLAKE of Arizona to ensure that the government has all the tools necessary to pursue al Qaeda and all the other terrorists who would seek to harm our country while ensuring that the requirement of court approval of surveillance of Americans on American soil is met.

I am pleased that the committee has included many of the items we proposed, including reiterating FISA's exclusivity, providing robust oversight reporting, requiring FISA Court involvement when U.S. persons are involved, and clarifying that the interception of foreign-to-foreign communications does not require a court order.

To address a concern raised by Mr. FLAKE, our language makes clear that a court order would not be required for electronic surveillance directed at the acquisition of communications between persons that are not known to be U.S. persons and are reasonably believed to be located outside the U.S., without respect to whether the communication passes through the U.S. or the surveillance device is located in the U.S.

We have also placed additional safeguards to ensure this section is not abused and used to acquire communications of U.S. persons.

I am pleased to yield the balance of my time to my colleague.

Mr. FLAKE. I thank the gentleman for yielding. I have enjoyed working with Representative SCHIFF on this, and I thank the committee for addressing our concerns. Our concerns had to do mostly, my own concern in particular, with making sure that we are not involving a court when you are talking about foreign-to-foreign communications or communications between persons who are not known to be U.S. residents or not known or reasonably believed to be within the U.S. I believe those concerns were addressed here, and I appreciate the work that was done to do that.

As mentioned, our language also requires that if a U.S. citizen is inadvertently tripped up in the communication, that proper procedures are taken to deal with that and that the information is disseminated to the right people and committees. So I appreciate the committee's work on this.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT), the deputy ranking member of the Crime Subcommittee of the Judiciary Committee.

Mr. GOHMERT. Mr. Speaker, to be accused of partisan maneuvering is pretty insulting. Some of us are not concerned about partisan maneuvering; we are concerned about the security of the United States. That is why I am here right now, not because of partisan maneuvering.

Do you want to talk partisan maneuvering? How about when I go out to get a copy of the most current bill and we have got a bait and switch. This isn't even the most current bill out there that we can get ahold of to come in and talk about. But I know the provision, and I appreciate my fine chairman talking about we have taken care of emergency situations, and then we had two Members just talk about emergency situations.

If you take these provisions, and hopefully the part I am talking about is the latest, that is the way I understand from what you are talking about, it says specifically in here, yeah, there is an emergency provision, but in order to get it, the Director of National Intelligence, Admiral McConnell, who was the National Security Advisor for President Clinton, he and the Attorney

General have to jointly be able to swear that the targets of their acquisition are not reasonably believed to be located outside of the United States and they are not reasonably believed to be United States persons.

You take that with their testimony, the testimony was I cannot ever swear that. The way you do this intelligence is you go after a foreign target, and I can never testify, he said, as to who the person will be that they call. I can never testify that I reasonably believe they will be outside the United States when they call or that they will not be a United States person.

So, if he comes in and does this after he has testified "I cannot say I reasonably believe that they will not call somebody in the U.S., when I don't know who they will call," then we got problems. This does not protect the problem. We need to vote "no."

Mr. REYES. Mr. Speaker, I yield 10 seconds to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. I thank the gentleman and I support the bill.

I submit for the RECORD an op-ed by our friend and former colleague, the Honorable Lee Hamilton, cochair of the 9/11 Commission, regarding the issue of retroactive immunity. The op-ed fully expresses my concerns regarding this issue, and I wish for all Members to have the benefit of reviewing it.

[From the Baltimore Sun, Nov. 4, 2007]

IMMUNITY FOR WIRETAP ASSISTANCE IS RIGHT CALL

(By Lee H. Hamilton)

If the local fire company asked for your help putting out neighbor's blaze, you would not force the firefighters to justify their request. You would just help, right? That's what the phone companies did when the Bush administration asked them in secret for help with wiretaps to target al-Qaida communications into and out of the country.

However, the president's warrantless wiretap program caused a furor when it became public. The administration had circumvented the Foreign Intelligence Surveillance Act, raising many doubts about the legality and even constitutionality of its wiretap program. The controversy prompted class-action lawsuits against phone companies that cooperated with the government.

The Senate Intelligence Committee has reported out a bipartisan bill that would bring this wiretap program back under the FISA statute and court review. It would ensure the legality and robust congressional oversight so lacking in the original program. It also would give the phone companies immunity for their previous actions.

The committee made the right call. To the extent that companies helped the government, they were acting out of a sense of patriotic duty and in the belief that their actions were legal. Dragging them through litigation would set a bad precedent. It would deter companies and private citizens from helping in future emergencies when there is uncertainty or legal risk.

The help and cooperation of all our citizens are vital in combating the threats we face today. Companies in various sectors of the economy are going to have information that could save the lives of thousands of Americans. When they respond in an emergency, at the call of our highest elected officials and on assurances that what they are doing is legal, they must be treated fairly. To do otherwise would put our security at risk.

This is particularly true of communications companies. They are critical to our intelligence and "early warning" against terrorist attacks. The increasing complexity of communications technology has made the voluntary cooperation of these companies vital.

Government actions require public review. Actions by private companies in response to government requests also should place the burden of accountability on the government. We should not expect private companies to second-guess the propriety and legality of government requests. That is the job of our public servants in the executive branch, the legislators who oversee them, and ultimately the courts.

Unless Congress provides immunity, the clear message will be that private citizens should help only when they are certain that all the government's actions are legal. Given today's threats, that is too high a standard. We should hold public officials accountable for their actions—and hold harmless private citizens and companies when they respond to government requests to help protect us.

Mr. REYES. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO), who serves as the chairwoman of our Subcommittee on Intelligence Community Management.

Ms. ESHOO. I thank the distinguished chairman of the House Intelligence Committee.

Mr. Speaker, this legislation very importantly covers espionage, terrorism, sabotage and all threats to our national security. That sentence alone frames what this issue is about and the seriousness of it.

The other part of it that fills out the frame is that it restores the FISA Court. It restores the FISA Court to its prominence, and, by doing so, it restores a legal framework for surveillance that must be conducted to protect our national security.

This legislation provides every meaningful tool of the legislation that was passed last August. But, unlike that bill, it protects the rights of the American people.

The legislation is true to its name. It restores the role for all three branches of our government by reestablishing the checks and the balances that have protected our security, as well as our rights as Americans. This is what the American people not only expect, it is what they have become accustomed to, and they like it.

This legal framework for the NSA surveillance is absolutely essential. When no Americans are involved, no judicial oversight is required. When an American communication may be intercepted, the court must approve the procedures for handling it. Finally, when an American is targeted, the court must be asked for an order.

The American people know all too well that this administration is now considered the most secretive in the history of our country. It has operated with unchecked power and without judicial or congressional oversight. We now know that the President went around the courts to conduct a program of warrantless surveillance of calls to Americans. We now know that the FBI abused the authorities granted under the PATRIOT Act improperly using National Security Letters to American businesses, including medical, financial and library records, instead of seeking a warrant from the court. In hundreds of signing statements, the President has quietly claimed he had the authority to set aside statutes passed by Congress.

Mr. Speaker, I think enough is enough. This bill says that the executive is not the imperial branch of government. It restores the fundamental balance struck by our Framers, to secure our Nation and to protect the rights of all Americans. Preserving that balance makes our Nation stronger, and this is at the core of the legislation before us. I urge my colleagues to support it.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LUNGREN) who is the senior member of both the Judiciary and Homeland Security Committees.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in opposition to this bill, and I am sorry that I have to do that. I respect the gentleman from Michigan (Mr. CONYERS). We have worked on many things together. I believe he is a prime time player, but I disagree with his statement that this bill is ready for prime time.

To just give one example, if you look at section 6 of this bill, section 6 of the bill differs with the way we handle minimization under current law by saying that if there is evidence of a crime, it cannot be disseminated to a criminal justice entity. Now, maybe there is a reason for that, but that has never been discussed whatsoever.

Secondly, I would say that in the two 1-hour Special Orders I gave, I raised the problem that exists in the underlying bill as we now see it, which is in the very beginning of the bill, and it deals with a section entitled "treatment of inadvertent interceptions."

It deals with a situation where the intelligence community believes in good faith that they are dealing with foreign-to-foreign, but inadvertently they capture communication that deals with foreign-to-domestic. And what we say here is that you cannot use that information for any purpose, any purpose. It cannot be disclosed. It cannot be disseminated. It cannot be used for any purpose or retained for longer than 7 days, unless what? A court order is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person, that the information indicates that.

I have stood on this floor on several occasions and said what that means is if we have a conversation or a communication involving Osama bin Laden, and everybody recognizes that might be the case, because in the manager's amendment we talk about Osama bin Laden, if in fact that occurs and the communication deals with someone within the United States, and he doesn't in that communication have information indicating a threat of death or serious bodily harm to any person, but indicates where he happens to be, the exact cave where he is at, we cannot operate on that in a timely fashion.

I would challenge any Member on the other side of the aisle to read the language in the underlying merged text, page 3, entitled "Treatment of Inadvertent Interceptions," and tell me that I am wrong. This is, whether it is by mistake or you intended it to happen, giving greater protection to a terrorist around the world than you give to an American citizen charged with a crime.

I have said it before and I will say it again: I don't believe you intended this, but it is in the bill. As a matter of fact, the gentleman from New York, the chairman of the Constitutional Rights Subcommittee, came to me after we had an exchange on the floor on the issue and said, "You are right. We goofed up. We should get rid of it." Yet we are here with it on the floor. For that reason alone, we ought to defeat the bill.

Mr. CONYERS. Mr. Speaker, I am stunned by my friend from California's comments, but I yield now 2 minutes to the gentleman from New York (Mr. NADLER), the chairman of the Constitution Subcommittee in Judiciary.

Mr. NADLER. I thank the gentleman.

Mr. Speaker, this legislation restores the proper role of the Foreign Intelligence Surveillance Court in the maintenance of our national security infrastructure. Let's get the terms of this debate clear before we begin. Anyone who can read will see that this bill does not inhibit the government's ability to spy on terrorists or on suspected terrorists or to act swiftly and effectively on the information we gather.

□ 1845

The American people expect that their government will keep us all safe and free. This bill does that.

The bill does not require individual warrants of foreign terrorists located outside the United States. That has been the law for three decades; that is still the law.

The bill does provide reasonable FISA Court oversight to ensure that when our government starts spying on Americans, it does so lawfully by getting a warrant from the FISA Court. It will put an end to this administration's well-worn "trust me" routine.

I trust our intelligence community to gather solid intelligence on threats to our Nation. But protecting constitutional rights is not their prime job. That is why we have courts.

This bill provides for Congress to receive independent reports on how the act is working and what our government is doing. This administration's penchant for secrecy and aversion to accountability will come to an end, at least in this area.

Let me say a word for demands for retroactive immunity for the telecom companies. As many of our colleagues have pointed out, any such discussion is premature. We do not even know what we are being asked to immunize or whose rights would be compromised if we did so.

More importantly, Congress should not decide legal cases between private parties; that's for the courts. If the claims are not meritorious, the courts will throw them out. But if the claims do have merit, we have no right to wipe them without even reviewing the evidence. How dare we have the presumption to decide the rights of allegedly injured parties in the blind.

Mr. Speaker, this bill meets every single principle set forth by the Congressional Progressive Caucus. As one of the co-chairs of the caucus' FISA Task Force, I am pleased to support this important bill. It is true to our Constitution. It is true to our values. It is true to our safety. It will keep us safe and free.

This bill gives our intelligence agencies the tools they have told us they need to make us safe, and gives the FISA Court the tools it needs to ensure that the extraordinary powers we are giving to the intelligence community are used correctly and consistently with our laws and our Constitution.

It's called the separation of powers, with each branch of the government doing what it is supposed to do and acting as a check on the others. FISA exists to ensure that the balance between the needs of intelligence gathering and the protection of the rights of all Americans are balanced.

Most importantly, it restores the role of FISA as the exclusive legal basis for foreign intelligence surveillance. No more making it up as you go along.

Did the telecoms break the law? Were they acting appropriately? Were the rights of innocent Americans violated? We don't know.

How dare we have the presumption to decide the rights of allegedly injured parties in the blind?

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG), a senior member of the Commerce Committee.

Mr. SHADEGG. I thank the gentleman for yielding.

I think this is a very, very important debate. I understand the frustration of the majority in trying to deal with this issue, but I believe they have created a structure that even they themselves don't understand, and a structure that fundamentally turns the Constitution and the role of at least two branches of the government upside down.

We have the executive branch which is charged with defending the Nation against foreign enemies and we have the judicial branch which is charged with applying and interpreting the laws. But it is charged with judging disputes between American citizens, not with making decisions how about to gather foreign intelligence.

Now, how does this bill work? Number one, it says if the executive branch in carrying out its duty to protect the country from foreign enemies knows in advance that both people, both ends of a telephone communication or some other electronic communication, are in fact foreigners, no warrant is needed.

Well, if we could be mind readers and if we could hire mind readers as intelligence officers, that might be useful. But everyone in the intelligence community tells you that have targeted one person, and without the ability to read the mind of that person, you don't know who the other person they are calling is.

So as a matter of fact, you can never know, never ever know, no CIA agent, no judge, nobody can ever know that both people are foreigners. And so if the law says if you don't know that both are foreigners, you must get a warrant from a judge.

Now they have said we are going to be reasonable about it; it is going to be a basket warrant. But that then gives the duty of protecting the Nation to a judge, an unelected judge.

Mr. REYES. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), our chairman of the Select Intelligence Oversight Panel.

Mr. HOLT. I thank my friend and colleague from Texas.

Mr. Speaker, I rise in support of this bill. As many of you know, when the committee reported this bill to the floor, I expressed concerns that it lacked provisions ensuring that the courts would decide whether the executive branch could seize and search communications of Americans.

The RESTORE Act now before us includes provisions via the manager's amendment that will ensure that it is the courts, not an executive branch political appointee, who decides whether or not the communications of an American can be seized and searched and that such seizures and searches must be done pursuant to an individualized court order.

This bill gives our citizens the best protection we can provide them, a sound intelligence collection that will foil our enemies and the review of the executive branch's surveillance actions by the court. In other words, each of us can say to each of our constituents: you have the protection of the court.

Now, it is important to note that this bill will provide better intelligence than existing law, the existing law which was passed in haste and fear. This bill, by applying checks and balances, improves intelligence collection and analysis. It has been demonstrated that when officials establish before a court that they have reason to intercept communications, we get better intelligence, better intelligence than we get through indiscriminate collection and fishing expeditions.

Mr. Speaker, this does it right. Mr. Speaker, I would like to close by thanking the staff of the committee, Jeremy Bash and Eric Greenwald; and from the Judiciary Committee, Lou DeBaca and Burt Wides; as well as the chairmen, Mr. REYES and Mr. CONYERS, who took my concerns to heart and made them their own concerns. It has produced a good bill. I urge my colleagues to vote "yes" for the RESTORE Act.

Mr. Speaker, the RESTORE Act will ensure that it is the courts—and not an executive branch political appointee—who decide whether or not the communications of an American citizen can be seized and searched, and that such seizures and searches must be done pursuant to a court order. This bill gives our citizens the best protection we can provide them: good intelligence collection against our adversaries, and review of the executive branch's surveillance actions by a court.

I was pleased to be able to work with my colleagues on the House Permanent Select Committee on Intelligence to add several key provisions to this bill. For example, the bill's most critical new provision ensures that the government must have an individualized, particularized court-approved warrant based on probable cause in order to read or listen to the communications of an American citizen. Inclusion of this provision was vital. We must be able to assure our citizens that their communications cannot be seized and searched by the government in the absence of a court order, and with this provision now in the bill, we can provide that assurance.

Another provision I worked to include requires the Court to review and approve not only the procedures and guidelines required under this Act, but also the application of those guidelines. This provision provides another important point of review by the courts that will help ensure that the Attorney General and the Director of National Intelligence are actually doing what they claim they are doing.

I also asked that a provision be inserted that makes it clear that the Foreign Intelligence Surveillance Act (FISA) is the sole statutory basis for domestic surveillance. This language was needed to remove any ambiguity. We cannot have any President inventing other claims for secret, warrantless surveillance.

The bill also provides additional resources to both the executive and judiciary branches for processing FISA applications and orders. The bill increases the number of Foreign Intelligence Surveillance Court (FISC) judges from 11 to 15, provides additional personnel to both the FISC and government agencies responsible for making and processing FISA applications, creates an electronic filing, sharing, and document management system for handling this highly classified data, and mandates training for all government personnel involved in the FISA process. All of this will help modernize and streamline the FISA application approval process.

Finally, the bill requires the Bush administration to "fully inform" Congress on all surveillance programs conducted since 9/11. It's outrageous that the Bush Administration has continued to stonewall this Congress over documents for the one program it has acknowledged. If we're to do our job of oversight, we need all the facts about past and current surveillance programs, and this provision will help us get those answers.

I hope our colleagues in the Senate will quickly pass the RESTORE Act, and I call upon the President to end his veto threats and work with Congress to bring America's surveillance activities into compliance with the Constitution.

President Bush has no inherent Constitutional authority to spy on our own citizens in the name of national security. If the President is serious about passing a law that allows us to protect our citizens from all enemies—foreign and domestic—he will sign this bill.

Mr. SMITH of Texas. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished minority whip of the House.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding and for his hard work on the floor this evening, for the leadership of Mr. HOEKSTRA and others on this important bill. We need to modernize FISA to keep up with changes in communications technology and the continually evolving tactics of our terrorist enemies.

We made some important steps in this direction only 90 days ago. We all understand that more needs to be done. But rather than responding to this need, this legislation actually impedes the intelligence community's ability to conduct effective investigations and to prevent future terrorist attacks.

This act requires FISA court orders for the first time for thousands of overseas terrorist targets. The Director of National Intelligence, Admiral McConnell, has described this requirement as unworkable and impractical.

This act contains a sunset date which fails to provide the certainty under the law that our intelligence community needs to effectively do its job.

It doesn't provide the liability protections for telephone companies and other carriers that assisted the government after 9/11 who now have a flurry of harassing lawsuits facing them.

Mr. Speaker, the majority claims that this legislation will restore a balance between civil liberties and national security. In fact, this bill will restore the intelligence gap that existed prior to our actions the 1st of August.

I urge this legislation be defeated. The current bill is better than this bill. We need to deal with it certainly between now and the end of the 6 months, but let's not take a step backwards. Let's let the law do what this law was intended to do in 1978 and is doing today.

Mr. CONYERS. Mr. Speaker, it is my pleasure now to recognize the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), a member of the Judiciary Committee, for 1¼ minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, in August I urged my colleagues to vote against an unconstitutional Senate bill. Simply put, that bill trampled on our constituents' constitutional right to privacy.

Today, I am proud to rise in support of the RESTORE Act, a bill that provides the intelligence community the tools it needs, but that restores the constitutional rights of Americans.

Mr. Speaker, we can be both safe and free, and this bill strikes the right balance.

This bill permits surveillance of foreign-to-foreign communication. It allows us to listen in on Osama bin Laden or any other terrorist who threatens our troops or country. This bill will keep us safe.

But this bill also requires a warrant from the FISA Court in order to eavesdrop on the communications of ordinary Americans, and it requires a court review of targeting procedures to ensure Americans' rights are protected. This bill restores our civil liberties.

Mr. Speaker, our colleagues across the aisle would rather play politics with this bill and unleash arguments of mass distortion, so let me be clear: nothing in this bill gives our constitutional rights to terrorists.

Our Republican colleagues create this smoke screen in order to hide the fact that they have taken away those same constitutional freedoms from Americans.

We need not choose between our secure and liberty. With the RESTORE Act, we can have both.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 1 minute.

This morning as we did the rules debate, I asked some questions of my colleagues on the other side of the aisle, and they said we will cover that during general debate tonight.

So the questions I have that I hope will be answered is in the manager's amendment that was presented this morning and was voted on in the self-enacting rule talks about illegal aliens. The questions I have:

Would it allow surveillance against possible illegal aliens for law enforcement purposes?

Would it allow foreign intelligence surveillance to be conducted against transnational smuggling rings?

Would it allow surveillance to determine whether someone is an alien not permitted to be in or remain in the United States?

Would the amendment exempt undocumented aliens from the physical search requirements of FISA? Exactly how far does this amendment go? What is it intended to do?

These were the questions that I asked this morning that I hope will be answered tonight.

Mr. Speaker, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, could I ask how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Texas (Mr. REYES) has 6½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 3¾ minutes remaining. The time has expired for the gentleman from Texas (Mr. SMITH). The gentleman from Michigan (Mr. HOEKSTRA) has 14 minutes remaining.

Mr. REYES. Mr. Speaker, I reserve the balance of my time so we can balance the time out with the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY), a member of the committee.

Mr. THORNBERRY. Mr. Speaker, it is unfortunate that here we are again debating a FISA bill that is more about politics than it is about the country. This bill is a cobbled-together mess designed to keep most of the Democratic Caucus together rather than a bill designed to meet the national security needs of the country. It is full of contradictory, unworkable provisions.

Most of this body and most of the American people agree that our intelligence professionals, civilian and military, should be able to gather foreign intelligence on terrorists and others without having a pack of lawyers trail along behind you. Unfortunately, that is exactly what they will need if this bill were to ever become law.

It is also sad that those who have volunteered to help defend us against terrorists are being punished. We debate Good Samaritan laws from time to time. The country needs Good Samaritans, as well, to help prevent terrorist attacks.

What the country needs, Mr. Speaker, is an updated law that intelligence professionals can really use, that really works in the field, not some cobbled-together mess designed to achieve a political purpose just before a recess. We can do better. I continue to hope that someday this House actually will.

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Mr. REYES. I continue to reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. I yield 2 minutes to the gentleman on the committee, Mr. TIAHRT of Kansas.

Mr. TIAHRT. I thank the gentleman from Michigan for yielding to me. I rise in opposition to this bill.

I am really surprised by the procedure we have gone through to get to this point in this legislation. You know, under the underlying bill we had open hearings, we had closed hearings, we looked at a lot of the details and openly debated them and I thought we were making pretty good progress. But then, in the self-enacting rule, we have a whole bunch of new language that is dumped into this bill that has had no hearings.

In fact, section 18 says in this bill now, no rights under the RESTORE Act for undocumented aliens. It says: This Act shall not be construed to prohibit surveillance of an alien not permitted to be in the United States.

Undocumented aliens, no rights.

Then we get to what, the rights that the terrorists have in the underlying bill. Section 3 has procedures for authorizing acquisitions of communications, and there are 8 pages telling how we are going to protect the terrorists. They have got some rights protected under this bill.

Then we get to section 4, the emergency authorization. We have 8 more pages explaining how terrorists have more rights than undocumented aliens right here in the United States.

So then we listened to the gentleman from California (Mr. LUNGREN), who is the former Attorney General of the State of California, and he explains that, through the minimization procedures, that we are actually giving terrorists more rights than we do our own U.S. common criminals.

So what is the deal with this? It is really a mess. You have got terrorists at a higher status than undocumented aliens that are here in America and a lot of them just trying to make a living, and then you have got a higher standard for terrorists than you do for our own criminals. Now, why don't we balance things out here? Why don't we balance things out? You have tried to push this thing through without hearings, you have hodgepodged it together, and it truly is a mess. We ought to send this back to committee and do the right thing on this.

We want to protect the rights of American citizens, and we think that humans have a certain set of rights, too. But this bill does not provide it. It has mixed standards. It is a mess, and I think we should vote it down.

Mr. REYES. Mr. Speaker, I reserve the balance of my time until we balance out the time.

Mr. HOEKSTRA. Mr. Speaker, I think we have balanced the time. We chose on our side to go with the 15 minutes of Judiciary time and then 15 minutes of Intelligence time. I believe the people in opposition to this bill now have 10 minutes; the people who are supportive of this bill have 11. That sounds like balance to me.

I reserve the balance of my time.

Mr. REYES. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Texas (Mr. REYES) has 6½ minutes remaining. The gentleman from Michigan (Mr. HOEKSTRA) has 10½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 3¾ minutes remaining.

Mr. REYES. Mr. Speaker, I will now yield 1½ minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of the RESTORE Act because I believe that the way we conduct the fight against terrorism says a great deal about who we are as a people.

We all want to keep the country safe from terrorism and to provide the necessary tools to our intelligence community, but I am not willing to sacrifice who we are and what we stand for just because this President says so.

The President's Protect America Act cut the FISA Court out of the process. The RESTORE Act puts the court back in. Now, the court, not the President, will decide whether the constitutional legal requirements are met. The court will assess in advance a program of surveillance that may intercept the communications of Americans. The court will ensure that the system the NSA establishes will protect the rights of any Americans they come across. The RESTORE Act clarifies the Protect America Act cannot be used to conduct secret searches of Americans' homes, businesses, computers, and medical records. It reiterates the exclusivity of FISA, which would put an end to secret, warrantless spying programs. It makes clear that the President has to obey the laws.

The RESTORE Act requires meaningful reporting to the Congress about the warrantless surveillance programs that have occurred since September 11, and it will require meaningful oversight in the future. The RESTORE Act will make America safer and keeps us true to who we are as a Nation. I urge my colleagues to vote "yes."

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to my colleague from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Once again, I would ask my friends on the other side of the aisle: Can anyone explain why, on page 3, you give stronger rights to someone who is a suspected terrorist, even Osama bin Laden, if he has a communication we intercept believing it was going to be foreign-to-foreign, now foreign to someone in the United States, and in that he reveals where he is, why we cannot use that information as we are able to with a legal wiretap in the United States on an American citizen charged with a crime who calls someone who is not a target of a crime? I do not understand it. Page 3. Is there anybody on your side who can explain why you would have that?

The silence has been deafening for a month now on this.

Mr. CONYERS. Would the former Attorney General of California yield?

Mr. DANIEL E. LUNGREN of California. I would be happy to yield if the gentleman would tell me exactly what I just asked.

Mr. CONYERS. That is why I seek to have you yield to me, sir.

Osama bin Laden is never going to have any rights superior to any citizen.

Mr. DANIEL E. LUNGREN of California. Reclaiming my time, because I asked you to specifically talk about the language in the bill. I have read it and read it and read it, and you have refused to respond to it, even though the chairman of the Subcommittee on Constitutional Rights told me that I was correct in my reading of the bill and that you folks were going to change it. You didn't change it. I expect that is because you forgot about it.

I would invite the gentleman from New York to respond to me, because he intellectually honestly told me just 2½ weeks ago that you folks were going to change it. Why haven't you done it?

Mr. Speaker, the silence I think speaks volumes. This is a bill that is not ready for prime time. It inadvertently protects Osama bin Laden with greater rights than an American citizen charged with a crime.

Mr. CONYERS. Mr. Chairman, it is very important that we understand that Mr. LUNGREN in his dramatic presentation about the cumbersomeness and the protections that we are affording bin Laden almost begs the question here.

We have been on this bill for several times. We have got a carve-out here. Nothing prevents conducting lawful surveillance that is necessary to, one, prevent Osama bin Laden and al Qaeda or any other terrorists, Mr. LUNGREN, or any ally of those persons from receiving any of these protections. We can operate against them without giving them any rights, and I think you must know that by now.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I can't give you time. I have got less than anybody here. No. I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROSS). All Members are reminded to address their remarks to the Chair.

Mr. HOEKSTRA. Mr. Speaker, at this time I yield 2 minutes to my colleague from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I want to point out that this bill raises a fundamental question: Do we trust judges, unelected judges, to control foreign intelligence? Are we going to move that responsibility from the executive branch to judges? Or is that not their job?

As I explained earlier, this measure requires that a warrant be obtained every single time you are seeking to gather foreign intelligence. That means that we are asking Federal judges, who are unelected, to decide in 100 percent of the cases whether we can or cannot gather intelligence.

Now, I respect judges. I admire judges. But judges have the duty of deciding disputes between Americans. They do not have the responsibility to protect our Nation. But this bill says you can never gather intelligence from a foreigner without first going and getting a warrant.

So a job that under our Constitution has been given to the executive branch, that is, to conduct foreign intelligence and protect the Nation, we are now taking from the executive branch and giving to judges. Because unelected Federal judges, who have no responsibility to protect our Nation, no responsibility to gather foreign intelligence, now get to decide, this has never been true in the history of our Nation, whether or not the Federal Government will gather any intelligence.

I respect judges. I am all for judges. If I am in a dispute over the civil rights of an American, I want a judge to decide. But when it comes to gathering intelligence about terrorists, we are going to take that authority away from the executive branch, which we have never done in the past, and give it to judges and judges only? Judges whom we cannot defeat in office, judges who are appointed, judges who do not stand for election, judges who cannot be voted out of office? We are going to take the authority away from the executive branch to protect our Nation and in 100 percent of cases give it to unelected judges. That is a mistake.

Mr. REYES. Mr. Speaker, I think we just saw some shrill out of options articulation there.

I now yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 3773. This legislation does exactly what our Constitution requires us to do: protect security while preserving civil liberties.

Maintaining that balance has sometimes been difficult, and the events of 9/11 have made it even more challenging. However, the RESTORE Act is a carefully crafted solution. We all recognize the gravity of the threats facing our country, and this bill gives the Director of National Intelligence all the authority he has asked for to fight terrorism while at the same time it protects civil liberties.

Further, the RESTORE Act provides for rigorous and independent oversight from the courts, the Congress, and the Department of Justice Inspector General. In our committee markup, I successfully offered an amendment to even strengthen this oversight by preserving the FISA Court's role to review compliance with their rules every 90 days for the life of a court order.

Rigorous oversight is why the Bush administration objects to this bill. They want unfettered authority. Unfortunately, we have seen what happens without checks and balances, and I will not allow that to happen again. As Members of Congress, we took an oath to defend the Constitution and the principles on which it was founded.

I urge my colleagues to support H.R. 3773, which provides security while preserving the fundamental values that make this country so great.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to my colleague from the State of New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, my colleague from Rhode Island talked about the importance of upholding the Constitution, and there is something in the manager's amendment to this bill that was inserted without any hearing in the committee that I don't understand, that makes no sense to me. It is a provision that says, very plainly: This act and the amendments made by this act shall not be construed to prohibit surveillance of, or grant any rights to, an alien not permitted to be in or remain in the United States.

Now, I think there are probably a lot of people on this side of the aisle who don't have a problem with that provision. What I don't understand is why you all are proposing it.

Here is the irony here. This bill will extend rights under our Constitution to foreigners in foreign countries, while denying the protections of the Constitution to some 12 million people who are not legally in the United States, when the case law is clear that they do have rights. Whether we think they should have rights or not, the case law is absolutely clear. So we will deny those rights to people in the United States while extending them to people in foreign countries?

I think we should be clear with the American people why we insisted on fixing the Foreign Intelligence Surveillance Act, and did so successfully in August. We had soldiers who were kidnapped in Iraq by insurgents.

□ 1915

And because of changes in technology and the demands of the court, the American military had to go to lawyers in the United States to get a warrant to try to intercept the communications of the terrorists trying to kill them. That took time, too much time. And the law had to be fixed.

Soldiers should not need an army of lawyers in Washington to listen to the communications of the enemy that's trying to kill them. This needed to be fixed, and we fixed it the first week of August.

We all remember where we were on the morning of 9/11. We remember who we were with, what we were wearing, what we ate for breakfast.

But people don't remember where they were the day that the British Government arrested 16 people who were within 48 hours of walking on to airliners and blowing them up simultaneously over the Atlantic. We don't remember it because it didn't happen. And the reason it didn't happen is because of exceptional intelligence and the cooperation of the British, Pakistani and American Governments.

Mr. REYES. Mr. Speaker, I'm concerned about the self-induced confusion on the other side.

I now yield 1¾ minutes to the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) who served in Iraq and also serves with me on the Armed Services Committee, as well as our Intelligence Committee.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today in support of the RESTORE Act and to set the record straight on an issue that is close to my heart.

In May of 2007, 3 men from the 10th Mountain Division were captured in Iraq. They're names are Specialist Alex Jiminez, Private First Class Joseph Anzak, and Private Byron Fouty. I recite their names because the right wing attack machine never does. But these are the facts, and they're not pretty.

The intelligence community stood ready to help find these 3 soldiers. But for 5 hours, for 5 hours, the Bush administration could not decide what to do. When they decided to go ahead, no Bush administration official could authorize it, could be found to authorize it. But when they finally found the Attorney General in Texas, it took an additional 2 hours to authorize the surveillance, even though he could have granted the authority in just minutes. Hours of indecision and incompetence while these 3 soldiers went missing.

* * * * *

While the RESTORE Act can solve many problems posed by the current FISA law, it will not solve the problem in these soldiers' situations.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask the gentleman's words be taken down with respect to the use of the word "deceit."

The SPEAKER pro tempore. All Members will suspend.

The Clerk will report the words.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, this has been a very powerful and emotional debate today, and the issue is very close to my heart. I did not mean to offend anyone across the other side of the aisle. And I ask the Speaker and the other side for unanimous consent to withdraw the paragraph that may have given offense to some Members that were on the floor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. In this debate, the gentleman from Texas (Mr. REYES) has 1¾ minutes remaining, the gentleman from Michigan (Mr. CONYERS) has 2 minutes remaining, and the gentleman from Michigan (Mr. HOEKSTRA) has 3½ minutes remaining.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 30 seconds.

I just want to make a couple of points. Again, no one has answered the questions that I asked earlier today and that I asked in the debate tonight. The amendment talking about illegal aliens, would it allow for surveillance against possible illegal aliens? Would it allow for foreign intelligence surveillance to be conducted against transnational smuggling gangs? Would the amendment exempt undocumented aliens from the physical search requirements?

And then just to reiterate the point that my colleague made in the previous speech, this is all about lawyering up the process, and that's what extends the time.

At this point, I yield 1 minute to my colleague, Mr. KIRK of Illinois.

Mr. KIRK. I thank the gentleman. And as the leader of the moderates in this, I would say that this issue should unite us all as Americans, not divide us along partisan lines.

I also speak as a Navy intelligence officer that would say that the provision that was newly included in this legislation says that nothing in this act shall prevent an intelligence officer from monitoring someone related to al Qaeda, Osama bin Laden or Ayman al-Zawahiri to prevent an attack against the United States. But so much of our intelligence is beyond the imminent attack on the United States. So much of us in the intelligence world, we have to watch the earliest signs of this.

Let's be clear, this bill before us has nothing to do with the rights of U.S. citizens; those are already protected. As an intelligence officer, we are always drilled on the code of conduct in dealing with U.S. persons. This bill has everything to do with creating new rights for people overseas. And I think we should let our intelligence community monitor whoever Osama bin Laden is talking with to protect the United States, even if an attack is not imminent.

□ 1945

Mr. CONYERS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I rise in favor of the legislation.

Mr. Chairman, I appreciate your leadership on efforts to address warrantless surveillance under the Foreign Intelligence Surveillance Act, or "FISA" and for introducing a bill that corrects many of the shortcomings of the bill that passed the House last August.

The RESTORE Act establishes a strong framework, much stronger than the Administration's PROTECT Act, to fight terrorism effectively, while providing reasonable safeguards to protect personal privacy.

One important change in the Restore Act is that it draws the appropriate distinctions based on the physical location and types of targets. There has never been any controversy over the fact that surveillance directed at people all of whom are overseas does not need any warrant at all. This bill rightly makes it clear that no court orders are required for the government to conduct surveillance on foreign targets outside the United States, even if the technical surveillance is conducted on U.S. soil. But if any surveillance is intentionally conducted on a U.S. person, this bill makes it clear that the government needs to apply for an individual warrant to conduct that surveillance. And if information on U.S. persons is incidentally collected, the Manager's Amendment to the bill rightly limits dissemination of that information among government agencies.

Second, the bill removes vague and overbroad language from the bill passed in August that would allow the wiretapping of conversations without a warrant if the communication was "concerning" a foreign target. That, by its own wording, suggests that if two citizens are in the United States talking about somebody overseas, that you could wiretap their communications without a warrant. The bill before us makes it clear that the persons involved in the communications must be overseas, not just that the subject of their conversation must be overseas.

Third, the RESTORE Act goes a step further than the Administration's bill and allows for the expanded wiretapping authority only in cases involving "national security," as opposed to the over-expansive "foreign intelligence." "Foreign intelligence" could include trade, deals or anything involving general foreign affairs activities.

Finally, the RESTORE Act was made even stronger in Committee by requiring the Department of Justice, in its application to the Court, to identify the "primary purpose" of its wiretapping. Under the original FISA, when an agent wanted to obtain the authority to conduct electronic surveillance or secret searches, a certificate was necessary detailing what the purpose of the surveillance was in order to obtain the warrant. The standard was altered by the Patriot Act, which provided that obtaining foreign intelligence only has to be "a significant purpose."

We have to put this change in context because the Department of Justice has not credibly refuted the allegations that some U.S. Attorneys were fired, because they failed to indict Democrats in time to affect an upcoming election. So if the Department of Justice wiretapped someone when foreign intelligence was not the primary purpose, you have to wonder what the primary purpose was. This bill would allow the surveillance to be conducted but the administration would be required to reveal the true purpose of the wiretap to the secret FISA court.

Mr. Speaker, I want to emphasize that we do not have to balance security and privacy. It is therefore important to note that everything that the administration can do in its own bill, it can do under this bill. We just require them to get a warrant before they do it, or if they are in a hurry, get a warrant after they do it, but they can wiretap and get the information. We just provide a modicum of oversight to ensure that our laws are being obeyed. I urge my colleagues to support the bill.

Mr. CONYERS. Mr. Speaker, I am now pleased to yield 1 minute to the Speaker of the House, the gentlewoman from California, NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, as one who has long served on the Intelligence Committee, I understand full well the threats to our national security. I understand full well the need for us to have legislation that strikes the proper balance between liberty and security. I think this legislation does just that. And I commend Chairman CONYERS, chairman of the Judiciary Committee; and the chairman of the Intelligence Committee, Chairman REYES, for their important work and their leadership in presenting this legislation to the floor for consideration.

The bill is important and accomplishes the goal of striking the balance between security and liberty in the following ways: it defends Americans against terrorism and other threats; it protects Americans' civil liberties; and it restores checks and balances.

The bill protects Americans by providing the Director of National Intelligence with the flexibility he has requested of Congress to conduct electronic surveillance of persons outside the United States. No warrants are required whenever foreign-to-foreign communications are captured regardless of the point of collection or anywhere in the world.

It protects our civil liberties in a number of ways. The DNI has agreed that when Americans are targeted for surveillance, a warrant is required. We have now included certain criteria that the government must take into account in considering whether a warrant is required. This will help prevent inappropriate warrantless surveillance and "reverse targeting" of Americans under the guise of foreign intelligence.

The bill restores checks and balances. This is very, very important because it, again, is part of our oath of office to protect the Constitution of the United States. The bill rejects groundless claims of "inherent executive authority."

There are those who claim that the President has inherent authority from the Constitution to do whatever he wishes. Long ago our Founders rejected that concept in founding our country. We must do that as well and continue to make that clear.

The legislation also makes clear that FISA is the exclusive means for conducting electronic surveillance to gather foreign intelligence. The government must seek approval from a FISA Court. So we are talking about the Congress of the United States passing legislation, as it did in the late seventies, passing this legislation today which is in light of the new technologies and new reality in the world, and recognizing the authority of the third branch of government: the courts.

This legislation includes extensive reporting to Congress with respect to the interception and dissemination of communications among Americans and from Americans. This is very important because we want to minimize the use of that information and keep it for the purpose for which it is collected.

Most significantly, the bill does not provide immunity to telecommunications companies that participated in the President's warrantless surveillance program. We cannot even consider providing immunity unless we know exactly what we are providing immunity from. And even then, and even then, we have to proceed with great caution.

It is important to note that the bill sunsets on December 31, 2009, the date the PATRIOT Act sunsets, so the next administration and the next Congress can review and reassess the program.

This legislation is supported by organizations dedicated to protecting our national security and protecting our civil liberties, including the Center for National Security Studies, the Center for Democracy and Technology, and many other groups that work to protect privacy rights. The bill protects both national security and civil liberties, reaffirms our constitutional system of checks and balances, and deserves the support of this House.

Mr. Speaker, all of us want our President to have the best possible intelligence, our President and our policymakers, so they can do the best possible job to protect the American people. But no President, Democrat or Republican, should have the authority, to have inherent authority, to collect on Americans without doing so under the law. This legislation establishes that principle; and it establishes it in a very focused way in keeping with the need for flexibility for the Director of National Intelligence, in keeping with honoring our oath of office to the Constitution. I urge our colleagues to support this important legislation.

I, for one, am very, very proud of the work of Mr. CONYERS and Mr. REYES and thank them for their leadership.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 1 minute.

A month after I originally came to the floor to oppose this bill, I now rise in opposition to this flawed legislation, which, disappointingly, has been made worse ever since we started the process.

In August Congress finally acted, after months of prodding from Republicans, to close significant intelligence gaps against potential foreign terrorists in foreign countries that jeopardize America's ability to protect and prevent potential terrorist attacks and to effectively collect intelligence on foreign adversaries.

Now we have a simple choice: Do we do what is necessary to provide long-term legal authority for our intelligence community to conduct necessary surveillance, or do we reopen that intelligence gap?

It now seems that the majority is determined to move a bill intended to make political statements rather than to give intelligence professionals the tools that they need to protect our country.

I urge my colleagues to vote against this bill.

Mr. REYES. Mr. Speaker, I yield 1 minute to our distinguished majority leader, Mr. HOYER of Maryland.

Mr. HOYER. I thank my friend for yielding. I thank him for his leadership as well. I thank Mr. CONYERS for his leadership, and I thank Mr. HOEKSTRA and Mr. SMITH for their participation.

This is a serious issue that confronts us. Mr. Speaker, this legislation, the RESTORE Act, is nothing less than the fundamental reiteration of the most basic concepts of our Constitution, our constitutional form of government that we, indeed, are a Nation of laws and that our Founders deliberately designed our three branches of government to serve as a check and balance on each other.

One of my colleagues, my friend, I believe, from Arizona, stood and said it was not the job of judges to conduct intelligence. He was correct. It is not the job of judges to conduct intelligence. But it is the constitutional duty given by our Founding Fathers, who understood that King George too often abused his sovereign power and who said to all that they would have adopt this Constitution that we will protect you from the abuse of power of government, and we will do it by having it reviewed by independent judges, not by the legislature.

We can be told by judges that we are not acting constitutionally, and that is a protection for our people against congressional abuse of power. And the executive department can be told by judges you are abusing your constitutional power. No power, no protection was felt to be more necessary and important by our Founding Fathers than their right to personal privacy and a lack of intrusion by King George just because he wanted to do it. And they said King George had to have probable cause, in this case, the Government of the United States. So that's why they established the courts. And we, in our wisdom, in my view, established the FISA Court to do just that.

Every single one of us here recognizes that our highest duty is to protect the American people. Indeed, we must detect, disrupt, and eliminate terrorists who have no compunction about planning and participating in the mass killing of innocent people. We saw that tragically on 9/11. We also, each one of us, come to this well or stand at our seats and raise our hand and swear an oath to defend the Constitution of the United States, to protect its laws and to honor the values and principles that are contained therein. That is our oath. That is what we do here this night, including the fourth amendment right that Americans are secure in their persons, houses, papers, and effects against unreasonable searches and seizures. That's not an assertion on any individual or any government or even the legislature. It was an assertion by our Founding Fathers that they had seen too often abuses by the executive agencies of government.

Our basic duties as Members of this Congress, protecting the American people and protecting the values that define us as Americans, are not mutually exclusive. We can protect our country and protect our Constitution. That is our duty.

And that is precisely what this historic act, introduced by Chairman REYES and Chairman CONYERS, has done. This legislation gives our intelligence community the tools it needs to listen in on those who seek to harm us while addressing concerns that the bill passed in August could authorize warrantless surveillance of Americans. That is our concern. That is our focus.

Among other things, this legislation modernizes the technologically outdated Foreign Intelligence Surveillance Act of 1978 by restoring a checks and balances rule for the FISA Court and addressing the intelligence gap asserted by the Director of National Intelligence.

□ 2000

We heard Director McConnell. We want to help Director McConnell. Let us be clear. This legislation does not require a warrant for listening in on suspected and known terrorists, period. An assertion to the contrary is not accurate. In fact, it clarifies that no court order is required for surveillance of conversations where both parties are foreign citizens. It does not extend constitutional rights to suspected or known terrorists, assertions to the contrary notwithstanding. Nor does it delay the collection of intelligence information.

Furthermore, it grants the Attorney General and the Director of National Intelligence authority, authority to apply to the FISA Court for a block order, not an individual order, not a discrete order, but a block order saying that you can pursue this gathering of information to protect America, but you cannot do it simply because you want to do it. You've got to do it consistent with the Constitution of the United States and the laws thereof. You cannot conduct freelance surveillance without some authority of law.

The FISA Court can give a block order to conduct surveillance on large groups of foreign targets for up to a year, and that can be renewed, ensuring that only foreigners are targeted and Americans' rights are preserved. That was the whole reason in a bipartisan way we adopted FISA, to make sure that was the case.

Why do you fear a FISA Court reviewing that basic principle that was its intent at its adoption?

Finally, the legislation is silent on the issue of retroactive immunity for telecommunications companies that possibly violated privacy laws in turning over consumer information to the government. We don't make that judgment today. We need to review information to know what was done before we immunize conduct which we do not know. Simply stated, it would be grossly irresponsible for Congress to grant a blanket immunity for companies without even knowing whether their conduct was legal, appropriate, reasonable or not. Don't you think the American public, each one of our constituents, expects that of us?

In closing, Mr. Speaker, let me quote The Washington Post, which stated in October, the measure produced by the House Intelligence and Judiciary Committees would alleviate the burden of obtaining individualized warrants for foreign targets while still maintaining a critical oversight for the FISA Court. In other words, we are relieving the administration from the burden of discrete approval. But we are providing for the protections that Americans expect under our Constitution.

Mr. Speaker, we must give our Commander in Chief, the President of the United States and the intelligence community the resources, the authority, and flexibility that is necessary to protect our people and defend our Nation. I believe each of us in this Congress support that objective. But we must also honor the values and principles that make us Americans. This legislation allows us to do both.

I urge my colleagues on both sides of the aisle, facilitate the interception of information and terrorist communication dangerous to our people and our country. And at the same time, redeem that oath of protecting and defending our Constitution.

Mr. HOEKSTRA. Mr. Speaker, may I inquire as to the order of closing.

The SPEAKER pro tempore (Mr. ROSS). The Chair will recognize for closing speeches in the reverse order of opening, the gentleman from Michigan (Mr. HOEKSTRA), the gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. CONYERS).

The gentleman from Michigan (Mr. HOEKSTRA) has 1 minute remaining. The gentleman from Texas (Mr. REYES) has 45 seconds remaining. The gentleman from Michigan (Mr. CONYERS) has 1 minute remaining.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleagues and thank you for this debate.

At this point in time to close our debate I would like to recognize the distinguished minority leader, Mr. BOEHNER of Ohio.

Mr. BOEHNER. Let me thank my colleague for yielding.

Mr. Speaker, in August the Congress passed the Protect America Act. Before that bill passed, our intelligence officials did not have the tools they needed to protect our troops and to detect and prevent terrorist plots. This was made clear in a story we read about just last month about our, how our FISA laws failed our soldiers who were kidnapped in Iraq, and I think these outdated laws actually hampered their rescue. That is because our FISA laws in place before the Protect America Act entrusted government lawyers, not our intelligence professionals, to protect our troops and our security.

Yet the bill we are considering today only makes this problem worse. It reopens the terrorist loophole and doesn't ensure that we can act quickly on vital intelligence to protect our troops and the American people. I think it would be a boon to trial lawyers who could take actions against third parties who assisted our government at our request after 9/11. It is yet another example of a troubling pattern of behavior on the part the majority, a pattern of behavior that is undermining our national security. Let me just give you a few examples.

The majority want to extend habeas corpus rights to terrorists. The majority has had over 40 votes in the Congress trying to force retreat in Iraq. The majority wants to close down our Guantanamo detention facility and move those terrorists into American communities. The majority, in their intelligence authorization bill and appropriation bill, are diverting key intelligence resources away from terrorist surveillance to study global warming.

In August, all the Members of this House succeeded in modernizing FISA and closing the terrorist loophole. We did so because terrorists were plotting to kill Americans and our allies, and there is no nice way of saying that. So why on Earth would we tie the hands of our intelligence officials again and open up this loophole that allows terrorists to jeopardize the safety of our troops and jeopardize the safety and security of the American people?

Our country is safer today because of our efforts, and Republicans want to work with Democrats to make the Protect America Act permanent. We were very close to a bipartisan agreement on this bill just about 5 weeks ago, very close. As a matter of fact, there was an agreement in principle until the ACLU got ahold of it and blew the entire bipartisan process up. I think the American people want us to do everything we can to make sure that they are safe and secure. The bill that we have before us will once again tie the hands of our intelligence officials and make America less safe. This is not the bill that I want to vote for.

Mr. REYES. Mr. Speaker, this bill, the RESTORE Act, is about balance. It is about putting checks and balances back in the process. It puts the FISA Court back in the process of protecting Americans. It corrects unchecked authority that we gave through the Protect America Act. Some would want us to continue to rubber-stamp what the administration wants. The American people deserve better.

Mr. Speaker, Halloween is over. Why do our colleagues continue to pull ghouls out of the closet? It is now time to talk turkey.

I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I am privileged to yield the balance of our time on our side to the distinguished gentlewoman from Texas, SHEILA JACKSON-LEE, an invaluable member of the Judiciary Committee.

Ms. JACKSON-LEE of Texas. I thank both chairmen, Chairman CONYERS for his leadership and Chairman REYES. In the month of August, I stood here and shredded paper to reflect that the vote we took on that bill was really a destruction of the Constitution. I am very glad to be able to stand here today to hold the Constitution sacredly in my hand and to indicate that this bill does, in fact, offer a restoration of the civil liberties of Americans but yet does not protect one single terrorist.

It is a bill that avoids reverse targeting of Americans. But it is a bill that provides the opportunity that if there was a pending threat against the United States, the Attorney General, the National Security Director, and three others could, in fact, prevent a terrorist act from occurring in the United States. This restores justice and it protects the American people.

Mr. Speaker, I rise today in support of H.R. 3773, introduced by my colleague Mr. CONYERS. Had the Bush administration and the Republican-dominated 109th Congress acted more responsibly in the 2 preceding years, we would not be in the position of debating legislation that has such a profound impact on national security and on American values and civil liberties in the crush of exigent circumstances. More often that not, it is true, as the saying goes, that haste makes waste.

Mr. Speaker, the legislation before us is intended to fill a gap in the Nation's intelligence gathering capabilities identified by Director of National Intelligence Mike McConnell, by amending the Foreign Intelligence Surveillance Act, FISA. It gives our intelligence professionals the tools they need to legally monitor suspect foreigners outside the United States, while protecting the fundamental rights of Americans at home.

Nearly two centuries ago, Alexis de Tocqueville observed that the reason democracies invariably prevail in any martial conflict is because democracy is the governmental form that best rewards and encourages those traits that are indispensable to martial success: initiative, innovation, resourcefulness, and courage.

The United States would do well to heed de Tocqueville and recognize that the best way to win the war on terror is to remain true to our democratic traditions. If it retains its democratic character, no nation and no loose confederation of international villains will defeat the United States in the pursuit of its vital interests. A major challenge facing the Congress today is to ensure that in waging its war on terror, the administration does not succeed in winning passage of legislation that will weaken the Nation's commitment to its democratic traditions.

This is why the upcoming debate over congressional approval authorizing the administration to conduct terrorist surveillance on U.S. soil is a matter of utmost importance. I offer some thoughts on the principles that should inform that debate.

In the waning hours before the August recess, the House acceded to the Bush administration's request and approved the woefully misnamed "Protect America Act," which gives the Federal Government enlarged powers to conduct electronic surveillance of American citizens under the guise of conducting surveillance of foreign terrorists.

Mr. Speaker, FISA has served the Nation well for nearly 30 years, placing electronic surveillance inside the United States for foreign intelligence and counter-intelligence purposes on a sound legal footing. Given the exigent circumstances claimed by the administration, I am prepared to support a number of temporary changes to FISA legislation, provided that they follow certain principles.

First, I am prepared to accept temporarily eliminating the need to obtain a court order for foreign-to-foreign communications that pass through the United States. But I do insist upon individual warrants, based on probable cause, when surveillance is directed at people in the United States. The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a "basket warrant" without making individual determinations about foreign surveillance. There should be an initial emergency authority so that international surveillance can begin while the warrants are being considered by the Court. And there must also be congressional oversight, requiring the Department of Justice Inspector General to conduct an audit every 60 days of U.S. person communications intercepted under these warrants, to be submitted to the Intelligence and Judiciary Committees.

This legislation allows the interception of electronic communications between foreigners outside of the United States without a warrant and permits the director of national intelligence and the attorney general to seek "blanket" warrants to intercept communications of people reasonably believed to be outside the United States, even if such communication happens to involve "U.S. persons." Wiretap surveillance could be conducted for 7 days before a warrant must be sought, and the secret Foreign Intelligence Surveillance court would have to act on the application for a blanket warrant within 15 days.

This legislation has many other important provisions. It affirms that FISA is the exclusive source of legal authority for conducting electronic surveillance for foreign intelligence. Crucially, it does not grant amnesty to telecommunications companies for any past violations of law. Finally, it gives the FISA Court more oversight authority and terminates the authorization to conduct foreign surveillance on U.S. soil after 2 years.

In all candor, Mr. Speaker, I must restate my firm conviction that when it comes to the track record of this President's warrantless surveillance programs, there is still nothing on the public record about the nature and effectiveness of those programs, or the trustworthiness of this administration, to indicate that they require any legislative response, other than to reaffirm the exclusivity of FISA and insist that it be followed. This could have been accomplished in the 109th Congress by passing H.R. 5371, the "Lawful Intelligence and Surveillance of Terrorists in an Emergency by NSA" Act, LISTEN Act, which I have cosponsored with the then ranking members of the Judiciary and Intelligence Committees, Mr. CONYERS and Ms. HARMAN.

The Bush administration has not complied with its legal obligation under the National Security Act of 1947 to keep the Intelligence Committees "fully and currently informed" of U.S. intelligence activities. Congress cannot continue to rely on incomplete information from the Bush administration or revelations in the media. It must conduct a full and complete inquiry into electronic surveillance in the United States and related domestic activities of the NSA, both those that occur within FISA and those that occur outside FISA.

The inquiry must not be limited to the legal questions. It must include the operational details of each program of intelligence surveillance within the United States, including: (1) who the NSA is targeting; (2) how it identifies its targets; (3) the information the program collects and disseminates; and most important; (4) whether the program advances national security interests without unduly compromising the privacy rights of the American people.

Given the unprecedented amount of information Americans now transmit electronically and the post–9/11 loosening of regulations governing information sharing, the risk of intercepting and disseminating the communications of ordinary Americans is vastly increased, requiring more precise—not looser—standards, closer oversight, new mechanisms for minimization, and limits on retention of inadvertently intercepted communications.

Mr. Speaker, the legislation before us is necessary. It is incumbent on the Congress to act expeditiously to amend existing laws so that they achieve the only legitimate goals of a terrorist surveillance program, which is to ensure that Americans are secure in their persons, papers and effects, but terrorists throughout the world are made insecure. The best way to achieve these twin goals is to follow the rule of law. And the exclusive law to follow with respect to authorizing foreign surveillance gathering on U.S. soil is the Foreign Intelligence Surveillance Act. It is my sincere hope that my colleagues will join together today in enacting important and much needed reforms to FISA.

Finally, Mr. Speaker, I am proud to support the Manager's Amendment to this legislation. This amendment clarifies that nothing in this act can be construed to prohibit lawful surveillance necessary to prevent Osama Bin Laden, al Qaeda, or any other terrorist organization from attacking the U.S., any U.S. person, or any ally of the U.S.; to ensure the safety and security of our Armed Forces or other national security or intelligence personnel; or to protect the U.S., any U.S. person, or any U.S. ally from the threat of WMD or any other threats to national security.

Mr. Speaker, even as we work to protect our Nation, we must remember the fundamental need to protect Americans. At bottom, America is its people connected to each other, and to past and future generations, as in Abraham Lincoln's unforgettable phrase, by "the mystic chords of memory stretching from every heart and hearthstone." America, in other words, is Americans coming together in a community of shared values, ideals and principles. It is those shared values that hold us together. It is our commitment to those values that the terrorists wish to break because that is the only way they can win.

Thus, the way forward to victory in the war on terror is for this country to redouble its commitment to the values that every American will risk his or her life to defend. It is only by preserving our attachment to these cherished values that America will remain forever the home of the free, the land of the brave and the country we love.

H.R. 3773 does just that. It balances the interest in protecting the Nation from terrorists who would do us harm and, at the same time, ensures that the constitutional rights of American citizens and persons in America are not abridged. I strongly urge my colleagues to join me in supporting this legislation.

Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 3773.

Today, as we have so many times in our history, we are wrestling with the question of how best to protect security while preserving liberty. That struggle has always been challenging, and the events of 9/11 made it even more so. But today, the RESTORE Act provides a carefully crafted solution to that problem.

We all recognize the gravity of the threats facing our country, and that is why this bill gives the Director of National Intelligence all the authority he has asked for to fight terrorism. The legislation updates FISA to address new developments in technology so that our intelligence activities are not constrained based on what method of communication suspects happen to be using or where the communication may be routed. The bill also clarifies that no warrant is needed for foreign-to-foreign communications. These are requests that the DNI has made and which are included in the bill.

However, unlike the so-called Protect America Act, which passed in August, the RESTORE Act provides for rigorous and independent oversight from the courts, the Congress, and the Department of Justice Inspector General.

Additionally, during the Intelligence Committee's consideration of the bill, I successfully offered an amendment to strengthen the oversight by preserving the FISA Court's role to review compliance with their rules every 90 days for the life of a court order. By having the FISA Court review the procedures and guidelines used by the DNI and Attorney General when determining that prospective targets are located outside the U.S., we provide another safeguard against the collection of communications of people inside the U.S. Finally, the bill requires greater congressional oversight of the program so that we can monitor how it is being implemented and make any changes that may become necessary.

Such rigorous oversight is why the Bush administration objects to this bill. To them, the Protect America Act that passed in August is just fine the way it is. They want unfettered authority, without checks and balances. But we have seen what happens when the administration is given free rein, and I will not let that happen again.

I want to be clear that this is not a perfect bill. While in theory it is a vast improvement over the Protect America Act, in reality, this legislation will only work if everyone involved follows the rules that Congress establishes and remains within the confines of the law. Like any program, and indeed more so than most, this one could be subject to abuse, and we must remain vigilant in our efforts to ensure that does not happen. We have included meaningful safeguards and significant checks and balances in this measure. However, these provisions are only as strong as the individuals and agencies implementing them. Congress must continue to conduct robust oversight and insist on the briefings and information to which we are entitled. If we fail in these efforts and abuses occur, we will have ourselves to blame.

Mr. Speaker, we have faced grave threats before. Our Constitution was drafted at a time when the very survival of our Nation was in doubt. Yet our Founding Fathers made the preservation of basic liberties part of the fabric of our national identity.

As Members of Congress, it is our sworn duty to defend the Constitution and the principles on which our Nation was founded. I urge my colleagues to support H.R. 3773, which protects security while preserving the liberties that make this country great.

Mr. MAHONEY of Florida. Mr. Speaker, I rise today in support of H.R. 3773, the RESTORE Act.

On my first day, I took an oath of office to support and defend the Constitution. Tonight we will vote to protect our Fourth Amendment rights by passing this bill. Never again will we give any person the ability to conduct surveillance on American citizens without court approval.

America must be vigilant in our fight against terrorism. Congress has a duty to give our intelligence agencies the tools they need to hunt down those who threaten our Nation while protecting the constitutional rights of every American.

The RESTORE Act gives the Attorney General and the Director of National Intelligence the flexibility they need to pursue the terrorists, while keeping the checks and balances enshrined in our Constitution.

Mr. Speaker, it is critical that our intelligence community have the resources necessary to protect America. It is also critical that Americans are protected from unreasonable searches and seizures. This bill accomplishes both of these objectives.

I urge my colleagues to vote in support of the RESTORE Act.

Mr. BLUMENAUER. Mr. Speaker, as a chamber, we have come a long way since August when the disgraceful "Protect America Act" was strong-armed into law. The RESTORE Act, a comprehensive and thoughtful overhaul of the Foreign Intelligence Surveillance Act, could not cut a more striking contrast.

Over the past 7 years I have been highly critical of Republican wiretapping legislation. I have voted against every effort to expand the ability of this administration to intrude in the lives and privacy of innocent citizens.

But this is a Democratic Congress and a Democratic bill. The RESTORE Act strikes an unprecedented balance between civil defense and civil liberties. I deeply appreciate the hard-won progress we've made on this issue and I am heartened by our leadership's determination to end a Republican legacy that so blatantly disregards the rights of ordinary Americans.

The bill before us will not solve every potential abuse of FISA, but it does greatly strengthen legal protections for Americans and introduces robust congressional oversight. As this issue continues to play out into the future, it is my hope that our next steps will include even stronger protections for innocent Americans, clearer legal standards for FISA to judge surveillance procedures, and explicit requirements for the destruction of unnecessary data.

Ms. BEAN. Mr. Speaker, I rise today in support of H.R. 3773.

Giving our intelligence community the tools they need to uncover threats to our Nation's security is one of Congress's most important duties. This bill soundly provides that.

This legislation explicitly clarifies that a warrant is not needed when conducting foreign to foreign surveillance. Importantly this bill also includes reasonable safeguards to ensure U.S. citizens at home and abroad are not subject to surveillance without proper oversight.

It lays out a responsible yet workable framework for the Director of National Intelligence and Attorney General to get FISA certification when U.S. persons may inadvertently be involved yet allows our intelligence community to act immediately in emergency situations prior to FISA court certification.

I commend the committee for its hard work on an issue important to our national security.

While Congress should continue to pursue all relevant information from the administration's surveillance program since September 11, 2001, telecommunications providers should not be held liable for providing requested information that they were told could prevent future attacks on our Nation.

An October editorial in the Washington Post noted that these companies were "acting as patriotic corporate citizens in a difficult and uncharted environment."

Therefore I support retroactive immunity for participating companies and I'm hopeful it will be included in the final bill.

With that, I urge my colleagues to support H.R. 3773.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to voice my support for H.R. 3773—the Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective (RESTORE) Act of 2007.

In August, Congress unfortunately passed the Protect America Act, a piece of legislation that allowed the surveillance activities of this Administration to go unchecked. Though I opposed that bill, the House was left little choice but to pass that flawed bill. While it is true that modernization of our foreign intelligence laws was necessary to meet the security and intelligence needs of this nation, the Protect America Act went beyond what was essential and instead allowed the continued infringement of American's civil liberties.

Thankfully, today we have before us a piece of legislation that gives the intelligence community the authority it needs to protect Americans while also protecting civil liberties that are the bedrock of our nation. This bill modernizes our foreign surveillance system and authorizes necessary funding for training, personnel and technology resources at DOJ, NSA and the FISA Court to expedite the FISA process. Additionally, it ensures that nothing inhibits lawful surveillance for the purpose of protecting the nation and the troops from threats posed by terrorists.

Also of great importance, unlike previous bills considered by the House, this bill includes vital checks and balances on the Administration. It prohibits warrantless surveillance of Americans and requires a court order before targeting Americans' phone calls or emails. It also requires a finding of probable cause before conducting surveillance on Americans abroad, which was not required under previous legislation. To ensure greater accountability, the legislation mandates audits on the Administration's warrantless surveillance program and the communications collected under the program.

Most importantly, this legislation ensures that it is the courts and not the Administration that decides whether or not an American's communications are targeted. The bill requires the FISA Court to review targeting procedures to ensure that they are reasonably designed to protect Americans and target people outside the United States. It also requires the Court to review the Administration's compliance to ensure that when the government conducts electronic surveillance on Americans, it obtains traditional, individualized warrants from the FISA Court.

Mr. Speaker, for far too long this Administration has been able to extend its power and authority, often to the detriment and subversion of our nation's basic principles. Today, we are passing a bill that will finally curb the Administration's actions and restore a measure of accountability that has been sorely lacking for too long. For these reasons, I support the vitally necessary RESTORE Act.

Mr. DINGELL. Mr. Speaker, I voted against the original Patriot Act, I voted against the reauthorization of the Patriot Act in 2005, I voted against the President's Protect America Act that was signed into law last August, and I was prepared to vote against the RESTORE Act if it did not adequately protect our constitutionally guaranteed civil rights. I had strong reservations about this legislation when it was first reported out of Committee, particularly with respect to the degree it appeared to give the Administration the ability to monitor the conversations of U.S. citizens without an individualized warrant. However, after reviewing the changes made to this legislation in the managers' amendment, I am satisfied that the RESTORE Act now contains adequate Fourth Amendment protections.

I applaud Congressman HOLT for working with Chairmen CONYERS and REYES to address this issue. While this legislation is not perfect, I believe that it represents a substantial improvement over existing law. I realize it is likely we will find ourselves revisiting this issue again in the coming months when the Senate is finished with its own legislation on this matter. As this debate continues, I will continue to insist that any legislation I support contains adequate protections for civil rights.

Mr. STARK. Mr. Speaker, I rise today in support of the RESTORE Act. Unlike past national security measures, this bill will prevent the administration from violating our basic civil liberties in the name of its phony war on terror.

I appreciate the hard work of my colleagues, Chairmen CONYERS, REYES and HOLT. Thanks to their efforts, this bill is a marked improvement from the legislation President Bush requested and from the Orwellian "Protect America Act" the House passed in August.

Unlike the President's proposal and the legislation I voted against, the RESTORE Act will prevent domestic spying. As its name implies, this bill restores the judiciary's vital role in checking the administration's desire to conduct surveillance on whomever they want, whenever they want.

It prohibits the government from spying on Americans without the explicit approval of the FISA court. It also empowers the FISA court to determine if domestic communications picked up during blanket sweeps directed at international correspondence can be seized or searched.

Importantly, this bill does not grant immunity to telecommunications companies. The RESTORE Act will allow individuals who have had their rights violated to sue the telecommunications companies that made spying possible by sharing telephone conversations and email correspondence with the government.

The President has made it clear that he believes the three branches of government are "me, myself, and I." Thankfully, this legislation dissolves him of that notion and firmly re-establishing the important and necessary role that the judiciary plays in protecting our civil liberties.

I urge my colleagues to stand up in opposition to this President and vote yes to protect our civil liberties.

Mr. GORDON of Tennessee. Mr. Speaker, I would submit the following editorial from the Los Angeles Times for the RECORD.

[From the Los Angeles Times, Nov. 15, 2007]

WHEN THE CIA COMES CALLING

(By R. James Woolsey)

When I was director of Central Intelligence during President Clinton's first term, I had occasion to go hat in hand to the private sector several times. In one case, it was a detail that, if made public, could have caused a valuable source to be captured or killed; in another, there was a technical feature of a system in production that, slightly modified, was of great help to the nation. In these several cases, executives of American companies heard me out and willingly met my requests, to the substantial benefit of our national security.

They had no legal requirement to do so, and they knew it. They were helping solely out of a sense of patriotism and an understanding that some steps that the nation needs to take in a dangerous world cannot be taken in public, simply because informing the public informs an opponent or an enemy.

Shortly after 9/11, something similar happened. Senior U.S. officials asked telecommunications companies to assist the government in intercepts involving terrorist groups such as those that had just attacked us and killed thousands of people. In these cases, President Bush authorized the intercepts and the senior officials gave written assurances to the companies that their cooperation was legal.

In my judgment, the president acted properly; he had the authority under the Constitution to ask for such intercepts. In addition, his request was reasonable because surveillance of enemy-to-American communications is a time-honored means of intelligence gathering in the U.S. George Washington did it; those under his command intercepted and read correspondence between Benedict Arnold and his spy handler, foiling the plot to turn the fort at West Point over to the British.

But even if one believes the request was illegal and unreasonable—and there are distinguished constitutional lawyers and patriotic citizens on both sides of this debate—the issue currently before the Senate Judiciary Committee is much narrower. It is whether the telecommunications companies that complied with the president's request and trusted the government's assurances of legality should be granted immunity from about 40 lawsuits demanding billions of dollars.

Sen. John D. "Jay" Rockefeller (D-W.Va.), chairman of the Intelligence Committee, has stated that companies "should not be dragged through the courts for their help with national security." And now Sen. Dianne Feinstein (D-Calif.), a member of the Judiciary Committee, has endorsed his statement, saying that the companies should not be "held hostage to costly litigation in what is essentially a complaint about [Bush] administration activities."

Feinstein is a member of the one-vote Democratic majority on the Judiciary Committee, and it is possible that her position will determine the outcome. I hope it does. Her stance is farsighted. Having once, when I was practicing law, taken depositions for months about a single one-hour meeting, I know something about how burdensome litigation can be. If, in the end, the surveillance request made by the government is deemed improper, the government should be held accountable, not those who complied with its request.

We live in a world of terrorism, the possible proliferation of nuclear weapons and a host of other risks to our security. Intelligence, and the cooperation of the private sector in obtaining and protecting it, will be among our most important tools to avoid catastrophes such as 9/11 or worse.

If some future senior government official needs to make a call on a CEO of the sort I did, and that others did after 9/11, we and our children will be better off if the official can answer the question "Can you guarantee that my company won't be sued if we help the country?" with "If it happens, we'll get protective legislation approved as in 2007." We would be in much more danger if, because companies that helped after 9/11 became ensnared in years of litigation and financial losses, that official has to answer the question with a shrug.

Mr. UDALL of Colorado. Mr. Speaker, I have reservations about this bill, but I will vote for it today.

It is similar to one that I supported earlier this year but that failed to receive the two-thids vote necessary for passage under the procedure that applied to its consideration.

In my opinion, the RESTORE Act is far preferable to the legislation—the so-called "Protect America Act"—that I voted against but which the House, to my regret, approved and is now law.

Fortunately, that law will expire early next year, so we have the opportunity—and, I would say, the responsibility—to replace it with a better, more balanced measure.

By a more balanced measure, I mean one that fulfills two equally important requirements—first, that of enabling our intelligence community to do its job to protect us against terrorism and other threats, and second, respecting and safeguarding the rights and liberties of all Americans.

And while this bill is not perfect, I think it does meet those tests and deserves to be passed today.

It is based on the legislation I supported earlier this year but in several important ways it is even better than that bill.

For example, it is more carefully focused, applying not to all foreign intelligence but specifically to intelligence collection related to terrorism, espionage, sabotage and threats to national security. It also provides that the minimization rules—the steps agencies will take to limit their actions so as to avoid inadvertent or unnecessary surveillance—as well as the guidelines for intelligence collection regarding all targets must be approved by the FISA court, not merely by an administrative monitor.

It includes critical language that says that actions in compliance with the Foreign Intelligence Surveillance Act, and with that law's procedural safeguards, will be the exclusive means to conduct surveillance for intelligence purposes. And the bill restates current law stipulating that surveillance targeting Americans requires an individualized FISA court order.

It takes a great step toward greater accountability by requiring an audit of past surveillance activities by the National Security Agency and by mandating record-keeping on any interception of communications by American citizens and legal residents.

The bill eliminates ambiguous language in the "Protect America Act" that appeared to authorize warrantless searches inside the United States, including physical searches of homes, offices, and medical records. And it makes clear that the Administration cannot conduct surveillance against Americans without probable cause—even if they are outside the United States.

Furthermore, this bill, like the one hastily passed earlier this year, is not permanent but will expire at the end of 2009, at which time Congress will be able to reconsider it with the benefit of greater knowledge of how it has worked in practice and whether further refinements should be made.

Also important is what the bill doesn't do. It does not provide constitutional protections to foreign terrorists. The bill does not require the government to obtain a FISA order in order to intercept "foreign to foreign" communications of suspected terrorists, even if these communications pass through the United States. Nor does this bill permit the National Security Agency to collect the communications of Americans through a "basket" court order. Instead, the bill requires the Administration to certify that the targets are not Americans, and if it wants to conduct surveillance on Americans, the Administration must get a formal FISA order.

And, as now amended, it includes additional language to make clear that there are other things it will not do. Specifically, it will not prevent the lawful surveillance necessary to: prevent Osama Bin Laden, al Qaeda, or any other terrorist organization from attacking our country, our people, any of our allies. It will not prevent surveillance needed to ensure the safety and security of our Armed Forces or other national security or intelligence personnel. It will not prevent surveillance needed to protect the United States, the American people, or any of our allies from the threat of weapons of mass destruction or any other threats to national security. And it will not prohibit surveillance of, or grant any rights to, undocumented aliens.

The bill does grant authority to the Director of National Intelligence and the Attorney General to apply to the FISA court for a single court order, or a "basket" order, authorizing surveillance of a suspected terrorist organization abroad for up to one year, as long as there are procedures in place to ensure that only foreigners are targeted and the rights of Americans are preserved.

In general, I am wary of the concept of broad scope "basket warrants," which are not normal under our laws. But I am prepared to support this part of the bill on the understanding that it is limited in scope and not applicable within the United States and with the expectation that the question will be revisited if the audits indicate a need for reconsideration of this part of the legislation. In this context, I am glad to note that this legislation is not permanent and will expire at the end of 2009.

President Bush has criticized the bill, in part because it does not include a provision granting retroactive immunity for telecommunications companies that assisted in the Administration's secret surveillance program without a warrant. I think it might be appropriate to consider such a provision, but not until the Bush Administration responds to bipartisan requests for information about the past activities of these companies under the program. I am not ready to grant immunity for the companies' past activities while we don't know what activities would be covered.

Mr. Speaker, this bill is not perfect, but I am not prepared to insist on perfection at this point. I believe we must do all we can to correct the shortcomings of the "Protect America Act," even if it takes Congress a number of attempts to get it right. The RESTORE Act will give the Administration the authority it says it needs to conduct surveillance on terrorist targets—while restoring many of the protections that the "Protect America Act" has taken away. For that reason, I will vote for this bill today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 3773, the "Responsible Electronic Surveillance That Is Overseen, Reviewed, and Effective Act of 2007." I support this legislation, the RESTORE Act, because it corrects the damage done by the misnamed Protect America Act and restores this Nation's commitment to the rule of law, the dignity of the individual, and the separation of powers. This legislation is worthy of an aye vote from all Members because it restores allegiance to the Constitution and gives our intelligence agencies all the tools they need to conduct the foreign surveillance necessary to keep our country safe.

Mr. Speaker, in August of this year, I strongly opposed S. 1927, the so-called "Protect America Act" (PAA) when it came to a vote on the House floor. And I was a very reluctant supporter of H.R. 3356, the House alternative that attracted a majority of votes, but not a two-thirds super-majority, on the House floor. Had the Bush Administration and the Republican-dominated 109th Congress acted more responsibly in the two preceding years, we would not have been in the position of debating legislation that had such a profoundly negative impact on the national security and on American values and civil liberties in the crush of exigent circumstances. As that regrettable episode clearly showed, it is true as the saying goes that haste makes waste.

The PAA was stampeded through the Congress in the midnight hour of the last day before the long August recess on the dubious claim that it was necessary to fill a gap in the Nation's intelligence gathering capabilities identified by Director of National Intelligence Mike McConnell. But in reality it would have eviscerated the Fourth Amendment to the Constitution and represented an unwarranted transfer of power from the courts to the Executive Branch and a Justice Department led at that time by an Attorney General whose reputation for candor and integrity was, to put it charitably, subject to considerable doubt.

The legislation before us, the RESTORE Act, H.R. 3773 is superior to the PAA by orders of magnitude. This is due in no small measure, Mr. Speaker, to the willingness of the leadership to reach out to and work with all members of the House. The result shows. The RESTORE Act does not weaken our Nation's commitment to its democratic traditions. Rather, it represents a sound policy proposal for achieving the only legitimate goals of a terrorist surveillance program, which is to ensure that American citizens and persons in America are secure in their persons, papers, and effects, but terrorists throughout the world are made insecure. Let me direct the attention of all members to several of the more important aspects of this salutary legislation.

First, H.R. 3773 explicitly affirms that that the exclusive law to follow with respect to authorizing foreign surveillance gathering on U.S. soil is the Foreign Intelligence Surveillance Act (FISA). As initially enacted by Congress in 1978, the exclusivity of FISA was undisputed and unambiguous. I hasten to add, however, that while FISA remains the exclusive source of law, H.R. 3773 recognizes that the law as enacted in 1978 can and should be adapted to modern circumstances and to accommodate new technologies. And it does so by making clear that foreign to foreign communications are not subject to the FISA, even though modern technology enables that communication to be routed through the United States.

Second, under H.R. 3773, the Foreign Intelligence Surveillance Court (FISC) is indispensable and is accorded a meaningful role in ensuring compliance with the law. The bill ensures that the FISC is empowered to act as an Article III court should act, which means the court shall operate neither as a rubber-stamp nor a bottleneck. Rather, the function of the court is to validate the lawful exercise of executive power on the one hand, and to act as the guardian of individual rights and liberties on the other.

Third, the bill does not grant amnesty to any telecommunications company or to any other entity or individual that helped Federal intelligence agencies spy illegally on innocent Americans. I strongly support this provision because granting such blanket amnesty for past misconduct will have the unintended consequence of encouraging telecommunications companies to comply with, rather than contest, illegal requests to spy on Americans. The only permissible path to legalization of conduct in this area is full compliance with the requirements of the Foreign Intelligence Surveillance Act.

Moreover, Mr. Speaker, it is important to point out that the loudest demands for blanket immunity comes not from the telecommunications companies but from the Administration, which raises the interesting question of whether the Administration's real motivation is to shield from public disclosure the ways and means by which government officials may have "persuaded" telecommunications companies to assist in its warrantless surveillance programs. I call my colleagues' attention to an article published in the Washington Post last Sunday, in which it is reported that Joseph Nacchio, the former CEO of Qwest, alleges that his company was denied NSA contracts after he declined in a February 27, 2001 meeting at Fort Meade with National Security Agency (NSA) representatives to give the NSA customer calling records.

Mr. Speaker, the authorization to conduct foreign surveillance on U.S. soil provided by H.R. 3773 is temporary and will expire in 2 years if not renewed by the Congress. This is perhaps the single most important limitation on the authority conferred on the Executive Branch by this legislation. The good and sufficient reason for imposing this limitation is because the threats to America's security and the liberties of its people will change over time and thus require constant vigilance by the people's representatives in Congress.

To give a detailed illustration of just how superior the RESTORE Act is to the ill-considered and hastily enacted Protect America Act, I wish to take a few moments to discuss an important improvement in the bill that was adopted in the full Judiciary Committee markup.

The Jackson-Lee Amendment added during the markup made a constructive contribution to the RESTORE Act by laying down a clear, objective criterion for the Administration to follow and the FISA court to enforce in preventing reverse targeting.

"Reverse targeting," a concept well known to members of this Committee but not so well understood by those less steeped in the arcana of electronic surveillance, is the practice where the government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the major concerns that libertarians and classical conservatives, as well as progressives and civil liberties organizations, have with the PAA is that the understandable temptation of national security agencies to engage in reverse targeting may be difficult to resist in the absence of strong safeguards in the PAA to prevent it.

My amendment reduces even further any such temptation to resort to reverse targeting by requiring the administration to obtain a regular, individualized FISA warrant whenever the "real" target of the surveillance is a person in the United States.

The amendment achieves this objective by requiring the administration to obtain a regular FISA warrant whenever a "significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States." The current language in the bill provides that a warrant be obtained only when the Government "seeks to conduct electronic surveillance" of a person reasonably believed to be located in the United States.

It was far from clear how the operative language "seeks to" is to be interpreted. In contrast, the language used in my amendment, "significant purpose," is a term of art that has long been a staple of FISA jurisprudence and thus is well known and readily applied by the agencies, legal practitioners, and the FISA Court. Thus, the Jackson-Lee Amendment provides a clearer, more objective, criterion for the administration to follow and the FISA court to enforce to prevent the practice of reverse targeting without a warrant, which all of us can agree should not be permitted.

Let us be clear, Mr. Speaker, that nothing in the bill or in my amendment requires the Government to obtain a FISA order for every overseas target on the off chance that they might pick up a call into or from the United States. Rather, the bill requires, as our amendment makes clear, a FISA order only where there is a particular, known person in the United States at the other end of the foreign target's calls in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications.

This will usually happen over time, and the Government will have the time to get an order while continuing its surveillance. And it is the national security interest to require it to obtain an order at that point, so that it can lawfully acquire all of the target person's communications rather than continuing to listen to only some of them.

The Jackson-Lee amendment gives the Government precisely what Director of National Intelligence McConnell asked for when he testified before the Senate Judiciary Committee: "It is very important to me; it is very important to members of this Committee. We should be required—we should be required in all cases to have a warrant anytime there is surveillance of a US [sic] person located in the United States."

In short, the Jackson-Lee amendment makes a good bill even better. For this reason alone, civil libertarians should enthusiastically embrace the RESTORE Act.

Nearly 2 centuries ago, Alexis de Tocqueville, who remains the most astute student of American democracy, observed that the reason democracies invariably prevail in any martial conflict is because democracy is the governmental form that best rewards and encourages those traits that are indispensable to martial success: initiative, innovation, resourcefulness, and courage.

Mr. Speaker, the best way to win the war on terror is to remain true to our democratic traditions. If it retains its democratic character, no nation and no loose confederation of international villains will defeat the United States in the pursuit of its vital interests.

Thus, the way forward to victory in the war on terror is for the United States country to redouble its commitment to the Bill of Rights and the democratic values, which every American will risk his or her life to defend. It is only by preserving our attachment to these cherished values that America will remain forever the home of the free, the land of the brave, and the country we love.

Mr. HIGGINS. Mr. Speaker, on November 15th, 2007, I missed a vote on final passage of the Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective (RESTORE) Act of 2007. I would have voted YEA.

Effectively defending Americans from the threat of terrorist attacks, while safeguarding cherished and essential civil liberties and privacy protections, requires the Federal government to periodically reassess how intelligence information is collected. Congress has a duty to ensure that intelligence is collected expeditiously and can be analyzed efficiently, but within bounds long-established through constitutional jurisprudence.

The RESTORE Act carefully prescribes what types of communications, when reasonably believed to contain information relating to a terrorist investigation, would require Fourth Amendment warrant protections. Specifically, the bill would require court-ordered search warrants when the identity and whereabouts of one subject is, or could reasonably be, an American citizen. This provision would provide discrete guidance for intelligence officers and prevent warrantless surveillance of Americans.

Intelligence investigations into terrorist activities are fast-paced and often rely on the use of modern telecommunications technology. The RESTORE Act acknowledges that such intelligence gathering is unique, and facilitates such investigations while ensuring they meet crucial constitutional standards. It also checks potential abuses of power by ensuring that a court, and not an executive branch political appointee, decides whether the communications of an American citizen are to be intercepted. By doing so it gives our citizens the best protection we can provide them: review of the executive branch's actions by a court.

I had serious concerns about the PROTECT America Act, but I voted for it earlier this year because of the urgent needs presented by the intelligence community and the temporary nature of the bill's authority. The RESTORE Act is a vast improvement from the PROTECT America Act, as it provides necessary constitutional protections to American citizens and practical guidance for intelligence officers.

This bill properly responds to the evolving terrorist threat and respects constitutional jurisprudence. It should be accepted by the Administration.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 746, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill, H.R. 3773, to the Committee on the Judiciary with instructions to report the same back to the House promptly with the following amendments:

In section 18 in the heading, strike "**ALIENS**" and insert "**ALIENS, STATE SPONSORS OF TERRORISM, OR AGENTS OF STATE SPONSORS OF TERRORISM**".

In section 18, strike "This Act and" and insert "(a) IN GENERAL.—This Act and".

In section 18, strike "United States" and insert "United States, a State sponsor of terrorism, or an agent of a State sponsor of terrorism".

At the end of section 18 add the following new subsection:

(b) STATE SPONSOR OF TERRORISM DEFINED.—In this section, the term "State sponsor of terrorism" means a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act) (50 U.S.C. App. 2405), section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or any other provision of law, to be a government that has repeatedly provided support for acts of international terrorism.

In paragraph (1) of the undesignated section relating to Surveillance to Protect the United States added to the bill pursuant to the adoption of House Resolution 824, insert "members of the al-Quds Iranian Revolutionary Guard," after "al Qaeda,".

In the undesignated section relating to Surveillance to Protect the United States added to the bill pursuant to the adoption of House Resolution 824, strike "This Act and" and insert "(a) This Act and".

At the end of the undesignated section relating to Surveillance to Protect the United States added to the bill pursuant to the adoption of House Resolution 824 add the following new subsection:

(b) Notwithstanding any other provision of this Act, or the amendments made by this Act, the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) shall be permitted to conduct surveillance of any person concerning an imminent attack on the United States, any United States person, including a member of the United States Armed Forces, or an ally of the United States by Osama Bin Laden, Al Qaeda, members of the al-Quds Iranian Revolutionary Guard, or any other terrorist or foreign terrorist organization designated under section 219 of the Immigration and Nationality Act.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. CONYERS. Mr. Speaker, I reserve a point of order, and I object to waiving the reading of the motion to recommit.

The SPEAKER pro tempore. The point of order is reserved.

The Clerk will read.

The Clerk concluded the reading of the motion.

□ 2015

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. SMITH of Texas. Mr. Speaker, the motion to recommit says "promptly," because the bill needs to go back to committee immediately. Members were given almost no notice of what was going to be in this bill. There are many questions remaining about the text because it has not gone through the regular committee process.

This motion addresses a major problem created by the manager's amendment. Under existing law, court orders are required to conduct certain surveillance of illegal immigrants within the United States. Section 18 of the manager's amendment strips away any rights that illegal immigrants have under FISA, stating clearly that there will be "no rights under the RESTORE Act for undocumented aliens."

If that is really what the Democratic leadership wants to do, then we should ensure that the legislation does not treat terrorists more favorably than illegal immigrants. To fix this problem, the motion adds "state sponsors of terrorism and their agents" to section 18 to ensure that they are treated equally. There is no reason that the law should provide greater protection to terrorists than to illegal immigrants.

Also, the motion preserves the ability of our intelligence community to conduct surveillance of Osama bin Laden, al Qaeda, the Iranian Revolutionary Guard, and other terrorist organizations to protect America from an imminent terrorist attack. When faced with a life-or-death situation, a ticking bomb, an imminent threat of attack, do we really want to subject intelligence agents to unnecessary legal hurdles in order to protect our country?

The RESTORE Act hinders our intelligence community's ability to collect foreign intelligence needed to prevent al Qaeda and other terrorists from attacking our country. It requires the government to obtain court orders to conduct surveillance of overseas terrorists. The implication of this requirement, Mr. Speaker, could be catastrophic.

Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. HOEKSTRA), who is the ranking member of the Intelligence Committee.

Mr. HOEKSTRA. Mr. Speaker, the new manager's amendment that self-executed with a rule this morning included broad new language that would treat illegal immigrants differently than other threats to the homeland. This was a poorly conceived and ill-advised provision that has created a lot of confusion.

Through the day, when we discussed the rule this morning, as we had the debate tonight, I had a series of questions: Would this amendment allow surveillance against possible illegal aliens for law enforcement purposes? Would it allow surveillance to determine whether someone is an alien not permitted to be in or remain in the United States?

During the rule, I was told I would get the answers during general debate. During general debate there was nothing but silence.

If we take a look at the bill, for a month we have been dealing with a bill that provided protections and legal protections to terrorists. Overseas terrorists having access to the courts, having warrants, and those types of things were moved. Then today, at the last minute, or yesterday at the last minute, we get an amendment, a manager's amendment, that provides or, it appears, rips away any type of protection for another threat.

Is the majority saying that the threat to the homeland is greater for aliens, illegal aliens living in the United States, than state sponsors of terrorism? It appears that it does because they have 40 or 50 pages of protections and a paragraph of exceptions that says: "No rights under the RESTORE Act for undocumented aliens." Many on our side may think that that is a good idea.

What this manager's amendment says very simply is if there are no rights under the RESTORE Act for undocumented aliens, maybe we should put that same provision in here for state sponsors of terrorism and agents of sponsors of terrorism. It's very clear. We think that if a threat to the homeland, as identified by the other side, are illegal aliens, perhaps it's also time that we recognize that state sponsors of terrorism pose the same type of threat to the United States.

Is the majority saying that illegal aliens are a greater threat to the United States than Cuba, than Iran, North Korea, Sudan and Syria? It appears from the bill that we have before us tonight that is exactly what they are saying, because they have 50 pages of protections and one page of exceptions.

Let's make sure that we treat illegal aliens the same way we treat North Korea and Cuba.

The SPEAKER pro tempore. Does the gentleman from Michigan continue to maintain his reservation?

Mr. CONYERS. Mr. Speaker, I do not insist upon my point of order.

The SPEAKER pro tempore. The reservation is withdrawn.

Mr. CONYERS. Mr. Speaker, I rise to respond to the motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the motion to recommit?

Mr. CONYERS. Mr. Speaker, I am.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, ladies and gentlemen of the House, here we are again at another one of these so-called motions to recommit. Approach them with great care. I strongly oppose this motion.

The minority has just made it clear that they are not seeking to change the bill; they are seeking to kill the bill. The tactic is getting pretty old in the House of Representatives. If they wanted to vote on their proposal today, they would have used the word, doesn't everybody know it now, "forthwith," as I have suggested. But they have refused under well-established House rules and precedents.

Other words do not have that effect, even if they sound like they should. The minority used the word "promptly." It's no accident that they chose that word. The authors of this motion know full well the effect of choosing this word, and so do we. That is why they chose it. They wanted to send the bill back to the graveyard, which is what will happen if this motion is adopted.

I would now yield to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, I would note that the motion to recommit itself leads to a nonsense sentence, adding "United States, a State sponsor of terrorism," to section 18. It's inexplicable nonsense. It also guts the bill.

On August 2, I rushed to the floor to say that we were passing a bill that was a terrible offense to the Constitution. It gutted the fourth amendment. This bill does not. Mr. Speaker, I urge its passage.

Mr. CONYERS. Mr. Speaker, I am proud to yield to the distinguished chairman of the Intelligence Committee, the gentleman from Texas (Mr. REYES).

Mr. REYES. I thank the gentleman for yielding.

Mr. Speaker, this is a sham solution in search of a problem. This language is unnecessary, and it would kill this bill. The bill already states that this act and the amendments made by this act shall not be construed to prohibit the intelligence community from conducting lawful surveillance that is necessary, one, to prevent Osama bin Laden, al Qaeda, or any other terrorist or terrorist organization from attacking the United States. It also provides the means to protect the United States, any United States person or any ally of the United States from threats posed by weapons of mass destruction or other threats of national security.

Mr. Speaker, the answer to the ranking member's question about undocumented aliens, all they have to do is check section 235 and 287 of the Immigration and Naturalization Act. This does not confer any additional rights not provided by the Constitution.

Mr. CONYERS. I thank the chairman.

I am really moved by the sudden concern for immigration rights that the other side has begun to display, to my surprise.

I yield now to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding. I think this has been an interesting debate. I have sat through every minute of it. During the debate on the rule, I spoke for this bill and for the rule; and now I speak strongly against this motion to recommit. As you have already heard, it is redundant. We have inserted language in this bill that takes care of the problem. In the manager's amendment, language was added at the request of the Blue Dogs, and I am proud to be a co-chair of the Blue Dog Coalition, and that language specifically refers to terrorist organizations, and the Revolutionary Guards are one such organization.

So I would like to say for two reasons there's no need to support this motion to recommit: one, it kills the bill by using the word "promptly"; number two, it is redundant with excellent language that we added to the bill in the manager's amendment. As I have said before, this is not a zero sum game. We don't get more security and less liberty or more liberty and less security. We either get more of both or less of both.

These amendments carefully restore, it's called the RESTORE Act, the balance of the Foreign Intelligence Surveillance Act, which Congress wisely passed 20 years ago. Vote for this bill and against the motion to recommit. We will restore that balance.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WESTMORELAND. Mr. Speaker, is it not true that if indeed this motion passed, this bill could be reported back to the two respective committees to which it is designated and that the bill could be reported back to the House on the next legislative day?

The SPEAKER pro tempore. As the Chair reaffirmed on October 10, 2007, the adoption of a motion to recommit with instructions to report back promptly sends the bill to committee, whose eventual report, if any, would not be immediately before the House. Unlike the case of a motion to recommit with instructions to report back forthwith, a motion to recommit with "non-forthwith" instructions does not operate in real time. As the Chair put it on May 24, 2000: "At some subsequent time the committee could meet and report the bill back to the House."

Mr. FRANK of Massachusetts. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, would adoption of the motion to recommit promptly have the effect of suspending any of the committee or House rules which require certain numbers of days before action can be taken?

The SPEAKER pro tempore. Although the Chair does not interpret the substance of a pending proposition, the Chair can make an observation about its procedural attributes. Thus, the Chair will observe that an order of recommital does not necessarily forestall the operation of a committee rule otherwise applicable to further proceedings.

Mr. WESTMORELAND. Mr. Speaker, further parliamentary inquiry. Is it not true that different committees have different rules and that some committees have emergency rules where these bills can be brought back to the floor as early as the next legislative day?

The SPEAKER pro tempore. The Chair cannot say what in the rules of a committee might constrain the timing of any action it might take. Neither can the Chair render an advisory opinion whether points of order available under the rules of the House might preclude further proceedings on the floor.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 3773, if ordered; and motion to suspend the rules on H.R. 4136.

The vote was taken by electronic device, and there were—yeas 194, nays 222, not voting 16, as follows:

[Roll No. 1119]

YEAS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—16

Bono
Carson
Cubin
Doyle
Everett
Jindal
Kucinich
LaHood
Mack
McCaul (TX)
Nunes
Oberstar
Paul
Slaughter
Taylor
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

☐ 2048

Messrs. ELLISON and OLVER changed their vote from "yea" to "nay."

Messrs. CRENSHAW, JOHNSON of Illinois and McHENRY changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 1119, had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 189, not voting 16, as follows:

[Roll No. 1120]

AYES—227

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Shuler
Sires

Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bono
Carson
Cubin
Deal (GA)
Doyle
Everett
Hayes
Higgins
Hunter
Jindal
Kucinich
LaHood
Mack
Oberstar
Paul
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

☐ 2055

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HIGGINS. Mr. Speaker, on rollcall No. 1120, I was unavoidably detained and missed the vote on bill H.R. 3773, the Restore Act. Had I been present, I would have voted "aye" on passage.

Stated against:

Mr. HAYES. Mr. Speaker, on rollcall No. 1120, had I been present, I would have voted "no."

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 259. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House it requested:

S. 2371. An act to amend the Higher Education Act of 1965 to make technical corrections.

ENHANCING THE EFFECTIVE PROSECUTION OF CHILD PORNOGRAPHY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4136, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 4136, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 1121]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner

Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Bean
Bono
Carson
Cubin
Doyle
Everett
Hill
Jindal
Kucinich
LaHood
Mack
Oberstar
Paul
Udall (NM)
Watt
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

☐ 2103

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3773, RESTORE ACT OF 2007

Mr. CONYERS. Madam Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 3773, the Clerk be authorized to correct section numbers, cross-references, punctuation, and indentation, and to make other technical and conforming changes as necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mrs. TAUSCHER). Is there objection to the request of the gentleman from Michigan?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is further consideration of the veto message of the President on the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of November 13, 2007, at page 31280.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 1 hour.

Mr. OBEY. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from New York (Mr. WALSH).

GENERAL LEAVE

Mr. OBEY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 3043.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. I yield myself 30 seconds.

Madam Speaker, I think we have an understanding that the other side will have two statements; we will have one. We do not expect to take anywhere near the full hour.

I reserve the balance of my time.

Mr. WALSH of New York. Madam Speaker, Mr. Chairman, I do not intend to take a lot of time since this is the sixth time this year that I have spoken on this legislation, twice in committee and now four times on the floor of this House.

I would like to thank Chairman OBEY and to thank his staff for the good, solid work product that they have delivered. I have enjoyed our work together this year, and as I said before, this bill, the people's bill, is a thoughtful piece of legislation.

If Congress does not override the President's veto, I will look forward to working with the chairman to negotiate a good bill that can be enacted. If the veto is sustained, I would hope that all parties, the White House and both houses of Congress, will come together quickly and work in good faith to complete the appropriations process in a timely manner.

There is no good reason why we can't compromise this bill. In times past, people in this body of good faith have overcome differences far greater than we have tonight.

If the proposal is to split the difference, to reduce the amount of spending above the President's request by $11 billion, I would advise the President to take "yes" for an answer.

Let's go home for Thanksgiving, thank God for all the blessings that He has bestowed upon this country, and pray for wisdom and good sense, and come back and get our work done in December.

I yield the balance of my time to the distinguished ranking member of the committee, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Madam Speaker, I had planned to make a 10-minute, maybe even a 20-minute speech this evening expressing my concerns about the Labor-HHS conference report. However, given the late hour and Members' desire to join their families for the Thanksgiving Day holiday, I will submit my written statement for the RECORD.

As I do so, Madam Speaker, I am reminded of the words of my friend Will Rogers, whose statue stands outside the door of this very Chamber. He said, "Never miss a good chance to shut up."

With that, I urge a vote to sustain the President's veto, and I yield back the balance of my time.

Madam Speaker, here we are on November 15th and only two appropriations bills have been sent to the President—only one of which was enacted. I must confess that I find it quite ironic that the majority party spent the better part of the beginning of this year criticizing Republicans for not getting our work done in a timely fashion when now those same critics find themselves in an identical, or perhaps even worse, situation.

For those of us who serve on the Appropriations Committee, this will be the sixth time we have voted on this bill this year. Six times! It is the fourth time the full House will have voted on it.

The fiscal year 2008 Labor, Health and Human Services, and Education, and Related Agencies bill reflects a fundamental difference in opinion on the level of funding necessary to support the Federal government's role in education, health, and workforce programs. Regardless of that disagreement, House Republicans agree that many of the programs funded in this bill are vitally important. The majority party would have the public believe otherwise.

The recent rhetoric we have heard with respect to the president's veto of this bill diminishes all that we do as elected officials, and it does not serve this Congress or our country well. It is targeted at raw, base emotions rather than fact. It is intended to mislead the American people. It is, in short, intended for political gain.

The primary difference between the parties on this bill is that Republicans believe we must balance the benefits of these worthwhile programs with the fact that the American taxpayer must pay for them.

The vetoed bill that we are being asked to consider today is nearly $10 billion over the President's budget request and $6 billion over the fiscal year 2007 enacted level. It represents roughly half of the $22 billion the majority party in this Congress wants to spend over what the president requested.

When Labor-HHS Chairman Neil Smith—a Democrat—presented his bill in 1994, it totaled $65 billion. If you had predicted in 1994 that the very same bill—which largely covers the same agencies today as it did then—would increase by $85 billion over the next 13 years, the Chairman of the full Committee—who happened to be DAVID OBEY—probably would not have believed it.

Let's put that into perspective. In 1994 the Defense bill spent $242 billion. The Defense bill signed just this week spends $459 billion.

That is an 89 percent increase over thirteen years for a function that is quite clearly and constitutionally the primary responsibility of the Federal Government—defending our home, our citizens and our way of life against foreign threats. This bill contains a 130 percent increase since 1994—it has more than doubled in size!

By any objective standard—whether you are JERRY LEWIS or DAVID OBEY—that is a healthy increase.

And today, the House is being asked to override the president's veto and spend nearly $10 billion more than was requested and $6 billion more than last year under the mistaken notion that throwing money at our nation's problems will cause them to fade away.

Under the mistaken notion that the Federal Government is the panacea—

That government health insurance is the answer for the uninsured;

That the judgment of bureaucrats in Washington who contribute only 9 cents of every dollar spent to educate our children is superior to the judgment of parents and local school districts who face very different circumstances across our country;

That job training is somehow the responsibility of the Federal Government rather than of schools, private employers and individuals.

I contend that government is not the long-term solution. While government offers safety net programs that I support, these programs are and should be short-term solutions to help our fellow citizens move toward self-sufficiency. These programs are meant to be a hand up, not a handout.

As we move forward with consideration of these FY 2008 appropriations bills, Members of Congress ought to be aware that voting to override the president's vetoes on this and other appropriations bills—in short, voting to support this majority's spending spree—will increase the average annual burden on the individual taxpayer by roughly $3,000.

That is $3,000 that cannot be used to buy food, to save for college, to pay for health insurance, or, for that matter, to contribute to public television.

Finally, I must express my dismay at remarks made by the chairman of the committee with respect to the fate of member projects if this veto is sustained. I would hope that my colleagues do not take the bait on what I consider an inappropriate threat that suggests that members care more about pork than they do about bad fiscal policy.

Mr. OBEY. Madam Speaker, I yield myself 10 minutes.

Madam Speaker, I recognize Members want to get out of here and, as I indicated, we are going to facilitate that. But this is an important issue, and it deserves a few minutes of discussion.

As I said on the floor last week, in November I believe the American people sent two messages to this body and to the White House. Number one, they wanted a change in policy in Iraq; and, number two, they wanted a change in domestic priorities here at home.

I think that the White House, by its insistence on no compromise on both the Iraqi front and on the domestic appropriations front, has indicated that it would prefer to tell the American people: We don't care what you thought you were telling us in November, we are going to do it our way; and, it is our way or the highway.

Madam Speaker, it is simply not credible for a President who is asking us to spend $200 billion in additional money in Iraq, it is not credible for a President who is asking us to spend $50 billion to $60 billion again this year on tax cuts for people who make over $1 million a year, to then say that we cannot afford to make basic investments in education, in health care, in medical research.

The President insists that we follow his budget with respect to this bill. If we do, we would cut vocational education 50 percent; we would eliminate every student aid program except Pell Grants and work study; we would cut handicapped education by $300 million; we would cut mental health resources by $100 million; we would cut the training in children's hospitals by 63 percent; we would cut rural health by 54 percent; and, we would cut low-income heating assistance by 18 percent.

The gentleman from New York mentioned the need for compromise on this bill. We have already had incredible compromise. We have had compromise on virtually every item in this bill, on every issue ranging from family planning to special education, and the minority has been involved every step of the way. When the bill was reported out of subcommittee, every single member of the subcommittee signed the committee report, and yet today we face a Presidential veto.

Madam Speaker, I want to make one thing clear. We have said from the beginning to the White House we would like to compromise. We have asked the White House, I have asked Mr. Nussle, I know our leadership has asked the President personally, to sit down and work out our differences. We have been told as recently as last Saturday by the press secretary speaking for the White House that the White House had no intention of compromising, and that all the Congress had to do to meet the President's standards was to submit a bill which was fully identical with his budget.

□ 2115

I'm sorry, this is an independent branch of government, and we have an obligation to do better than that.

Now, I was asked by a number of members of the press earlier today why the Senate majority leader had released information indicating that I and Senator BYRD were in the process of trying to put together a split-the-difference appropriation bill for all of the remaining appropriation items that still have yet to be finished. I want to take this opportunity to explain why we've done that.

People might like to cast a vote without having to take responsibility for knowing the consequences, but there are severe consequences for voting against overriding the President's veto of the Labor-Health-Education bill.

If this veto is not overridden, the best that could happen is that we will wind up splitting the difference with the President's wholly inadequate budgets. If we were to do a 50 percent cut to the difference between the Labor-Health-Education bill and the President's budget, what will that mean for the programs that so many Members of Congress claim that they are for?

For medical research into diseases like cancer, Parkinson's and diabetes at the National Institutes of Health, meeting the President halfway would put us $700 million below the bill we are considering today. That means 700 fewer grants for research to treat and cure all of the deadly diseases that all of us like to tell our constituents we're sworn to try to overcome. I don't want to have to go back home and explain that kind of cut in NIH, but that's one of the things that will happen undoubtedly, if this veto is not overridden tonight.

For health care access, to provide 1.2 million more Americans with access to community health centers, this bill is $200 million above the President's request. Under a split-the-difference scenario, access for 600,000 Americans will evaporate.

Likewise, this bill provides $95 million so that 200,000 Americans who can't get insurance because they are medically high risk will have access to health insurance at the State level. That insurance also evaporates for 100,000 people if we split the difference.

Under the President's budget, vocational education would be cut by 50 percent. This bill eliminates that cut, but meeting him halfway would still mean a 25 percent cut.

My Republican colleagues worked hard to push funding up for special education, even beyond what I had proposed in committee, funding the program $800 million above the President's request. Defeat of this bill will slash that increase by $400 million.

This bill provides $400 million above the President to serve nearly 120,000 more low-income kids with title I grants. But 60,000 of those kids will be out of luck if we meet the President's budget halfway.

For the LIHEAP program, this bill also helps around 1½ million more families to pay their energy bills by providing $630 million more than the President's budget. Anyone who votes against this bill will be making inevitable at least a $315 million cut. That means 750,000 fewer families will have help this winter.

Now, please remember, everything that I've described is, at best, a best-case scenario if this bill is defeated and we have to pursue a split-the-difference alternative. In fact, as long as a sufficient number of Republican Members continue to follow the President's budget priorities, the result is likely to be even worse. Those who vote against overriding this veto will take full responsibility for the cuts in these essential investments.

I would like to make one other point. I know most of you on that side of the aisle, and I recognize that there are probably 50 or 60 of you who are so indifferent to these programs that you could care less what happens, but I don't believe that that's true about the rest of you. I think you care about America's children as much as I do. I think you care about medical research as much as I do. And many of you have told me that you wish you could vote for this bill, but your party leadership won't give you a permission slip.

I ask you to use your own judgment. I ask you to recognize that this issue may not be important to you, but it's important to the American families who are affected by what you do here tonight. It affects the quality of their education; it affects the degree to which we will protect the health and safety of American workers; it protects our ability to dig into the problem of serious disease across the board.

You know in your hearts that this is a decent bill. This is a bipartisan product put together in a bipartisan way. It deserves a bipartisan vote.

Mr. GENE GREEN of Texas. Madam Speaker, I support this effort to override the President's veto of the fiscal year 2008 appropriations bill funding the Departments of Labor, HHS, and Education.

After years of too little attention to our important domestic programs, this legislation makes important investments in our health care and education programs. Several years of flat funding and small increases have resulted in funding reductions for the health, education and labor programs that Americans rely on every day.

I am pleased that the bill provides the National Institutes of Health with a 4-percent increase over current funding levels. The $30 billion in this legislation will help expand our nation's commitment to life-saving medical research, much of which is performed in my back yard at the Baylor College of Medicine, the MD Anderson Cancer Center and many other impressive research facilities located in the Texas Medical Center.

I also support the legislation's $225 million increase for the Health Centers program. I know the administration supports this program, but by vetoing this bill, the President puts in jeopardy our goal to expand the program to a level that will provide 30 million Americans with a health care home.

H.R. 3043 also provides $200,000 in funding for Gateway to Care, for the Community Health Center Technology Improvement Program. Gateway to Care is the community health care access collaborative in Harris County.

Gateway to Care will utilize this funding to help coordinate the deployment of health information technology among the county's health care clinics. This funding will allow Gateway to Care to offer technical support to the developing health centers in Harris Co. during the implementation of a common Management Information System.

Additionally, this funding will allow Gateway to Care staff to lead workforce development and training activities at health centers to utilize technology to improve the business management and health care delivery in area health centers.

In this bill, the appropriators also generously dedicated $415,000 in equipment funding for the Harris County Hospital District's Diabetes Program.

This project would help the Harris County Hospital District procure the necessary equipment to establish a Diabetes Program, which will provide comprehensive diabetes care in an appropriate setting for a multi-ethnic, indigent population.

The interdisciplinary program will include an outpatient referral center, diabetes specialists, educators, nurses, nutritionists, social workers, case managers and specialist services related to the screening and treatment of diabetes complications.

Houston is the only large city in the U.S. without a single comprehensive diabetes program, which is why this funding is so important to our community. The establishment the diabetes program at the Harris County Hospital District would improve health outcomes for its 40,000 patients with diabetes.

I want to thank the Appropriations Committee for all of their hard work on this bill. This piece of legislation provides critical and necessary funding for programs that all of our districts need.

Madam Speaker, I again urge my colleagues to join me in supporting this veto override.

Mr. UDALL of Colorado. Madam Speaker, I rise today in support of this veto override.

The conference report includes funding for many important programs and I am disappointed that the President has vetoed it. I recognize that the conferees had a challenging task in shaping the report because of budget constraints, but Congress did a good job balancing critical health, education and labor needs with the tight budget.

This conference report provides much needed funding for health, education and labor programs for the nation and for Colorado. For example, included in the overall increase for the Department of Health and Human Services is an increase in funding for essential research at the National Institute of Health (NIH) to increasing health care access in rural areas, as well as additional funding for the Center for Disease Control (CDC). It also includes critical funding increases for several important education programs, including No Child Left Behind, Individuals with Disabilities Act (IDEA), and Pell Grants. I am also pleased the labor provisions of this report reflect a new direction and commitment to expanding job training and enhancing the safety of workers, by increasing funding for a number of employment, education, and protection programs for the American workforce.

I am encouraged that the report includes an increase in funding for the Low-Income Home Energy Assistance Program (LIHEAP). LIHEAP is a critical program that helps many Colorado families, who are struggling to get by, avoid having to make choices between paying their heating bill and putting food on the table. The conference report will increase funding for this program by $250 million over the fiscal year 2007 budget.

There are also critical Colorado-specific funds in the report. The report contains funding for Children's Hospital of Denver to help build the North Campus Ambulatory Surgery Center, which will broaden access to pediatric care in the north Denver metro area. This new development will also add more convenient alternative to patients, families, pediatricians, and physicians while also decreasing the burden on other health centers in the Denver metro area.

It also contains funding for Avista Hospital, a leader in the Electronic Medical Record field, to help Avista continue to implement a cutting edge system.

The funding for programs included in this report is a cause for celebration, not a veto. The President's budget request underfunded many of these critical programs and I am pleased that Congress has crafted a much better appropriations plan. While I am disappointed in the President's veto of the conference report, I am encouraged that we are attempting to override that veto today. This report is good for Colorado, good for the country and I encourage my colleagues to support it.

Mr. VAN HOLLEN. Madam Speaker, today Republicans in Congress ignored the will of the American people and rubber-stamped the President's veto of important funding for our domestic priorities. After 7 years of unrestrained spending and a ballooning deficit, the President and his Republican allies in Congress have, under the guise of fiscal responsibility, rejected a $6.2 billion funding increase for education, health care, and workforce development, even as the President requests nearly $200 billion in unbudgeted, no strings attached funding to continue the Iraq War for another year. That is no way to balance America's checkbook.

Under the budget passed by the New Democratic Congress, we can take care of America at home—increase funding for our schools, offer more student assistance for college, invest in biomedical research at NIH, expand health care access, and help Americans compete in the global economy—and balance the budget by 2012. These priorities are America's priorities, and Democrats in Congress will continue to fight for them.

Ms. LEE. Madam Speaker, I rise in support of overriding the President's veto of the L-HHS-Education conference report. I stand with Chairman OBEY and greatly appreciate his support of funding programs that are essential to the growth and development of the communities I represent in Oakland, California.

This bill includes funding for critical programs under the Department of Health and Human Services—programs like nurses education; the Ryan White CARE Act, and the Minority AIDS Initiative. These are all programs for which we should increase funding, as opposed to playing politics with the lives and well-being of the American people.

We are in a fundamental struggle over war vs. peace. We now conclusively know where the President's priorities lie—they are with occupying Iraq, as opposed to funding critical labor, heath and education programs at home. In one stroke of a pen, the President signed the Defense funding bill, and yet in the next stroke he vetoed the LHHS funding bill.

What is the President saying to the American people when he rejects legislation that funds education programs like 21st Century Community Learning Centers, TRIO, GEAR UP and programs that strengthen Historically Black Colleges and Universities? He is saying that he does not care about the programs that our people care about—programs that we need and want to see implemented to help our communities grow. He is more concerned with occupying Iraq.

We are now spending $12 billion a month in Iraq and yet the President is asking us to approve another $200 billion. This is absurd! For the price of one month of our occupation of Iraq, we could be paying for 1.5 million children to go to Head Start for a whole year; we could hire 200,000 new school teachers for a year; we could have even insured 7 million of the 8.7 million children living in this country that do not have medical insurance—for a whole year.

This is a fundamental question of where our priorities lie. Would you rather we continue to waste our American tax dollars on a war without an end, or would the American people rather spend their tax dollars on our children, our schools, and in our communities? Mr. Speaker, I hope to continue our fight for our funding priorities at home, as opposed to waging war abroad. I urge my colleagues to override the President's veto.

Mr. OBEY. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 277, nays 141, not voting 15, as follows:

[Roll No. 1122]

YEAS—277

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—141

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)

NOT VOTING—15

Bono
Carson
Cubin
Doyle
Everett
Jindal
Kucinich
LaHood
Lynch
Mack
Oberstar
Paul
Stark
Van Hollen
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 2141

Mr. RADANOVICH changed his vote from "yea" to "nay."

So (two-thirds not being in the affirmative) the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The veto message and the bill will be referred to the Committee on Appropriations.

The Clerk will notify the Senate of the action of the House.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH DECEMBER 4, 2007

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 15, 2007.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through December 4, 2007.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, DECEMBER 5, 2007

Mr. HODES. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, December 5, 2007.

The SPEAKER pro tempore (Mr. PERLMUTTER). Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

☐ 2145

COMMENDING DEAN AGUILLEN

(Mr. HODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HODES. Mr. Speaker, I rise today to commend Dean Aguillen, an important member of this body's staff, on the occasion of his transition. He's moving on from his job here.

Dean is the Director of Member Services for Speaker NANCY PELOSI, and there are a number of new Members here tonight, and as we all remember, Dean was one of the first, if not the first, members of the staff of the Speaker whom we had the pleasure to deal with.

We arrived here for our orientation, quite disoriented and needing a lot of orientation; and we found Dean to be a calm, knowledgeable mentor. He was a guide, he was kind, he was compassionate, and he was smart.

As I began to help organize the Democratic new Members into what would become the class of 2006, it was Dean who was the go-to guy for that effort. He is a consummate professional of integrity, dedication, kindness, and wisdom. And we wish him well in his new life. We will miss him.

Dean, thank you very much.

Mr. Speaker, I now yield to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. This may well, Mr. Speaker, turn into a bit of a pile-on. There were a lot of new Members in the class, and Dean Aguillen was the person that greeted us. And if there was one person that we met who seemed to have worked harder than the Speaker, it was Dean..

And I remember every single one of us, as new Members, being anxious about what our place was going to be, how to find our way. We were very anxious about committee assignments, about how you become an effective and contributing Member of the House. And, Dean, you were terrific in just giving us calm advice, getting us together to work together, giving us some reassurance that we needed as new Members of Congress, that, in fact, it wasn't an accident that we were elected, and helped all of us find our way. And you've been the same way all of the time that we have been here.

In politics so much of the interactions that we have are transactional, and all of us all of the time are trying to make them a bit more than that. And, Dean, you really helped provide the glue that made this class such a memorable experience for all of us who are Members of it.

I thank you for the wonderful contribution you made to me and to all of us in our entry into the United States Congress.

IN APPRECIATION TO DEAN AGUILLEN

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, I too am here to give a heartfelt thank you to Dean. You're going to hear several colleagues talk about him.

When I came to this institution, I came directly from the public school classroom. And the learning curve was very steep. And every step of that way, Dean was right there to help us. He is someone who understood this institution. He is someone who was willing to give his knowledge. And he was here, Mr. Speaker, for one purpose in mind: to make this country a better place. And for that I am eternally grateful. Dean has not only been a great mentor and a great resource for me here; he's turn into a great friend. And we have talked a little bit of everything from policy to procedures, but also a lot of football too.

And, Dean, I thank you for all you do. You exemplify what makes this Nation great. People are willing to give up careers in private service to serve their Nation in public service, and you have done that incredibly well. I commend you for that and thank you as a friend.

CONGRATULATING DEAN AGUILLEN

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, I want to join with all the others who have spoken tonight about Dean Aguillen and his service to this Chamber.

Ten years is a long time. It's no surprise that Dean rose through the ranks and was counted on by so many. I got to know him, as you've heard, in those early days. We were elected last November. We came in here, and it was like drinking out of a firehose, trying to absorb everything.

And everywhere we turned, Dean, you were there as a calming influence and continued in that role over time in the Chamber, in the hallways, on the phone, always a resource when we needed it.

So I wish you the very best. I know you go on to great things, whatever you choose to pursue. I know you will be taking with you a tremendous amount of knowledge and expertise and skills away from this Chamber. But I also know that you've shared it with so many that the benefits of what you brought to this Chamber will continue for years and years to come. So congratulations on your service.

IN GRATEFUL APPRECIATION TO DEAN AGUILLEN

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, I have known Dean for a number of years, and we share a passion for the Spurs and he's homegrown, San Antonio.

And Dean will tell you the story that his interest in politics was a result of watching my father, the late Henry B. Gonzalez, on Sundays when Dean was just a little boy. Now, I remember watching Dad. I was a lot older. But the thing was they didn't exactly give my father prime time. It was very early on Sunday mornings. And the reason that many of the children in San Antonio watched my father was that he came on right before the cartoons.

So, Dean, I'm on to you. I know exactly why you were watching the television, and I'm glad that you watched Dad before the cartoons.

Dean had the hardest job of anyone on Speaker PELOSI's staff. Every Thursday at 11:30, he would report to the Congressional Hispanic Caucus weekly luncheon meeting, at which time we were able to express ourselves and say many things that we couldn't say to the Speaker. We are confident that he conveyed some of it in more diplomatic terms.

But, seriously, I think he took our message back to the Speaker. He was the conduit. The Speaker can't be in 200 places at one time, though we wish she could. So Dean was a very valuable player, obviously, in this whole organization and made, I believe, the Speaker's Office much more responsive to the needs of so many different Members of our very, very diverse caucus.

And for that, Dean, we extend our grateful appreciation. We wish you well, but we have a sense that we are going to be seeing you, of course, and I am definitely going to see you when the Spurs are in the championship round again.

FAREWELL AND GODSPEED TO DEAN AGUILLEN

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, I am so honored to stand here tonight and say farewell to a very dear friend.

Dean Aguillen has had a tremendous impact on my life. I have a legislative director that he recommended who has done a stellar job. And while I am sure he has been helpful to many and probably a little bit more helpful to some than others, I think he deserves the title of a real live angel in the House of Representatives.

And "while some measure their lives by days and years, others by heartthrobs, passions, and tears, the surest measure under God's sun is what for others in your lifetime have you done."

Dean, I thank you for what you have done for others in your lifetime. God bless you.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO ELESTINE NORMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. BARRETT) is recognized for 5 minutes.

Mr. BARRETT of South Carolina. Mr. Speaker, I rise today to pay tribute to Mrs. Elestine Smith Norman. Born December 12 of 1949 to the late Wilbert and Elese Morton Smith in the Promise Land Area of Greenwood, South Carolina, she is the youngest of 5 children.

She attended the public schools in Greenwood and is a graduate of Piedmont Tech and Limestone College. She was the first in her family to graduate from college.

She has been married to Pastor Willie Neal Norman for 37 years. Willie is the pastor of Weston Chapel AME Church in Greenwood where Elestine and he have served faithfully for over 18 years. She and Neal have never had any children of their own, but there are lots of folks that would call Elestine their spiritual mother.

She has survived a diagnosis of breast cancer twice in her life and has ministered to many, many others with cancer throughout the years. Her positive attitude through these trials has always inspired others to fight a strong fight. She has trusted faithfully in her Lord Jesus Christ to bring her through the many hardships.

Mr. Speaker, she is a former president of the Greenwood Business and Professional Women's Club. She has served on the Greenwood United Way Board, the Lander University Board of Visitors, and the Piedmont Technical College Board of Visitors. She is also the recipient of the 2007 Women's History Month Government Award from the AME Church for the State of South Carolina.

In 1972 she went to work for then-Congressman of the Third Congressional District of South Carolina, Bryan Dorn. She has continued to work as a senior caseworker in the Greenwood district offices for the following Members: Congressman Butler Derrick and Congressman, now Senator, LINDSEY GRAHAM. She has worked for both Democrat and Republican Congressmen, always putting the love of serving people above politics.

When I was elected to succeed Senator GRAHAM as the Representative from the Third Congressional District, I was honored that Elestine agreed to continue her dedicated service in my Greenwood office. Now after 34 years of public service, she has decided to retire. And all these years of compassionate service, she has never lost her heart for people. And I know she will always continue to serve throughout the community for as long as the good Lord keeps her on this Earth.

Mr. Speaker, I had these prepared remarks that I wanted to say so I didn't forget anything. But I want to share one short story about Mrs. Elestine Norman. When I was elected in 2002, I knew Elestine had worked for three other Congressmen, and I thought to myself, well, there is no way that she could have the compassion and the fire and the desire to help people. And this lady has proved me wrong time and time again. Her love, her can-do attitude, her sweet spirit, she has been a rock for me, for my staff, and for all the people of the Third Congressional District.

Mrs. Elestine, I hope you're watching tonight. We love you. I love you. We will miss you greatly. Godspeed.

□ 2200

PROPOSED CHANGES TO MEDIA OWNERSHIP RULES IN SEATTLE, WASHINGTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, last Friday, the FCC held the last of six public hearings about proposed changes to media ownership rules. They did so in Seattle after I called for that meeting so that people in the State of Washington could let their government know what they thought. It was really an unbelievable showing at this hearing. The FCC callously only gave them 5 days' notice. But still it is estimated that 1,000 people showed up on a Friday night for a 9-hour hearing that ended up at 1 a.m. on Saturday morning.

Most Friday nights Americans won't be going out to hearings. But in Puget Sound country, and indeed across the country, people understand how important a media consolidation could be as a threat to our diversity and our democracy, and 1,000 people showed up to testify. I encouraged my constituents to attend. I want to credit Reclaim the Media, the Free Press and the Seattle Times who also got the word out about this important hearing.

At the hearing, FCC Commissioner Jonathan Adelstein prophetically stated that if the FCC quickly proposed a new rule, "you know your input was dismissed." He was right, unfortunately. Despite the protestations of almost every single witness in Seattle on Friday displaying the overwhelming sentiment against this consolidation, on Tuesday, one business day later, Chairman Martin announced his plans to end a 32-year-old ban on radio and television broadcasters owning newspapers in the Nation's largest media markets, including right in Seattle where 1,000 people asked him not to do so.

The fact that Mr. Martin had an op-ed piece published in Tuesday's New York Times just a couple days later shows this was clearly a preordained decision and that appearance in Seattle was just a stunt, and, frankly, an insulting one to the citizens who attended. He went through the motions, but Seattle people did not.

Now, those people knew that weakening the ownership rules would allow the media landscape to be dominated by a few massive corporations, putting too much control in a few hands and producing a system where only the powerful can be heard in our democracy. It would lead to a lack of diversity of voices, programming that is out of touch with local concerns, as well as a continuation of the homogenization of our news and our entertainment.

Already, consolidation has brought us to the point where in the average radio market, two companies control 70 percent of market revenue. That is why the Senate voted to overturn the first try, the first run that Mr. Martin and then-Chairman Powell took in 2003 to loosen these rules. It is why a Federal court tossed out the ill-advised rules in the Prometheus decision, and it is why we need to stop a second attempt to do the same thing that 1,000 people in Seattle asked to be stopped.

Therefore, I am working with my colleague, Congressman MAURICE HINCHEY, to reintroduce our legislation that would derail Commissioner Martin's cross-ownership scheme that is so contrary to the wishes of the public. Mr. Martin claims that his proposal is a modest one. In fact, it would impact half of Americans who live in the top 20 media markets and could impact even more with possible waivers and exemptions. I wish 1,000 voices in Seattle and thousands more in hearings across the Nation would have knocked some sense into a particular commissioner, maybe three of them on the FCC who are heck-bent, or perhaps hell-bent, on loosening media consolidation rules.

Now that this Federal agency has disclosed its real plan to move ahead with a plan that runs so counter to public sentiment and the public interest, the time has come for Congress to weigh in. We are one voice that the FCC can't tune out. It is time for Congress to act. Let's make sure the will of the American people is heard, not just this preordained stunt by an FCC commissioner.

HONORING MRS. MARIANNE HEINEMANN RUSSO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MEEK) is recognized for 5 minutes.

Mr. MEEK of Florida. Mr. Speaker, I am honored and I want to thank Members of Congress for allowing me to make this statement. This is concerning the death of a very dear friend of mine and a great American that has served our country, Marianne Russo. On November 12, 2007, Ms. Russo died at the age of 71 in her home in Elkdale House in Lincoln University, Pennsylvania.

Ms. Russo was born on May 7, 1936, in New Canaan, Connecticut. She graduated from Little Red Schoolhouse, New Canaan Country Day School, the Baldwin School and Mount Holyoke College.

She earned a master's degree in history at Columbia University and a master's in linguistics at the University of Delaware. During the peak of the civil rights movement, Ms. Russo and her husband, the late Paul Anthony Russo, made a significant contribution to history by teaching at Lincoln University, a historically black institution.

Ms. Russo's passion for teaching and writing prompted her to organize a local writers' group and participated in the Key West Literary Seminar, which created the Marianne Russo scholarship for inspiring writers.

In addition to this achieving excellence as a teacher and a writer, Ms. Russo coordinated grass-roots efforts to elect progressive Democratic candidates to serve on local, State and Federal Government levels. In fact, she was the recipient of the Lifetime Achievement Award from the OxGrove Democratic Committee.

Today I ask Members of Congress to take time to honor Ms. Russo who is not only a patriot but a great American. Ms. Russo dedicated her life to serving others as a teacher and a published writer.

As an accomplished author, teacher, political activist, and recipient of numerous awards and honors, Ms. Russo has truly left behind an excellent legacy. Her excellence will continue to shine through her four children and four grandchildren, all of the individuals she enriched in her classrooms, organizations and literary works.

As a member of the Congressional District 17 in Miami, Florida, I have the honor to be the Congressman for her daughter, Monica Russo, President of SEIU Healthcare Florida, and also serves on the international board of SEIU.

In addition, I have the opportunity and great honor and the blessed privilege to be the godfather for her granddaughter, Giovanna, who I love and appreciate, and I know that she will continue the family legacy.

Mr. Speaker, I think it is important that we recognize Americans like Ms. Russo and her husband, Mr. Russo. They are in a better place now. And what they have left here in this country and here in the United States of America is a sense of pride, a sense of activism, and a sense of love.

I would also like to state into the RECORD that a memorial and celebration in her honor celebrating her life will be held on Saturday, November 17, 2007, at 2:00 p.m. at Penns Grove School Auditorium, 301 South Fifth Street, Oxford, Pennsylvania.

Mr. Speaker, I would like to furthermore say that many times Members come to the floor to share with the Members of Congress the great contributions of Americans that have moved on to a greater place, some on the battlefield in an area of war, some that were patriots here teaching and pushing Americans to take part in this democracy. I am very proud of Ms. Russo's accomplishments. I know that her spirit will continue to live in this country, and I know there are other Ms. Russos that are out there that are going to carry the spirit at the grassroots level.

I say to the Russo family that is gathered at the family home to celebrate her life, celebrate her life as though she is still here, because she is. And she will live within you and live within me and live within other Americans that appreciate Americans like her.

Mr. Speaker, it gives me great honor, before we go on this Thanksgiving break when we surround ourselves with family and friends, to let you know that sometimes we have to cry, sometimes we have to pray, and sometimes we even have joy. I ask during the holiday season, and especially for the Russo family, to live within the joy that you remember in your heart and your mind of her contributions to your family and to our country.

☐ 2210

LETTER FROM REBECCA SHOWERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. SARBANES) is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, I rise today in the people's House to give voice to the pain and courage of Rebecca Showers, one of my constituents. I do so, believing that we must take every opportunity in this Chamber to tell the stories of the American people.

With Rebecca's permission, I would like to read part of a letter she sent to me earlier this month. Rebecca's husband had every expectation of completing his service in the Army after two tours in Iraq. But recently he received word that he now faces a third deployment, this one for 15 months.

Speaking of her husband, Mrs. Showers writes this: "I don't want him to miss a year and a half of our lives. Our son is 2, and he will miss the most important times in his life, the forming of sentences, learning new words, learning the alphabet, even 2 of his birthdays, which, by the way, he already missed him turning 2 on October 17.

"He will also miss two Christmases and two Thanksgivings. Just to let you know, in the last 6 years he has only been home twice for Christmas, and not once for Thanksgiving. I'm sure you hear this a lot from other Army spouses, but I just want my husband to be home with his family, where he belongs. I would like to know what the government is willing to do about getting our guys home sooner, or at least if they are willing to send them over for shorter tours. A year and a half is just too long, and I am not sure they understand that.

"Is there anything you can do for me and my son or know anything else that maybe I could do? Please help me, Mr. SARBANES. He shouldn't have to go for so long. It's tearing me apart."

Mr. Speaker, I don't know whether it's possible to accelerate this young man's return, but I have contacted the Department of the Army, asking for its consideration based on these circumstances. In the meantime, my colleague, ELLEN TAUSCHER, has introduced legislation to require that between these extended tours, our troops would at the very least receive the same amount of time home with their family that they have spent deployed in Iraq.

I again salute Rebecca Showers's courage and her husband's service to our country.

THANKSGIVING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Missouri (Mr. AKIN) is recognized for half of the remaining time until midnight as the designee of the minority leader, approximately 50 minutes.

Mr. AKIN. Mr. Speaker, it's a treat to be able to join you and take a look at a very interesting subject, a subject that we in America will all be thinking about here before so very long, the subject of Thanksgiving. There are, of course, many different Thanksgivings that each of us have enjoyed with our families. But I am here to talk particularly about a little group of marines, they might be considered, a group of marines that undertook a great adventure to America, and that is, of course, the story of our Pilgrims.

There is some debate and some belief that there was a Thanksgiving celebration in the area of Berkley or the Jamestown area in maybe the 16th, 17th-ish vicinity. But the one that springs to most people's minds is the story of the Pilgrims. Perhaps the reason is because the Pilgrim story is such a fantastic adventure. It sparks the imaginations of not only children but adults as well. It goes back some time.

So I thought what I might share this evening is this great adventure story, but with a purpose. The purpose is to suggest that there was something far more significant. In fact, a number of things more significant than the Pilgrims brought us, even in the tradition of our turkeys and cranberry sauce, better than the tradition of Thanksgiving, and far more significant to particularly those who meet in this Chamber.

The story of the Pilgrims goes back a long way. The idea and the thing that separated the Pilgrims, to a certain degree, were the writings of a theologian from Scotland that followed Knox. As he looked into the Old Testament, he saw a pattern that had been overlooked by many in European history. He looked into the Old Testament and he noticed that there was a Moses, and that Moses seemed to run the government, but there was Aaron, who seemed to run the worship of that which you might call a church.

Through the Old Testament he noticed there was a difference between church government and civil government. Now this was, in a way, a novel idea because those two had been confused for hundreds of years in European history. So he started to write about the idea that really maybe the church should be separate from the civil government.

Now in those days in jolly Old England it was James who was King. He wasn't exactly the model of a good church leader, perhaps. So there were those who, as they read these writings, took them to heart. They were called Brownists or Separatists. They came up with the idea that they would start their own church separate from the King.

Now this idea didn't go over politically very well at all. So this group of people met together, created their own little, if you would, New Testament church. They elected their own leaders and they met in a manor house in Scrooby, England. Well, the King, in response to these things said, I am going to hurry them out of England. So he put them in stocks and he taxed them and harassed them and charged them falsely with all kinds of things and persecuted them to the point that these Separatists had to leave England, one group after the next. There weren't that many, maybe several thousand in England at the time.

They went, as many of you know to Lieden, over in the Netherlands and Holland. There they worked a very, very hard existence and had their difficulties there trying to learn a new language and trying to find a way to make a living.

One of the things they found after they had been there some period of time was that their children started picking up some bad habits, in their opinion, of the Dutch children. So they determined that they needed to do something different. It was then that they looked around for the idea of perhaps finding a different place to build a new civilization based on new ideas that they had been thinking about.

So the Separatists, particularly under the leadership of their pastor, John Robinson, started to consider the idea of coming to America and planting a colony. That, of course, required a lot of money. So they looked for some people to finance this expedition. They found the merchant adventurers. The merchant adventurers helped them raise the capital to fund the Mayflower. They also hired another smaller ship called the Speedwell. The picture of the Speedwell you can see on the rotunda, as the Pilgrims were having a prayer meeting aboard the Speedwell.

So it was after a period of time these Separatists or Brownists, as they were called, got onboard.

□ 2220

They traveled from Leiden, which was their hometown, to Delfthshaven. You can see in the Capitol Rotunda Delfthshaven in the background, and the Pilgrims at prayer about to leave to come over to England, where they would rendezvous with the Mayflower and other separatists who were going to be making this expedition, along with just some plain old families, jolly old blokes off the street of England. So this expedition was taking shape.

The trouble was the Speedwell was a pretty leaky ship and the captain wasn't too enthused about going across the ocean. They put the gear into the ships, started to try to get off in the summertime and made one start. And the Speedwell started leaking after 3 days. They had to turn around and come back. They re-caulked the ship and set off again. It started leaking again. They could find no leaks in it. They finally decided to leave the Speedwell behind. The Mayflower had to put off with just the people they could fit in the Mayflower.

Now, as they took off, you can imagine what started to happen. You have got men and women and children, a little over 100 of them, cramped in very tight quarters aboard the Mayflower. And if you have been at ship at sea for a little while, you know what happened. They started turning greenish in color and started getting violently seasick.

In the meantime, they had a bosun that made kind of a sport of making fun of them, saying, "Puke socks, we have seen this before. We will be soon wrapping you up in a sail and sending you down to feed the fish."

So it was that they started this very long and difficult voyage in the Mayflower across the stormy North Atlantic.

Now, these people were praying people, a good many of them, and you can imagine they were hoping they would get a nice, easy voyage. But it didn't happen that way. Instead, the storms just howled around them, and they continued seasick. And it was about a 66-day voyage that they were pretty much not quite locked, but kept completely underneath the deck.

There was one of them that just couldn't stand this, the foul air down in the cabin with all of these kids crying and mothers and everybody seasick, who came up on deck, and a wave about washed him overboard. And he was in the ocean for a while, and he put his arm out, grabbed a rope and was hauled back into the ship. He was about blue, he was so cold, and he went down under the deck and didn't stick his head out again until they finally sighted land.

Well, as they were about two-thirds or so away across the Atlantic, the ship was pitched from side to side in the huge storms. There was a groan and a terrible creak as the main beam that supported the mast, the main mast of the Mayflower started to give way. It was cracking and sagging under the weight of the mast and the duress of the wind and the sails of the Mayflower.

The captain, taking a look, thought they might have to put back, but they were in very bad shape with the beam cracking this way. It was then that some of the passengers remembered the big printing press that was in the hold of the Mayflower. They wrestled it into position, jacked it up and forced the huge oak beam back into place, and the Mayflower continued on.

Finally sighting land, not in Virginia where they had intended to go, but blown north of their course by the heavy storms and sighting the windswept coast of Cape Cod. Now, they immediately tried to sail south to get down toward the Hudson River. The south side of the Hudson River in those days was known as the Virginia area. It was really what we think of as New York. And the storms did not allow the Mayflower to make that. The ships are not very good at running close hull to the wind, and the treacherous shoals and sandbars around Cape Cod were threatening.

The decision was made then to anchor in Provincetown Harbor and then to find a suitable location for their plantation north up in the area that we now know as Cape Cod and Massachusetts.

This brought on a little bit of a political crisis, and it is one of the beginning and most amazing stories of the Pilgrims, because when they were there in Provincetown Harbor, the people that were not so much known as Christians, the jolly old blokes off the street of England, they were known as strangers. There were saints and strangers. The saints were known as the Christians. The strangers were just the people off the streets of England.

The strangers said, hey, when we get to shore, no rules, mate, like down under, and we will do whatever we want.

Sensing a certain amount of anarchy, the saints decided on a course of action. They took out a piece of paper and they wrote the Mayflower Compact. It starts out, "In ye name of God, Amen. We do covenant and combine ourselves together unto a civil body politic for the glory of God, for the advancement of the Christian faith," and it goes on to say "to frame such just and equal laws as would be meek and necessary for our little plantation."

In other words, what had happened, the very first time in all of human history, a group of free people under God created a civil government covenantly and elected their own leadership to that little civil government. This was the first written constitution in all of history that we know of, and it was the very beginning of all of American civil government.

If you think about that formula, under God, a group of free people creating their own civil government to protect their basic rights to make basic laws, this was essentially the Declaration of Independence 170 years earlier. And it was in extreme contrast to what was going on in Europe, because in Europe, the basic model of all of government was the divine right of kings. When the king says "jump," everybody is supposed to say "how high?" But here in America, there was a new model, completely new technology, the idea of a written Constitution, that under God a group of free people could create a civil government to be their servant.

And so it was that the Pilgrims at this very time in Provincetown had taken their idea of a New Testament church, a group of free people under God, covenanting together to create a church, and they picked up the idea, even though they knew very well that there was a difference between church government and civil government, but they used the same pattern, and they picked it up and carried it across and applied it in the Mayflower Compact. So you have in the first time in history the beginning of a whole new view of how a country should be built.

Now, this was very much in keeping with the sermon that Pastor Robinson had given to the Pilgrims as they left. He had been a wonderful pastor to these people in Leiden and steered them from a lot of dangers. But as he said good-bye to them, knowing probably that he would never see them again, he said, Now, be very careful when you go to America to plant this Christian civilization, be very careful what you adopt as true, sayeth he, for it is unlikely that a Christian civilization should spring so rapidly out of such anti-Christian darkness.

What he was saying was that the patterns of the way things had been done in Europe were maybe not consistent with the Bible, and that they should be very careful how they built this new civilization. And this first step, this creation of a covenant, the Mayflower Compact, is essentially the beginning of all of our civil government in America.

Well, of course, they couldn't stay in Provincetown forever. They took a prefabricated boat called a shallop that it was put together in the hold of the Mayflower in pieces. They took it out and assembled it on the shore. It had been damaged by the storms, and they continued to explore around the inside of Cape Cod. As they did, they had an encounter with the Indians who attacked them. Fortunately, nobody was hurt on either side.

The Pilgrims continued on around, almost freezing and getting caught in the surf, and, miraculously, almost at the time when there was no more sunlight, the wind was blowing hard and the ice was freezing on their clothes, they came into the shelter of an island, which they didn't really know quite where they were, and they had sailed around the inside of Cape Cod over to Plymouth Harbor.

In the morning they discovered that they were on an island that was safe, there were no other Indians there, and they made a whole series of discoveries that they were in a harbor that was more than twice deep enough for the Mayflower. They found there was land that had been cleared and nobody appeared to claim it, fresh water coming down the hillsides of what we now know as Plymouth, even a pretty good size rock, I suppose, that they could land on.

So, taking the shallop back to the Mayflower, the Mayflower came across from Provincetown over to Plymouth, anchored in the harbor, and they started there late in December on putting together their little civilization. In fact, it was Christmas Day that they started in on some of the buildings in Plymouth Plantation.

□ 2230

Well, things became very difficult for the Pilgrims at that time. They started to die. They died from what they called the general sickness. It was probably caused by scurvy and colds and pneumonia and various things that weakened them. In December, eight of the 100 or so Pilgrims died. And then it got worse in January and February. By the time they got to March, almost half of the crew and half of the Pilgrims had died.

Now, that I suppose would be kind of a discouraging thing for people who felt that they had come over here with this noble expedition in mind, the idea of building a new civilization on new principles.

At that time the captain of the Mayflower, who had been standing with them, the Mayflower had been anchored in Plymouth harbor, said: it is about time for us to go back to England. It has been a great try, but half of my crew is dead and half of you are dead. You need to get on the Mayflower and come back to England with me.

You can picture yourself now on the shore of Plymouth and the boatswain is giving the calls. The anchor cable is winched up from the bottom of the harbor, covered with seaweed. The boatswain gives the commands and the yardarms are swung to the wind. At first large and then small, the Mayflower disappears over the horizon. The wind is blowing through the pine trees behind and 50 people, a little over 50 people, the Pilgrims, left standing on the shore amid some primitive huts they had been able to build.

You may ask: What was the dream? Why would these people dare take such a tremendous risk?

And the answer was found by the sermon Robinson preached about the idea of building a new civilization on new ideas. So it was then not so many days later that they were greeted by a cry from the lookout: Indian coming.

You mean Indians?

No, Indian coming.

Here walking down the main street of their little village was an Indian with nothing but a loincloth. It was very cold weather, and he said in very broken English, Do you have any beer?

What an interesting thing to ask for. It turned out it was Samoset. He was an Indian chief from up in Maine. He had a little bit of wanderlust and he was down visiting Massasoit. He heard about the settlers that were trying to make a go of things at Plymouth, and he came over to see how they were doing. After they fed him a good meal, they told him about the Indians they had seen in the distance, but none had bothered them at their site in Plymouth.

What they found out was that the Indians that had lived in the land there at Plymouth were the Patuxets, quite a war-like tribe, but the war-like tribe had been destroyed by a plague a few years before. Almost all of the Patuxets was dead. There was one at least alive. He had been taken by a sea captain and was going to be sold into slavery in Spain, and he was rescued by some monks and managed to get to England and later got across the ocean back ultimately to find his village and home gone because of the damages of the plague that had come before.

So it was that Samoset introduced them to another Indian by the name of Tisquantam, one of the last of the Patuxets. Tisquantam, or Squanto, as we know it, had not really had a whole lot to live for. But when he came to see these hard-pressed Pilgrims, he felt sorry for them so he taught them how to plant corn and how to find those eels by going barefoot in the mud by the side of the streams. And he helped them to survive through the first year. And following that and their being able to plant some corn, they celebrated in the fall their first Thanksgiving.

The idea was that the settlers, the Pilgrims, invited Massasoit, who turned out to be a very fine Indian chief, and contrary to some people's understanding of history, was very loyal and followed all of the treaties they set up and was a good chieftain, as was his son.

Massasoit was invited to celebrate the first Thanksgiving that the Pilgrims had, and he decided to bring some of his other Indian friends along, quite a few Indian friends, so you had even more Indians than there were Pilgrims at the first Thanksgiving. They had a good meal. The Indians weren't in any mood to leave, and so Thanksgiving continued for 3 days. There was wrestling and foot racing and sort of military drills, and all kinds and manner of things. The Indians did the hunting for turkey and deer and the Pilgrims were cooking and baking fruit pies, perhaps, and things like that. So they celebrated Thanksgiving, not just for a day but for 3 days, and it was an event that was a great celebration and was a great success.

So we have the tradition that particularly the Pilgrims and other groups passed on to us. Thanksgiving became a popular day in the colonies. All sorts of towns celebrated it on different days and times of year.

To my knowledge, the first national Thanksgiving was declared in 1777 by the Continental Congress many, many years later. That was to celebrate the victory at Saratoga. That also is depicted in our rotunda in the beautiful, large Trumbull-painted rendition of the surrender of the British at Saratoga. So that was a national day of Thanksgiving that was recommended by the Continental Congress.

The words of these Thanksgivings, for instance the actual declaration of Thanksgiving by the Continental Congress, were explicitly Christian. It starts out: "Forasmuch as it is the indispensable duty of all men to adore the superintending Providence of Almighty God; to acknowledge with gratitude their obligation to Him for benefits received and to implore such further blessing as they stand in need of; and it having pleased Him in his abundant mercy not only to continue to us the innumerable bounties of His common Providence to smile upon us as in the prosecution of a just and necessary war for the defense and establishment of our unalienable rights and liberties."

And it goes on to talk about Christ and the Holy Ghost. This is a product of the Continental Congress in 1777 after winning the Battle of Saratoga. There were other Thanksgivings, and then eventually George Washington declared a national day of Thanksgiving in 1789. He says: "Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for his benefits, and humbly to implore his protections and favor." That is Washington as he declared a day of Thanksgiving in celebration of the adoption of the U.S. Constitution.

So that is the tradition of Thanksgiving. The Pilgrims passed Thanksgiving along to us, and of course this first Thanksgiving was a pretty good one. It lasted 3 days with the Indians.

If we look back and think about this little group of heroes that came to America, what we find was it was an awful lot more than Thanksgiving they gave us. They gave us a whole view of civil government, the idea that government is created by a group of free people and that there is no sovereign.

In fact, in the War of Independence, the battle cry was "No King But King Jesus." It was the idea of a group of people created under God to defend a set of rights. And as we later worded it, life, liberty and the pursuit of happiness.

So they give us this idea of a written Constitution in 1620. They also understood that we celebrate civil government from church government. That may seem ho-hum to most Americans, but we have to realize that the Europeans still use tax money to pay for their churches. And, of course, the Islamists tend to mix civil and church government completely together. So this technology that the Pilgrims brought us was extremely significant, far more significant probably than the celebration of Thanksgiving.

So we have the whole constitutional form of government, the separation of civil and church governments, and then later in the fall, the Pilgrims took another step. The loan sharks in England who had arranged the journey over on the Mayflower had insisted that everyone work in a common store. That was socialism, that is, everybody owned everything. Well, that didn't work.

Governor Bradford took a good look at that. It was not working. The people were going to starve to death, and so they basically canned socialism and he wrote in his history of "Plymouth Plantation" as though men were wiser than God and the ancient conceit of Plato and others who thought that they were smarter than God and he said this thing has been tried among Godly and sober people, and it just doesn't work. And so they pitched socialism out and were able to do a lot better in the colonies.

□ 2240

Even so, it would be another 7 years before Governor Bradford would write that they could relax and taste the goodness of the land. It was a very hard time for the Pilgrims in this time period.

But I think it is important for us to remember as we join together with our families and we enjoy the wonderful tradition of Thanksgiving, to remember the other blessings that this little group, this adventuresome little group of men and women and children that came to this land. Of course, Jamestown was settled by men; they called them adventurers. But they were not women and children so much. These were people that put their families onboard ship and risked it all to make a beachhead in a new land. And they came with new ideas, ideas that have been a great blessing to us. I think it is important for us to remember how it was that God heard their prayers and used them. And Governor Bradford would write a little wistfully saying that he hoped that as a candle can kindle other candles, yet that they might be a bit of a light to a whole new country that would be born. Little did he know what would happen as a result of the blessings that they brought us across the ocean, this first little group of waterlogged marines as they landed in Provincetown and then Plymouth Harbor.

And so the story of Thanksgiving is mixed tightly and connected tightly together with our heritage as a Nation, and I think it is important for us to remind our children and our families the high price that was paid even at an early date.

Another thing that many people don't understand or don't know is that when the first Constitution in the Mayflower Compact was 1620, it was only 18 years later in the Fundamental Orders of Connecticut that you had the entire U.S. Constitution, the whole technology for our U.S. Constitution pretty much in place in Connecticut in 1638. The license plates in Connecticut say "The Constitution State," and with good reason, because the Fundamental Orders of Connecticut had federalism and most of the developments in terms of civil government that we now have in the U.S. Constitution.

People sometimes say, well, this was the product of enlightenment thinking. This was way, way before the enlightenment. This was the result of a group of people who came here, first of all, the Pilgrims, who took their principle of a new testament church and simply applied it to government; and, following that, by a pastor by the name of Hooker, who was Cambridge educated, came from England, first landed in Boston, was a friend of Winthrops, and then went to found Connecticut. And as a result of his sermons, this Fundamental Orders of Connecticut is drafted.

I think the only thing that is missing possibly is the bicameral nature of the legislature, and some of us in this body are not sure that the Senate was a good invention anyway. But be that as it may, you had this Constitution, which is pretty much the U.S. Constitution, as early as 1638.

And so as we celebrate Thanksgiving once more, I think we can remember the idea of separating civil government from church government, the idea of a written Constitution, the idea of pitching socialism out, and the tremendous courage and dream that they had for a new Nation, which we have inherited and have been blessed with. So it is a beautiful time to celebrate Thanksgiving.

Thank you for sticking with me as we think a little bit about this little group of courageous people that settled these shores.

GREEN THE CAPITOL INITIATIVE

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the majority leader.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the opportunity. As we are concluding our activities wrapping up on the floor, preparing for the Thanksgiving recess, as people go back to work in their districts, and hopefully spend a little time with their families, it is appropriate for us to reflect on the important work that has been done here in Congress under the leadership of Speaker PELOSI, Majority Leader HOYER, working with our House Chief Administrative Officer Dan Beard, to develop a Green the Capitol initiative.

We have made it clear under the new Democratic leadership in the House that it is not appropriate to ask the American people to address the challenges of global warming and climate change without first carefully examining the ways that we reduce our own work energy consumption and sustainable practices here in the workspace.

Mr. Speaker, I have spent most of my career working with environmental issues at the State, the local, and now the Federal level, working in partnership with people in the private sector to be able to make our communities more liveable, to make families safer, healthier, and more economically secure by virtue of our environmental initiatives, how we put the pieces together.

Over the years, I have had lots of ideas myself. I have heard them from others. We have looked at policies and practices, rules and regulations. I will tell you that the one thing, if I were empowered for a day to be able to set the rules and regulations, it wouldn't be any new regulation, any new tax, any new environmental law. It would simply be to make sure that the Federal Government practiced what we ask the rest of America to do in terms of our behavior regarding the environment.

The Federal Government is the largest manager of infrastructure in the world. It is the largest consumer of energy. We have facilities from coast to coast. We are the largest employer in the United States. And the extent to which we are able to put in practice the best practices, it will have a transformational effect, not only in terms of the Federal operations themselves, but in terms of what difference it will make as we are setting trends and move forward.

I am extraordinarily impressed with what has happened already. I can't say enough about this initiative. The goals that were adopted were to operate the House in a carbon neutral manner by the end of the 110th Congress; to reduce the carbon footprint of the House by cutting energy consumption 50 percent in 10 years; and, to make House operations a model of sustainability.

There are a number of steps that the Chief Administrative Officer has already done to implement these goals. They purchased renewable energy power for electricity, funding that was approved in the Legislative Branch appropriations bill. We have switched the Capitol power plant, which provides heating and cooling to the House, to natural gas. It will improve the air quality on Capitol Hill for the residents. This was also already approved. I personally have been appalled at looking at the belching gas coal-fired plant that powers many of the energy needs for Capitol Hill. That is being changed.

To improve energy efficiency, the House will use metering, commissioning, and tracking to improve operations, install energy-efficient lighting, adopt new technologies and operation practices, other office equipment, update heating and ventilation. We are looking for sustainability in all House operations. Purchased carbon offsets from the Chicago Climate Exchange. These are initiatives, Mr. Speaker, that are extraordinarily exciting as they are spreading out across Capitol Hill.

Before turning to some of my colleagues this evening, I however must note that our friends in the minority office have decided to somehow try and politicize this effort issuing a broadside, and I am willing to talk about this further if we have time with my colleagues, but issuing a broadside against this initiative, claiming that it is somehow, the term the House Minority Leader BOEHNER used, green pork. It is sort of disappointing, I guess, to see that the minority leader doesn't see the value in leading by example and reducing the House energy costs and modeling the behavior we expect from citizens. I am disappointed he would prefer to have the Capitol continue to waste energy, limit transportation options for House employees, and continue to force Capitol Hill residents to experience the pollution of the Capitol Power Plant.

The green pork update has taken issue with a number of initiatives that the CAO has undertaken, taking to task the notion of working with the Chicago Climate Exchange.

I wish that the House could offset all our emissions on premise, but it is not possible at this point. But the Chicago Climate Exchange is a credible mechanism, the world's first and North America's only voluntary, legally binding greenhouse gas emissions reduction registry and training program.

The minority leader attacks initiative here on Capitol Hill for car-sharing. It is kind of ironic, we actually have higher per capita use of auto commuting on Capitol Hill with our 7,000 employees than in Washington, DC as a whole. One of the initiatives to help solve the problem of forcing people to drive their cars is to use car-sharing, something my colleague from the Seattle area can speak to.

□ 2250

We've had Flex Car and Zip Cars. The average car is only used 2 hours, less than 2 hours a day. Car-sharing is something that's moving across the country. It's been pioneered in a number of European cities.

The minority leader dismisses this as a "hybrid loaner car for staffers wishing to run errands or catch a movie during work hours."

I find that offensive in the extreme. The 7,000 men and women who work for us on Capitol Hill are amazing.

Now I don't know what happens in the minority leader's office, maybe he has employees that go off in the middle of the day to catch movies. I don't know of anybody, Republican or Democrat, who experiences that. And it's a slander against the outstanding primarily young men and women who work with us. It's illegal in the first instance to do this. But I think it really is demeaning for the people that we work with.

Car-sharing, if that's what they're trying to get at, is a very successful business around the country. It's recently on the GSA schedule. I'm pleased to have a small part in encouraging that to happen here on Capitol Hill. We now have over 100 employees that have signed up for it. There are cars that are parked here that people can use before or after hours for business or after hours on their own time and avoid having to drive a vehicle.

I will return to this in a moment. I am obviously quite disappointed in the minority leader slandering our employees and demeaning this effort, even picking out, claiming that he's concerned about the notion of using Segways. The Segway personal transporter is not in the initiative. It's nothing that we have done in bringing forward this program. They were part of a green products fair that was conducted here 2 weeks ago on Capitol Hill, fabulously successful. But it's an example of the fuzzy thinking and sloppy research that I think typifies the Republican approach to trying to green the Capitol and their dismissive nature of it now.

I would, however, if I could, recognize my colleague from the State of Washington, JAY INSLEE, a gentleman who is deeply involved with the environmental issue, who's just published a book, I think it's entitled "Apollo's Fire," where he has spent, with a coauthor, over a year researching these issues, has tremendous insights and is using the work that he has done to help implement a sense of vision here on the House floor. It informs his work on the Commerce Committee, and I am privileged to serve with him on the Speaker's Special Committee on Global Warming and Energy Independence where he has made invaluable contributions, and would recognize him at this point.

Mr. INSLEE. Thanks, Mr. BLUMENAUER, for leading this discussion. You know, when people come through the Capitol here, you can see them beaming with pride of the Capitol, and it's because we lead the world in democracy and people feel good about this building. Now, they're going to have another reason to feel good about the U.S. Capitol and the House of Representatives, because we intend to be the greenest parliamentary Chamber in the world. And, in fact, we probably will become the first zero carbon, become a carbon-neutral legislative body, the first in the world. And that's something that America can take pride in. And we're accomplishing that because we want to, on a bipartisan basis, do these commonsense things to try to reduce our CO_2 emissions.

And we're doing that. Switching from coal, first, to natural gas in our power plant, which reduces carbon dioxide something like 20 to 30 percent. We're then taking a look at the possibility of going to a totally renewable fuel of wood pellets grown in New Hampshire and some other places which would go to essentially zero CO_2 on a net basis.

Under the leadership of NANCY PELOSI and Dan Beard, we're having a green cafeteria. A new contract's been let so our cafeteria reduces by 50 percent the matter of waste. And when you reduce waste, you quit using energy.

Mr. BLUMENAUER. Would the gentleman just yield on this point?

Mr. INSLEE. Yes.

Mr. BLUMENAUER. Just in referencing the work that's already under way, now we are implementing in our cafeteria products that will add less than a nickel to the overall price of a meal that are fully biodegradable, items here that will turn to dirt within 90 days, unlike the typical foam clam shell and plastic cup that will be here thousands of years. These are being implemented on Capitol Hill, something that will be responding to the desires of the outstanding young men and women who work here who've been agitating about this. Having biodegradable products that are completely compostable will reduce the problems of land fill and pollution for centuries to come.

Mr. INSLEE. And the importance of this waste disposal from a global warming position is that every time you reduce the amount of waste you throw away by a ton, you reduce the amount of carbon dioxide going into the atmosphere by two tons by not wasting all that production and energy associated with it.

So what we're doing in this House is doing what a picture I have here of Mike and Meg Town of their home in Redmond, Washington, one the rainiest places in the United States, who built a home that's essentially carbon neutral. By doing the same kinds of things they're doing in their house, we're now going to do in the people's House, which is to use some commonsense waste disposal systems, decent insulation, energy-efficient lighting, energy-efficient heating and cooling system. They use solar photovoltaics to get to a carbon neutral house.

People are doing this across the country. I'm proud to say we're starting to do it in this House. And I know I'd like to yield to Mr. FARR who can help us on that.

Mr. FARR. First of all, thank you for doing this Special Order. It's very important for the American public to know that their Capitol, this is a public building, the people of this country own it. But we, as caretakers of it, are changing it into a model place to work and to have as a seat of government.

And just a few things that Mr. BLUMENAUER talked about, we're eliminating plastics and Styrofoam from the food service has totally been eliminated. As he showed, they're using compostable food service items. We're running a commercial composting operation, reducing waste by 50 percent. We've installed 30,000 compact fluorescent lights and use one-quarter of the energy that will last 10 times longer than the regular light bulbs.

We've changed the settings on heating and ceiling fans to reduce the runtimes by 14 percent. We've replaced 84 vending machines with energy efficient equivalents. People don't think about these vending machines. They're all plugged in and they have lights and everything on them.

Analyzing the electrical energy usage throughout the 6 million square feet of the House buildings, the offices that we occupy, we're doing that audit now to find savings. We've activated economizers on building air conditioners, which cut the annual cooling cost by 20 percent. And we've initiated a study to relight the Capitol dome. Those lights are on all night, and I think we're all proud of it, but that study will reduce the energy requirements and do very efficient lighting.

And as you said, what you see here is that I think this is a real response to what the voters asked for last November, which was a change in direction in America in their House of Representatives and their Senate. They elected new majorities. The new majorities elected new Speakers. And the new Speaker has led us in a new direction.

□ 2300

And in just a short period of time, a number of months, we've done some dramatic changes in this building, and it's just historic. And I would like to compliment both of my colleagues, we're all west coasters, Washington, Oregon and California. And I think what we're reflecting here in the Capitol is what we bring from your own States, that have been very conscious about the sound economics of energy efficiency.

And the last thing I would just like to say is that this blast that the Republican leadership put out about the greening of the Capitol is so un-business, it's so dumb, it's sort of that dinosaur politics that just says, you know, don't change. If you look at the businesses in America, the new investment is in all the stuff that we're doing. And this is the direction this country is going. It's the direction the planet is going. It makes good economic sense and it makes great environmental sense. And we ought to be applauding ourselves for stepping up to the plate and not criticizing those who have taken the lead.

Mr. BLUMENAUER. I appreciate, Congressman FARR, both your being here and the work that you have done for years, dating back to your tenure as a local official and as a legislator in the State of California, continuing a fine family tradition of sensitivity to the environment.

The point you just made about the difference between having an energy policy that our friends on the other side of the aisle that would be perfect for the 1950s, maybe, but not where business is going, not where local government is going, not where any of our three State governments are going, is unfortunate. And people are turning to change these practices not just because they are fuzzy-headed tree huggers, but because it makes good, solid business sense.

The initiatives that have been undertaken in the House to this point are anticipated to reduce our energy bill by more than $5 million a year at the end of the 10-year period. We invest a little money at the outset, like businesses are doing across the country, like some families are doing, with energy-efficient appliances or more energy-efficient vehicles, but it pays for itself.

I was particularly put off when they were taking to task the environmentally sensitive adhesives and materials that we're putting on Capitol Hill. One of the problems right now in our households is that people use building products, use materials that are not environmentally sensitive, that actually put people at risk, put people at risk in terms of the health of their family, that we have in business. When they use environmentally sensitive adhesives, for instance, it not only enables a little shoe company in my State, Nike, to meet U.S. EPA air quality standards in Thailand by using these water-based solvents, it's a better product, it's a safer product, and it's safer for the producer and for the user.

It seems to me that this is the type of thinking that I commend Chief Administrative Officer Beard for bringing into play here in the House.

I would turn to my colleague to maybe elaborate based on his experience.

Mr. INSLEE. Well, the point I would like to make is to point out why these things are happening. They're happening because of leadership. We have leadership from the top with Speaker NANCY PELOSI who, when she assumed office I think in the first week or two, said we're going to have a green House of Representatives, and we're going to save money in the process. And she had a good leader, Dan Beard, take charge of this.

And the reason I point this out is that you look at, in corporate America we see similar leadership. The President of Dow Chemical, who 10 years ago basically said we're going to save money, they have now reduced their energy usage by at least 30 percent, and they intend to reduce it another 20 percent. And when I asked him, Why did you do this? He said, Really simple, it saves money.

British Petroleum, a petroleum and oil company under the leadership of former Chairman Sir Henry Brown, had reduced their usage of energy and saved $300 million and actually met what would have been their CO_2 emissions target. It happens because of leadership.

And I want to comment on one thing the House is doing as well. We are committing to buying green electricity. That means electricity that is generated by non-CO_2-emitting sources. And I just want to make a point. This is not something that is just a pipe dream; it is really happening.

I want to show two types of technology that are working today. One, I want to show a solar thermal technology. This is a solar thermal technology manufactured by the Ausra Energy Company. The Ausra Energy Company just signed contracts with the Florida Public Power and Light Company and the California Public Utility for over 400 megawatts. That's enough to do over 400,000 homes of pure CO_2 solar energy. And the way this works is, they've discovered a way to manufacture mirrors that are flat, that are very inexpensive, that focus the radian energy of the sun on a pipe that has water or a liquid metal in it, very long sheaths here. This is several acres of mirrors. This hot water then makes steam, the steam makes CO_2-emitting energy. And they intend to make this for prices competitive with coal within the decade.

Now, I point this out for our Members in the Chamber who think we can't do solar power in Florida. It's happening in Florida now, and in California. And if people think that this is some type of thing that just the hemp-wearing folks of America believe in, people are going to make money on this, because for every two acres of these mirrors, you can power 1,000 homes. This is not just to run your little fan, it's to run all of your electricity in your house. And that's what we intend to do in this House, because this House, under the leadership of NANCY PELOSI, understands the future of technology to allow this.

I want to point out just one other technology that has the capability of helping in this regard, and I will show just a quick story.

This is a picture of the Imperium biodiesel company. It's called Imperium Energy. It's in Grays Harbor, WA. You see these tanks here; this is where biodiesel, which is essentially a zero CO_2-emitting biodiesel plant, that's in a former failing lumber town that has now reinvigorated the economy of Grays Harbor, WA. It happened because a guy named John Plaza had the guts and the vision to go out and buy some old vats from the Rainier Brewery in Seattle, WA, I used to be a fan of Rainier Brewery, for various reasons, and built himself, in his garage, in a little warehouse, a biodiesel plant, then went out and raised some venture capital and has now built the largest biodiesel plant in the world in Grays Harbor, Washington. And he is now going to be providing biodiesel, going to probably have 10 to 30 plants like this around the country.

Now, our proposal in the House to go to a green economy is based on the genius of guys like John Plaza, who know how to blend technology with venture capital and go out and make a buck and help us provide green technology. And this is what we're doing in the House, and I'm excited about it. And I think there is a reason to be proud of it.

I wonder if I could yield to Mr. GEORGE MILLER, who has been instrumental in this program.

Mr. GEORGE MILLER of California. I want to thank you very much for taking this time to discuss what is almost now a year of the effort by Speaker PELOSI to provide for the greening of the Capitol and the surrounding areas here on Capitol Hill in Washington, D.C.

And her choice of Dan Beard as the Chief Administrative Officer to lead this effort is a wise choice. Dan Beard worked for the Resources Committee when I was Chair of that committee, and really led a transformation in western water usage throughout the western United States. When he was at the Committee, and later at the Bureau of Reclamation, he transformed those programs from huge, wasteful water projects into projects of conservation, ending subsidies that the taxpayers were paying in many cases, or reducing the subsidies that taxpayers were paying that led, again, to water conservation, to new technologies being brought onto the farmland, to level those lands, to provide for drip irrigation, to provide for computerization of irrigation, to mingle water with fertilizers or other things that were necessary for the growing of those crops. That has saved farmers a huge amount of money. It has provided for better utilization of the resource. Water was able to be recycled into fish and wildlife protection in other parts of the State and all through the Southwest, in Montana, in Utah and in California. So, he has a long experience for this.

When he left the Congress and the administration, he went on to work in dealing with public-private partnerships to bring about environmental solutions to very difficult problems and was able to engage the public sector, the private sector, the nonprofit sector to build teams, to build organizations to solve some very thorny problems around this country.

That's the expertise he brought to the greening of the Capitol. And as we've seen in this first year, many things that were just taken for granted here that were so wasteful of our environment, were so wasteful of energy, so wasteful of taxpayer dollars, that now has changed, or started to change. And it's a work in progress, but I think as Members see it, one, they're proud that they're part of this effort. We go back and we have town hall meetings with our constituents and we talk to them about the urgency and the necessity to do this. And sometimes maybe we don't lead as well as we should, but here we are leading in this wonderful, wonderful United States Capitol.

☐ 2310

The other one is that this Capitol is part of a neighborhood, and to the extent in which we can reduce our reliance on coal-fired plants in this neighborhood, we improve the air quality from the people who live downwind from the plants that supply the power for the Capitol. The extent to which the Chief Administrative Officer that been able to role that into green energy is very, very important, to reduce the carbon footprint, which so many businesses now see as just not nice talk; it's really about hard decisions, the yield, immense savings over relatively short periods of time, in many cases for those corporations, allow them to increase their investment in their businesses, their employees, or their own profits. And that's the kind of change that we need. It's the kind of change that we should be leading on. And under this effort to green the Capitol by the Speaker and the leadership with the Chief Administrative Officer, Dan Beard, we all see the benefits of it.

And, again, as Mr. BLUMENAUER was pointing out, these choices weren't difficult. They weren't costly. They weren't complex. But they weren't being made. And once they are made, people go on with their lives, and all of a sudden they are participating in reducing the tax that our activity puts on the environment, on the climate, on the resources of this Nation.

So I really want to thank you. I want to join and associate myself with your remarks that you've all made. All of you have been involved in this effort on a national basis with your leadership and the protection of the oceans and new forms and methods of transportation and for communities. And, Jay, certainly your efforts on alternative energy has led the way in this Congress. Hopefully, over the next couple of weeks, we will be able to go to even a broader initiative, which is the passage of the energy bill, which will lead to alternative energy sources being developed, alternative fuels, and the savings on the cafe standards so that people who are now looking at a $3.50 gasoline, $4 gasoline will be able to have the alternative of buying a more efficient automobile, a less polluting automobile. They'll feel good about it. Their pocketbook will feel good about it, and I think their children will really like the idea too.

So thank you so much for taking this time on the floor tonight.

Mr. BLUMENAUER. Thank you, Congressman MILLER. Thank you for your decades of leadership.

And I appreciate what you said a moment ago about our responsibility as a neighbor. I have been privileged to be a Member of Congress for 12 years. And 3 of those 12 years on Earth Day, we went down and had press conferences using that coal smoke belching out of the Capitol power plant as an example of what we would like to change. And it's interesting, I remember, Congressman FARR, when I first came here, we were concerned about the whole House of Representatives, with gazillions of tons of paper. Sam, help me. I think it was something like $21.17 for a year.

Mr. FARR. We didn't recycle, and we put an effort into doing that. Where that has grown now is all of the paper that's sold to all the offices, and there are 70 million pieces of paper per year used in the U.S. Capitol, we are replacing all that virgin paper, which cut down about 30,000 grown trees, it is all now 100 percent post-consumer waste recycled paper. So just that alone. And in the store where we buy all our supplies, that store sells recycled printer cartridges. That store becomes the receptacle for all the batteries that are used, for cell phones, and for Black-Berrys. So that they will all be part of the recycling stream. So we have just changed the entire approach to how we do business just in our office supplies in this Capitol.

Mr. BLUMENAUER. I must note, Mr. Speaker, that that first year when we were trying to get the House under the Republican leadership to change their policies, the entire House of Representatives, with all this paper, with the staff, they recovered what I think was less than a Boy Scout troop would do in my neighborhood in Portland, Oregon. It was embarrassing. We've turned the corner. It is a significant change.

And I deeply appreciate, Sam, the work that you've done personally to sort of pound that drum and make it happen.

Mr. FARR. Can I just tell you our offices led this effort on recycling, and my staff really got involved with it. And I'm really surprised how much we are doing, and I am sure a lot of other offices are doing the same.

We use only recycled paper products. The paper that is printed on only one side, we go through and have our interns make sure that that becomes the fax paper so that the clean side is used again in the fax process. The white paper, mixed paper, and newspapers each have their own recycling bin. Cardboard is set aside to be recycled. As long as they have a clean side, mail campaign postcards are bundled and used as scratch paper.

Each work station in my office has three bins, one for white paper, one for mixed paper, and one for wet trash. The officer manager will spot check the bins to make sure that everyone is separating their trash correctly. And we also have a separate bin for plastics, glass, and cans. Now, that's just one office. And the point here is we can all do this. And there is money to be made by the government in these recycled products.

What you are talking about is the Department of Agriculture just down the street has about as many employees as the House of Representatives. They were making tens of thousands, I think about $80,000 a year profit on recycling in the Department of Agriculture. And as you pointed out, the United States Congress was making about $21 a year.

So that has all changed thanks to this new leadership. And I am very proud to be a part of this greening of America by starting here in the Capitol of the United States.

Mr. INSLEE. I want to just express an experience that we have had and these companies that have gone down this route have had. Two things they've learned: Number one, hardly anybody gripes about it. I mean it's amazing. We have done all these things we have been talking about here tonight, changing the coal plant, changing the cafeteria, changing paper usage, changing lighting usage, changing some of our transportation usage, and, frankly, nobody is griping about it. We have got 435 people here griping about everything from the weather to the price of bananas, but none of our Members are griping about this because we are finding out that we can accommodate our businesses and our lifestyles just fine if we do this. And businesses have learned this as well. That's the first rule of greening an organization.

The second rule is that people find out that virtue is cumulative. When people take one little step forward, they get into it, and then they take another step, and then they take another step. And companies continue. That's why Dow Chemical, even though they have been spectacularly successful in reducing their energy use by 20, 30 percent, they are going to get another 20, 30 percent because people get excited about it, and we're seeing that.

I wanted to just touch on transportation that Mr. BLUMENAUER was talking about. Mr. BOEHNER was criticizing this effort to give our employees flexibility to use cars. I want to mention two technologies that I think can help reinvent our transportation system in America.

One is we are now testing a software system in Seattle which will give you instantaneous ride-sharing so that on your text message or your BlackBerry, you can say I want to go to this theater, get my ride, and this software system will patch you through to whoever is going in that direction. In 5 minutes, boom, you've got a ride. And that system has incredible promise to reduce congestion and reduce your cost of transportation if we can all start sharing rides in that regard. And I'm very excited about this. It has just gone in the first stage of trials.

The second technology I want to mention, this is well beyond the House, but I want Members to know about this. We are having this discussion about improving average fuel economy standards. In the next 2 weeks, hopefully, we will have it on this floor for debating on. But I think the capability exists to blow way beyond anything that we have even thought about in fuel mileage. We're arguing about whether we can get 35 miles a gallon. I drive a car today that gets 45 miles a gallon. I'm six-two, 200 pounds. It's a five-passenger car. It's very convenient and it's safe.

□ 2320

We have a technology coming on in 5 or 6 years in cars that are on the road today called plug-in hybrid cars, and I learned about them when I was writing this book that Mr. BLUMENAUER talked about. It is plug-in hybrid technology. And here is a car that General Motors has. It is in reality. Here is a picture of it. It is the GM Volt. They want to have it on the road, mass production in 5 or 6 years. And the way it works is using an incredible battery technology. You plug it in at night; it has a little port. You plug it in, charge it for 6 to 8 hours. You unplug it in the morning, go about your driving. You can drive 40 miles with just electricity, no gasoline, no ethanol, just pure juice out of your plug. And it costs two-thirds less per mile than gasoline.

Now, if you want to drive more than 40 miles, then you have a hybrid engine like the one in the car I am driving, in the Ford Escape or Toyota Prius. It will take you wherever you want to go for 200, 300 miles. Someday it will burn cellulosic ethanol as well as gasoline. Right now these cars are on the road today. I've driven one on the Capitol grounds. They get 100 miles per gallon of gasoline today. When you drive it with ethanol, you will get 500 miles of gasoline. And the electricity you use will get cleaner over time. This car will get better over time as the electric grid becomes cleaner. You start using more solar power, more wind power, you actually put out less carbon. Nothing gets better in life as it gets older except wine and a plug-in electric car.

I point this out because when we have this debate on the House floor in a few weeks, some people are going to say, Gee, I don't know if we can get to 35. Baloney. Hogwash. We have scads of cars that get 10 or 15 over that today, and you have a car that is going to get 100 miles per gallon in 5 or 6 years. This is something we can do in this new spirit in the House led by NANCY PELOSI, to head down this route to the future, is one people are going to be happy with, and they have.

Mr. BLUMENAUER. I must confess, and you and I have endured some fascinating hearings on our global warming committee having these new technologies explained that are not, as you say, some far distant point in the future. They are available today for people to implement. I must, however, as the Chair of the congressional bicycle caucus, make a mention of proven technology that we have available now, where people can burn calories instead of electricity or fossil fuel.

One of the things that I really appreciate Dan Beard working with us on is to make the cycling choice more readily available to employees on Capitol Hill. As I mentioned a moment ago, we have about 14,000 car trips a day to Capitol Hill. The majority of the trips to the Capitol by our employees are made by car, higher, at a higher percentage than the rest of D.C., where fewer than half of the residents drive to work.

Mr. Beard has been working with us to be able to deal with making this Capitol more cycle friendly, working with the Washington Area Bicycling Association, the League of Bikers, to have more bike racks here on Capitol Hill, more secure facilities, lockers perhaps inside the garages. When I first came here, there are showers that are available for the staff, but people didn't want to let it on, I guess, because they wanted to be able to sort of use it on their own. But we have made some real progress. We have got maps now where the showers are available. We have added employee locker and gym facilities in Rayburn. But we have more work to do in terms of improving the choices for cyclists.

Part of it, and I would defer to any of my esteemed colleagues here who are more senior, if there is something we do with the Capitol police so they don't have different standards for cyclists than people in cars or pedestrians, allowing the bikers to have the ramps, barriers that are lower for people who are cycling. So like I am cycling to Capitol Hill to vote, I don't have to choose to go on the sidewalk and harass pedestrians. In all seriousness, cycling is the most efficient form of urban transportation ever invented. It is something that helps promote health. It does not have any impact in terms of the environment, wear and tear on the roads, congestion, and in 13 years on Capitol Hill, almost 12 years now on Capitol Hill, I have never had to look for a parking place or be stuck in traffic. And I hope there is more we can continue to do with Mr. Beard working on this program for cycling promotion.

Mr. INSLEE. I want to note as far as cycling, as a biker myself, the things we are talking about in a lot of communities that are improving their bike options, we are just giving people options. This is not the storm troopers coming down making everybody ride a bike. We are talking about giving Americans more options in how to get to work and back. This is one that in my town of Seattle, every year there are scads more people riding bikes.

Mr. BLUMENAUER. You are almost caught up to Portland.

Mr. INSLEE. Almost, to compliment Mr. BLUMENAUER's hometown, Portland, Oregon, is the first city in the United States to reduce the number of miles that people drive per capita. And that is a fundamental achievement, and I know how they have done it because they have visionary leadership, Mr. BLUMENAUER included; they have more public transportation options with light rail and buses, more bike options, better land use, planning that allows people to live close to public transportation options, and they are well on their way to meeting the CO_2 targets that they have set. And it has happened because they have simply given people options. They haven't told people what to do. They just gave people a smorgasbord, and people did what was comfortable for them. A lot of it is bicycling, if they can catch Mr. BLUMENAUER.

Mr. GEORGE MILLER of California. I want to thank you. It has been a long day. It is now 11:30, so I want to thank you for recognizing what has been done here for the greening of the Capitol under the leadership of Dan Beard and the Speaker. And I want to take my very efficient cell phone, I am going to walk, and it is going to be very efficient, pretty carbon neutral, and I am just going to walk home. And if you are still here I will watch you on C-SPAN. But it has been a great education, and I am sure this House staff would like to officially go home. I think this has been a very important review of our first year, and it is only the beginning. And as Congressman INSLEE has said, so many of the changes we are not even aware of because they really don't interfere. They don't change the way we do business or the way we eat at the cafeteria or wherever it is. It is just greener, better, smarter, and in many instances it saves us money. So thank you very much for your recognizing this first year of the greening of the Capitol.

Mr. BLUMENAUER. Thank you for joining us and for your work.

Mr. GEORGE MILLER of California. Is your bike outside?

Mr. BLUMENAUER. Do you want to borrow one?

Mr. GEORGE MILLER of California. Maybe I will take your bike.

Mr. FARR. What is interesting in talking about the cafeteria, it hasn't been mentioned what Dan Beard did is we put out a contract. As you know we have cafeterias in buildings and take-out centers. We have a lot of food service here. They redid the contract for all the food services, and a firm won this contract. It is a big one. I think it is about $20 million. They are going to provide all fair trade coffee, which is the coffee that is paid the best price because you grow it for organic conditions, for taking care of the employees, paying good wages of doing it environmentally sensitive, and Starbucks and everybody else is participating in this. Also, the foods in our cafeterias are going to be organic. We are going to make sure that the eating habits of Congress become a lot healthier along with the way we are doing business in our offices.

Lastly, I am going to walk home with GEORGE MILLER, so I will leave, but I want to tell you, that in our office and I think other offices, we don't throw out the magazines, as we send them to the VA and community health clinics and senior centers. We don't put any dead batteries into the trash. We deposit them in a single place so they can be recycled. This is interesting, all the CDs you get sent in the mail for promotional advocacy efforts, they are not thrown out. They are provided to local gardeners to use to scare off birds and squirrels in their vegetable garden.

Mr. BLUMENAUER. Do they play them to scare them?

Mr. FARR. They use them as reflectors.

I just want to say to my colleagues, especially to you, Earl, that you have been a champion every day reminding people of the art of the possible, whether it is the bike caucus or the livable cities caucus or all of these things that end up being essentially the best that America can reach for. I am very proud to serve with you. Thank you for asking us all to participate in tonight's caucus.

Mr. BLUMENAUER. Thank you, Sam. Thank you for your efforts and your kind words. I want to just elaborate for a moment on a point that Congressman INSLEE said in terms of providing choices.

☐ 2330

What we are talking about here today is to provide Americans with better choices that meet their needs, giving them options, because too many people are trapped in a car, too many people don't have environmentally-sensitive opportunities available to them. Every day, Americans make billions of decisions about where to shop, what to buy, how to move, where to go. The extent to which we get it right, to give them a range of choices about where they live, how they can move that are available to them that meet their needs, we find that people inevitably gravitate toward things that are better for them and better for the community.

We are seeing it now coast to coast in terms of opportunities of livable communities where, if they can walk safely, they will; if they can bike safely, they will. They will take transit if it's available to them.

I think, Congressman INSLEE, your point a moment ago about choice, about choice and leveling the playing field, is really what this battle is about. If we are able to squeeze out the incentives for things that really aren't environmentally sensitive, because we tend to subsidize a lot of things that are actually environmentally destructive. If we even out the economics, if we give people those choices, it's going to make a difference. We are seeing it here on Capitol Hill, greening the Capitol in a way that will save us money while we give people better choices.

I know you have a lot of thoughts about ways to give people more choices in areas of energy conservation and production. I wonder as we are wrapping up if you have some thoughts that you would like to share in that direction.

Mr. INSLEE. Just one general one, and that is that the reason our approach to greening the Capitol works is that we are the optimists in this debate. We are the people who believe that options exist, that technologies will continue to grow, and as a result of that, Americans will have more choices of how they use energy and how they produce energy.

We have mentioned some of those new technologies tonight. I will just give you an example of a couple I've learned about in the last year about how to produce green electricity. We have made a commitment to buy green electricity for the U.S. House of Representatives. I just want to mention a couple of new ways to produce it.

One is wave power. If you have ever watched a big ship bob up and down on the waves, you understand how much power there is on the ocean. We have people capturing that energy and able to create electricity. This is a picture of a buoy. A similar one is going off the coast of Oregon this fall. The first wave power buoys in the world to be deployed were in Hawaii and are now powering some naval stations.

These are designed to essentially capture energy. As these buoys bob up and down, they compress water or air, creating pressure, which drives a generator, creates electricity, goes to the shore on a wire. Each have the capability to power close to 1,000 homes. There is enough energy in the waves in a 10-by-10-mile stretch off the Pacific Coast to produce all of the electricity for the State of California.

We are not guaranteed these are going to work because we have to make sure they can survive the terrible stresses at sea. But according to the Department of Energy, they have the capacity to produce 10 percent of all the electrical usage in the United States. I point this out because this technology wasn't even dreamed of 10 years ago.

Now, we have another option that could be available to Americans that right now, big investment, there's a lot of private investment in these companies. A company Finavera in Washington, a company called Ocean Power Technologies, there is a company associated with Oregon State University in Mr. BLUMENAUER's State. All work different approaches to this.

A second one that is intended to capture the power of the oceans are tidal-powered turbines that work sort of like a wind turbine, but they work on the currents that are driven by the tides. This is a picture of one. This is one by Verdant Power that works just like a wind turbine, but uses water through the blades instead of wind. Verdant actually has these in the East River in New York City. They are actually powering a grocery store right now with electricity.

We found out when the first six went in the water, there's actually more power than they knew, which actually disabled some of these so they have got to rebuild them to make them stronger, which is good news because there is more power than they thought.

We have someone in the State of Washington looking at potentially powering 50,000 homes with these tidal turbines now in the estuaries of Puget Sound.

I just point this out that we believe there are numerous options; we believe there are technologies that are going to free us from the constraints of the past. We are proving it in the U.S. Capitol. You can look at the dome and see the citadel of democracy and the citadel of new ways to save energy and produce it. I think Americans can be proud of that. I think we have a right to be a little bit, too.

Mr. BLUMENAUER, I thank you for your leadership on this and in leading in discussion.

Mr. BLUMENAUER. Thank you, Congressman INSLEE. I appreciate your being here, I appreciate your explanations, and I appreciate your continued work on our various committees that we serve on.

One final point that I would say in conclusion that we haven't talked about is that this is not just an issue of greening the Capitol in terms of providing examples. This is also fundamentally that the same principles that we are talking about here make a huge difference for American security. The first hearing that we had on our Global Warming and Energy Independence Committee was a panel of retired military and intelligence experts.

The United States Department of Defense is the largest consumer of energy in the world. An aircraft carrier gets 17 feet to the gallon. The war in Iraq is the most energy-intensive military operation in the history of the world. It is four times more energy-intensive than the first Iraq war. We are delivering gasoline to the front at a price of over $100 a gallon, and it's being delivered in tanker trucks that might as well have great big bull's eyes on them.

Our military understands that part of the reason they are engaged in Iraq now is because it is the second largest source of proven oil reserves. They understand that their budgets are being tortured out of all proportion because of the rapidly escalating energy costs. They understand that our dependence on petroleum in areas that are extraordinarily volatile in the Middle East, in other parts of the world and Africa, Venezuela, and being linked to a decline in petroleum whenever that peak hits, if it hasn't already, and handcuffs them, puts them at risk, costs them money.

So while we are talking about greening the Capitol, empowering people in the neighborhoods to live more environmentally-sensitive lives and to be able to have policies that will reduce the threat of global warming and greenhouse gases, there is a very real and very tangible element here that is the very security of the United States and the protection of our soldiers.

The things that you have been talking about here, Mr. INSLEE, and others, that we have talked about on Capitol Hill, if we are able to implement them for the Department of Defense, it's going to make a huge difference for the taxpayer and the safety and the military effectiveness of our soldiers.

Mr. INSLEE. We know we can do this. We know, because we have had success. In the late 1970s and early 1980s, we improved our mileage of our cars by 60 percent. Then in 1994 those efforts stopped and we stopped making any progress. Our cars are getting actually less mileage than they did in 1984. If we had simply continued on that rate of improvement, we would be free of Saudi Arabian oil today. Now we have got to get back on this bandwagon of using our brains to get better mileage. We know we can do this.

Just as a closing comment, I want to express my appreciation to the Americans doing this. We are not the only ones doing this in the Capitol. I know a woman on Bainbridge Island that greened up her home. I would like to say we're meeting that bar here in the House.

Again, thank you, Mr. BLUMENAUER.

Mr. BLUMENAUER. Thank you, Congressman INSLEE. I think it's safe to say that we are running to catch up with the American people, and that is one of the reasons why I think we are ultimately going to be successful in this, because the American public gets it.

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Whether it is college campuses, churches, Girl Scout troops or Optimist Clubs, people are moving in this direction. I appreciate working with you and your joining us this evening.

Mr. Speaker, I know this will disappoint you because there are potentially another 15 minutes that we could have you and the dedicated desk staff held hostage, but I think we might sort of celebrate breaking for the holiday, and I am happy to yield back my time.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, NOVEMBER 14, 2007, AT PAGE 31478

CALL OF THE HOUSE

Mr. OBEY. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. A quorum is not present.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1106]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BONO (at the request of Mr. BOEHNER) after 4 p.m. on November 14 and for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. INSLEE) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BARRETT of South Carolina, for 5 minutes, today.

ADJOURNMENT

Mr. BLUMENAUER. Mr. Speaker, pursuant to House Concurrent Resolution 259, 110th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.), pursuant to House Concurrent Resolution 259, 110th Congress, the House adjourned until Tuesday, December 4, 2007, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4147. A letter from the Assistant to the Board, Department of the Treasury, transmitting the Department's "Major" final rule — Risk-Based Capital Standards: Advanced Capital Adequacy Framework-Basel II [Docket No. OCC-2007-0018] (RIN: 1557-AC91) received November 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4148. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the "21st Century Department of Justice Appropriations Authorization Act," related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202; to the Committee on the Judiciary.

4149. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, -243, -301, -321, -322, -323, -341, -342, and -343 Airplanes; and Model A340-200 and -300 Series Airplanes [Docket No. FAA-2007-27741; Directorate Identifier 2006-NM-261-AD; Amendment 39-15141; AD 2007-16-02] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4150. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400F Series Airplanes [Docket No. FAA-2006-23803; Directorate Identifier 2005-NM-238-AD; Amendment 39-15108; AD 2007-13-04] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4151. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-100 and A320-200 Series Airplanes [Docket No. FAA-2005-22918; Directorate Identifier 2005-NM-172-AD; Amendment 39-15143; AD 2007-16-04] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4152. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2004-18814; Directorate Identifier 2003-NM-286-AD; Amendment 39-15144; AD 2007-16-05] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4153. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-300, 747-400, 747-400D, and 747SR Series Airplanes [Docket No. FAA-2007-28015; Directorate Identifier 2006-NM-210-AD; Amendment 39-15147; AD 2007-16-08] (RIN: 2120-AA64) received

November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4154. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-203, A310-204, A310-222, A310-304, A310-322, and A310-324 Airplanes [Docket No. FAA-2007-28017; Directorate Identifier 2007-NM-005-AD; Amendment 39-15146; AD 2007-16-07] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4155. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and A330-300 Series Airplanes; and Model A340-200, A340-300, A340-500, and A340-600 Series Airplanes [Docket No. FAA-2007-28036; Directorate Identifier 2006-NM-278-AD; Amendment 39-15145; AD 2007-16-06] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4156. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes [Docket No. FAA-2007-28920; Directorate Identifier 2007-NM-162-AD; Amendment 39-15152; AD 2007-16-13] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4157. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes and Model ERJ 190 Airplanes [Docket No. FAA-2007-28094; Directorate Identifier 2006-NM-258-AD; Amendment 39-15148; AD 2007-16-09] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4158. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 and -300 Series Airplanes [Docket No. FAA-2006-25326; Directorate Identifier 2006-NM-081-AD; Amendment 39-15151; AD 2007-16-12] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4159. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200B, 747-300, and 747-400 Series Airplanes [Docket No. FAA-2007-28940; Directorate Identifier 2007-NM-131-AD; Amendment 39-15158; AD 2007-16-19] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4160. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Taylorcraft A, B, and F Series Airplanes [Docket No. FAA-2007-FAA-2007-28478; Directorate Identifier 2007-CE-057-AD; Amendment 39-15153; AD 2007-16-14] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4161. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Airplanes [Docket No. FAA-2007-28256; Directorate Identifier 2007-NM-041-AD; Amendment 39-15155; AD 2007-16-16] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4162. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model SN-601 (Corvette) Airplanes [Docket No. FAA-2007-28259; Directorate Identifier 2007-NM-024-AD; Amendment 39-15154; AD 2007-16-15] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4163. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Series Airplanes and Model A310 Series Airplanes [Docket No. FAA-2007-28159; Directorate Identifier 2006-NM-257-AD; Amendment 39-15156; AD 2007-16-17] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4164. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric (GE) CF6-80E1 Series Turbofan Engines [Docket No. FAA-2005-21238; Directorate Identifier 2005-NE-12-AD; Amendment 39-15159; AD 2007-17-01] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4165. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Allied Ag Cat Productions, Inc. (Type Certificate No. 1A16 formerly held by Schweizer Aircraft Corp.) G-164 Series Airplanes [Docket No. FAA-2007-27860; Directorate Identifier 2007-CE-034-AD; Amendment 39-15160; AD 2007-17-02] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4166. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 31, 31A, 35, 35A (C-21A), 36, 36A, 55, 55B, and 55C Airplanes, and Model 45 Airplanes [Docket No. FAA-2007-28016; Directorate Identifier 2006-NM-227-AD; Amendment 39-15175; AD 2007-17-17] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-300, 747-400, 747-400D, 747SR, and 747SP Series Airplanes [Docket No. FAA-2007-27525; Directorate Identifier 2006-NM-159-AD; Amendment 39-15089; AD 2007-12-11] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4168. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2007-27359; Directorate Identifier 2006-NM-042-AD; Amendment 39-15136; AD 2007-15-07] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4169. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2006-26441; Directorate Identifier 2006-NM-204-AD; Amendment 39-15139; AD 2007-15-10] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON: Committee on Science and Technology. H.R. 2406. A bill to authorize the National Institute of Standards and Technology to increase its efforts in support of the integration of the healthcare information enterprise in the United States; with an amendment (Rept. 110–451). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 661. Resolution honoring the accomplishments of Barrington Antonio Irving, the youngest pilot and first person of African descent ever to fly solo around the world; with amendments (Rept. 110–452). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 772. Resolution recognizing the American Highway Users Alliance on the occasion of its 75th anniversary, and for other purposes (Rept. 110–453). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 409. A bill to amend title 23, United States Code, to inspect highway tunnels (Rept. 110–454). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3712. A bill to designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. & Thomas W.L. Ashley Customs Building and United States Courthouse"; with amendments (Rept. 110–455). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3985. A bill to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes (Rept. 110–456). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 2768. A bill to establish improved mandatory standards to protect miners during emergencies, and for other purposes; with an amendment (Rept. 110–457). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE XII

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than December 14, 2007.

H.R. 2830. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 7, 2007.

H.R. 3890. Referral to the Committee on Ways and Means extended for a period ending not later than December 7, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BURGESS:

H.R. 4190. A bill to amend title 5, United States Code, to exclude Members of Congress from the Federal employees health benefits program, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER:

H.R. 4191. A bill to redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as "Wright Brothers-Dunbar National Historic Park", and for other purposes; to the Committee on Natural Resources.

By Mr. TANCREDO:

H.R. 4192. A bill to reform immigration to serve the national interest; to the Committee on the Judiciary, and in addition to the Committees on Armed Services, Homeland Security, Oversight and Government Reform, Ways and Means, Education and Labor, Foreign Affairs, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself, Mr. GOODLATTE, Mr. LUCAS, Mr. NEUGEBAUER, Mr. CONAWAY, Mr. THORNBERRY, Mr. BOUSTANY, Mr. DAVIS of Kentucky, Mr. BAKER, Mr. KING of Iowa, Mrs. EMERSON, Mrs. MUSGRAVE, Mr. GRAVES, Mr. PICKERING, Mr. JOHNSON of Illinois, Ms. FOXX, Mr. GOHMERT, Mr. HAYES, Mr. HALL of Texas, Mr. SMITH of Nebraska, Mr. KINGSTON, Mr. WALBERG, Mr. SMITH of Texas, Mr. TIAHRT, Mr. BURGESS, Mr. CUELLAR, and Mr. BLUNT):

H.R. 4193. A bill to provide for an automatic one-year extension of the authorizations of appropriations and direct spending programs of the Farm Security and Rural Investment Act of 2002, and for other purposes; to the Committee on Agriculture.

By Mr. TOWNS (for himself, Mr. WHITFIELD, Ms. BERKLEY, Ms. ROS-LEHTINEN, Mr. GORDON, Ms. JACKSON-LEE of Texas, and Mr. WYNN):

H.R. 4194. A bill to establish a grant to increase enforcement of laws to prohibit underage drinking through social sources, to improve reporting of Federal underage drinking data, to establish grants to increase parental involvement in school-based efforts to reduce underage drinking, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself and Mr. MCCRERY):

H.R. 4195. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 4196. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to improve public notification and community relations concerning actions for the removal of environmental hazards; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS:

H.R. 4197. A bill to prevent the admission of any member or leader of the Magyar Garda into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. LAMPSON (for himself, Mr. COOPER, Mr. AL GREEN of Texas, Mr. PASTOR, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. BARROW, Mr. MARSHALL, Mr. POMEROY, Mr. SPACE, Mr. RODRIGUEZ, Mr. BRALEY of Iowa, Mr. CLAY, Mr. MCGOVERN, Mr. KAGEN, Mr. HILL, and Mr. BACA):

H.R. 4198. A bill to provide for competitive grants for the establishment and expansion of programs that use networks of public, private, and faith-based organizations to recruit and train foster and adoptive parents and provide support services to foster children and their families; to the Committee on Ways and Means.

By Mr. TURNER:

H.R. 4199. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mr. TOWNS (for himself, Mr. DAVIS of Illinois, Mr. WYNN, and Mr. RUSH):

H.R. 4200. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for medical research related to developing qualified infectious disease products; to the Committee on Ways and Means.

By Mr. DENT (for himself, Mr. MARSHALL, Mr. GOHMERT, Mr. REICHERT, Mr. SESSIONS, Mr. FORTUÑO, Mr. SOUDER, Mr. SHAYS, Mr. TIM MURPHY of Pennsylvania, Mr. POE, Mr. PLATTS, Mr. HOLDEN, Mr. FEENEY, Mr. DUNCAN, Mrs. BLACKBURN, Mr. SHUSTER, Mr. GERLACH, Mrs. CAPITO, Mr. MARCHANT, Mr. COBLE, Mr. BILBRAY, Mr. DAVIS of Kentucky, Mr. CARNEY, and Mr. SAXTON):

H.R. 4201. A bill to require State and local law enforcement agencies to determine the immigration status of all individuals arrested by such agencies for a felony, to require such agencies to report to the Secretary of Homeland Security when they have arrested for a felony an alien unlawfully present in the United States, to require mandatory Federal detention of such individuals pending removal in cases where they are not otherwise detained, and for other purposes; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mr. MOORE of Kansas, Mr. BRADY of Pennsylvania, Mr. LANTOS, Mr. DAVIS of Illinois, Ms. WATSON, Mr. HINCHEY, Mr. KIRK, Mr. WYNN, Mr. GRIJALVA, Mr. FARR, Mr. WALSH of New York, Mrs. LOWEY, Ms. BALDWIN, Ms. BORDALLO, and Mr. MCGOVERN):

H.R. 4202. A bill to require all newly constructed, federally assisted, single-family houses and town houses to meet minimum standards of visitability for persons with disabilities; to the Committee on Financial Services.

By Mr. JOHNSON of Georgia:

H.R. 4203. A bill to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the "Jamaal RaShard Addison Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. BOSWELL (for himself, Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. MICHAUD, Mr. SHULER, Mr. PATRICK MURPHY of Pennsylvania, Mr. ETHERIDGE, Mr. ALTMIRE, Mr. REYES, Mr. THOMPSON of California, Mr. FILNER, Mr. ELLSWORTH, Mr. BOYD of Florida, Mr. KAGEN, Mr. MOORE of Kansas, Ms. BEAN, Mr. SCOTT of Virginia, Mr. BACA, Mr. BARROW, Ms. HERSETH SANDLIN, Mr. MARSHALL, Mr. FRANK of Massachusetts, Mr. EDWARDS, Mr. DAVIS of Illinois, Mr. RUSH, and Mr. TOWNS):

H.R. 4204. A bill to direct the Secretary of Veterans Affairs to conduct a study on suicides among veterans; to the Committee on Veterans' Affairs.

By Mr. ALLEN:

H.R. 4205. A bill to reauthorize and improve programs of the National Health Service Corps; to the Committee on Energy and Commerce.

By Ms. BERKLEY (for herself, Mr. BURGESS, Mrs. MALONEY of New York, Mr. MCNULTY, Mr. PAUL, Mr. ROTHMAN, Mr. GOODE, Mr. SESSIONS, Mrs. MYRICK, Mr. GENE GREEN of Texas, Mrs. CAPPS, Mr. KLEIN of Florida, Ms. LORETTA SANCHEZ of California, Ms. MOORE of Wisconsin, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Ms. SOLIS, Ms. MATSUI, Mr. BERRY, Mr. HINCHEY, Ms. SCHAKOWSKY, Ms. GIFFORDS, Ms. CASTOR, Mrs. GILLIBRAND, Mr. ELLSWORTH, Ms. WOOLSEY, Ms. WATSON, Ms. BORDALLO, Ms. SCHWARTZ, Mr. ISRAEL, Ms. VELÁZQUEZ, Mr. PASCRELL, Ms. MCCOLLUM of Minnesota, Mr. CROWLEY, Mr. HARE, Mr. JOHNSON of Georgia, Mrs. MCCARTHY of New York, Ms. HOOLEY, and Mrs. NAPOLITANO):

H.R. 4206. A bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY:

H.R. 4207. A bill to provide States with the incentives, flexibility and resources to develop child welfare services that focus on improving circumstances for children, whether in foster care or in their own homes; to the Committee on Ways and Means.

By Ms. BERKLEY (for herself, Mr. HINOJOSA, Ms. BORDALLO, Mr. ELLISON, and Mr. CONYERS):

H.R. 4208. A bill to create the income security conditions and family supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes; to the Committee on Ways and Means.

By Mrs. BOYDA of Kansas:

H.R. 4209. A bill to authorize the voluntary purchase of certain properties in Treece, Kansas endangered by the Cherokee County National Priorities List Site, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BUTTERFIELD (for himself, Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. JONES of North Carolina, Mr. SHULER, Mr. WATT, Mr. MILLER of North Carolina, Mrs. MYRICK, Mr. MCINTYRE, and Mr. COBLE):

H.R. 4210. A bill to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the "Dock M. Brown Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. BUTTERFIELD (for himself, Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. JONES of North Carolina, Mr. SHULER, Mr. WATT, Mr. MILLER of North Carolina, Mrs. MYRICK, Mr. MCINTYRE, and Mr. COBLE):

H.R. 4211. A bill to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B. Allsbrook Post Office"; to the Committee on Oversight and Government Reform.

By Mr. CRAMER:

H.R. 4212. A bill to authorize the Administrator of the Small Business Administration to deem certain small business concerns qualified HUBZone small business concerns; to the Committee on Small Business.

By Mr. CRAMER:

H.R. 4213. A bill to amend the Small Business Act to provide for an increase in the amount of awards under the first and second phases of the Small Business Innovation Research program; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS (for himself, Mr. SARBANES, Mr. TOWNS, and Mr. WYNN):

H.R. 4214. A bill to improve the prevention, detection, and treatment of community and healthcare-associated infections (CHAI), with a focus on antibiotic-resistant bacteria; to the Committee on Energy and Commerce.

By Mr. DAVIS of Alabama (for himself and Mr. LEWIS of Kentucky):

H.R. 4215. A bill to amend the Internal Revenue Code of 1986 to update the optional methods for computing net earnings from self-employment; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois:

H.R. 4216. A bill to amend the Higher Education Act of 1965 to authorize grant programs to enhance the access of low-income Black students to higher education; to the Committee on Education and Labor.

By Mr. DAVIS of Illinois:

H.R. 4217. A bill to study the access to and success in education of minority males, including high school graduation and college participation; to the Committee on Education and Labor.

By Ms. DEGETTE (for herself, Mr. CASTLE, Mr. BECERRA, Mr. KIRK, and Mr. ALTMIRE):

H.R. 4218. A bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certain certified diabetes educators as certified providers for purposes of outpatient diabetes self-management training services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONNELLY (for himself and Mr. UPTON):

H.R. 4219. A bill to direct the Secretary of Veterans Affairs to assign a temporary disability rating to certain members of the Armed Forces upon separation, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. EMERSON (for herself, Mr. MORAN of Kansas, and Mr. MCGOVERN):

H.R. 4220. A bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food; to the Committee on Oversight and Government Reform.

By Ms. ESHOO (for herself, Mr. CHANDLER, Mr. BLUMENAUER, and Mr. LAHOOD):

H.R. 4221. A bill to mandate satellite carriage of qualified noncommercial educational television stations; to the Committee on Energy and Commerce.

By Mr. FORTENBERRY:

H.R. 4222. A bill to amend title I of the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title XXII of the Public Health Service Act to extend COBRA benefits for certain TAA-eligible individuals and PBGC recipients; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY (for himself, Mr. TOWNS, Mr. SMITH of New Jersey, Mr. ADERHOLT, Mr. FRANKS of Arizona, and Mr. MCCOTTER):

H.R. 4223. A bill to establish the Congressional-Executive Commission on the Socialist Republic of Vietnam; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA:

H.R. 4224. A bill to prohibit the Secretary of State from making a contribution to the United Nations until such time as the United Nations is in compliance with fire, building, and safety codes; to the Committee on Foreign Affairs.

By Ms. GIFFORDS:

H.R. 4225. A bill to establish the William H. Rehnquist Center on the Constitutional Structures of Government at the University of Arizona James E. Rogers School of Law; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST (for himself and Mr. OLVER):

H.R. 4226. A bill to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that will limit greenhouse gas emissions in the United States, reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, Natural Resources, Foreign Affairs, Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ:

H.R. 4227. A bill to amend title 18, United States Code, to modify an exception to certain prohibitions; to the Committee on the Judiciary.

By Mr. GRIJALVA (for himself and Ms. GIFFORDS):

H.R. 4228. A bill to withdraw certain Federal lands and interests located in Pima and Santa Cruz counties, Arizona, from the mining and mineral leasing laws of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. HALL of New York (for himself, Mr. FILNER, Mr. SPACE, and Mr. KAGEN):

H.R. 4229. A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs a Bonus Review Board; to the Committee on Veterans' Affairs.

By Ms. HOOLEY (for herself, Mrs. CAPITO, Mr. ALLEN, Mr. BLUMENAUER, Ms. BORDALLO, Mr. CLEAVER, Mr. COURTNEY, Mr. ENGEL, Mr. HONDA, Mr. MCGOVERN, Mr. MICHAUD, Mr. VAN HOLLEN, Mr. WYNN, Mr. WU, Ms. KILPATRICK, Mr. AL GREEN of Texas, Mr. KILDEE, and Ms. SCHAKOWSKY):

H.R. 4230. A bill to amend the Public Health Service Act to establish a school-based health clinic program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KAGEN (for himself, Mr. SHULER, Mr. POMEROY, Mr. WEXLER, Mr. WAMP, Mr. TAYLOR, Mr. JOHNSON of Georgia, Ms. CLARKE, Mr. BLUMENAUER, Mr. MELANCON, Mr. SESTAK, Mr. CARNEY, Mr. HOLDEN, Mr. ELLISON, Ms. BERKLEY, Mrs. BOYDA of Kansas, Mr. KILDEE, Mr. FILNER, Mr. BOSWELL, Mr. SCOTT of Virginia, Mr. BACA, Mr. BARROW, Mr. BRALEY of Iowa, Mr. DICKS, Ms. HERSETH SANDLIN, Mr. DONNELLY, Mr. HINCHEY, Mr. MCDERMOTT, Ms. TSONGAS, Mr. PERLMUTTER, Mr. HIGGINS, Mr. ALTMIRE, and Mr. LARSON of Connecticut):

H.R. 4231. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide mental health services to certain veterans of Operation Enduring Freedom and Operation Iraqi Freedom; to the Committee on Veterans' Affairs.

By Mr. KENNEDY (for himself and Mr. RAMSTAD):

H.R. 4232. A bill to improve mental and substance use health care; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 4233. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to freshness dates on food; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 4234. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that foods containing spices, flavoring, or coloring derived from meat, poultry, or other animal products (including insects) bear labeling stating that fact and their names; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 4235. A bill to amend the Internal Revenue Code of 1986 to restore the estate tax, to repeal the carryover basis rule, to reduce estate tax rates by 20 percent, to increase the unified credit against estate and gift taxes to the equivalent of a $3,000,000 exclusion and to provide an inflation adjustment of such amount, and for other purposes; to the Committee on Ways and Means.

By Mr. LYNCH:

H.R. 4236. A bill to provide for the protection and the integrity of the United States mail; to the Committee on Oversight and Government Reform.

By Mrs. MALONEY of New York (for herself and Mr. HONDA):

H.R. 4237. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to prohibit States from refusing to accept balloting materials solely because the materials are generated through the use of a computer program, are not printed on a specific type of paper, or do not otherwise meet similar extraneous requirements which are not clearly necessary to prevent fraud in the conduct of elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. GRIJALVA, Mr. HINCHEY, Mr. VAN HOLLEN, Ms. SLAUGHTER, Mr. DELAHUNT, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Ms. LEE, Mr. BLUMENAUER, Mr. DEFAZIO, and Mr. STARK):

H.R. 4238. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MURPHY of Connecticut (for himself and Mr. SPACE):

H.R. 4239. A bill to establish a House ethics commission, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERLMUTTER (for himself, Mrs. MUSGRAVE, Ms. DEGETTE, Mr. SALAZAR, Mr. LAMBORN, Mr. TANCREDO, and Mr. UDALL of Colorado):

H.R. 4240. A bill to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. POE:

H.R. 4241. A bill to prohibit the transfer of personal information to any person or business outside the United States, without notice; to the Committee on Financial Services.

By Mr. POMEROY:

H.R. 4242. A bill to amend the Internal Revenue Code of 1986 to retain the estate tax with an immediate increase in the exemption, to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, and for other purposes; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. BRADY of Texas, and Ms. HERSETH SANDLIN):

H.R. 4243. A bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself, Mr. MICHAUD, Mrs. MCMORRIS RODGERS, Mr. KIND, and Mr. UDALL of Colorado):

H.R. 4244. A bill to amend the Internal Revenue Code of 1986 to allow a credit for qualified expenditures paid or incurred to replace certain wood stoves; to the Committee on Ways and Means.

By Mr. SALI:

H.R. 4245. A bill to amend the Healthy Forests Restoration Act of 2003 to provide for the categorical exclusion of certain projects on Federal land located adjacent to non-Federal land from documentation in an environmental impact statement or environmental assessment when conditions on the Federal land pose a serious risk to the non-Federal land, to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into contracts or agreements for forest projects on Federal land with non-Federal entities that own adjacent land, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. MANZULLO, Mr. CROWLEY, and Mr. BLUNT):

H.R. 4246. A bill to improve the performance of the defense trade controls functions of the Department of State, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SMITH of Washington (for himself, Mr. ETHERIDGE, Mr. CROWLEY, Mr. MORAN of Virginia, Mr. GONZALEZ, Mrs. GILLIBRAND, Mr. PERLMUTTER, Mrs. TAUSCHER, Mr. TAYLOR, and Mr. ELLSWORTH):

H.R. 4247. A bill to improve certain compensation, health care, and education benefits for individuals who serve in a reserve component of the uniformed services, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER (for herself and Mr. ENGLISH of Pennsylvania):

H.R. 4248. A bill to ensure access to recreational therapy in inpatient rehabilitation facilities, inpatient psychiatric facilities, and skilled nursing facilities under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 4249. A bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho-Roosevelt National Forests in Colorado and to adjust the boundary of such National Forests; to the Committee on Natural Resources.

By Mrs. WILSON of New Mexico (for herself, Ms. GIFFORDS, Mr. SPRATT, and Mr. SMITH of Texas):

H.R. 4250. A bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities; to the Committee on Science and Technology.

By Mr. FRANK of Massachusetts:

H. Con. Res. 259. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. MCCOTTER, Mr. HINCHEY, Mr. FORTUÑO, Mr. MILLER of Florida, Mr. MACK, Mr. RENZI, Mr. WOLF, Mrs. MYRICK, Mr. PUTNAM, Mr. GONZALEZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mr. KELLER, Ms. CORRINE BROWN of Florida, Mr. ENGLISH of Pennsylvania, Mr. BUCHANAN, Mr. WELLER, and Ms. GRANGER):

H. Con. Res. 260. Concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release; to the Committee on Foreign Affairs.

By Mrs. DRAKE (for herself, Mr. TAYLOR, Mr. FORBES, Mr. TOM DAVIS of Virginia, and Mr. SCOTT of Virginia):

H. Con. Res. 261. Concurrent resolution commemorating the centennial anniversary of the sailing of the Navy's "Great White Fleet," launched by President Theodore Roosevelt on December 16, 1907, from Hampton Roads, Virginia, and returning there on February 22, 1909; to the Committee on Armed Services.

By Mr. ISRAEL (for himself, Mr. WOLF, and Mr. WEINER):

H. Con. Res. 262. Concurrent resolution expressing the sense of Congress regarding Saudi Arabia's policies relating to religious practice and tolerance, including Saudi Arabia's commitment to revise Saudi textbooks to remove intolerant and violent references; to the Committee on Foreign Affairs.

By Mr. KINGSTON (for himself, Mr. ADERHOLT, Mr. AKIN, Mrs. BLACKBURN, Mrs. BONO, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mrs. CAPITO, Mr. CARTER, Mr. CASTLE, Mr. CHABOT, Mr. CRENSHAW, Mr. CONAWAY, Mr. CULBERSON, Mr. DEAL of Georgia, Mr. DENT, Mr. DOOLITTLE, Mrs. DRAKE, Mr. EHLERS, Mr. EVERETT, Ms. FALLIN, Mr. FEENEY, Mr. FLAKE, Mr. FORBES, Mr. FORTENBERRY, Ms. FOXX, Mr. GILCHREST, Mr. GINGREY, Mr. GOODE, Mr. GOODLATTE, Mr. GOHMERT, Ms. GRANGER, Mr. HASTERT, Mr. HENSARLING, Mr. INGLIS of South Carolina, Mr. ISSA, Mr. JONES of North Carolina, Mr. KING of New York, Mr. KING of Iowa, Mr. KIRK, Mr. KLINE of Minnesota, Mr.

LAHOOD, Mr. LAMBORN, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCHENRY, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. PENCE, Mr. PITTS, Mr. PORTER, Mr. PRICE of Georgia, Mr. REHBERG, Mr. RENZI, Mr. ROHRABACHER, Mr. ROSKAM, Mrs. SCHMIDT, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. STEARNS, Mr. TERRY, Mr. THORNBERRY, Mr. TIAHRT, Mr. WALBERG, Mr. WESTMORELAND, Mr. WAMP, Mr. WELDON of Florida, and Mr. WOLF):

H. Con. Res. 263. Concurrent resolution to establish the Joint Select Committee on Earmark Reform, and for other purposes; to the Committee on Rules.

By Mr. BARROW (for himself, Mr. KINGSTON, Mr. GINGREY, Mr. MARSHALL, Mr. SCOTT of Georgia, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. BISHOP of Georgia, and Mr. LINDER):

H. Res. 828. A resolution honoring the firefighters and other public servants who responded to the wildfires in south Georgia during the spring of 2007; to the Committee on Oversight and Government Reform.

By Mrs. BOYDA of Kansas (for herself, Mr. MOORE of Kansas, Mr. SKELTON, and Mr. CLEAVER):

H. Res. 829. A resolution recognizing the region from Manhattan, Kansas, to Columbia, Missouri, as the Kansas City Animal Health Corridor, and for other purposes; to the Committee on Agriculture.

By Mrs. CHRISTENSEN (for herself, Mr. RUSH, Mr. BILBRAY, Mrs. DAVIS of California, Mr. BUTTERFIELD, Mr. DAVIS of Illinois, Mr. BISHOP of Georgia, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. JEFFERSON, Mr. WYNN, Mr. MEEKS of New York, Mr. TOWNS, and Mr. CLEAVER):

H. Res. 830. A resolution urging health care providers to engage in a strong program to prevent, detect, and treat diabetes, including through the use of a treatment regimen that includes certain minimum clinical practice recommendations, including measurements of body weight and other associated risk factors; to the Committee on Energy and Commerce.

By Mr. HUNTER:

H. Res. 831. A resolution encouraging Americans to purchase American-made products during the holiday season, and for other purposes; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. EDWARDS, Mr. LAMPSON, Mr. HINOJOSA, Mr. GONZALEZ, Mr. ORTIZ, Ms. GRANGER, Mr. BURGESS, Mr. GENE GREEN of Texas, Mr. PAUL, and Mr. REYES):

H. Res. 832. A resolution honoring the Texas Water Development Board on its selection as a recipient of the the Environmental Protection Agency's 2007 Clean Water State Revolving Fund Performance and Innovation Award; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. MCDERMOTT, and Mr. CAMP of Michigan):

H. Res. 833. A resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children; to the Committee on Education and Labor.

By Mr. ORTIZ (for himself and Mr. ABERCROMBIE):

H. Res. 834. A resolution regarding the readiness decline of the Army, Marine Corps, National Guard, and Reserves, and the implications for national security; to the Committee on Armed Services.

By Mr. PALLONE (for himself and Mr. KUHL of New York):

H. Res. 835. A resolution condemning Syria for its destablizing actions in the Middle East region and calling on Iraq not to reopen its oil pipeline to Syria; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

215. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 107 memorializing the Congress of the United States to reauthorize Amtrak funding and support states in their efforts to expand passenger rail service; to the Committee on Transportation and Infrastructure.

216. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 102 memorializing the Congress of the United States to provide for the construction and maintenance of a national cemetery in Michigan's Upper Penninsula; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 35: Mr. FORBES.

H.R. 39: Ms. MATSUI.

H.R. 158: Mr. FALEOMAVAEGA.

H.R. 160: Mr. FALEOMAVAEGA.

H.R. 171: Mr. COURTNEY.

H.R. 303: Mr. ALEXANDER.

H.R. 333: Mr. GUTIERREZ.

H.R. 368: Mr. ALLEN.

H.R. 460: Mr. BLUMENAUER.

H.R. 549: Ms. ROYBAL-ALLARD, Mr. KILDEE, Mr. ALTMIRE, Mr. SIRES, Mr. HINCHEY, Mr. COURTNEY, and Mr. YARMUTH.

H.R. 552: Mr. CARNEY, Mrs. BOYDA of Kansas, Ms. WOOLSEY, and Mr. SHADEGG.

H.R. 578: Ms. LORETTA SANCHEZ of California, Mr. SHIMKUS, Mr. SCOTT of Georgia, Mrs. SCHMIDT, Mr. BOREN, Mr. CONAWAY, Mr. BUTTERFIELD, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. CALVERT, and Mr. FORBES.

H.R. 583: Mr. FRANK of Massachusetts.

H.R. 594: Mr. HODES.

H.R. 618: Mr. PETERSON of Minnesota.

H.R. 621: Mr. CARNEY.

H.R. 627: Mr. SIRES, Mr. KILDEE, Mr. YARMUTH, Mr. ALTMIRE, Ms. CASTOR, Mr. PASCRELL, and Mr. DELAHUNT.

H.R. 648: Mr. SIRES and Mr. DENT.

H.R. 695: Mr. CARNEY.

H.R. 699: Mr. GOHMERT.

H.R. 729: Mr. HODES.

H.R. 748: Mr. SARBANES, Mr. DOYLE, and Mrs. TAUSCHER.

H.R. 770: Ms. CLARKE.

H.R. 821: Mr. SIRES, Mr. KILDEE, Mr. HINCHEY, Mr. YARMUTH, Mr. ALTMIRE, Ms. CASTOR, Mr. PASCRELL, and Mr. MORAN of Kansas.

H.R. 847: Mr. BAIRD and Mr. PRICE of Georgia.

H.R. 850: Mr. BARROW.

H.R. 854: Ms. KILPATRICK.

H.R. 882: Mr. SESTAK, and Mr. CARNEY.

H.R. 887: Mr. HONDA.

H.R. 1076: Mrs. MYRICK, Mr. ALTMIRE, and Mr. HILL.

H.R. 1078: Mrs. MALONEY of New York, Mr. KILDEE, and Mr. PRICE of North Carolina.

H.R. 1084: Ms. SCHAKOWSKY, and Mr. LATHAM.

H.R. 1108: Ms. VELÁZQUEZ, Mr. ROSS, and Ms. WATSON.

H.R. 1112: Mr. GERLACH.

H.R. 1134: Mr. SNYDER.

H.R. 1166: Mrs. CHRISTENSEN, Ms. WOOLSEY, Mr. SIRES, and Mr. HONDA.

H.R. 1169: Mr. SIRES, Ms. CASTOR, and Ms. WOOLSEY.

H.R. 1174: Mr. FERGUSON, Mr. BOUCHER, and Mr. KILDEE.

H.R. 1193: Mr. FATTAH, Mr. LARSON of Connecticut, Mr. ROGERS of Kentucky, Mr. MEEKS of New York, Mr. SESTAK, Mrs. BONO, and Mr. CROWLEY.

H.R. 1198: Mr. ROGERS of Michigan.

H.R. 1216: Mr. FOSSELLA.

H.R. 1232: Mrs. BOYDA of Kansas.

H.R. 1237: Mr. SENSENBRENNER and Mr. KING of New York.

H.R. 1275: Ms. CASTOR.

H.R. 1293: Mr. CARNEY.

H.R. 1295: Mr. FEENEY.

H.R. 1304: Mr. BRALEY of Iowa.

H.R. 1320: Mrs. MUSGRAVE.

H.R. 1321: Mr. BUTTERFIELD, Mr. TOWNS, and Mr. MEEK of Florida.

H.R. 1328: Mr. PETERSON of Minnesota.

H.R. 1333: Mr. CARNEY.

H.R. 1357: Mr. CARNEY.

H.R. 1363: Mr. CLEAVER, Mr. UDALL of New Mexico, and Mr. CONYERS.

H.R. 1405: Mr. ETHERIDGE and Ms. CLARKE.

H.R. 1422: Mr. VAN HOLLEN and Mr. PERLMUTTER.

H.R. 1436: Mr. ALEXANDER.

H.R. 1440: Mr. HOLT.

H.R. 1464: Mr. GERLACH.

H.R. 1474: Mr. WALSH of New York and Ms. SCHWARTZ.

H.R. 1497: Ms. ESHOO.

H.R. 1512: Mr. GARY G. MILLER of California.

H.R. 1518: Ms. ZOE LOFGREN of California.

H.R. 1524: Mr. WYNN and Mr. HONDA.

H.R. 1542: Mr. VAN HOLLEN, Mr. DAVIS of Illinois, Mr. KILDEE, and Ms. LEE.

H.R. 1552: Mr. DEFAZIO and Ms. KILPATRICK.

H.R. 1553: Ms. FALLIN, Mr. JEFFERSON, Ms. BORDALLO, Mr. COHEN, Mr. ROSKAM, Mr. CALVERT, and Mr. COURTNEY.

H.R. 1576: Mr. FERGUSON.

H.R. 1584: Mr. CROWLEY.

H.R. 1608: Mrs. DAVIS of California.

H.R. 1609: Mr. MURPHY of Connecticut and Mr. JOHNSON of Georgia.

H.R. 1610: Mr. THOMPSON of California.

H.R. 1621: Mrs. LOWEY and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1647: Mr. LEWIS of Georgia, Mr. WYNN, and Mr. JONES of North Carolina.

H.R. 1665: Mrs. LOWEY.

H.R. 1711: Mr. SIRES and Ms. CASTOR.

H.R. 1728: Ms. ROYBAL-ALLARD.

H.R. 1738: Mr. PORTER, Mr. LEWIS of Georgia, and Mr. MCGOVERN.

H.R. 1740: Mr. GILCHREST.

H.R. 1742: Mr. PRICE of North Carolina and Ms. BERKLEY.

H.R. 1783: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1791: Mr. UDALL of Colorado.

H.R. 1829: Mr. ENGLISH of Pennsylvania.

H.R. 1866: Mr. LATOURETTE.

H.R. 1881: Mr. KILDEE.

H.R. 1884: Mr. SCHIFF and Mr. PERLMUTTER.

H.R. 1890: Mr. CARNEY.

H.R. 1909: Mr. CARNEY, Mr. GILCHREST, and Mr. FRANKS of Arizona.

H.R. 1921: Mr. TOWNS and Mr. MORAN of Kansas.

H.R. 1974: Mr. CHANDLER.

H.R. 1983: Ms. SCHWARTZ.

H.R. 1992: Mrs. LOWEY.

H.R. 2012: Mr. CARNEY.

H.R. 2046: Mr. BLUMENAUER.

H.R. 2053: Mr. UDALL of New Mexico, Mr. SESTAK, and Mr. LATOURETTE.

H.R. 2067: Mr. WESTMORELAND.

H.R. 2070: Mr. SIRES, Ms. BERKLEY, Mr. MCGOVERN, and Ms. CASTOR.

H.R. 2087: Ms. BERKLEY, Mr. SIRES, Mr. ALLEN, Mr. TIM MURPHY of Pennsylvania, Ms. CASTOR, Mr. COURTNEY, and Ms. SOLIS.

H. R. 2091: Mr. PATRICK MURPHY of Pennsylvania and Mr. CLEAVER.

H.R. 2108: Mr. NEAL of Massachusetts.

H.R. 2109: Mr. GARY G. MILLER of California.

H.R. 2166: Ms. CASTOR and Mr. SIRES.

H.R. 2169: Ms. LORETTA SANCHEZ of California, Mr. GORDON, Mr. SARBANES, Ms. ESHOO, Ms. ROYBAL-ALLARD, and Mrs. MALONEY of New York.

H.R. 2188: Ms. SCHWARTZ and Mr. CHANDLER.

H.R. 2210: Ms. ZOE LOFGREN of California.

H.R. 2231: Mr. WELCH of Vermont.

H.R. 2244: Mr. CARNEY.

H.R. 2265: Mr. STARK.

H.R. 2266: Mr. SHIMKUS.

H.R. 2267: Ms. SCHWARTZ and Mr. PITTS.

H.R. 2287: Mr. SIRES, Mr. KILDEE, Mr. ALTMIRE, Mr. COURTNEY, Mr. YARMUTH, Mr. SHUSTER, and Mrs. BIGGERT.

H.R. 2303: Mr. PORTER.

H.R. 2329: Mr. ROTHMAN.

H.R. 2332: Ms. GRANGER, Mrs. CAPITO, Mr. ALEXANDER, Mr. CARNEY, and Mr. WESTMORELAND.

H.R. 2353: Mr. GENE GREEN of Texas, Mr. CARNEY, and Mr. ISRAEL.

H.R. 2407: Mr. MOORE of Kansas.

H.R. 2438: Mr. ACKERMAN.

H.R. 2464: Mr. UDALL of New Mexico, Mr. ALLEN, Mr. CARNEY, and Mr. WEINER.

H.R. 2470: Mrs. CHRISTENSEN, Mr. SIRES, and Mr. UDALL of Colorado.

H.R. 2508: Mr. BARROW.

H.R. 2520: Mr. HODES.

H.R. 2522: Mr. SNYDER.

H.R. 2523: Mr. WYNN.

H.R. 2526: Mr. PASCRELL.

H.R. 2606: Ms. SCHWARTZ, Mr. CARNEY, Mr. MARKEY, and Mr. KAGEN.

H.R. 2609: Mr. MURPHY of Connecticut.

H.R. 2668: Mrs. CHRISTENSEN, Mr. SIRES, Mr. ALTMIRE, Mr. YARMUTH, Ms. BERKLEY, Mr. COURTNEY, Ms. CASTOR, Mr. KENNEDY, Mr. MOORE of Kansas, and Mr. SMITH of New Jersey.

H.R. 2674: Mr. HINOJOSA, Mr. BACA, Mr. SALAZAR, Mr. GONZALEZ, Mrs. NAPOLITANO, Mr. BECERRA, Mr. GUTIERREZ, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. SIRES, Mr. REYES, and Mr. HONDA.

H.R. 2695: Ms. CORRINE BROWN of Florida, Mrs. NAPOLITANO, and Mr. HOLT.

H.R. 2718: Mr. TOWNS.

H.R. 2744: Mr. LEWIS of Georgia and Mr. KUHL of New York.

H.R. 2762: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARNEY, Mr. ARCURI, Mrs. LOWEY, Mr. KENNEDY, Mr. CRENSHAW, Mr. COBLE, Mr. WEINER, Mr. GALLEGLY, Mr. ROSS, Mr. BRALEY of Iowa, Mr. KLEIN of Florida, Mr. JACKSON of Illinois, Mr. SULLIVAN, Mr. GRIJALVA, and Mr. WEXLER.

H.R. 2820: Mr. CARNEY.

H.R. 2826: Mr. WATT.

H.R. 2833: Ms. SCHWARTZ.

H.R. 2842: Mr. COURTNEY.

H.R. 2846: Mrs. CHRISTENSEN, Mr. ALTMIRE, Mr. SIRES, Mr. SCOTT of Georgia, Mr. COURTNEY, Ms. WOOLSEY, and Ms. CASTOR.

H.R. 2880: Mr. PORTER and Mr. MCCOTTER.

H.R. 2894: Mr. MITCHELL and Mr. PETERSON of Minnesota.

H.R. 2897: Mr. JACKSON of Illinois.

H.R. 2910: Mr. DELAHUNT.

H.R. 2915: Mr. SPRATT and Mr. COURTNEY.

H.R. 2933: Mr. GILCHREST.

H.R. 2946: Mrs. CHRISTENSEN, Mr. HONDA, and Mr. SIRES.

H.R. 2994: Mr. RUSH, Mr. KILDEE, Mr. DEAL of Georgia, and Mr. BUTTERFIELD.

H.R. 3010: Ms. SCHWARTZ, Mr. BOSWELL, and Mr. SPACE.

H.R. 3057: Mr. OLVER.

H.R. 3103: Mr. CALVERT.

H.R. 3107: Mr. ROSS.

H.R. 3109: Mr. JORDAN.

H.R. 3130: Mr. CARNEY.

H.R. 3133: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3136: Mrs. LOWEY.

H.R. 3175: Mr. AL GREEN of Texas.

H.R. 3196: Mr. KING of New York, Mr. KUHL of New York, and Mr. WEINER.

H.R. 3209: Mr. SESTAK.

H.R. 3212: Mr. PASTOR.

H.R. 3251: Mrs. CAPPS.

H.R. 3257: Mr. NEAL of Massachusetts.

H.R. 3282: Mr. KLEIN of Florida and Mr. KILDEE.

H.R. 3298: Mr. HOLDEN.

H.R. 3331: Mr. HONDA.

H.R. 3337: Mr. COHEN.

H.R. 3347: Mrs. CHRISTENSEN, Mr. GEORGE MILLER of California, and Mr. WYNN.

H.R. 3359: Mr. LARSON of Connecticut, Ms. FOXX, Mr. JORDAN, and Mr. FEENEY.

H.R. 3360: Mr. HALL of New York.

H.R. 3368: Mr. DICKS and Mr. WYNN.

H.R. 3372: Mr. INSLEE and Mr. JEFFERSON.

H.R. 3393: Ms. GIFFORDS, Mr. PETERSON of Minnesota, Mr. LEWIS of Georgia, and Mr. MCGOVERN.

H.R. 3396: Mr. ABERCROMBIE.

H.R. 3450: Ms. SCHAKOWSKY.

H.R. 3464: Mrs. CHRISTENSEN, Mr. FILNER, and Mr. CLAY.

H.R. 3496: Mr. BARROW.

H.R. 3531: Mr. GARY G. MILLER of California and Mr. WAMP.

H.R. 3533: Ms. WATSON, Mr. ROTHMAN, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. CARNEY, and Ms. CASTOR.

H.R. 3548: Mr. TOWNS.

H.R. 3616: Mrs. CAPITO.

H.R. 3635: Mr. HASTINGS of Florida.

H.R. 3636: Mr. KUCINICH, Mr. NADLER, Mr. HINCHEY, and Ms. LORETTA SANCHEZ of California.

H.R. 3637: Mr. AL GREEN of Texas.

H.R. 3646: Mr. GORDON.

H.R. 3654: Mrs. BOYDA of Kansas, Mr. LATHAM, Mr. BAIRD, Mr. PRICE of Georgia, and Mr. TOM DAVIS of Virginia.

H.R. 3660: Mr. BRALEY of Iowa and Ms. ZOE LOFGREN of California.

H.R. 3684: Mr. HIGGINS.

H.R. 3689: Mr. ENGEL and Mr. MCCAUL of Texas.

H.R. 3697: Mr. GENE GREEN of Texas.

H.R. 3700: Mr. JACKSON of Illinois and Mr. BRALEY of Iowa.

H.R. 3718: Mr. WILSON of Ohio.

H.R. 3738: Mr. STEARNS.

H.R. 3749: Mr. CARNEY.

H.R. 3750: Mr. ROTHMAN and Mr. JONES of North Carolina.

H.R. 3781: Mr. POMEROY.

H.R. 3793: Mr. HAYES, Mr. BARTON of Texas, Mr. SIRES, Mr. MILLER of North Carolina, Mr. WELDON of Florida, Mr. WEXLER, Ms. CASTOR, Mr. KINGSTON, Mr. ACKERMAN, Mr. REYES, Ms. LORETTA SANCHEZ of California, Mr. ORTIZ, Mr. GRIJALVA, Mr. MCINTYRE, Mr. LANGEVIN, Mr. COHEN, Mr. CAPUANO, Mr. FRANK of Massachusetts, Ms. ZOE LOFGREN of California, Mr. MCNERNEY, Mr. POMEROY, Ms. HARMAN, Mr. DEFAZIO, Mr. ENGEL, Mr. HOLT, Mr. KLEIN of Florida, Mr. GENE GREEN of Texas, Mr. LARSON of Connecticut, Mr. RAHALL, Mr. MAHONEY of Florida, Mr. CUMMINGS, Mr. ISRAEL, Mr. MCNULTY, Mrs. MCCARTHY of New York, Mr. PERLMUTTER, Mr. WATT, Mr. PICKERING, Mr. NEAL of Massachusetts, Ms. ROYBAL-ALLARD, Mr. MEEKS of New York, Mr. PASTOR, Mr. INSLEE, Mr. VAN HOLLEN, Mr. BUTTERFIELD, Mr. DOGGETT, Mr. TANNER, Mr. MARSHALL, Mrs. MALONEY of New York, Mr. JACKSON of Illinois, Mr. ABERCROMBIE, Mr. BISHOP of Georgia, Mr. WELCH of Vermont, Mr. SCOTT of Virginia, Mr. BISHOP of New York, Mr. VISCLOSKY, Mr. DAVIS of Kentucky, Mr. AL GREEN of Texas, Mr. ROTHMAN, Mr. PRICE of North Carolina, Mr. BERMAN, Mr. GUTIERREZ, Mr. DICKS, Mr. CARDOZA, Mr. EDWARDS, Mr. RUSH, Ms. BALDWIN, Mr. DAVIS of Illinois, Mrs. CAPITO, Mr. BOSWELL, Mr. DINGELL, Mr. WILSON of Ohio, Mr. HASTINGS of Florida, Mr. RYAN of Ohio, Mr. CLEAVER, Mr. ARCURI, Mr. NADLER, Mr. WYNN, Mr. HODES, Mr. LIPINSKI, Mr. COSTA, Mr. EMANUEL, Mr. CUELLAR, Mr. LANTOS, Mr. HONDA, Mr. WEINER, Mr. BACA, Ms. BEAN, Mr. RODRIGUEZ, Mrs. CAPPS, Mr. WAXMAN, Mr. DELAHUNT, Mrs. LOWEY, and Mr. TOM DAVIS of Virginia.

H.R. 3797: Mr. BRADY of Pennsylvania, Mr. WELCH of Vermont, Mr. FARR, Mr. YOUNG of Alaska, and Ms. CASTOR.

H.R. 3800: Ms. LORETTA SANCHEZ of California.

H.R. 3807: Mr. ETHERIDGE.

H.R. 3817: Mr. REHBERG.

H.R. 3818: Mr. COBLE and Mr. JONES of North Carolina.

H.R. 3825: Mr. SHAYS, Mr. ENGEL, Mr. GENE GREEN of Texas, Mrs. TAUSCHER, Mr. ALLEN, Mr. GRIJALVA, Mr. GONZALEZ, Ms. HERSETH SANDLIN, Mr. SIRES, Mr. BOUCHER, Mrs. CAPPS, Mr. BACA, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. SALAZAR, Mr. LAMPSON, Ms. SOLIS, Ms. VELÁZQUEZ, Mr. RODRIGUEZ, Mr. CARDOZA, Mr. BECERRA, Mr. STARK, Ms. LORETTA SANCHEZ of California, Mr. CUELLAR, Mr. GUTIERREZ, Mr. SERRANO, Ms. LINDA T. SÁNCHEZ of California, Ms. DELAURO, Mrs. LOWEY, Ms. LEE, Mr. JACKSON of Illinois, Mr. KENNEDY, Mr. HONDA, Mr. RYAN of Ohio, Ms. WASSERMAN SCHULTZ, Ms. BERKLEY, and Ms. RICHARDSON.

H.R. 3834: Mr. RYAN of Ohio.

H.R. 3835: Mr. WELCH of Vermont and Mr. KUCINICH.

H.R. 3836: Ms. RICHARDSON and Mr. UDALL of Colorado.

H.R. 3861: Mr. GERLACH, Mr. SESSIONS, and Mr. CUMMINGS.

H.R. 3865: Mr. GONZALEZ, Ms. CLARKE, Mr. ALTMIRE, Mr. RYAN of Ohio, Ms. ZOE LOFGREN of California, Mr. SIRES, Mr. REYNOLDS, and Mr. HODES.

H.R. 3870: Mr. ELLISON.

H.R. 3874: Mr. MOORE of Kansas.

H.R. 3886: Mr. MCNULTY.

H.R. 3887: Mr. BACHUS, Mr. RAMSTAD, Mr. BILIRAKIS, Mr. FORTUÑO, and Ms. CLARKE.

H.R. 3890: Ms. ESHOO, Mr. DEFAZIO, Mr. WELCH of Vermont, Mr. SOUDER, and Mr. KENNEDY.

H.R. 3903: Mr. DONNELLY.

H.R. 3916: Mr. MITCHELL and Ms. GIFFORDS.

H.R. 3932: Mr. PRICE of North Carolina, Mr. KILDEE, and Mr. CLAY.

H.R. 3934: Mrs. TAUSCHER and Mr. ROTHMAN.

H.R. 3947: Mr. WU, Mr. BAIRD, and Mr. BRALEY of Iowa.

H.R. 3951: Ms. ROYBAL-ALLARD.

H.R. 3958: Mr. PENCE.

H.R. 3966: Mr. HONDA.

H.R. 3968: Mr. BOUCHER.

H.R. 3981: Ms. PRYCE of Ohio and Mr. REYNOLDS.

H.R. 3995: Mr. SHAYS.

H.R. 4001: Mr. LEWIS of Kentucky.

H.R. 4008: Mr. COHEN and Ms. CASTOR.

H.R. 4014: Mr. GENE GREEN of Texas.

H.R. 4015: Mr. GENE GREEN of Texas.

H.R. 4016: Mr. GENE GREEN of Texas.

H.R. 4029: Mr. ALLEN.

H.R. 4040: Mr. WALSH of New York, Mr. DEFAZIO, Mr. MCNULTY, Mr. HASTINGS of Florida, Mr. WILSON of Ohio, Ms. GIFFORDS, Ms. CASTOR, Ms. LEE, and Mr. LANGEVIN.

H.R. 4053: Mr. WILSON of Ohio.

H.R. 4063: Ms. WOOLSEY.

H.R. 4067: Mr. SARBANES.

H.R. 4078: Mrs. EMERSON.

H.R. 4088: Mrs. MUSGRAVE, Mr. BILIRAKIS, Mr. MORAN of Kansas, Mr. GOHMERT, Mr. BURGESS, Mr. WHITFIELD, and Mr. GILCHREST.

H.R. 4096: Mr. CAMPBELL of California.

H.R. 4100: Mr. KIRK.

H.R. 4105: Ms. MATSUI, Mr. FARR, and Mr. ELLISON.

H.R. 4114: Mr. COURTNEY and Mr. CASTLE.

H.R. 4119: Mr. ROHRABACHER.

H.R. 4130: Mrs. BLACKBURN.

H.R. 4132: Mr. PAUL and Mr. CANTOR.

H.R. 4149: Mrs. MYRICK.

H.R. 4155: Mr. MCINTYRE.

H.R. 4160: Mr. GERLACH, Ms. GINNY BROWN-WAITE of Florida, Mr. CARTER, Mr. FORTENBERRY, Mr. GILCHREST, and Mr. UPTON.

H.R. 4165: Mr. FEENEY.

H.R. 4171: Mr. ADERHOLT, Mr. TIAHRT, Mr. CALVERT, Mr. MCCOTTER, Mr. LAMBORN, and Mr. ISSA.

H.R. 4174: Mrs. CAPPS.

H.R. 4176: Mr. CARTER, Mr. GILCHREST, Mr. BUCHANAN, Mr. SMITH of New Jersey, Mr. BARTLETT of Maryland, Mr. BARROW, and Mr. UPTON.

H.J. Res. 54: Mr. REYNOLDS, Mr. SMITH of Texas, and Mrs. DRAKE.

H. Con. Res. 81: Mr. KING of New York, Mr. MURTHA, and Mr. ROTHMAN.

H. Con. Res. 204: Mr. Gary G. Miller of California.

H. Con. Res. 214: Ms. WATERS, Mr. DAVIS of Illinois, and Mr. PAYNE.

H. Con. Res. 237: Mr. MCCOTTER.

H. Con. Res. 239: Mr. WILSON of Ohio, Mr. GARY G. MILLER of California, Mr. CALVERT, and Mr. WOLF.

H. Con. Res. 244: Mr. WILSON of Ohio, Mr. BARROW, Mr. REHBERG, Mr. BRALEY of Iowa, Mr. CAMPBELL of California, Mr. FRANKS of Arizona, Mrs. MCMORRIS RODGERS, and Mr. TIAHRT.

H. Con. Res. 256: Mr. MCCOTTER.

H. Res. 102: Mr. TANCREDO.

H. Res. 111: Mr. MCHUGH, Mr. KANJORSKI, Mrs. MYRICK, Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Mr. BROUN of Georgia, Mr. SENSENBRENNER, and Mr. ETHERIDGE.

H. Res. 148: Mr. PASCRELL.

H. Res. 175: Mr. CARNEY.

H. Res. 356: Mr. ROTHMAN, Mr. CARTER, Mr. MARKEY, and Mr. GINGREY.

H. Res. 457: Mr. KIRK.

H. Res. 556: Mr. SOUDER.

H. Res. 661: Ms. RICHARDSON and Mr. BOOZMAN.

H. Res. 690: Mr. WOLF and Mr. FOSSELLA.

H. Res. 705: Mr. CALVERT.

H. Res. 743: Mr. HIGGINS.

H. Res. 748: Mr. MCCARTHY of California.

H. Res. 783: Mr. WHITFIELD.

H. Res. 785: Ms. ROYBAL-ALLARD.

H. Res. 786: Mr. FORBES.

H. Res. 796: Mr. SHAYS.

H. Res. 800: Mr. BROWN of South Carolina, Mr. FORBES, Mr. CALVERT, Mr. MCKEON, Mr. TERRY, Mr. LAMBORN, Mr. ADERHOLT, Mrs. BLACKBURN, Mr. STEARNS, Mr. JORDAN, Mr. PLATTS, Mr. WAMP, Mr. GILCHREST, and Mr. UPTON.

H. Res. 814: Mr. BLUMENAUER.

H. Res. 815: Mr. PETERSON of Minnesota, Mr. DAVIS of Illinois, Mr. SHULER, Mr. VISCLOSKY, Mr. LINDER, and Mr. BOUCHER.

H. Res. 819: Ms. BALDWIN and Mr. ARCURI.

H. Res. 821: Mr. BILIRAKIS and Mr. WOLF.

H. Res. 826: Mr. LANTOS.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

186. The SPEAKER presented a petition of the Coral Springs/Parkland Democratice Club, Florida, relative to a Resolution expressing dissatisfaction with the continued funding or continued presence in Iraq beyond the safe withdrawal of troops; to the Committee on Armed Services.

187. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-1110-07 urging the Legislature of the State of Florida, the Florida Office of Insurance Regulation, and the Citizens Property Insurance Corporation to develop and implement a system for providing homeowners discounts on their property insurance if they install carbon monoxide detectors; to the Committee on Financial Services.

188. Also, a petition of the Martin Luther King, Jr. County Labor Council, Washington, relative to a Resolution opposing the reauthorization proposal for the No Child Left Behind Act (NCLB); to the Committee on Education and Labor.

189. Also, a petition of Po Kee Wong, a citizen of Silver Spring, Maryland, relative to petitioning the Congress of the United States for an appeal for redress; to the Committee on the Judiciary.

190. Also, a petition of Ms. Victoria Lin, a citizen of San Mateo, California, relative to petitioning the Congress of the United States for an appeal for redress; to the Committee on the Judiciary.

191. Also, a petition of the Council of the District of Columbia, relative to Council Resolution No. 17-378, the "Sense of the Council Urging the Federal Government to Adopt a Sensible Immigration Policy Emergency Resolution of 2007"; to the Committee on the Judiciary.

192. Also, a petition of the League of United Latin American Citizens, Texas, relative to a Resolution pertaining to the need for humanitarian assistance for Ramiro "Ramsey" Muniz; to the Committee on the Judiciary.

193. Also, a petition of the County of Los Angeles Department of Mental Health, California, relative to a Resolution commenting on the Proposed Medicaid Medicare Rehabilitation Rule Changes; jointly to the Committees on Energy and Commerce and Ways and Means.

194. Also, a petition of the City Commission of the City of Parkland, Florida, relative to Resolution No. 2007-97 supporting Senate Bill 1115, the "Energy Efficiency Promotion Act"; jointly to the Committees on Education and Labor, Energy and Commerce, and Oversight and Government Reform.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 4. November 15, 2007, by Mr. ROBERT B. ADERHOLT on House Resolution 748, was signed by the following Members: Robert B. Aderholt, Joe Barton, Louie Gohmert, and Michael C. Burgess.

EXTENSIONS OF REMARKS

COMMENDING THE SUSSEX COUNTY METH TASK FORCE FOR ITS SERVICE TO THE COMMUNITY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend the citizens who have spent the last 2½ years working to keep the people of Sussex County safe from methamphetamines as part of the Sussex County Meth Task Force. My staff and I have had the honor of working with these committed individuals over the years and have borne witness to the gusto with which they have performed their work.

Only a few years ago, as local meth labs were busted and drug use seemed to be on the rise, the people of Sussex County did not stand idly by. Instead, they formed this task force and set to training local law enforcement, informing citizens, and quite literally taking back their streets. They have trained more than 700 volunteer firefighters and others. They have distributed informative "meth packets" to over 165 local retailers. They have worked with local educators and organizations to raise public awareness of the scourge of meth.

The results have been impressive and local law enforcement now feel confident that methamphetamines have not been able to establish a foothold in Sussex County, New Jersey. And so they are disbanding their formal group and spreading the word to show others how they've been so successful, including in a presentation at the statewide League of Municipalities conference earlier this week.

Many, many individuals deserve credit for the good work of the Task Force. Tom Davis, the Sussex County Fire Marshal, has served as Task Force Chairperson, shepherding the group through its several goals. Tom Cooney, of the Sussex County Narcotics Task Force, has helped to train hundreds of first responders and others. Dan Coronato has helped to put the Sussex County Task Force in touch with others who can benefit from their model. And Becky Carlson, Barbara Adolphe, Meg Samuel-Siegel, and Jane Butz have been the glue holding them all together, serving as a constant source of information and direction.

I commend the members of the Sussex County Meth Task Force for their extraordinary service to their community and I look forward to continuing to work with them all to keep our streets safe and our schools and neighborhoods drug-free.

HONORING LIEUTENANT COMMANDER ERIK SAMSEL KRISTENSEN, USN

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SESTAK. Madam Speaker, I rise today to acknowledge an important and emotional ceremony that will take place at the United States Naval Academy's Hubbard Hall on this Saturday, November 17, 2007.

Hubbard Hall is home to Navy's crew teams, and there, a rowing shell will be dedicated in memory of an extraordinary graduate of the USNA Class of 1995, LCDR Erik Samsel Kristensen. While leading a rescue effort in support of U.S. Navy SEALS under heavy enemy fire, Lieutenant Commander Kristensen was killed in action in Asadabad, Afghanistan on June 28, 2005. In that engagement, our Nation, our Navy, and the Kristensen family lost a young warrior son who exemplified the honor, courage and commitment that is the very soul of our Navy and the Naval Academy. In the time since Lieutenant Commander Kristensen's sacrifice, he has been accorded honors richly deserved. However, in organizing the effort to name a racing shell in his memory, his classmate and shipmate, Mr. Brooks McFeely, found a unique and lasting medium to communicate the courage, determination and selflessness that characterized his great friend's life.

Over the years Hubbard Hall has been a crucible of leadership development under the guidance of coaching legends including Rusty Callow, Carl Ullrich, and Rick Clothier. Home to Olympians, scholars, and most importantly, warriors, Hubbard Hall has a rich tradition of honing the work ethic, competitive spirit and teamwork essential to victory in peace and war.

Madam Speaker, it is essential that we honor Lieutenant Commander Erik Kristensen, a leader who epitomized the Navy rower as described by Oliver Wendell Holmes, Jr.

"Is life less than a boat race? If a man will give the blood in his body to win the one, will he spend all the might of his soul to prevail in the other?"

To the men and women at Hubbard Hall who follow the example of LCDR Erik Kristensen, that will always be a rhetorical question. In honor of a great man and his family, the people of the United States of America wish Godspeed and great victories to the shell 'Kristensen' and the midshipmen fortunate to row in that testament to honor and courage.

HONORING JEREMY THOMAS CHARLTON

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. CAPITO. Madam Speaker, I rise today to extend congratulations to Jeremy Thomas Charlton, who recently received the highest rank in boy scouting, Eagle Scout, on September 23, 2007. He is a member of Troop 33, sponsored by First United Methodist Church in Romney, WV.

For his Eagle Scout service project, Jeremy painted and repaired 3 buildings at the Hampshire County Fairgrounds. These buildings are used every summer in August during the Hampshire County Fair and throughout the year by various community organizations. Jeremy's beautification and improvements have increased the fairground as a whole.

Throughout his involvement since Cub Scouts, Jeremy has been an exemplary Scout. He is a recipient of the Arrow of Light Award and officiates as a Scout Chaplain Aide to his fellow scouts.

In addition to his Scout activities, Jeremy is very involved with his church's youth group and is a member of the Bible quiz team. A dedicated citizen, Jeremy has taken on several community service projects including food drives, picking up litter, and helping clean up the Potomac River.

Jeremy is truly representative of the Scout oath, "to do my duty to God and country" and I am proud to recognize a dedicated young man, like Jeremy Charlton. Hampshire County is fortunate to have him as a leader and I look forward to hearing about his future accomplishments.

IN HONOR OF MARY ORR'S COMMITMENT TO THE STUDENTS, TEACHERS, AND PARENTS AT ABRAHAM LINCOLN ELEMENTARY SCHOOL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GARRETT. Madam Speaker, I rise today to commend Mary Orr, Principal at Abraham Lincoln Elementary School in Wyckoff, New Jersey, for her extraordinary commitment to high standards of education excellence.

Mary Orr has taken learning to a new level, integrating fresh technology, new education tools, and incredible enthusiasm into the approach at Abraham Lincoln. She mixes theory-driven number-crunching with a very personal touch at her school, encouraging teachers to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

find new and creative ways to help their students "learn to be learners." Mary Orr has developed her own method for using spreadsheets to chart test scores and provide teachers with easy-to-follow graphs on their classroom achievements. She also encourages her teachers to use technology to give students new ways to access information and develop a real love of learning.

An educator in Wyckoff since 1969, Mary Orr is being honored now as New Jersey's Distinguished Principal by the U.S. Department of Education and National Association of Elementary School Principals. She has long been eligible to retire, but she continues to give her all to the students, teachers, and parents of Abraham Lincoln Elementary School.

In fact, she continues to pursue enhancement of her own already-impressive professional credentials. She has already earned a master's degree in language arts and a doctorate in education administration, yet Mary Orr is pursuing a second master's in educational technology. And, all the while, she also remains an active part of the community, spending time with the local Rotary Club and earning the 2004 Wyckoff Family YMCA's First Annual William E. Boye Jr. Humanitarian Award.

From her enthusiastic spirit to her detail-driven approach, Mary Orr has made Abraham Lincoln Elementary School a model for all to emulate. I commend her on her good work there.

HONORING THE UNITED STATES NAVAL ACADEMY MASQUERADERS

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SESTAK. Madam Speaker, I rise today to recognize the United States Naval Academy's midshipman theater company, the Masqueraders, on the occasion of their centennial year. The Masqueraders, sponsored by the Naval Academy English Department, support the moral and mental development of midshipmen by bringing works of literature to the stage. By engaging the Brigade of Midshipmen with complex moral issues and portrayals of human nature, the Masqueraders have helped prepare generations of future officers for the challenges of military leadership.

While midshipmen produced theater pieces in the nineteenth century, the Masqueraders formally organized in 1907 with the approval of the Commandant of Midshipmen. That year, under the leadership of Midshipmen First Class Kirkwood H. Donavin, William B. Piersol, and Frank W. Townsend, the Masqueraders began an unbroken series of annual performances that have educated midshipmen up to the present day. Productions have ranged from Greek tragedies and comedies to classics of the modern stage. Highlights of the group's century of service include a 1974 American College Theater Festival production of Rosencrantz and Guildenstern are Dead, invited to play at the Kennedy Center's Eisenhower Theater and honored by the Chief of Naval Operations, and a critically acclaimed 1983 compilation of Shakespeare history plays.

Madam Speaker, we should especially acknowledge Professors Michael Jasperson, David White, and Anne Marie Drew, for their vision and dedication as Masqueraders directors from 1960 to 2001. We should also recognize the current director, Professor Christy Stanlake; co-presidents, Midshipmen First Class Joy Dewey and David Smestuen; and Officer Representative, Commander Mark Larabee. Finally, we should acknowledge the key support provided by the English Department Chair, Professor Allyson Booth, and the Director of the Division of Humanities and Social Sciences, Colonel David Mollahan.

Madam Speaker, it is fitting that we honor the Masqueraders for their century of commitment to the power of theater to prepare midshipmen for leadership in peace and war. In honor of Masqueraders' support of the mission of the Naval Academy, the people of the United States of America wish them all success for another hundred years of service to the Brigade of Midshipmen, our Navy and Marine Corps, and our country.

GREAT AMERICAN SMOKEOUT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize the American Cancer Society's 31st annual Great American Smokeout—a day when smokers across the Nation mark the event by cutting back, forsaking cigarettes for the day, or perhaps quitting altogether.

I'm proud that in my Congressional district, all the hospitals—which already prohibit smoking indoors—will today be extending their smoke-free zones and prohibit the use of tobacco products anywhere on their campuses. This includes outside entrances, walkways, parking lots, and garages. Patients, visitors, and hospital employees are covered by this policy. These medical institutions, which treat many diseases that result from use of tobacco products, are taking a critical step that will lead to patients, visitors, and staff reducing and hopefully quitting the use of tobacco products. By taking this action, the hospitals in my community will lead by example in our efforts to reduce tobacco use.

The toll of tobacco in America is devastating, with 440,000 people dying prematurely each year from tobacco use. Tobacco use is the cause of at least 30 percent of all cancer deaths and 87 percent of lung cancer deaths. Secondhand smoke is a major health hazard—3,000 otherwise healthy nonsmokers nationwide will die of lung cancer annually because of their exposure to secondhand smoke.

In Maryland, there will be more than 4,000 new cases of lung cancer diagnosed this year and there will be nearly 3,000 lung cancer deaths. In addition to the thousands of lives lost to diseases caused by tobacco products, the annual direct and indirect health care costs in the U.S. caused by tobacco use is approximately $194 billion.

As people across the country begin to attempt to conquer tobacco addiction on this Great American Smokeout day, Congress must continue to do its part on reducing the addiction to tobacco. I urge my colleagues to cosponsor and pass H.R. 1108, the Family Smoking Prevention and Control Act. This bill would grant the FDA the authority to regulate tobacco products and the marketing of those products, which the tobacco industry has shamelessly marketed to our Nation's youth to create lifetime smokers and consumers of their deadly products.

Madam Speaker, I applaud the hospitals in my congressional district for becoming smoke-free zones and commend the American Cancer Society for their efforts in reducing America's addiction to tobacco products.

HONORING DONALD W. CAMPBELL

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. CAPITO. Madam Speaker, I rise today to respectfully request that my colleagues join me in congratulating Donald W. Campbell for being named the National Parks Conservation Association 2007 recipient of the Steven Tyng Mather Award.

Don Campbell has been a tireless advocate and ambassador for Harper's Ferry National Historic Park for nearly thirty years. When he arrived at Harper's Ferry as Superintendent, Don was a self-described "peace, love, and let's everybody get along," laid-back Californian. Since then, he has forged relationships of mutual trust and understanding with the communities that surround his park and has touched many with his strong values and steady leadership.

Don's service, leadership, and advocacy for the protection of Harper's Ferry National Historic Park exemplify what it means to be a steward of America's national parks. For more than twenty years, the National Parks Conservation Association has proudly presented the annual Steven Tyng Mather Award to a National Park Service employee who has worked tirelessly to protect our national parks. His contribution to the Harper's Ferry National Historic Park will always be appreciated and I am pleased that he is being recognized for his service to our community.

In closing, I want to thank my colleagues for joining me in recognizing Donald W. Campbell as the 2007 Steven Tyng Mather Award winner for his dedication to protecting this scenic and historic jewel.

IN HONOR OF THE 50TH ANNIVERSARY OF THE COLONEL JOHN ROSENKRANS CHAPTER OF THE NEW JERSEY SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to the Colonel John Rosenkrans Chapter of the New Jersey Society of Sons of the American Revolution. The Society strives to preserve and share the rich heritage of our Nation's birth for the generations. Its many chapters, dotted throughout our Nation, keep the spirit of the American revolution alive and help to spark the same love of country and principle that led our forefathers to give birth to our Constitution and our Nation.

New Jersey, often known as "Crossroads of the Revolution," has a long and proud history and played a pivotal role in our nascent Nation's victory in the Revolutionary War. The New Jersey Journal, published in Chatham, was a major catalyst for the Revolution. The Continental Congress met in Nassau Hall at Princeton University. One of the most famous women of the Revolution, Molly Pitcher, was a legend born of New Jersey battles. And, this fine state was the third to ratify the Constitution and the first to ratify the Bill of Rights. Then, of course, there is Washington's crossing of the Delaware River, the Battles of Trenton and Princeton, the Battle of Monmouth, and more. These are all part of the American psyche and history.

Colonel John Rosenkrans has been described as "perhaps the most outstanding Revolutionary patriot of Sussex County." The compatriots of this chapter of the New Jersey Society of Sons of the American Revolution have made it their duty to share his stories and those of the Colonel's heroic contemporaries. They play an important part in keeping our Nation's feet firmly planted in our proud past as we reach ever higher into the future. This weekend, they will celebrate their 50th anniversary, and I commend them for their good work.

PAYING TRIBUTE TO A PIONEER, THE LATE REP. GUS HAWKINS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. RANGEL. Madam Speaker, I rise today in reverence of the 100 years Augustus Freeman "Gus" Hawkins, the former representative from Los Angeles, fought on this Earth for the causes of justice and equality. Prior to his passing, he had been the oldest former member of Congress, and the longevity of his legacy will easily match the longevity of his years.

He was the first African American elected to the House from California—and, indeed, from the entire western United States—as well as a founding member of the Congressional Black Caucus. He was instrumental in the passage of the watershed Civil Rights Act of 1964, sponsoring its equal employment section setting up the Equal Employment Opportunity Commission.

We honor him for the strides our community, and our country, took under his stewardship, and for his impeccable sense of purpose that inspires us today.

TRIBUTE TO THE GREATER SOMERSET COUNTY CHAPTER OF THE AMERICAN RED CROSS

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. FERGUSON. Madam Speaker, I rise to honor the Greater Somerset County Chapter of the American Red Cross, which today is celebrating its 90th anniversary.

The American Red Cross has a rich history of providing relief and assistance to victims of fires, floods and other natural disasters, dating back to its founding by Clara Barton in 1881. The organization is a great American success story, as it relies on the contributions of volunteers, and gains its funding through private donations and fees from health and safety services.

The Greater Somerset County Chapter evolved as a conglomeration of smaller chapters in central New Jersey, the first of which was the Bound Brook Chapter in 1917. This chapter includes 15 municipalities, providing residents with access to emergency and disaster services 24 hours a day, 7 days a week, including blood-donation programs, preparedness education, health and safety training, and medical transportation services.

I would also like to recognize the important work that the Greater Somerset County Chapter's members performed for the residents of New Jersey that I represent during flooding that occurred in recent years, particularly in the towns of Bound Brook and Manville. The vital services provided by these volunteers—and the care and compassion displayed during these difficult times—epitomized the mission of the American Red Cross.

Madam Speaker, the Greater Somerset County Chapter, as well as the American Red Cross as a whole, represents the best in helping Americans in their time of need. I am proud to represent an area that is home to such a fine organization, and I am pleased to congratulate the Greater Somerset County Chapter of the American Red Cross as it celebrates its 90th anniversary.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, I regret that I missed rollcall vote No. 1091. Had I been present, I would have voted "yea."

HONORING THE DEDICATION OF THE MICHAEL A. GUIDO THEATER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. DINGELL. Madam Speaker, I rise today to congratulate the city of Dearborn for the dedication of the Michael A. Guido Theater at the Ford Community & Performing Arts Center.

On November 16, 2007, the City of Dearborn will hold a gala celebration honoring the life of the late Mayor Michael A. Guido. It is at this gala event that the magnificent theater at the Ford Community & Performing Arts Center will be dedicated in Mayor Guido's name. This is a fitting tribute as the state-of-the-art Ford Community & Performing Arts Center was the crowning achievement in the impressive career of Mayor Guido. The center is the largest municipally owned recreation center in North America.

Along with the dedication ceremony, the evening will also include a fundraiser for the Michael A. Guido Pancreatic Cancer Research Fund at the Karmanos Cancer Institute. That the funds will go to pancreatic research is especially meaningful to our late "friendly mayor" and his family.

For 21 years Mayor Guido served the city of Dearborn with enthusiasm, devotion, and a sense of humor. Throughout his career he accomplished much. Known for his commitment to the people of Dearborn, fiscal responsibility, and leadership skills, among his many achievements, Guido served as president of the U.S. Conference of Mayors and held various leadership positions with the National League of Cities. During his battle with pancreatic cancer, Guido continued to work tirelessly in City Hall on behalf of the people of Dearborn. He also sprouted growth throughout Dearborn. A short list of his accomplishments includes the devolvement of downtown Dearborn, the creation of recreational facilities like the Dearborn Ice Skating Center, the construction of a new police headquarters, the redesign of Ford Wood Park, and the expansion of Esper Branch Library.

I ask that all of my colleagues join me in congratulating the city of Dearborn for the dedication of the Michael A. Guido Theater, as well as joining me in remembering the devoted public servant who served the people of Dearborn for 21 years.

HONORING ROBERT MANT

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. DELAHUNT. Madam Speaker, I rise today to honor Robert Mant, a constituent who lost his courageous 9-year battle with colon cancer on March 29, 2007.

This week, the Town of Brewster, Massachusetts, will honor Bob for his many years of dedicated public service by naming a stunning stretch of beach along Cape Cod Bay as "Mant's Landing".

First and foremost, "Captain Bob", as he was lovingly referred to by family and friends, was the ultimate family man. He married his high school sweetheart Linda, and was a loving and devoted family man to the very end. His three children, Sara, Joshua and Nicole, were the absolute center of his life, and there was nothing he would not and did not do for them.

A brilliant and passionate leader of men, Bob was voted President of his senior class and captain of his football team at Kearny High School in New Jersey. He would go on to excel at Princeton University, where he pursued his passion for the ocean. Upon graduation, he converted a 100 acre copper mine into a salt water lake and founded Maine Sea Farms, a pioneer aquaculture venture where he raised Pacific Coho Salmon.

Bob would continue to be a leader and innovator in the field of marine biology for the next 40 years, always doing things in his own unique way. He spent his last 20 years as the Director of Natural Resources for the Town of Brewster, and was admired by all for his dedication to protecting the town's beaches, ponds and shellfish. More importantly, Bob was respected for the way he approached his job and for his many acts of kindness.

Bob's one-of-a-kind personality, his unparalleled toughness, and passion for life were an inspiration to all who knew him. This past spring, the town unanimously voted to honor Bob by dedicating a stretch of beach along Cape Cod Bay, "Mant's Landing". It is a fitting tribute for such a remarkable man.

IN CELEBRATION OF THE RE-OPENING OF THE MARTIN WOLDSON THEATER AT THE FOX IN SPOKANE, WASHINGTON

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize a historic landmark in Spokane, Washington—the Martin Woldson Theater at the Fox. On Saturday, November 17th the Martin Woldson Theater will roll out the red carpet and re-open its doors after undergoing a multi-year renovation. Through the efforts of our community, the Martin Woldson Theater has come to symbolize the importance of restoration and our commitment to revitalize downtown Spokane.

On September 3, 1931 when the Fox opened its doors for the first time, it became an instant attraction for theater goers in Spokane and an important part of the downtown community. It opened to a sold-out crowd of 1,400 who came to see not only the beautiful new theater but also the love story "Merely Mary Ann."

The Fox was designed by noted Seattle architect Robert Reamer with the interior design by Anthony Heinsbergen. The auditorium, lobby, and mezzanine murals created the illusions of undersea worlds and forest canopies. It remains the only large Art Deco theater north of San Francisco.

The Fox Theater was in constant operation as a movie and performance theater for nearly 70 years. The theater closed its doors on Thursday, September 21, 2000 after a showing of the movie "Gladiator."

Thanks to the tireless efforts of our Spokane Community, the Spokane Symphony will now call the Martin Woldson Theater at the Fox home. They will use the facility for their performances but the theater will also attract regional and national arts groups and performers.

I also want to recognize Miss Myrtle Woldson for her inaugural gift that helped make possible the re-opening of the Theater. It is only fitting that the theater be named for her father, Martin Woldson, whose pioneering spirit lives on in the Pacific Northwest.

Madam Speaker, I invite my colleagues to join me in celebrating the re-opening of the Fox Theater. What a thrill it will be to enjoy all it has to offer and I hope my colleagues will visit Spokane to see this magnificent piece of history.

IN RECOGNITION OF THE PASSING OF SERGEANT DANIEL L. McCALL, UNITED STATES ARMY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. MILLER of Florida. Madam Speaker, I rise to honor the memory of SGT Daniel McCall, United States Army. Sergeant McCall gave his life in defense of our Nation and was killed in action on October 30, 2007 in Salmen Pak, Iraq. Sergeant McCall was serving with the 1st Battalion, 15th Infantry Regiment, 3rd Brigade Combat Team, 3rd Infantry Division, Fort Benning, Georgia.

Daniel was a 2001 Pace High School honor graduate and a star athlete. He held numerous track records, many of which still stand. In June 2004, he enlisted in the United States Army, following in his grandfather "Duke's" footsteps. Daniel excelled as an infantryman as he graduated from airborne school and was selected for Special Forces training. It was at Fort Bragg, NC that Daniel met the love of his life, Brittnay, whom he married in April 2006. He and Brittnay transferred back to Fort Benning and Daniel deployed to Iraq in March 2007. Sergeant McCall's accomplishments while serving his country include: Special Forces training, sniper school, combat life saver training, and the warrior leaders course. He received the Bronze Star Medal, Purple Heart, Combat Infantryman's Badge, Army Commendation Medal, and the Global War on Terrorism Medal, just to name a few.

Daniel's grandfather, Duke, said "Daniel was loved by all who met him, and his smile would brighten up the room." His uncle, Dr. Robin McCall said of Daniel, "He set higher goals, and he set higher standards for others to follow. He didn't accept average. He was a shining example to all."

Daniel was buried with full military honors on November 8, 2007 at Barrancas National Cemetery, Pensacola Naval Air Station. Several hundred people attended the funeral to remember this patriot—this fine soldier. While his earthly remains will be enshrined forever in Pensacola, Daniel's memory and example of selfless service will live on in the hearts of all of us in northwest Florida. I am always reminded of the greatness of our country when I meet military families like the McCalls, who supported Daniel as he volunteered to defend America.

The people of Pace have reason to be proud of Sergeant McCall, and I am humbled to be able to represent those people. Vicki and I will keep Daniel's entire family, especially his wife, Brittnay, his mother, Petra, and his grandparents, Duke and Liane McCall, in our thoughts and prayers. I hope all the people of northwest Florida and our Nation do the same. May God bless SGT Daniel McCall and all of those who serve in our Armed Forces and defend our Nation around the globe.

HONORING DR. JAMES D. QUAY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. CAPPS. Madam Speaker, I rise today to honor and congratulate my friend Dr. James D. Quay of Albany, CA. Jim is retiring early next year after a distinguished 25-year career as Executive Director of the California Council for the Humanities. Throughout his career he has been a tireless State and national leader of the effort to strengthen communities through public practice of the humanities.

Jim was born and grew up in Allentown, PA, where his family has resided for at least nine generations. He first came to California in June 1969 on a belated honeymoon with his wife, Caren. They marveled at the spectacular coast and the beautiful rolling hills, and were struck by how often strangers smiled at them as they passed on the sidewalk. When they got on the plane to return home, they felt as if they were leaving home.

Arriving back in the East, Jim immediately applied to U.C. Berkeley. After he completed service in Harlem as a conscientious objector to the Vietnam War, he and Caren drove to Berkeley, arriving in July 1970. They have stayed ever since. The couple has two children, Jesse (1976) and Jenny (1981).

Jim received his doctorate in english literature from Berkeley in 1981. He taught writing at U.C. Santa Cruz and worked first as the Humanist-in-Residence, then as Associate Producer at California Public Radio, before being hired to lead the California Council for the Humanities in 1983. My late husband, Congressman Walter Capps, was the Chairman of the selection committee bestowing Jim with this honor.

Among his many achievements at the Council, Jim developed the first public programs in California to discuss the Vietnam War and its domestic aftermath. He supported the creation and expansion of a program to strengthen California's community museums. He brought

Motheread, a family literacy program, to Los Angeles. He formed a partnership with Heyday Books to publish important anthologies about California and its history. He led a statewide effort to commemorate the California Sesquicentennial. And he sparked the development of the humanities council's landmark California Stories initiative.

But Jim is not just a list of accomplishments. He's a good friend, a loving husband and father, and a thoughtful, insightful leader. During a time of reflection in 1996, he sat down and made a list of 25 things that mattered most to him. Here are six of them: "My wonderful family, at table or at play; California, the promise, the people and the place; Religious music from almost anywhere; A pint of Guinness, freshly poured; Dawn; Acts of forgiveness and compassion."

Madam Speaker, I am proud to honor James Quay for his work and for his example as a human being and I ask you to join me in wishing him a retirement filled with long hikes, long conversations, much music, and much good cheer.

75TH ANNIVERSARY OF FAMINE-GENOCIDE OF 1932-1933

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LEVIN. Madam Speaker, I rise to mark the 75th anniversary of one of the worst crimes committed against our common humanity, and to remember the victims of the manmade famine that killed millions of Ukrainians in 1932–33.

During the Famine-Genocide of 1932–33, 7 to 10 million Ukrainians were deliberately and systematically starved to death. We are familiar with the terrible suffering caused by famines that are the result of natural forces. But this period is all the more tragic because it resulted from criminal acts and deliberate, criminal decisions by political officials. Yet it is also one of the least known of human tragedies. Despite efforts by the Soviet government at the time and afterward to hide the planned and systematic nature of this famine-genocide, the Ukrainian Diaspora has struggled to preserve its memory.

I am proud that Congress has supported these efforts. Last year, Congress approved legislation to authorize the Government of Ukraine to donate a memorial in the District of Columbia honoring the victims of the Famine-Genocide. Today, the Ukrainian Government, the Ukrainian-American Community, and the Department of Interior are working to identify a site for this memorial where all Americans can come to remember the victims of these acts and to contemplate their meaning and consequences.

This memorial is very important to the 1.5 million Ukrainian-Americans throughout the United States, and indeed to all humanity. It will not only honor their memory but serve as a tangible reminder to all of us that we must work together to prevent such tragedies in the future.

It is critical to ensure that this tragedy is never forgotten. This is an important lesson because the Soviet Union proved during this period that food can be a weapon. By introducing unrealistically high quotas on grain and other agricultural products, which were strictly enforced by Red Army troops, the Soviet government deliberately starved 7 to 10 million Ukrainians. The harvest of 1932 was only 12 percent below 1926–1930 average, but millions of Ukrainians died a slow, agonizing death of hunger.

This effort was systematic and premeditated. Having sealed the borders of Ukraine to prevent any outward migration or outside relief efforts, the Soviet Union proceeded to confiscate grain and summarily execute anyone found taking even a handful of grain that was considered "social property." The result was devastating, and exactly what the Soviet government intended. Materials now being found in KGB archives have shown the pre-meditated, political nature of the famine.

The United States and its people must stand with those living under oppressive and tyrannical regimes as they struggle for their freedom. Part of this struggle is to remember the brutal acts of these regimes and their victims. Preventing the recurrence of crimes against humanity such as the Ukrainian Famine-Genocide begins with remembering the tragedies of the past.

I urge all of my colleagues to join the Ukrainian-American Community today in remembering the victims of this tragedy and renewing our commitment to ensure that it is never repeated.

HONORING SANDRA COOK FOR HER YEARS OF PUBLIC SERVICE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to praise a public servant who is finishing 20 years of outstanding service to the Federal Government and a total of more than 30 years of public service. Members of Congress and their staff who are engaged with Federal education legislation have benefited from the wisdom and professionalism of Sandra Cook, Special Assistant in the Office of Legislation and Congressional Affairs at the U.S. Department of Education. Sandra joined the Department in 1988, and has worked with Members of Congress and their staff on many of our most critical educational issues. In the past 10 years, she has specialized in elementary and secondary education, including No Child Left Behind. Sandra was involved in helping to pass NCLB and has kept the lines of communication open between the Executive and Legislative branches of Government.

Sandra is a career civil servant who knows that Federal education policy matters. She has served under administrations of both parties and has consistently received internal recognition for her professionalism and commitment to excellence. Her quiet, thoughtful comments in congressional meetings and discussions with congressional staff have provided both with information and guidance. Sandra's Rolodex is renowned for both its size and breadth. And no matter how stressful the situation because of time pressures or personalities, Sandra has never lost her calm, composed, and friendly demeanor.

After graduating from Southern Illinois University, where she was an honors student, Sandra Cook began her professional life as a teacher. She taught language arts and history for 6 years in West Lafayette, IN. Though she did not stay in the classroom as a career, those experiences shaped the rest of her professional life, particularly her work at the U.S. Department of Education.

Sandra's public service prior to joining the Department included work for several Members of Congress: Representatives Robert Daniel, Jr., Tom Railsback, and Rod Chandler; and Senator Paul Trible. She also worked for Fairfax County Supervisor Farrell Egge in Virginia, who represented the Mt. Vernon district.

As she retires from Government service and heads back to her family in her home State of Illinois, I am proud to thank Sandra Cook publicly on behalf of this Congress for her many contributions to our Nation and its students.

HONORING THE BAND CHICAGO FOR THEIR ACCOMPLISHMENTS ON THEIR 40TH ANNIVERSARY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to recognize the numerous achievements of the band Chicago and congratulate them as they celebrate their 40th anniversary with a concert event at the Chicago History Museum on December 4, 2007. Over the last four decades, Chicago has become one of the most successful and longest lasting musical groups in history, and their music has touched hundreds of millions of listeners around the world.

The band was originally formed in 1967 as the Chicago Transit Authority by saxophonist Walter Parazaider, trombonist James Pankow, trumpet player Lee Loughnane, guitarist Terry Kath, keyboardist Robert Lamm, drummer Danny Seraphine, and bassist Peter Cetera. Within 2 years, this band composed mostly of Loyola University music students was signed to Columbia Records and released their first album.

During the next 4 decades, Chicago would go on to sell over 120 million records while releasing over 30 albums, 19 of which went gold. Among their many great singles, Chicago reached the top of the charts with favorites such as "If You Leave Me Now," "Hard to Say I'm Sorry," and "Look Away." In addition to their incredible commercial success, Chicago has garnered considerable respect among critics and has won numerous awards, including three Grammy Awards as well as a Favorite Rock Group award at the American Music Awards.

Awards and honors aside, Chicago has a special gift for bringing people together, something I have personally experienced. My wife, Judy, and I are long-time fans of the band, and I will always remember that I proposed to

Judy while we listened to the Chicago song "Beginnings." Chicago also employs their fame to connect with others by supporting a number of charities including World Hunger Year. In addition, Chicago donates a portion of their ticket sales to the Ara Parseghian Medical Research Foundation which seeks a cure to the fatal children's disease Neimann-Pick Type C and also to Charlie Weis's Hannah & Friends Foundation which helps improve the quality of life for children and adults with special needs.

Madam Speaker, it is fitting that we honor the band Chicago as they celebrate their 40th anniversary, and I encourage all those who appreciate the band to visit an exhibit at the Chicago History Museum honoring the band's musical legacy. I wish the members of the band the best as they continue into their fifth decade.

CONGRATULATING FORMER PENNSYLVANIA GOV. WILLIAM W. SCRANTON, RECIPIENT OF THE 2007 MONSIGNOR McGOWAN CORNERSTONE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to former Pennsylvania Gov. William W. Scranton who is being honored as this year's recipient of the Monsignor Andrew J. McGowan Cornerstone Award.

This prestigious award honors an individual who best exemplifies the spirit, leadership and service of Msgr. Andrew J. McGowan as a catalyst for social, cultural and economic growth, and to promote the charitable ideals of philanthropy and collaboration in northeastern Pennsylvania.

The Monsignor McGowan Cornerstone Award was designed through the efforts of the nonprofit organizations throughout northeastern Pennsylvania and the Mid-Atlantic region that benefited from Monsignor McGowan's participation as a board member and a mentor for community improvement.

Governor Scranton has distinguished himself in so many ways throughout his eventful life.

In 1941 he interrupted his law school education at Yale to enter the United States Army Air Corps where he served as an Air Transport Command pilot during World War II.

Following the war, he completed his law school education and began private legal practice as well as participation in several businesses.

In 1959, he was appointed by U.S. President Dwight D. Eisenhower to serve as special assistant to U.S. Secretary of State John Foster Dulles. A year later, he ran and was elected to the U.S. House of Representatives from the 10th Congressional District of Pennsylvania.

In 1962, he was elected governor of the Commonwealth of Pennsylvania and, during his term, he signed into law sweeping reforms in the State's educational system including creation of the State community college system, the State board of education and the State Higher Education Assistance Agency. In addition, he created a program designed to promote the State in national and international markets and to increase the attractiveness of the State's products and services.

In 1967 and 1968, Governor Scranton participated in the Pennsylvania Constitutional Convention and helped write a new constitution for the State.

Since then, he has served on the boards of directors of some of America's most influential companies including A&P, IBM, the New York Times, Pan American Airways and the H. J. Heinz Company. He also served as president of the Northeastern National Bank and Trust Company.

In 1976, U.S. President Gerald R. Ford named him U.S. Ambassador to the United Nations where he served with distinction until his retirement.

Madam Speaker, please join me in congratulating Governor Scranton for the contributions he has made to the northeastern Pennsylvania community he cherishes so much and to this Nation which owes him a profound debt of gratitude for his years of service and his remarkable achievements.

And let us also recognize the late Msgr. Andrew J. McGowan who labored tirelessly to improve the quality of life in his beloved community and to inspire others to share in the joy of service to mankind.

It is indeed fitting that the first Monsignor McGowan Cornerstone Award be presented to an outstanding Pennsylvanian who shares the same zeal for community service as the man for whom this award is named.

RECOGNIZING THE ACCOMPLISHMENTS OF WILLIAM R. MOLZAHN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishments of Mr. William R. Molzahn for his service to the Department of the Navy as Deputy General Counsel to the Office of General Counsel. Mr. Molzahn will retire on January 3, 2008 upon having served 33 years of distinguished service. His tenure and record exemplifies the highest traditions of public service.

Born in Chicago, Mr. Molzahn attended California State University, Fullerton, and received his Juris Doctorate from the University of California, Los Angeles. He began his career with the Department of the Navy's Office of General Counsel in 1974, and quickly distinguished himself as an outstanding young attorney. In 1986, he became a member of the Senior Executive Service, after which he served as Counsel to the Naval Space and Warfare Command and Counsel to the Naval Sea Systems Command.

As the Deputy General Counsel and senior career civilian attorney for the Navy since 2000, Mr. Molzahn has expertly guided an organization of more than 600 attorneys. Among numerous other honors he has received throughout his career, he received a Presidential Rank of Meritorious Executive Award in 1997 and 2005 and a Presidential Rank of Distinguished Executive Award in 2002.

Recently, Mr. Molzahn was integral in the creation of the Navy's Acquisition Integrity Office, the first consolidated program within the Department tasked with proactively investigating and protecting against procurement fraud and other unethical business practices. Also, his advisement on legal issues involving the interrogation and the treatment of foreign nationals detained at Guantanamo Bay Naval Base resulted in the revision of interrogation guidelines to reflect national and international legal and ethical norms.

Serving a critical role in the revitalization of the Department of the Navy's intelligence oversight mechanisms, Mr. Molzahn was actively involved in transforming the Naval Criminal Investigative Service (NCIS) from a law enforcement agency to a premier counterterrorism, counterintelligence, and force protection organization.

Throughout his career, Mr. Molzahn has been an agent for transformation. He has been adept at anticipating the need to realign legal offices and policies to support the Navy mission when needed. His peers trust his unparalleled legal acumen, personal integrity, and consummate professionalism; his supervisors view him as trusted and indispensable legal advisor.

Madam Speaker, I commend Mr. Molzalm for his leadership, and I am proud to have him live in Virginia's 8th Congressional District. I ask my colleagues to join me in congratulating Mr. William R. Molzahn for his many years of exemplary service to the Department of the Navy, and our Nation. We wish him all the best in his retirement.

RECOGNIZING DR. PATRICK SAYNE ON HIS RETIREMENT AS SUPERINTENDENT OF PASO ROBLES JOINT UNIFIED SCHOOL DISTRICT

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. McCARTHY of California. Madam Speaker, I rise today to honor Dr. Patrick Sayne on his retirement as Superintendent of Paso Robles Joint Unified School District.

Dr. Sayne is currently the longest serving superintendent in California. He accepted his first leadership position in Warner Union Elementary School District in San Diego County in 1978, and also served in Valle Lindo School District and Lakeport Unified School District. In 1998, Dr. Sayne became the superintendent of Paso Robles Joint Unified School District, which I represent.

Dr. Sayne is a native of New Jersey, but moved to Long Beach, California with his family when he was a teenager. After graduating from California State University at Long Beach with a bachelor of arts degree in Russian history, he later obtained a master of arts degree in education in 1977. Dr. Sayne then went on to earn his doctorate in educational administration from the University of Southern California in 1988, and remains an avid Trojan fan.

Dr. Sayne has not only dedicated his life to ensuring excellence in education for his students in the school districts he has served, but he has also served his country with 34 years of military service, which includes active and reserve duty with the U.S. Marine Corps. He also joined the U.S. Navy Reserve, and in 2004, Dr. Sayne retired from the Navy Reserves with the rank of Commander.

Not only did he serve his country in the military and dedicate his life to improving the educational opportunities of his students, Dr. Sayne is active in the community, as a volunteer with Rotary International, the Association of California School Administrators, and the American Red Cross, where he is on the board of directors for the San Luis Obispo chapter and spent two weeks in Louisiana helping those communities impacted by Hurricane Katrina. He is also a former member of the Paso Robles Chamber of Commerce board of directors and a current member of the Paso Robles Library Foundation board of directors.

Dr. Sayne will be remembered as an active and involved leader during his nine years at Paso Robles Joint Unified School District. Through his long career as both a teacher and a superintendent, he always put his students first, was a strong advocate for alternative education, and consistently worked with his teachers to examine student performance to ensure that his schools were making a difference for the students.

One of his proudest accomplishments as superintendent of Paso Robles Joint Unified School District was working with the California Office of Emergency Services, OES, and the U.S. Federal Emergency Management Agency, FEMA, to secure funding to rebuild Flamson Middle School, which was destroyed in the December 2003 San Simeon earthquake. His leadership and dogged determination ensured that Flamson will be rebuilt and will again serve the students of the Paso Robles Joint Unified School District.

Dr. Sayne and his wife Mary currently live in Paso Robles and are the proud parents of daughters Cari and Kelly. He and his wife look forward to retirement and staying involved in the Paso Robles community, and I wish Dr. Sayne well in this new chapter of his life.

CONGRATULATIONS TO THE LADY COUGARS OF RICHARDSON'S CANYON CREEK CHRISTIAN ACADEMY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SAM JOHNSON of Texas. I rise to congratulate the Lady Cougars of Richardson's Canyon Creek Christian Academy. They won the State championship in volleyball last weekend.

It's a true Cinderella story. Slated to finish last, with no seniors, the team defeated Tyler All Saints Episcopal to clinch the coveted state title on the campus of TCU.

The Lady Cougars ruled with a 135–7 season. They'll celebrate their huge victory this Sunday at the Conquering the Giants Celebration at Canyon Creek Baptist Church in Richardson, TX.

Congratulations to the Lady Cougars. You make Texas proud.

TRIBUTE TO LUTHER W. HERNDON

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. McINTYRE. Madam Speaker, I rise today to pay tribute to Robeson County Commissioner Luther W. Herndon of St. Pauls, NC, who recently passed away. Affectionately referred to as "Bill" by those who knew him and those he served, Commissioner Herndon added new depth to the word, dedication. As a native Southeastern North Carolina and as a public servant, he offered an unwavering service to everything he did and to everyone who knew him, and unwavering commitment to his responsibilities as an elected official.

Born and reared in Robeson County, Commissioner Herndon understood the people he represented and cared deeply about making a positive difference in their lives. Over his lifetime, he experienced firsthand the dramatic changes that have taken place within our Nation's rural communities. Through his visionary leadership, he worked to ensure that the citizens of Robeson County were given the benefits that come with that progress. Because of his strong passion for his hometown, Commissioner Herndon never forgot the traditions and beliefs that make Robeson County unique. Through his dynamic leadership abilities, he was able to strike the crucial balance required by a community that values stability as well as change.

Commissioner Herndon spent more than one-third of his life in public office, sitting for 27 years on the Board of County Commissioners. His list of accomplishments as a public servant is extensive. Throughout his time in office, he worked on projects that improved the county's water services and water quality. Commissioner Herndon was instrumental in the construction of a landfill in his district that remains an example of waste management that is among the best in the State of North Carolina. He also was a strong supporter of county-led efforts to improve Social Security services among the underserved segments of the area.

Commissioner Herndon's dedication to Robeson County both as a native and as an elected official is an inspiration to us all. His record of service is a strong representation of what can be accomplished through devotion to a community and its people. As a retired member of the United States Army, it is not surprising that this dedication encompassed service offered to our Nation as well. The scope and depth of his vision for southeastern North Carolina will be felt for generations to follow. May God bless his family, and may we always remember the leadership and life of Commissioner Bill Herndon.

IN HONOR OF DR. SCOTT D. MILLER

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Dr. Scott D. Miller, the esteemed President of Wesley College for the past ten years. The College's Board of Trustees Chairman recently described Scott Miller's service as "a legacy of accomplishment. During Dr. Miller's tenure, the College's enrollment has tripled, fund raising has been remarkable, the endowment has doubled and the institution has been named to the prestigious Regional Best Colleges list of the U.S. News & World Report list for the fourth consecutive year."

A native of western Pennsylvania, Dr. Miller's career has been dedicated to higher education. Although he is only forty-eight years old, Dr. Miller has already served a remarkable seventeen years as a chief executive officer at institutions of higher learning—a testament to his leadership skills and unique vision. In my years of working with Dr. Miller on a variety of issues, I have found him to be an insightful and energetic man with a genuine passion for education.

Dr. Miller's impact on education is certainly not limited to his leadership of Wesley College. He is actively involved in the local community and in higher education at a national level. He was recognized by the American Council on Education in 2004 as among only seventeen college presidents who have advanced their institutions through entrepreneurial leadership. I have no doubt that we will continue to hear great things about Dr. Miller for many years to come.

I congratulate Scott Miller for his years of exemplary service to Wesley College and his countless contributions to the City of Dover and its surrounding communities. On behalf of all Delawareans, I would like to thank Scott and his family for their commitment during the past decade. We wish him all the best as he continues to excel in his career and assumes another important leadership role as President of Bethany College in Bethany, West Virginia.

COMMEMORATING EL CASINO BALLROOM'S 60TH ANNIVERSARY

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GRIJALVA. Madam Speaker, I rise today to commemorate El Casino Ballroom's 60th anniversary.

For sixty years, El Casino Ballroom in Tucson, Arizona has been a community and culture center in Tucson and much of Southern Arizona.

El Casino has touched the lives of many generations; it is a place where families and friends celebrate weddings, quinceañeras, anniversaries, and major events in our lives. It has been a center of culture and history for generations.

For the community, El Casino is the place you look forward to going for concerts, where you hope to see your child celebrate his or her marriage, and where you know any event will bring together new and old friends. For the young, your first celebration at El Casino is a rite of passage.

To celebrate and thank El Casino Ballroom for their service to the community is also to remember how and why El Casino started. Three friends—Ramon Siqueiros, Benjamin Jacobs and Adolfo Loustaunau—brought their vision for a place for Mexican-American families to gather. The friends purchased the land and were part of the construction team that built the ballroom on 26th Street between 2nd and 3rd Avenues. They were the owners, the builders, the managers, and—with their families—the cooks.

For Tucson, El Casino Ballroom is a safe place. In 1947, places throughout Tucson were discriminatory, posting signs of who could and could not frequent the clubs. El Casino was open to all—Mexican Americans, Anglos, African Americans, and anyone who wanted to dance, listen to music or celebrate.

Local and famous artists have performed throughout the years in the ballroom. Among the notables are: Little Joe, Vicente Fernandez, Perez Prado, Fats Domino, Little Richard, Pedro Infante, Javier Solis, Jose Alfredo Jimenez, Los Tigres del Norte, Los Lobos, Mariachi Vargas de Tecalitlán, Duke Ellington, Ike and Tina Turner, Chuck Berry, Queen Ida and local son Lalo Guerrero.

El Casino Ballroom was sold to the Latin American Social Club, a group that is celebrating its 75th Anniversary this weekend. The Latin American Social Club is an organization committed to improving the community needs, and since 1968, they have kept El Casino open.

In 1991, El Casino was temporarily closed due to roof damage. From that temporary loss, the community had a void to fill. After much work, fundraising, construction, and community support, El Casino opened its doors again in 2000. The resurrection of this historical landmark was celebrated throughout Tucson.

When the doors opened, the regular crowds, enthusiasm, and celebrations commenced. The return of El Casino Ballroom was like the return of the most treasured family member.

I congratulate El Casino Ballroom on its anniversary; I wish them many more years so that current and future generations will continue to share in its cherished memories. El Casino is in our hearts. It is a strong part of our community, and is a natural extension of most Tucson families.

HONORING THE AMERICAN CANCER SOCIETY AND THE 31ST GREAT AMERICAN SMOKEOUT

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. CAPPS. Madam Speaker, I rise to commend the American Cancer Society and recognize today, November 15th, as the 31st anniversary of the Great American Smokeout. Across the country, smokers will mark this annual event by cutting back, forsaking cigarettes for the day, or perhaps quitting altogether.

Tragically, more than 440,000 people in America die each year from tobacco related diseases. Lung cancer is the leading cause of cancer death in both men and women—accounting for one in five deaths in the United States. Despite these statistics, however, there is promising news about the significant health effects of quitting. In 1990 the U.S. Surgeon General reported that people who quit smoking, regardless of age, live longer than people who continue to smoke. Quitting smoking substantially decreases the risk of 15 types of cancer and other major diseases, including lung, laryngeal, esophageal, oral, pancreatic, bladder, and cervical cancers. Smokers who quit before age 50 cut their risk of dying in the next 15 years in half, compared with those who continue to smoke.

In addition to encouraging smokers to make a plan to quit, the Great American Smokeout is a day for Americans to join the American Cancer Society and its sister advocacy organization, the American Cancer Society Cancer Action Network (ACS CAN) in their efforts to advocate for smoke-free laws in communities nationwide. The combination of smoke-free communities and smoking cessation support is critical to helping smokers quit and stay tobacco-free.

The American Cancer Society Great American Smokeout grew out of a 1971 event in Randolph, MA, during which Arthur P. Mullaney asked people to give up cigarettes for a day and donate the money they would have spent on cigarettes to a high school scholarship fund. In 1974, Lynn R. Smith, editor of the Monticello Times in Minnesota, spearheaded the state's first D-Day, or Don't Smoke Day. The idea caught on, and on November 18, 1976, the California Division of the American Cancer Society succeeded in getting nearly 1 million smokers to quit for the day. That California event marked the first Great American Smokeout, which went nationwide the next year.

The Great American Smokeout is part of the American Cancer Society Great American Health Challenge, a year-round initiative that encourages Americans to adopt healthy lifestyles to reduce their risk of cancer.

Madam Speaker, as a nurse, I know firsthand the significant health dangers inflicted by smoking. I am honored to acknowledge the American Cancer Society and their annual Great American Smokeout today. I wish them great success in pursuing their goal to assist those who wish to improve their health by quitting smoking.

H.R. 4183, TO ESTABLISH THE NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Ms. LORETTA SANCHEZ of California. Madam Speaker, last night I introduced H.R. 4183, a bill to authorize the National Urban Search and Rescue Response System.

The National Urban Search and Rescue Response System is an important part of our Nation's all-hazards preparedness and response efforts. FEMA established the Urban Search and Rescue Response System in 1989 so that local emergency services personnel could act as integrated disaster response task forces. However, the system has never been fully authorized by Congress. As a result the Taskforces have suffered funding shortfalls, and the Taskforce personnel have been deployed without the appropriate Federal worker's compensation and employment protections.

Currently the Urban Search and Rescue Response System is made up of 28 Taskforces that are sponsored by local or State agencies. Most Taskforces consist of 70 personnel that are ready to deploy within 6 hours of activation, for 10-day deployments with 24-hour operations. The Taskforces deploy with all the equipment they need and they are self-sufficient for 72 hours.

In the event of a terrorist attack, a natural disaster, an accident, or another emergency involving structural collapse, FEMA can deploy any or all of the Taskforces to help with the emergency response. Taskforces have been deployed to respond to a variety of emergencies including earthquakes, hurricanes, and terrorism events like the Oklahoma City bombing. In 2001, 25 out of the 28 Taskforces were deployed to respond to 9/11. In 2005, all 28 Taskforces were deployed to respond to Hurricane Katrina. During that deployment the Taskforces searched thousands of collapsed structures in Mississippi and flooded structures in New Orleans, resulting in the rescue of 6,587 victims in New Orleans alone.

In my district the Orange County Fire Authority sponsors the fifth California Urban Search and Rescue Taskforce. The Orange County Fire Authority and the other sponsoring agencies make significant commitments to their Taskforces by absorbing Federal funding shortfalls, maintaining the necessary equipment, and supporting their personnel's participation in training, exercises, prestaging and deployments.

It is time for Congress to provide greater protections to the agencies that sponsor Urban Search and Rescue Taskforces and the individuals that serve on the Taskforces. H.R. 4183 will authorize $52 million annually to ensure that sponsoring agencies are not forced to absorb a Federal funding shortfall. This legislation will also provide Taskforce personnel or their families with Federal injury, illness, disability, and death benefits if the Taskforce member is injured during a Federal deployment. In addition, this bill provides employment protections so that Taskforce members will not lose their jobs because they have been deployed by FEMA.

The National Urban Search and Rescue Taskforces are a valuable resource and an excellent example of how local, State and Federal Governments can cooperate to effectively prepare and respond to all-hazard emergencies. I urge my colleagues to join me in supporting our Nation's Urban Search and Rescue Taskforces, and cosponsoring H.R. 4183.

HONORING THE LIFE AND ACCOMPLISHMENTS OF AMERICAN WORLD WAR II VETERANS WHO FOUGHT IN GREECE

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize the extraordinary life and accomplishments of Andrew Mousalimas, Spiro Cappony, Greg Pahules, Charles Antinopoulos, Gus Kraras, Nicholas Pappas, Peter Photis, Angelus Lygizos, Theodore Russell, Spiros Taflambas, and Vic Miller. All of these distinguished gentlemen are American veterans of United States commando units, who served behind enemy lines and fought alongside Hellenic Armed Forces in occupied Greece during World War II.

World War II involved the first U.S. experience with clandestine commando warfare. Under a classified plan developed by the Office of Strategic Services, OSS, precursor of the CIA, small Operational Groups, OGs, of specially trained U.S. Army infantrymen of various ethnic backgrounds—Greek, Yugoslav, Italian, French, and Norwegian—were infiltrated into occupied Europe to assist local partisan groups in resisting the Nazis. Among these OGs were more than 200 bilingual American soldiers. Their mission was to work with the andartes, the Greek partisans, to make the Nazi withdrawal from Greece in 1944 as costly as possible.

At the time, the OGs' brand of warfare was unique in the history of American arms. They learned special commando tactics at the OSS's secret training center on the grounds of the Congressional Country Club in Chevy Chase, MD, and received demolition training at another clandestine facility in Hagerstown, MD. Beginning in April 1944, they were inserted by night into Greece from Italy, either by boat or air drop. They then walked through the mountains to their operational bases. Once in place, they could not expect reinforcements, tactical support, or medical aid. They had no withdrawal route and were expected to remain in Greece indefinitely, living off the land and moving around on foot.

They punched far above their numbers and succeeded far beyond expectations, making 76 deadly strikes against the withdrawing Germans, on average about once every 3 days, killing or wounding over 1,800 enemy soldiers and blowing up miles of roads, track, and bridges. Their effectiveness can be judged by the severity of the German response. Even though the OGs deployed in uniform, an illegal Wehrmacht order directed that they be slaughtered to the last man if captured. The OGs' presence was a great morale booster for the andartes. OGs were the close-assault troops in operations by Greek partisans and contributed greatly to their success against occupation forces.

With their mission completed, they were withdrawn from Greece at the end of 1944 and officially disbanded a year later. Records of their actions were sealed for 40 years. Having operated autonomously and formally under Allied command, their war record was not fully recognized, with U.S. Army separation papers often not mentioning ground combat in Greece. Some never learned that they had been awarded a Presidential unit citation.

Madam Speaker, I commend and honor these American heroes—recognition of their bravery will be forever memorialized in the U.S. Congress with these remarks. Their dedication to the cause of freedom and democracy shall never be forgotten.

CONGRATULATING FLOWER MOUND HIGH SCHOOL DRUMLINE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Flower Mound High School Drumline in Flower Mound, Texas. The Flower Mound High School Drumline has been named "Best Drumline in the Nation" by the Percussive Arts Society International Marching Festival competition in Columbus, Ohio, and for the first time, was awarded the nationally acknowledged Fred Sanford Award.

The Flower Mound High School Drumline's show, entitled "Primary Focus," is centered on the idea that music is the main part of the number. Along with the "Best Drumline" award, individual students at Flower Mound High School also received awards for Best Snare Pit, Best Tenor Line and Best Ensemble. The 42 member drumline competes annually in indoor and outdoor competitions, as well as marching in the half time shows during the football season.

It is my honor to represent a group that shows such talent, hard work, and dedication at such a young age. I extend my sincere congratulations to The Flower Mound High School Drumline.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Ms. ROYBAL-ALLARD. Madam Speaker, I was unavoidably detained and was not present for rollcalls 1090 and 1091 Wednesday, November 14. Had I been present, I would have voted "yea" on rollcall 1090 on Agreeing to the Conference Report on H.R. 1429, the Improving Head Start Act and "yea" on rollcall 1091 to suspend the rules and pass H.R. 3845 PROTECT Our Children Act.

HONORING CORINNE WHITLATCH AND CHURCHES FOR MIDDLE EAST PEACE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. CAPPS. Madam Speaker, I rise today to honor Corinne Whitlatch on the occasion of her retirement as Executive Director of Churches for Middle East Peace. During her twenty-one years of service, Corinne made a significant contribution to helping policymakers understand the churches' positions and roles in Middle East peacemaking. I appreciate and admire her advocacy in support of a resolution to the Israeli-Palestinian conflict that allows two states—Israel and Palestine—to live in peace and security as neighbors.

Corinne Whitlatch's dedication to achieving peace in the Holy Land and commitment to ensuring a positive future for both the Israelis and Palestinians is admirable. I greatly value the efforts she has made to help both Members of Congress and church congregants approach these issues with compassion and empathy.

As I have worked in support of Israel, of the Palestinian people, and of achieving a two-state solution, I have been proud to stand side by side with Corinne and Churches for Middle East Peace's members, as well as Jewish-Americans and Arab-Americans. My Lutheran upbringing has given me the firm conviction of the important role faith communities have in communicating a message of peace. Under Corinne's leadership, Churches for Middle East Peace has been an important voice on Capitol Hill to communicate this same message.

Madam Speaker, I would like to sincerely thank Corinne for her service on behalf of peace. She will certainly be missed, but I am confident that the fine work of Churches for Middle East Peace will continue and will help see us through a time when the vision of two states is a reality.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Ms. WOOLSEY. Madam Speaker, on November 13, I was unavoidably detained and was not able to record my vote for rollcall No. 1082.

Had I been present would have voted: rollcall No. 1082—"yea."

SHAW UNIVERSITY BEARS FOOTBALL TEAM

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. ETHERIDGE. Madam Speaker, I rise today to congratulate Shaw University Bears football team for winning the 2007 Central Intercollegiate Athletic Association, CIAA, Championship, under the leadership of head coach Darrell Asberry. After a hard fought season, the Bears defeated Virginia Union University in a dazzling double overtime performance 31–24 at the Charlotte Memorial Stadium in Charlotte, North Carolina, on November 10, 2007.

Madam Speaker, Shaw University has contributed significantly to the growth and development of North Carolina and the enrichment of countless of its citizens. I am proud to have the honor of representing this outstanding institution. It is fitting that we take a moment today to honor these young athletes as shining stars for the university.

PAYING TRIBUTE TO THE INDEPENDENT LIVING, INC.

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. HINCHEY. Madam Speaker, I rise today to honor Independent Living, Inc., based in Newburgh, New York, as it celebrates the twentieth anniversary of its founding. For the past two decades, Independent Living has championed the cause of equal rights, access, and opportunity for persons with disabilities, and has worked throughout the Hudson Valley region to enhance the quality of life for these individuals and their families.

Founded in 1987, Independent Living currently provides services and assistance to more than 10,000 people annually. Through the hard work, vision and leadership of founder and Executive Director Douglas J. Hovey, Independent Living has continued to develop and expand its programs and advocacy for persons with disabilities, increasing its staff to more than two hundred.

Independent Living continues to make progress towards the goals of eliminating physical and attitudinal barriers for all persons with disabilities and ensuring that these individuals have universal access and opportunity in every aspect of community life. The organization's programs include information and referral services, peer counseling, individual and systems advocacy, and independent living skills training. Independent Living provides critical assistance with housing, education, employment, medical needs and personal attendant services, as well as advocacy for needed public policy changes at the local, state and federal levels of government.

Independent Living has systematically worked to reduce barriers for persons with disabilities by consulting with and educating family members, educators, service providers, public officials and representatives from the business community. The organization is operated by people with disabilities who clearly understand such barriers and can work effectively to resolve these obstacles. Through their diverse programs for individuals with disabilities, Independent Living also has helped to foster motivation, independence, self-direction, employment, social integration, and community participation.

Madam Speaker, I am delighted to honor Independent Living for its 20 years of committed and distinguished service. I congratulate and salute Doug Hovey, the board of directors and the staff and supporters of this organization for their very positive and lasting impact on the lives of so many individuals and families. I offer my appreciation to Independent Living, Inc., which continues to serve as a strong model for similar efforts throughout our Nation.

HONORING HELENA TRAFFORD DEVEREUX

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GERLACH. Madam Speaker, I rise today to honor Helena Trafford Devereux—a pioneer in special education. From the beginning of her impressive career, her interest as a young school teacher from south Philadelphia was focused on children, usually in the back of the room who were unable to keep up with the rest of the class and were all too often forgotten by other educators. In the early 1900s, Helena Devereux began working with these children and others throughout Philadelphia as she developed the cornerstones of modern-day special education. Her passion led her to work further with these children, bringing eight of them into her home so that she could provide the necessary instruction not only educationally, but vocationally and socially as well. Her success led to the 1912 founding of Devereux, which has become the Nation's largest nonprofit provider of behavioral healthcare for people with developmental/intellectual disabilities, behavioral disorders and mental illness. Ninety-five years later, it now serves 15,000 clients in 11 states throughout the country.

Ms. Devereux's work was truly at the cutting edge for its time. Professionals throughout the country and representing diverse disciplines came to Devereux to study her models of treatment and special education. Being a true visionary, Helena Devereux knew the importance of providing educational services to people with special needs. But more importantly, she knew the importance of training professionals in the fields of education, psychology, social work, psychiatry and related areas. It was therefore important to her that this mission be incorporated in the 1938 charter of Devereux and the 1956 bylaws.

Fifty years ago, shortly before her resignation, Helena Devereux established the Institute of Research and Training, now known as the Institute of Clinical Training and Research (ICTR). ICTR is one of the ten oldest, continuously accredited internship training sites by the American Psychological Association in the country. Since its inception, over 1,200 individuals have received their pre- or post-doctoral training at Devereux and many of these individuals have gone on to attain positions of prominence in the field of psychology.

ICTR has also excelled in developing best practices in the field of education for infants and toddlers, children with significant behavioral disorders and mental illness, and children with developmental disabilities, including autism.

In celebration of the 95th anniversary of Devereux and the 50th anniversary of the ICTR, Devereux is planning a Gala celebration at the Independence Seaport Museum on Friday, November 16, 2007. The Gala is expected to draw the greater Philadelphia business and civic community for an evening of entertainment and appreciation.

While Devereux is recognized as a national leader in providing services for children, adolescents and adults, the largest population base served is in southeastern Pennsylvania. Almost every town and township in the Delaware Valley, as well as more than 40 counties throughout the state, are served by Devereux. In Pennsylvania alone, it serves 1,800 individuals.

Madam Speaker, I am sure all of my colleagues join me today in celebrating the 95th anniversary of Devereux and the 50th anniversary of the ICTR. Their legacy—and the tireless work undertaken by Helena Devereux—is evident in the countless lives that they have affected, and those students who they continue to help every day.

HONORING ANDREW HERDMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Andrew Herdman of Kansas City, Missouri. Andrew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Andrew Herdman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING ERIKA B. SCHLAGER'S 20 YEARS OF SERVICE AT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. HASTINGS of Florida. Madam Speaker, today I am pleased to pay tribute to Erika Schlager for her 20 years of tireless service to the U.S. Commission on Security and Cooperation in Europe, the Helsinki Commission. Erika began her advocacy work as a member of the Commission's professional staff on September 8, 1987, during a period marked by repression and widespread violations of human rights and fundamental freedoms in Central and Eastern Europe, the region of her particular expertise.

Driven by a passion for upholding the human rights commitments enshrined in the Helsinki Final Act, the Universal Declaration of Human Rights and other international instruments, Erika devoted herself to documenting the cases of political prisoners, prisoners of conscience, and others denied their fundamental freedoms. Her focus on the countries of the region began with her academic studies as well as her personal experience. Indeed, Erika was in Poland for further studies when the regime imposed martial law in late 1981. Shortly after she joined the Commission staff, she helped organize a delegation of members to Czechoslovakia where, among other activities, they planned to meet playwright and Charter 77 founder Vaclav Havel. The courageous rights leader was detained by the secret police and prevented from meeting the delegation. Erika was an ardent champion on his behalf as well as for those lesser known victims of repression. She was able to accompany a delegation of Commissioners to Poland in 1989 to witness the installation of the first democratically elected government there in more than 6 decades. Her diligent monitoring of developments in these countries continues as those nations move to further consolidate democracy, human rights, and the rule of law.

An impressive expert in the field of international law, Erika continues her advocacy in areas such as the plight of Roma and property restitution for victims of the Holocaust to the challenge of preserving human rights in a post-9/11 world.

Madam Speaker, as Chairman of the Helsinki Commission, I am pleased to recognize and commend Erika Schlager for her faithful, dedicated, and tireless service to me and my colleagues.

CONGRATULATING CARDINAL FRANCIS GEORGE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. EMANUEL. Madam Speaker, I rise today to congratulate Francis Cardinal George, O.M.I. on his election as President of the U.S. Conference of Catholic Bishops.

On November 13th, Cardinal George was elected by the U.S. Conference of Catholic Bishops to the position of president during the bishops' November meeting in Baltimore. He is the first cardinal to be elected president or vice president of the conference since 1971. Cardinal George will serve in this position for the next three years.

As President of the U.S. Conference of Catholic Bishops, Cardinal George will act as spokesperson for the Roman Catholic Church in America and will represent the U.S. church in meetings at the Vatican. Additionally, Cardinal George will accompany Pope Benedict XVI during his first papal pilgrimage to the U.S.

Prior to his election as president of the conference, Cardinal George served as Vice President since 2004. Cardinal George also served on numerous USCCB committees including Liturgy, Doctrine, Pro-Life Activities, and the sub-committee on lay ministry. Since 1990, he has been Episcopal Moderator and member of the board of the National Catholic Office for Persons with Disabilities.

A Chicago native, Cardinal George has been an exemplary leader for Chicago's Catholic community. He currently serves as the Archbishop of Chicago, a position he was appointed to in 1997 by Pope John Paul II. In January 1998, Pope John Paul II announced Archbishop George's elevation to the Sacred College of Cardinals. Cardinal George has been an invaluable asset to Chicago's Catholic Community, and his tenure as Archbishop has been a successful one.

Madam Speaker, I congratulate Cardinal Francis George on his election as President of the U.S. Conference of Catholic Bishops, and I wish him the best of luck in his new role.

HONORING CAVERNA HOSPITAL

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Caverna Hospital in Horse Cave, KY, on the occasion of its 40th Anniversary this year.

Caverna Hospital, has been serving Hart County since 1967. Beginning in the early 1960's, the citizens of Horse Cave and Cave City, KY raised the $350,000 necessary to qualify for federal funding. The community broke ground in July of 1965. Caverna's first patient, Mrs. Lindberg Forbes of Hardyville, was admitted on June 5, 1967.

Caverna has made a number of facility improvements over its four decade history in order to better provide high quality health care to the region. Upgrades were made in 1989 to the patient rooms, CCU, the nursing station, and the cardiac monitoring system. Another major addition occurred in 1997 when a new Emergency Room, x-ray wing, laboratory, waiting area, and more patient rooms were added. Caverna has also made major equipment purchases including a CT scanner, mammography equipment; and ultrasound equipment.

It is my privilege to honor Caverna Hospital today, before the entire House of Representatives, and for its commitment to providing quality health care to the citizens of Kentucky.

HONORING JUSTIN C. SCHULTZ

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Justin C. Schultz of Kansas City, Missouri. Justin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and earning the most prestigious award of Eagle Scout.

Justin has been very active with his troop, participating in many Scout activities. Over the many years Justin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Justin C. Schultz for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 200TH ANNIVERSARY OF BEDFORD COUNTY, TENNESSEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, I rise today to recognize the 200th anniversary of Bedford County, Tennessee, which I have the honor of representing in this esteemed body. The community in Middle Tennessee will commemorate its bicentennial on December 3.

The area of Bedford County was established by the Tennessee General Assembly by carving out a portion of Rutherford County to extend south to the state's boundary with the Mississippi Territory in present-day Alabama. The county was named for Capt. Thomas Bedford, a soldier who served in the American Revolution.

Today, Bedford County may be best known as the Walking Horse Capital of the World. For nearly 70 years, thousands of people have gathered in Shelbyville, the county seat, during late August and early September for the Tennessee Walking Horse National Celebration. During the first Celebration in 1939, more than 40,000 people attended the event.

In June of each year, nearby Bell Buckle hosts the annual RC and Moon Pie Festival. During the weekend of the festival, the tiny town of 400 residents receives about 15,000 visitors who are able to participate in a 10-mile run, watch parades, spit watermelon seeds and have a taste of the world's largest Moon Pie.

County Mayor Eugene Ray and the rest of the Bicentennial Committee will lead next month's celebration. They have done an outstanding job of organizing this event, and I commend their efforts.

The communities that make up Bedford County have great reason to take pride in their beautiful slice of Middle Tennessee. I wish them well and hope the next 200 years are as prosperous as the first 200 years.

PAYING TRIBUTE TO THE STATE UNIVERSITY OF NEW YORK

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. HINCHEY. Madam Speaker, I rise today to honor the State University of New York's (SUNY) dual diploma program in conjunction with the Turkish Council of Higher Education (YOK). This unique and highly successful international higher education effort has partnered nine top-tier Turkish institutions with nine SUNY campuses. Two of which, SUNY New Paltz and SUNY Binghamton, are located in the district that I represent. This program and others like it are particularly important in the face of our country's current challenges in the Middle East and throughout the world.

The SUNY system, comprised of 64 campuses, provides first-class higher education for over 417,000 students and is the largest comprehensive university system in the nation. Tasked with increasing the number of international students on SUNY campuses, SUNY's Office of International Programs has initiated a broad series of programs to prepare students for an increasingly interconnected world. The dual diploma program with Turkish universities highlights SUNY's commitment and leadership in international education.

Evolving from initial talks held in 2000, the first cohort consisting of 33 Turkish students arrived on SUNY campuses in 2003. These students spend half their undergraduate education at a SUNY campus, half at a Turkish university, and receive a diploma from both. Through committed efforts and diligence, the program now boasts more than 1,500 students in 24 programs and has graduated 100 students. This year the Institute of International Education recognized the program with the Andrew Heiskell Award for Innovation in International Education Partnerships.

Madam Speaker, I am delighted to acknowledge SUNY's leadership, the Office of International Programs, SUNY and Turkish partnership institutions, and all those who have worked to ensure that New York State's system of higher education provides the international components that are critical to higher education, our nation's competitiveness, and our image abroad. Furthermore, I am deeply honored to represent two of SUNY's host institutions, SUNY Binghamton and my alma mater, SUNY New Paltz. Each of these universities' contributions in education and efforts at globalizing their campuses benefit their communities in many broad and profound ways and it is my pleasure to recognize them during International Education Week 2007.

RECOGNIZING LAMAR UNIVERSITY'S DISHMAN DEPARTMENT OF NURSING

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. POE. Madam Speaker, Florence Nightingale, the pioneer of modern nursing, once stated that "Unless we are making progress in our nursing every year, every month, every week, take my word for it we are going back." Lamar University's JoAnne Gay Dishman Department of Nursing has taken this philosophy and ran with it. Their continued excellence has turned the nursing program into one of the most successful in the country.

Nursing education began at Lamar University in 1974. Since then, it has become the second most popular in the university, trailing only General Studies. From 2001 through 2005, the program saw a 30 percent increase in the number of students admitted to the program. Over the same period, the number of pre-nursing majors increased by 195 percent. The popularity stems from the success of both the program and the students. The faculty is staffed by a number of experts with many years of experience. Recently Department Chair Eileen Curl was elected president of the Texas Association of Deans and Directors of Professional Nursing Programs. May 2007 graduates of the Department's associate of applied science program achieved a 100 percent passing rate on the National Council Licensing Examination for Registered Nurses. The national passing rate is 87 percent. Success in the classroom has lead to success after graduation. The University states that 98 percent of senior nursing students have job offers before graduation, and a full 100 percent are employed within six months after graduation. The knowledge learned in the classroom benefits all Southeast Texans, as the University estimates that between 60 to 80 percent of Lamar's graduating classes are employed in local health care agencies. Southeast Texans can feel safe, knowing that they have qualified, competent, and professional nurses to assist them.

Lamar University's Dishman Department of Nursing had humble beginnings but quickly grew to become one of the most popular and distinguished majors. The faculty provides quality education relevant to today's ever-changing world. The students strive to be the best and showcase their values, work ethic and integrity. With an enrollment that grows by the year, the Dishman Department of Nursing will be turning out prominent medical professionals for years to come.

And that's just the way it is.

IN RECOGNITION OF COLORADO PROFESSOR OF THE YEAR AWARD WINNER THOMAS C. McGUIRE

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LAMBORN. Madam Speaker, I rise today to congratulate Thomas C. McGuire, an associate professor of English and Fine Arts at the United States Air Force Academy, who has been named the Colorado winner of the 2007 U.S. Professors of the Year Award. Since 1981, this program has saluted outstanding undergraduate instructors throughout the country.

This award is recognized as one of the most prestigious honors bestowed upon a professor. To be nominated for this award requires dedication to the art of education and excellence in every aspect of the profession. Mr. McGuire is personally committed to each student and has helped to shape the leaders of tomorrow's Air Force. We are all proud of his accomplishment.

I commend Mr. McGuire for his leadership and dedication. Mr. McGuire's passion has no doubt inspired an untold number of students. It is excellent professors like Mr. McGuire that have enabled the United States Air Force Academy to become one of the very best institutions of higher learning in the nation. I wish today to congratulate Mr. McGuire and the Academy on this tremendous honor.

A PROCLAMATION HONORING HAZEL FARMER ON HER 106TH BIRTHDAY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, Ms. Farmer has demonstrated values of hard work and service throughout her life, always maintaining a positive outlook; and

Whereas, Ms. Farmer loves helping people through volunteering and taking care of them; and

Whereas, Ms. Farmer has dedicated her life to teaching our youth; and

Whereas, Ms. Farmer's character has been praised by the staff at Walnut Hills Retirement Community, as "a sweetheart and a joy to be around;" now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I wish Hazel Farmer a happy and healthy 106th birthday. We recognize the tremendous impact she has had in her community and in the lives of all those people she has touched.

HONORING THE FOSTERVILLE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Fosterville Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Fosterville Volunteer Fire Department was established in 1989 with 10 firefighters and an old handed-down U.S. Army truck. The department has 14 volunteers on its roster and has already responded to over 30 calls in 2007.

Without volunteer fire halls, like Fosterville, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Fosterville Volunteer Fire Department deserve recognition: Chief Bob DeCarlo, Deputy Chief Billy Wallace, Capt. Chuck Lloyd, Lt. Andy Kimbrell, Lt. Issac Keith, Administrative Firefighter Emily Bradley, Training Officer Kevin Kimberlin, Chaplin and Firefighter Clark Sneed, J.D. Iddings, James Bass, Jason Zimmerman, Mark Bonifant and Woman Auxiliaries Emily Bradley, Mary Bass, Candice Lloyd and Jennifer Chapman; Explorer Junior Firefighters: Andrew Redd, Tiffany Kimberlin and Brandi Kimbrell.

WAITING ON JUSTICE TO BE SERVED

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. POE. Madam Speaker, 13 years ago in Humble, Texas, 33-year-old Farah Fratta was murdered by a hit man, allegedly hired by her own husband, Robert Fratta. In 1994 Robert Fratta was sentenced to death row for his part in this murder-for-hire plan. Since their daughter's murder, Farah's parents, Lex and Betty Baquer have raised Farah's children. The Baquers recently learned that Robert Fratta was granted a new trial.

This second chance frustrates and shocks the Baquers. In the second district of Texas, the community of Humble is troubled to learn that the Baquers and their grandchildren will have to relive another trial. The murder of a loved one is an exceptionally difficult experience yet too often, the victim's families are left alone to fight the criminal justice system. The Baquers have found support and strength through God and in their grandchildren. I want the Baquers to know they are not alone in their fight, we will continue to remember the legacy that Farah left behind.

So, I stand here today to pay tribute to Betty and Lex Baquer. As a parent of 4 children and 5 grandchildren, I can think of nothing worse than to lose a child. I commend the Baquers for their determination and commitment to justice. As a former judge and prosecutor, I have witnessed how victims as well as their families are treated in the justice system. It's shameful! The first duty of government must be to make sure criminals who commit crimes pay for their acts of violence.

Justice must be served.

And that's just the way it is.

A TRIBUTE TO JEFFERSON AWARD WINNER LISA CHAN OF DALY CITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LANTOS. Madam Speaker, I rise today to share news of an extraordinary young woman from my home district. Lisa Chan, a 17-year-old senior at St. Ignatius College Preparatory School, and a Daly City resident, has been recognized with a Jefferson Award. It is a fitting honor, but let me say it is but one more accolade for this extremely accomplished young lady.

Some might refer to Lisa as an "overachiever," but that would hardly do justice to the list of accomplishments she has already achieved. At her school, she is editor-in-chief of the yearbook, President of the California Scholarship Federation, President/Founder of the Leo's Club, and Academic Representative of the Student Council. Lisa is also able to maintain a 4.2 grade point average.

She won this year's Miss San Francisco Outstanding Teen pageant, which is part of the Miss America organization. Her winning theme of "Empowering the Youth Toward an Educational Revolution" highlights her extracurricular activity of creating a non-profit agency to do exactly that. Her "Bay Area Strive" group puts high school students to work helping elementary school students. It is a stunning success in its own right, empowering young adults to become active in the effort to upgrade the California public school system. In fact, Lisa has the goal of publishing a book about the effort by her 18th birthday. I am confident that she will succeed in that goal, as she has succeeded in so much already.

Madam Speaker, I am proud to say that Lisa Chan also was one of just eight teenage girls to win the national Target House Volunteer Contest, which focuses on volunteerism. Few teenagers show the drive and determination evidenced by Lisa Chan at such an early age. She is truly a role model for her peers and I am proud to introduce her to my colleagues in the House of Representatives.

Madam Speaker, I have little doubt that Lisa Chan will fulfill her goal of attending college and eventually studying law. Her commitment to the community, matched by her intelligence and perseverance, will hold her in good stead as she pursues her ultimate goal of political activity.

A PROCLAMATION HONORING RUBY GILLIAM ON HER 85TH BIRTHDAY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, Mrs. Gilliam has been a devoted mother and wife, mentor, confidant, and friend to many; and

Whereas, Mrs. Gilliam has demonstrated values of hard work and dedication throughout her life, always maintaining a positive outlook; and

Whereas, she has an unwavering commitment to her community and has been actively involved; and

Whereas, Mrs. Gilliam character and faith has been appreciated for enhancing all of those she has come into contact with; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I wish Ruby Gilliam a happy and healthy 85th birthday. We recognize the tremendous impact she has had in her community and in the lives of all those people she has touched.

HONORING THE BELL BUCKLE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Bell Buckle Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Bell Buckle Volunteer Fire Department was established in 1950 with 15 firefighters, a chief and a truck. Currently, the fire department has 20 volunteers on its training roster and is building an addition to the Fire Hall that will house six trucks.

Without volunteer fire halls, like Bell Buckle, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Bell Buckle Volunteer Fire Department deserve recognition: Chief Mary Lokey, Deputy Chief Ronnie Lokey, Deputy Chief Dave Fisher, Richard Miller, Brian Wafford, Brian Lokey, John Crosslin, Jenna Gragg, Matthew Joseph, Nathan Gragg, Jason Rieben, Matthew Gragg, Travis Miller, Robert Gown, Leo Wilcox, Whitt Ross, Ken Del Villar, Adam Prince, Cain Owens and Daniel Gragg. Also listed on the training roster are retired Chief James Elkin and Phillip Daniel, Gone But Not Forgotten.

THE SPIRIT OF AGGIELAND LIVES ON

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. POE. Madam Speaker, College Station, Texas is the home of Texas A & M University, also known as Aggieland. Texas A & M was founded in 1876, and was the first public institution of higher learning in the state of Texas. Although the education received at Texas A & M is of the highest caliber, it is not the only element that attracts prospective students to College Station for their college careers. It is the sense of belonging that is created at Texas A & M—the Spirit of Aggieland, that unique school spirit that sets Texas A & M apart from the rest.

The spirit of Aggieland, besides being the alma mater of Texas A & M University, refers to the "spirit that can ne'er be told." Many people have described Texas A & M as having a unique school spirit that "From the outside looking in, you can't understand it. And from the inside looking out you can't explain it." What has helped develop this sentiment is the time honored traditions that Aggies everywhere hold dear. Such traditions include Midnight Yell Practice, 12th Man, Yell Leaders, Reveille, Muster, Silver Taps, and Gig'Em. And one of the most notable traditions is Aggie Bonfire.

Bonfire is built every year and lit before the big football game against the University of Texas Longhorns, or "t.u." as the Aggies call them. Bonfire is meant to symbolize the burning desire to beat the University of Texas in the annual football game. The first Bonfire built in 1909 was a heap of trash and debris. By 1969 the stack of logs set a record for the height of a bonfire at 109 feet, 10 inches. There have only been 2 years when bonfire did not burn as scheduled. The first was 1963, the year President Kennedy was assassinated. As a sign of respect, the students dismantled the stack. Head Yell Leader, Mike Marlow explained, "It is the most we have and the least we can give." The other year was 1999, when at 2:42 am on November 18th the 40 ft high stack consisting of 5,000 logs collapsed killing 12 people and injuring 27 others.

It was in dealing with this tragedy that the true strength of Texas A & M emerged. Rescue workers were on the scene within minutes of the collapse. The entire Texas A & M football team and many members of the Corps of Cadets rushed to the site to assist in manually removing the logs. An official memorial service was held in Reed Arena less than 17 hours after the collapse. Over 16,000 mourners gathered to pay tribute to those who had died and those who spent all day trying to rescue the injured. At the end of the ceremony, the crowd spontaneously stood, linked arms, and started singing Amazing Grace.

Eric Opiela, Vice President of the Student Government of The University of Texas at Austin, attended the memorial service, and described the scene saying, "Aggieland is a very special place, with special people. It is infinitely better equipped than us at dealing with a tragedy such as this for one simple reason. It is a family. It is a family that cares for its own, a family that reaches out, a family that is unified in the face of adversity; a family that moved this Longhorn to tears."

It is this same sense of unity and family that has compelled current Aggies to continue their tradition of Bonfire. Though the event is now held off campus and not sponsored by the University the passion lives on. And so, on this 8th anniversary of the Texas A & M Bonfire collapse, we pay tribute to the Spirit of Aggieland. May it continue to mystify us, dazzle us, and thrive forever.

And that's just the way it is.

UKRAINIAN FAMINE-GENOCIDE OF 1932–1933

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GERLACH. Madam Speaker, there are few more disturbing examples of human cruelty toward its own kind in the history of the world than the Ukrainian Famine-Genocide of 1932–1933. It is inconceivable that a government could have so little value for human life to kill up to 10 million people, including 3 million children, in order to break national resistance to Communism. For 500 days, 25,000 people died daily from hunger, when nature's harvest provided them with everything needed to lead a normal life and when food was in their plain view. The brutality of such a policy and the callous way it was enforced are beyond comprehension. The Ukrainian Famine-Genocide was caused by the imposition of extraordinarily high grain quotas in the agricultural areas of Ukraine, and inhumane efforts by the Soviet government in taking every foodstuff available to fulfill the quotas. Taking a handful of grain or a potato was considered "stealing from the state" and capital punishment could be—and was—applied as a consequence.

The eyewitness accounts are horrifying in their candor. One survivor wrote the following in her diary: "Upon entering [the village] we caught up with a boy of about 7; my fellow traveler shouted [for him to step out of the way] but the boy did not seem to hear and continued to walk, swaying; our carriage caught up with him; I shouted; the boy stepped out of the way as though unwillingly; I wanted to look him in the face. That face left a chilling impression on me, one that I will never forget. I think that this was the expression of people who know that they will soon die, but who do not want to die. But this was a child. [. . .] I cried silently, so that my companion would not hear. The thought that I could not do anything, that millions of children are dying from hunger [. . .] dismayed me. . . . Near the village soviet office we ran into an old man with the same expression on his face."

When the news of the Famine-Genocide reached the free world, the Soviet government denied its existence and refused humanitarian aid that could have saved the lives of millions. For the next 60 years, the government aggressively continued to deny the existence of the Famine-Genocide and even banned the use of the word "famine".

On the event of the 75th anniversary of the Ukrainian Famine-Genocide, I am confident that I speak on behalf of my constituents and our entire nation when I join the Ukrainian nation in mourning the millions of innocent victims. Their memory will always be with us. I believe it is our moral responsibility to recognize the Ukrainian American community's work and continue to inform the whole world of the crime against the Ukrainian people and humanity committed by the Stalinist totalitarian regime. We cannot let any similar tragedy be repeated ever again. Together, we need to continue to fight totalitarianism and the oppression until every corner of this planet is free and democracy reigns supreme. We honor the memory of the innocent victims and the brave fighters for Ukraine's independence today and we will remember them always.

A PROCLAMATION HONORING COACH IAN COOKE FOR LEADING THE GIRL'S SOCCER TEAM TO PLACE SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, Coach Ian Cooke showed hard work and dedication to the sport of soccer; and

Whereas, Coach Cooke was a leader and mentor for the team; and

Whereas, Coach Ian Cooke has been a role model for sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach Ian Cooke for leading the girl's soccer team to place second in the Manchester Umbro International Cup. We recognize the tremendous hard work and leadership he has demonstrated during the 2007 soccer season.

HONORING THE BAPTIST RIDGE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Baptist Ridge Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Baptist Ridge Volunteer Fire Department was established in 2000 in order to serve the city of Hilham. Today, the department has 21 volunteers on its roster.

Without volunteer fire halls, like Baptist Ridge, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Baptist Ridge to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Baptist Ridge Volunteer Fire Department deserve recognition: Chief David Boles, Asst. Chief Joe Boles, Capt. Jackie Hamlet, Lt. Ted Tucker, Anthony Boles, Ravy Watson, Dewayne Scott, Johnny Allen, Kevin Taylor, Mark Minske, Kenny Estep, Bobby Gene Lee, Kyle Spear, Farrah Spear, Reba Allen, Brenda Boles, Robert Abney, Kimberly Tucker, Linda Elam, Mary Boles and Wanton Young.

BRILL ELEMENTARY SCHOOL EARNS MAJOR ACHIEVEMENT

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. POE. Madam Speaker, the staff and students at Brill Elementary School, in Klein Independent School District, set a goal for their physical fitness program and worked hard to achieve it.

As a result of their perseverance and determination, Brill has been awarded the title of Physical Activity and Fitness Honor Roll School by President George Bush's Challenge Program.

Brill received this honor by serving as a national demonstration school in physical fitness and sports for the past 3 years. During this time, other schools looked to Brill as having the model physical fitness program.

I commend the students, faculty and staff of Brill Elementary for their dedication to physical fitness. I would especially like to recognize the efforts of physical education teachers Darlene Sentesi, Jack Hall and April Holbrook.

This elementary school is the only one in Texas to be considered a national demonstration school and to be awarded the honor roll distinction.

I am proud of the faculty at Brill Elementary for their commitment to the well-being and health of its students.

And that's just the way it is.

RECOGNIZING MRS. LINDA BUZINEC

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. VISCLOSKY. Madam Speaker, it is with immense gratitude and admiration that I stand before you today to recognize the many accomplishments of Mrs. Linda Buzinec, the longtime Mayor of Hobart, IN. A close personal friend of mine, I can truly say that Linda is one of Northwest Indiana's most distinguished and honorable citizens, as well as one of its greatest leaders. She is one of the most involved citizens that I have ever known, especially when it comes to her service to the people of Hobart, IN. First elected to public office in 1988, Linda has been a constant fixture in Hobart, where she has always been fully committed to the people she was elected to serve. Most recently, Linda has served as Mayor of the City of Hobart for the past 12 years. Her efforts throughout her career in public service and the impact she has had on the city and the people of Hobart will forever be remembered. To honor Linda, a reception will be held at the Avalon Manor in Hobart, IN, on Tuesday, November 27, 2007.

Linda Schmelter was born in Gary, Indiana, to Leonard and Ann Schmelter. A lifelong resident of Hobart, Linda attended Saint Bridget Elementary School and Hobart High School. Upon her graduation, prior to beginning her career as a public servant, Linda was employed by Hobart Federal Savings. Undoubtedly, this position helped Linda develop the communication and organizational skills that would be critical in her future roles as an elected official. Early on, Linda began her career in the public sector in Hobart as an employee of the Hobart Clerk-Treasurer's Office. Throughout the years, she also held positions with the Northern Indiana Public Service Company, NIPSCO, where she was stationed in both the Hobart and Gary locations.

In 1988, Linda was elected First District Councilperson, a position she held through 1995, when she was elected mayor. This began Linda's 12-year mayoral career. During that time, Linda's commitment and proven leadership skills led to many impressive advancements, many of which will have an immeasurable impact on the City and the people of Hobart for years to come. For all of Linda's leadership, hard work, and dedication to the people of Hobart, Linda was awarded the prestigious Sagamore of the Wabash Award in 2005 from former Governor Joseph E. Kernan.

Although Linda's responsibilities in her capacity as mayor have occupied a large amount of her time, Linda has always been active in various organizations throughout the years, including: the Kiwanis, the Hobart Industrial Economic Development Corporation, HIEDC, the Hobart Chamber of Commerce, the Hobart YMCA, and the School City Educational Foundation. She has served on several boards, including: the Workforce Development Board, the Crisis Center Board, and the Saint Mary Medical Board. A dedicated and lifelong Democrat, Linda has also served as Vice-Chair of the Hobart and Lake County Democratic Precinct Organizations and as Treasurer of the Indiana State Democratic Organization.

While Linda has passionately served the people of Hobart with unwavering dedication for many years, her commitment to her community is surpassed only by her love for her family. A loving wife, mother, and grandmother, Linda and her husband, George, have been married for over 26 years. They have 1 son, Michael, and 2 teenage grandchildren, whom they cherish and adore.

Madam Speaker, Linda Buzinec has selflessly given her time and efforts to the people of Hobart, Indiana, throughout her years of service. At this time, I ask that you and all of my distinguished colleagues join me in commending her for her years of service and dedication, and I ask that you join me in wishing her the best of health and happiness in the years to come.

A PROCLAMATION HONORING COACH SCOTT NICHOLLS FOR LEADING THE GIRL'S SOCCER TEAM TO PLACE SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, Coach Scott Nicholls showed hard work and dedication to the sport of soccer; and

Whereas, Coach Scott Nicholls was a leader and mentor for the team; and

Whereas, Coach Scott Nicholls has been a role model for sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach Scott Nicholls for leading the girl's soccer team to place second in the Manchester Umbro International Cup. We recognize the tremendous hard work and leadership he has demonstrated during the 2007 soccer season.

HONORING THE PUTNAM COUNTY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Putnam County Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Putnam County Volunteer Fire Department was established in 1977. The department started with a Ford van and two 55-gallon drums of water, a water pump and garden hose and approximately four people.

Without volunteer fire halls, like Putnam County, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Putnam County Volunteer Fire Department deserve recognition: Keith Barber, John Barrow, Tony Beaty, Gene Bilbrey, Daryl Blair, Jason Bohannon, Devin Brown, Adam Brown, Roger Brown, Tom Brown, Brian Burgess, Tim Burton, Marshall Cox, Carol Dempsay, Josh Dempsay, Charles Doss, Chris Edgerton, Derrick Edwards, Brent Emery, Timothy Gann, Daniel Harris, Jeff Hicks, Daniel Hodge, Shawn Hotsinpiller, Grant Hubbel, Darrell Jennings, Jason Jennings, Jason Jones, Mike Keith, Jim Knight, Richard Lynch, Lonette Marcus, Jeff Matheney, Tom McClatchie, Marvin Montgomery, Jeremy Morris, John Mullin, Jeremy Nash, Michael Norris, David Phy, Joel Qualls, Danny Randolph, Fred Ray, Ray Rowland, Jason Scott, John Sisco, Brandon Smith, Daniel Snyder, Tony Stamps, Troy Tayse, Tony Waters, Matt White, Tony Williams, Josh Womack, Shandreah Womack and Zack Womack.

TEXAS CHEERLEADERS RAISE MONEY FOR U.S. TROOPS COMING HOME FROM IRAQ

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. POE. Madam Speaker, a strong sense of patriotism is sweeping through the second district of Texas between two local football teams and spreading on to the gridiron. It is a short story, but it says volumes about the generosity and spirit of the people of Texas.

The varsity cheerleaders at Klein Forest High School and Westfield High School challenged each other to see who could raise the most money for troops returning home from Iraq.

The challenge would last two weeks and the money would be presented to members of the Family Readiness Group of Company B, 15th Brigade Troops Battalion, 15th Sustainment Brigade during a homecoming football game.

The cheerleaders collected donations during and after school for the next 2 weeks. They asked local businesses to help support the troops returning home to Texas. During the homecoming football game, they passed around buckets throughout the stadium for additional donations from the fans.

The two cheerleading squads raised close to $4,000.00 for the Family Readiness Group to use in welcoming home the troops this holiday season.

I commend both squads for being generous and patriotic Americans. Thanks for showing the troops that we support and appreciate the sacrifices they are making for us, our families, and our future.

And that's just the way it is.

A PROCLAMATION HONORING HILLARY BROWN FOR PLACING SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, Hillary Brown competed in England's largest youth soccer tournament; and

Whereas, Hillary Brown showed hard work and dedication to the sport of soccer; and

Whereas, Hillary Brown has broadened her abilities and skills in the sport of soccer; and

Whereas, Hillary Brown was a supportive team player; and

Whereas, Hillary Brown always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Hillary Brown on placing second in the Manchester Umbro International Cup. We recognize the tremendous hard work and sportsmanship she has demonstrated.

TRIBUTE TO NORCO CITY COUNCILMAN HERB HIGGINS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Norco, California are exceptional. Norco has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Herbert Higgins is one of these individuals. On December 4, 2007, Herb will be honored at a dinner in honor of his retirement from the Norco City Council.

Herb has served on the Norco City Council for 8 years and served as mayor in 2002 and 2005. Prior to being a councilmember, Herb served on the Planning Commission from 1998 to 1999. Councilman Higgins has also served on the Audit Committee, the Norco Chamber of Commerce, the Riverside Child Safety Committee, the Water Task Force, and the Western Riverside Regional Wastewater Authority.

Mr. Higgins has achieved several accomplishments during his tenure on the Norco City Council including: initiating the charter system of government for the city of Norco, instigating the testing of Wyle Labs for the health of our children, developing the Community Action Group and starting the All Volunteer Programs in Norco and the Volunteer Appreciation Dinner.

Herb's tireless passion for community service has contributed immensely to the betterment of the community of Norco, California. Herb has been the heart and soul of many community organizations and events, and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires. I wish him and his lovely wife Doris all the best.

HONORING THE DEKALB COUNTY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the DeKalb County Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The DeKalb County Volunteer Fire Department was established in 1975. Since then, 6 more substations have been added. The department services 11 communities.

Without volunteer fire halls, like DeKalb County, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the DeKalb County Volunteer Fire Department deserve recognition: Chief Donny Green, SC Ernie Hargis, David Agee, Larry Bain, Duncan Block, Jeffery Bogle, LT Anthony Boyd, Patrick Britain, Gray Cantrell, LT James Cantrell, Ryan Carlisle, Gelasio Chacon, LT Billy Crymes, LT Kevin Curtis, Larry Dalton, Dustin Farris, Claude Foster, Sarah Hash, Timothy Hearn, Anthony Johnson, Darrell Johnson, SC Jerry Johnson, Travis Johnson, Cathy Jones, Richard Judd, SC Richard Kinsey, LT Michael Lawrence, Calvin Martin, Jimmy Martin, Ronald Merriman, Brad Mullinax, John Mullins, Robert Myracle, SC Jeremy Neal, Andy Pack, Billy Parker, SC Danny Parker, Timothy Pedigo, LT James Pennington, Shawn Puckett, Howard Pyles, Jeff Rankhorn, Tim Reynolds, Jason Rice, Wesley Slager, Paulino Solorzano, Jerry Summers, LT Anthony Thomas, C. J. Tramel, Calvin Tramel, Christopher Tramel, Roy Tramel, Kenneth Waggoner, SC Phillip Waggoner, SC Hugh Washer, Jonny Wright, James Young, and LT Mark Young, PR Jerry Bain, PR Kelly Cantrell, PR Daniel Green, PR Rita Houk, PR Justin Ligget, PR Caleb Roth, PR Jonathan Scurlock, PR Andy Snow, PR Shane Turner, and PR Christopher Wyke.

Honorary Lifetime Members: Honorary Captain Jeff Williams, Wilson Williams, Wayne Adcock, R.V. Billings, Mike Cleland, Melvin King, Honorary Asst. Chief Roy Merriman and Bob Rice.

A PROCLAMATION HONORING JOHN AND ANNIE GLENN ON RECEIVING THE 2007 I'M A CHILD OF APPALACHIA

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, John and Annie Glenn are proud of their Appalachia roots, growing up in New Concord, Ohio, where they both attended Muskingum County High School and Muskingum College; and

Whereas, John and Annie Glenn have been an inspiration to their community and the world by making a difference in the lives around them; and

Whereas, Annie Glenn has been a model for those with communicative disorders; and

Whereas, Annie Glenn has been a devoted mother and wife, mentor, confidant, and friend to many; and

Whereas, John Glenn has been an inspiration after being the first astronaut to orbit the Earth, to become the oldest human to venture into space and to serve as a U.S. Senator for four terms; and

Whereas, John Glenn is a testament to all showing that one can come from anywhere and achieve their dreams; and

Whereas, the couple appreciates the importance of education though ones lifetime; and

Whereas, John and Annie Glenn have recognized the importance of business and community achievement; now, therefore, be it

Resolved that along with their friends, family, and the residents of the 18th Congressional District, I commend John and Annie Glenn on their contributions to Appalachia Ohio. Congratulations to John and Annie Glenn on being the 2007 I'm a Child of Appalachia Honoree.

A TRIBUTE TO CLAYTON F. FREIHEIT

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Ms. DEGETTE. Madam Speaker, I rise to honor the extraordinary life and exceptional accomplishments of Clayton F. Freiheit. This remarkable gentleman merits both our recognition and esteem as his impressive record of civic leadership and invaluable service has improved the lives of our people.

Many people have made contributions to our community, but few have left a legacy as has Mr. Freiheit. He was an extraordinary individual who made significant and lasting contributions to Colorado through his exemplary leadership and guidance of the Denver Zoo for nearly 4 decades. He commanded the respect of his peers through his singular dedication and was a mentor to practically every zoo and aquarium director in the United States. His was a life of enduring accomplishment and our community has truly been enriched by his presence among us.

Clayton Freiheit was born and raised in Buffalo, New York, and as a young boy his fascination with animals led him to draw pictures of the zoo he imagined operating one day. Mr. Freiheit worked as an animal caretaker while attending the University of Buffalo and at the age of 22, he was appointed Curator of the Buffalo Zoological Gardens. To this day, he is the second youngest person ever to serve as the director of an American zoo and under his leadership, the Buffalo Zoo achieved national stature. In 1970, Mr. Freiheit relocated to Denver to become the Executive Director of the Denver Zoological Gardens. Mr. Freiheit is credited with enhancing the stature of the Denver Zoo and it is home to one of the most diverse animal collections of any zoo in the country. Under Mr. Freiheit's 37 year tenure, the Denver Zoo came to be respected both nationally and internationally as a leader in animal care and exhibition, conservation programs, scientific study, environmental education and public service.

It comes as no surprise that Mr. Freiheit achieved unparalleled professional recognition. He served and unprecedented three terms on the board of the American Zoo and Aquarium Association (AZA). He also served as its president and as a member of and emeritus advisor to its Accreditation Commission. One of Mr. Freiheit's colleagues noted that "He has spent his entire career advancing and promoting the quality and mission of zoos and aquariums (and) has no equal in knowledge of the North American Zoo profession." In 1996, The University of Denver awarded Mr. Freiheit an honorary Doctor of Humane Letters degree in recognition of his many contributions to our community. In 2004, Mr. Freiheit became the 16th recipient of the Marlin Perkins Award for Professional Excellence which recognized his dedication to the AZA's mission of * * *.

HONORING THE SHACKLE ISLAND VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Shackle Island Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Shackle Island Volunteer Fire Department was established in 1992, with a donated fire engine by the Nashville Fire Department. The department has 30 members and a waiting list to join. The department purchased a new engine in 2001 and a new tanker in 2004.

Without volunteer fire halls, like Shackle Island, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Shackle Island Volunteer Fire Department deserve recognition: Chief Martin Bowers, Asst. Chief Barney Marshall, Captain Mike Elmore, Captain Row Wills, Lt. Brad Haynie, Lt. James Hendricks, Lt. Don Kemper, Lt. Ike Mills, Safety Officer Wynn Batson, Rick Lawson, Paul Christian, Paul Harter, Jeff Garrett, Kevin Douglas, David Frost, Mike Scudder, T.J. Taylor, Cody Steele, L.J. Millington, Jason Davis, Don Sizemore, Chris Parks, Jackie Vickers, Nick Traini, Dick Dickerson, Bill Mounts, Randy Roe, J.C. Russum, Nancy Reding, Mike Hackett, Jessie Devries, Jr., FF Scotty Sizemore and Jr. FF Mikey Taylor.

A PROCLAMATION HONORING 165TH ANNIVERSARY OF THE BISEL UNITED METHODIST CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of the Bisel United Methodist Church celebrates the 165th anniversary with great joy; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this work as a beacon for hope to the destitute and maintain your stand as a symbol to this generation that our strength lies in our gracious commitment in unity to each other in the bonds of brotherhood; now, therefore, be it

Resolved that along with its friends, family, and the residents of the 18th Congressional District, I commend the congregation for your unwavering commitment, recognizing that all great achievements come from great dedication. With great appreciation and respect, we recognize the tremendous impact this congregation has had in the community and in the lives of those people you have touched.

RECOGNIZING MICHAEL J. OCHS' 20 YEARS OF SERVICE AT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. HASTINGS of Florida. Madam Speaker, today I am pleased to pay tribute to Dr. Michael Ochs for his 20 years of untiring service to the U.S. Commission on Security and Cooperation in Europe, the Helsinki Commission. Michael began his work as a member of the professional staff on October 1, 1987, during a period that was to usher in historic change as well as turmoil in the expansive territory once dominated by the Soviet Union.

After completing doctoral work in Russian history and driven by a deep commitment to aid the victims of Soviet oppression, Michael devoted himself to documenting wide-ranging human rights abuses in the U.S.S.R. He participated in the first international human rights conference to be convened in the U.S.S.R., a gathering eventually interrupted by the Soviet secret police, the KGB. Michael was also part of a delegation that visited the Baltic States shortly after the restoration of independence to those countries so brutally repressed during decades of Soviet domination.

Michael was among the earliest pioneers in the observation of elections in the countries that arose following the unraveling of the Soviet empire. Amid triumph and tragedy, Michael has been at the forefront of efforts to promote democracy, human rights and the rule of law in Georgia, Armenia and Azerbaijan as well as the Central Asian counties of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. His depth of knowledge and understanding about each of these countries is only surpassed by his extensive network of contacts and friendships with many of the political leaders—some in government—many in the opposition. Dictators and democrats alike have come to appreciate his insights and analysis.

He has been a witness to the triumphs of Georgia's Rose Revolution and the toppling of the regime in Kyrgyzstan as well as the tragedy of the bloody massacre at Andijon in

Uzbekistan. Some of his friends have risen to the highest ranks of political leadership while others have paid the ultimate price for their defense of democracy and human rights.

Madam Speaker, as Chairman of the Helsinki Commission I am pleased to recognize and commend Dr. Michael Ochs for his service to me and my colleagues.

HONORING COMMANDER CHARLES J. DULAY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. EMANUEL. Madam Speaker, I rise today to recognize the distinguished career of Commander Charles Dulay of the Chicago Police Department. After 39 years of honorable and dedicated service to the people of Chicago, Commander Dulay will be retiring, leaving behind a legacy of excellence and dedication.

Since assuming control of the 17th Police District in the Albany Park neighborhood, Commander Dulay has been my partner and a valued ally in helping the people of our community.

Commander Dulay began his career with the force as a part of the Special Operations and Tactical Unit, and then spent 14 years as a captain and district watch commander. Mr. Dulay was promoted to the rank of district commander of the 17th Police District on June 1, 2005.

Throughout his career, Commander Dulay's achievement and public service have been recognized by prestigious honors and awards including 2 department commendations, 35 honorable mentions, and a unit meritorious citation.

Commander Dulay's community commitments also extend far beyond his work for the Chicago Police force. The commander is a member of the Chicago Police Captain's Association, the Asian-American Law Enforcement Association, and National Association of Asian Law Enforcement. An academic, Mr. Dulay, who holds a master of arts in urban studies from Loyola University, also has 14 years of experience as an adjunct professor of criminal justice at Morton Community College, where he has taught Introduction to Criminal Justice as well as Criminal Procedure.

Commander Dulay has been married for 36 years to his wife, Diane, and is a grandfather of 2-year-old Tadgh. He has also spent the past 5 years perfecting his own award-winning red wine that he crafts alongside a close friend.

Madam Speaker, on behalf of the Fifth Congressional District of Illinois and the people of Albany Park, I congratulate Commander Charles J. Dulay on his accomplished career and thank him for his tireless service to the people of Chicago. I wish him the best of luck and continued success in all of his future endeavors.

HONORING CHIEF JOHN KAZLAUSKAS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Owensboro, KY, Police Chief John Kazlauskas, retiring later this month after 40 years of service to the Owensboro community.

Chief Kazlauskas first joined the Owensboro Police Department in 1966. During his tenure, he has served in or supervised every division within the department. He first supervised patrol officers as captain beginning in 1983. He was appointed chief in 2002.

Chief Kazlauskas has compiled a long list of important accomplishments during his four decades of service including the development of the evidence collection unit in 1973 and the polygraph unit in 1981. During his 5 years as chief, he has worked to modernize equipment for the bomb squad and emergency response teams and oversaw efforts to install mobile data terminals in police vehicles. He also worked to improve administrative efficiency by implementing an electronic records management system.

Chief Kazlauskas has made a strong effort to involve the entire Owensboro community in crime prevention activities, creating a Citizens Advisory Panel, initiating a Crime Stoppers program, and creating a new public information officer position. These initiatives have been tremendously successful in fighting and preventing local crime.

It is my privilege to honor Chief John Kazlauskas today before the entire U.S. House of Representatives for his long and successful career in law enforcement. He has made an indelible difference to the safety and quality of life in his community. On behalf of the tens of thousands of people who live and work in Owensboro, KY, I wish Chief Kazlauskas happiness and good health in his retirement.

HONORING THE BAXTER VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Baxter Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Baxter Volunteer Fire Department began in the 1950s with a donated 1947 Ford Pumper and a handful of volunteers. Currently, the department has 14 volunteers on its roster.

Without volunteer fire halls, like Baxter, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Baxter Volunteer Fire Department deserve recognition: Chief Cris Austin, Asst. Chief Richard McBroom, Capt. Josh Herron, Capt. Fabron Nicholson, Lt. John Ramsey, Steve Warren, Bob Hicks, Joel Qualls, Jason Jones, Mike Randolph, Justin Ramsey, Shane Whitehead and Cadet Firefighters Dustin Stanton and Dusty Mahan.

A PROCLAMATION HONORING 150TH ANNIVERSARY OF MT. HERMON PRESBYTERIAN CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of the Mt. Hermon Presbyterian Church celebrates the 150th anniversary with great joy; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this work as a beacon for hope to the destitute and maintain your stand as a symbol to this generation that our strength lies in our gracious commitment in unity to each other in the bonds of brotherhood; now, therefore, be it

Resolved that along with its friends, family, and the residents of the 18th Congressional District, I commend the congregation for your unwavering commitment, recognizing that all great achievements come from great dedication. With great appreciation and respect, we recognize the tremendous impact this congregation has had in the community and in the lives of those people you have touched.

TRIBUTE TO NORCO MAYOR HARVEY C. SULLIVAN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Norco, California, are exceptional. Norco has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Harvey Sullivan is one of these individuals. On December 4, 2007, Harvey will be honored at a dinner in honor of his retirement from the Norco City Council.

Harvey has served on the Norco City Council for 8 years and has lived in Norco for 15 years. This year he served as mayor. Prior to being a councilmember, Harvey was an electrician. Mayor Sullivan has served on the Norco Schools Committee, Riverside County Library Taskforce, Chamber of Commerce Education Committee, CDA board member, Water Taskforce Committee, United Norconians for Life Over Alcohol and Drugs, UNLOAD Committee, Fee Study Committee for area fees, Alternate Trail Materials Committee, Beautification Committee, Riverside County Transportation Commission, Riverside Transit Agency, and the Western Riverside County Regional Wastewater Authority.

Mr. Sullivan has been a tireless advocate in promoting Norco as "Horsetown USA," was instrumental in bringing the Extreme Mustang Makeover competition to Norco in 2009, has worked with Desert Power to bring solar energy to all of Norco's major city facilities, and has used Norco's unique lifestyle as an economic driver to promote economic development in the community. In his spare time, Harvey enjoys horseback riding, camping, fishing, and skiing.

Harvey's tireless passion for community service has contributed immensely to the betterment of the community of Norco, California. Herb has been the heart and soul of many community organizations and events and I am proud to call him a fellow community member, American, and friend. I know that many community members are grateful for his service and salute him as he retires. I wish him and his lovely wife Mynon all the best.

HONORING THE GORDONSVILLE FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Gordonsville Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Gordonsville Fire Department was established in 1968. Currently, the department has 19 volunteers on its roster.

Without volunteer fire halls, like Gordonsville, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Gordonsville Volunteer Fire Department deserve recognition: Chief David Blessman, Asst. Chief Jonas Bullington, Capt. Danny Cowell, Lt. Aaron Sterling, Chief of Eng. Jimmy Gregory, Donnie Johnson, Matt Baker, William Vaughn, Paul Pope, Sam Bowles, Terry Fields, Jerry Craighead, Brandon Ingram, Josh Tisdale, Scott Bennett, Josh Collins, Melvin Paulk, Cyrus Shores and Steven Gray.

RECOGNIZING GEORGE BISTIS UPON HIS UPCOMING RECEIPT OF THE 2007 GUSI PEACE PRIZE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, the 2007 Gusi Peace Prize is to be bestowed upon George Bistis, Chief of the Greek Service, Voice of America; and

Whereas, the Gusi Peace Prize recognizes one's untiring efforts of working toward finding peaceful solutions to political and social issues through broadcast journalism; and

Whereas, the Gusi Peace Prize foundation is a nonprofit organization that annually gives awards to individuals based on their contributions to peace and human rights; and

Whereas, this honor is delivered to Mr. Bistis by The Honorable Manuel L. Morato, President, Gusi Peace Prize Foundation, and The Honorable Barry S. Gusi, Chairman of the Board, Gusi Peace Prize Foundation; and

Whereas, Mr. Bistis' contributions to broadcast journalism have made him an example for all to emulate not only in Greece, Turkey, and the Mediterranean, but throughout the United States and the international community; and

Whereas, the ceremony to present the Gusi Peace Prize to Mr. Bistis will take place on November 21st of this year in Manila, Philippines; now, therefore, be it

Resolved, that along with his peers, coworkers, associates, and the Greek-American community, I congratulate George Bistis upon his upcoming receipt of the 2007 Gusi Peace Prize.

RECOGNITION OF THE GREAT AMERICAN SMOKEOUT

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Ms. DEGETTE. Madam Speaker, I would like to recognize today as the Great American Smokeout. For 31 years, the American Cancer Society has designated this day to help smokers quit for just 1 day, in hopes that they will quit forever.

Cigarette smoking is the number one preventable cause of premature death in the United States. Every year, more than 400,000 Americans die from smoking-related illness, including cancer, cardiovascular disease, and lung disease. One in every five deaths in the United States is smoking related. If current smoking trends continue, tobacco-related deaths worldwide are predicted to double to 10 million per year by 2030.

Secondhand smoke exposure causes disease and premature death in children and adults who do not smoke. Secondhand smoke causes approximately 3,400 lung cancer deaths and 46,000 heart disease deaths in adult nonsmokers in the United States each year.

According to the U.S. Surgeon General, people who quit smoking, regardless of age, live longer than people who continue to smoke. Quitting smoking substantially decreases the risk of lung and other cancers.

Most smokers want to quit. Scientists have developed, and continue to improve, effective ways to help people quit smoking. However, these effective smoking cessation tools are not yet available to all smokers who are motivated to quit.

For years, Congress has been largely silent on the issue of combating smoking. It is time for us to refocus on this issue. I have long been involved in efforts to combat smoking and its consequences, by introducing bills to prevent youth smoking and to support tobacco cessation programs.

This year, we have an opportunity to act. Congressman HENRY WAXMAN has introduced legislation, H.R. 1108, the "Family Smoking Prevention and Tobacco Control Act," to protect the public health by providing the Food and Drug Administration with authority to regulate tobacco products. I hope we will take up this bill soon in the Energy and Commerce Committee, on which I serve.

Please join me in celebrating the Great American Smokeout, and in commending those who make the commitment to quit smoking today.

CONGRATULATING ALEXANDER HAMILTON ELEMENTARY SCHOOL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. EMANUEL. Madam Speaker, I rise today to congratulate Alexander Hamilton Elementary School on receiving the 2007 Outstanding School Partnership Award.

Third, fourth, and eighth grade students of Alexander Hamilton were ranked in the top 5 out of 40 schools in their area in several categories. The students that were at or above national norms were as follows: Third grade reading—91.7 percent, fourth grade science—87.5 percent, eighth grade math—93.3 percent, and eighth grade composite—93.3 percent. The overall combined composite score for third through eighth grades indicated that 80.3 percent of students were at or above national norms.

In recognition of these achievements, Chicago Public School's CEO Arne Duncan and Mayor Richard Daley presented Principal Dr. Mila Strasburg with the 2007 Outstanding School Partnership Award.

Alexander Hamilton Elementary School has a long history of excellence in academic achievement. It has been an Illinois State Board of Education "Spotlight School" for several years, a Chicago Public School "School of Distinction", and has been recognized by the "Designs for Change" for fifteen consecutive years for high student achievement.

Madam Speaker, I congratulate Alexander Hamilton Elementary School on receiving the

2007 Outstanding School Partnership Award and for setting a shining example for our Nation's public schools.

HONORING THE KITTRELL VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Kittrell Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Kittrell Volunteer Fire Department was established in October 1990. In their first year of service, the group responded to nearly 70 calls. Today, the Fire Department has 21 volunteers on its roster and answers between 150 and 175 calls per year.

Without volunteer fire halls, like Kittrell, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of 2 firefighters die each year in Tennessee in the line of duty. In 2007, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Kittrell Volunteer Fire Department deserve recognition: Members: Asst. Chief Tracey Curray, Asst. Chief Joe Barrett, Capt. Bobby Brewer, Capt. James Paul, Lt. Tim Curray, Lt. Alison Mitchell, Chris Kirksey, Dewayne Hayes, Alvin Brandon, Adam Long, Addison Bond, Charles Sayler, John Lugo, Jr., John Wiseman, Brad Lynn and Stephanie Taylor; Members who also serve on Board of Directors: Fire Chief George Curray, Laughlin Youree, John Donnell, Bud Mitchell and Matt Lane; Board of Directors: Glenn Mitchell, Faye Curray, Robert Adams, Joseph Peay and Jim Puckett.

RECOGNITION OF EIGHTH ANNUAL NATIONAL ADOPTION DAY

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. AKIN. Madam Speaker, I rise today in recognition of the eighth annual National Adoption Day.

On November 17, 2007, a record number of courts across the country will open their doors to finalize the adoptions of thousands of children from foster care. Every child deserves a permanent and loving family and today there are 114,000 children in foster care who are still in need of adoptive homes.

I laud the goals of National Adoption Day 2007 which include:

Finalizing adoptions from foster care in all 50 States; celebrating and honoring all families who adopt; raising awareness about the 114,000 children currently in foster care waiting for adoption; encouraging others to adopt children from foster care; building collaboration among local adoption agencies, courts, and advocacy organizations.

I applaud the efforts of the hundreds of volunteer lawyers, foster care professionals, child advocates and local judges who will come together to celebrate adoptions. I hope the goals of National Adoption Day are met and far exceeded.

IN MEMORY OF RAY SMITH, JR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend Ray Smith, Jr., of Hot Springs, Arkansas, who passed away November 1, 2007, at the age of 83.

Ray Smith, Jr., spent his lifetime dedicated to his family, his country and to public service. After returning from World War II where he served as a pilot in the Army Air Corps, Smith completed law school and began practicing in his hometown of Hot Springs.

Smith decided in 1955 to run for public office, which began his whirlwind career in politics that has left a lasting impression upon the Hot Springs region and the State of Arkansas. After he was elected to the Arkansas House of Representatives, Smith rose through the ranks and became majority leader, majority whip and chairman of the House Education Committee. However, it was prior to these accomplishments in which Smith's name will forever be remembered. During the 1958 special session called by then-Governor Orval Faubus, Smith cast the lone dissenting vote on a Faubus bill to close any schools that were ordered to be integrated. It was this belief in equality and opportunity for all Americans that led Smith to vote his convictions even when his colleagues could not.

During his 27 years representing Hot Springs in the Arkansas State Legislature, Smith continued to play a key role in the community. His belief in the importance of education led him to sponsor legislation creating the Garland County Community College, where he would go on to serve as chairman of the board of trustees. His dedication to local organizations such as the Boys Club of Hot Springs and the Hot Springs National Park Rotary Club displayed his deep commitment to giving back to the community.

In addition to his civic leadership, Ray Smith, Jr., was also a man of devout faith. He was a member of the First United Methodist Church where he served on the board of trustees and as chairman of the Official Board of the First United Methodist Church.

I send my deepest condolences to his wife, Patricia Floyd Smith of Hot Springs; his 3 sons, William Randolph Smith of Washington, DC, Scott Floyd Smith of New York, New York, and Steven Bryan Smith of Hot Springs; his 2 daughters Patricia Carol Smith of Arkadelphia and Suzanne Smith Palmieri of Silver Spring, Maryland; his brother William Y. Smith of Falls Church, Virginia; his sister Betty Mildred Pierce of Pine Bluff; and to his 9 grandchildren and numerous friends. Ray Smith, Jr., will be greatly missed in Hot Springs, Garland County and throughout the State of Arkansas, and I am truly saddened by this loss.

STATEMENT IN SUPPORT OF H.R. 2614

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. CALVERT. Madam Speaker, H.R. 2614 is a relatively modest, yet important step towards meeting the long-term water needs for the West. Water recycling is an approach that more and more communities are tapping to meet local and regional water demand. To address the continued growth of water users, communities are truly maximizing the use of every drop of water.

H.R. 2614 authorizes Federal participation in conjunction with two water reclamation projects, one located in my congressional district and one located in the 41st Congressional District of California. Both projects are located in the greater Inland Empire, a region heavily dependent on imported sources of water.

The City of Corona Water Recycling and Reuse Project will enable the city of Corona to provide recycled water to parks, landscape maintenance districts, schools, landscaped freeway frontages and any other project that does not require potable water. The project will also reduce the need for increased water imports and construction of additional drinking water infrastructure.

The project will consist of three reservoirs and two pump stations along with retrofitted user irrigation systems. Additionally, 27 miles of pipelines are needed since recycled water is required to be kept completely separate from drinking water and uses a dedicated system of pipelines. The city plans to retrofit approximately 200 sites including schools, public parks and landscape areas, freeway landscaping, golf courses, and commercial landscaping.

The Yucaipa Valley Water Supply Renewal Project will maximize the various water resources in the Yucaipa Valley. The new facility will contain an advanced filtration (reverse osmosis) system and a brine pipeline to remove salinity, contaminants, and organic compounds from the water supply in the Yucaipa Valley. The brine pipeline will extend nearly 20 miles to the existing Santa Ana Regional Interceptor brine pipeline.

The completed project will minimize the amount of water imported from northern California, maximize the use of higher quality water, reduce withdrawals from ground water supplies, and provide a long-term, drought-proof water supply. The full project is expected to reduce demands on the California State Water Project by over 4 billion gallons per year, which is a sufficient quantity of water for 27,000 families of four each year.

I want to thank the city of Corona and city of Yucaipa for developing innovative, water-saving projects that truly benefit our entire region. I also want to thank my good friend Grace Napolitano, the Chairwoman of the Water and Power Subcommittee, for her leadership and support of my legislation. I know she shares my belief that water recycling is an important tool in addressing growing water needs in the West. Madam Speaker, I think it is crucial that we recognize and assist communities that are working to reduce their reliance on imported water and I urge all colleagues to support the passage of H.R. 2614.

RECOGNIZING AMERICA RECYCLES DAY

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. TIBERI. Madam Speaker, as many of my colleagues know, today is America Recycles Day. Celebrating its 10th year, America Recycles Day is dedicated to raising awareness about the benefits of recycling and encouraging Americans to increase their involvement in recycling at home and work. It also serves as a reminder of the social, environmental and economic benefits of recycling.

We're familiar with many recyclables, as more and more Americans take them out to their bins every day. Cardboard boxes are recycled and re-appear as new boxes. Yesterday's front page of a local newspaper may show up as a sports page next month. Glass bottles, aluminum cans, and plastics are also fixtures of daily recycling habits. According to U.S. Environmental Protection Agency, recycling is conservatively projected to have saved 900 trillion Btus, equal to the annual energy use of 9 million households, in 2005.

But it's also important to recognize that recycling is much bigger than just the daily household products that end up in the curbside bin. More than 150 million tons of old cars, tires, materials from buildings that have been demolished, and a wide variety of left-over manufacturing materials are recycled in this country every year.

Scrap recycling is a $65 billion industry in the U.S. that employs over 50,000 people. It also invests significant capital in high-tech, environmentally designed manufacturing machinery that is used to sort, pack, transform, process, manufacture and ship materials to become new products. The scrap recycling industry is also a leading exporter, sending more than $15 billion a year in products to over 140 countries around the world.

I hope all Americans will take a moment to think today about the role recycling plays in their daily lives, the environment, and our economy, and dedicate themselves to doing more.

CELEBRATING 100TH ANNIVERSARY OF TOMBALL, TX

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. McCAUL of Texas. Madam Speaker, I rise today to recognize one of the most extraordinary towns in our country, Tomball, TX, and join them in celebrating their 100-year anniversary. This community began in the early 1800s as a farming community and has grown to be a town encompassing economic growth and core American values which makes our Nation a great place to live.

Tomball was first known as Peck but at the turn of the century, in 1907, the town was officially named Tomball in honor of Mr. Thomas Henry Ball; a Congressman, a lawyer, a proud father, and an honorable man.

Tomball saw their first boom in 1906 when the railroad came to town. The first freight train and the first passenger rail rolled through town in 1907. Today visitors can step back in time and enjoy the newly refurbished train depot, in the heart of downtown Tomball, as trains move through town as they did a century ago.

Tomball was also known as "Oil Town U.S.A." in the early 1930's when oil was discovered in a big Texas way with a "gusher." The city was quick to realize the extraordinary asset before them and negotiated a deal with Humble Oil and Gas allowing the company drilling rights within the city in exchange for free oil and gas to Tomball residents for the next 50 years.

Tomball has seen growth in all aspects of the community. Since the turn of the century, there has been the boom of the railroad, the great success of oil and gas, real estate growth, and road improvements all contributing to the strong economic base for this town. Tomball has always been a place with extraordinary schools, both public and private. The city possesses citizens with an eagerness to learn extending to higher education within the college system. Faith is important to this community and is the foundation that enables numerous churches to congregate within the area.

Tomball is an amazing town within Harris County, TX. It is the continued dedication to this town by its residents which makes it one of the friendliest places to live, not only in Texas but in the United States. Although Tomball has endured many changes over the last century one thing remains the same, the people. As we celebrate the first 100 years of Tomball it is with great joy I say thank you for being a wonderful and compassionate community. The devotion for this community is contagious and I am honored to be your representative, in fact I proudly display a sign in my office that says, "I Love Tomball." I wish this city all the best in the next 100 years. Happy Birthday, Tomball and congratulations on reaching this remarkable milestone.

JOHN GLENN ELEMENTARY RECEIVING THE 2007 NO CHILD LEFT BEHIND BLUE RIBBON AWARD

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate John Glenn Elementary School in Donahue, IA. This week, John Glenn Elementary received the 2007 No Child Left Behind Blue Ribbon School Award. John Glenn Elementary was 1 of only 5 schools in Iowa, and 1 of only 289 of 133,000 eligible schools in the country to receive this award. The Blue Ribbon School Award is given annually to a select number of schools that demonstrate dramatic gains in student achievement.

Schools that have received the Blue Ribbon Award are seen as national models that other schools can learn from. John Glenn Elementary clearly fits this role and should be used as a model for other schools in Iowa and throughout the country. The students and faculty at John Glenn Elementary think of themselves as not just another elementary school, but a family. Every day, they actively work with each other and help each other to achieve the goals the school has set forth. John Glenn Elementary has also gained a reputation for being not only a great elementary school, but an active leader in the community. The school has an ongoing alliance with Big Brothers, Big Sisters and operates a volunteer grandparents program. It is clear that John Glenn Elementary has served not only the children that attend the school, but the community as well.

Yesterday, I had the honor of meeting Principal C.J. Albertson and Cindy Irwin, a 5th Grade teacher at John Glenn Elementary. I applaud Principal Albertson, Ms. Irwin, and the entire faculty at John Glenn Elementary for their commitment to public education and the development of our children. All of their hard work and dedication has made John Glenn Elementary one of the best schools in the country. I'm proud to be representing John Glenn Elementary School in Congress and look forward to hearing of their continued success in North Scott County.

NATIONAL ADOPTION DAY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today on the eve of National Adoption Day to recognize those American families that open their hearts and homes to our most vulnerable children and teenagers.

There are currently 114,000 children in foster care who need adoptive homes. Many of these children were victims of abuse, neglect, or abandonment, and most will wait at least five years and will move at least three times before they are adopted. One in five will never be adopted. In the face of these disheartening statistics, we must celebrate those parents who choose to adopt and provide a loving home to these children and encourage the adoption of more children from foster care.

In November 2000, hundreds of lawyers, child advocates, State foster care agencies, and courts, worked together to finalize hundreds of foster care adoptions across the country as part of National Adoption Day. Since then, National Adoption Day has grown as thousands of new families have come together.

I am proud that Montgomery County, Maryland, which is in my Congressional District, has finalized 7 adoptions this month and 30 so far this year. In one family, 2 sisters, Jerry and Beverly Wright, have adopted 5 children, and, with their biological children, now have 10 children safe and well-cared-for in their home. I congratulate them, and all the happy and thriving families that include adopted children.

THE ENSURING MEDICARE ACCESS TO RECREATIONAL THERAPY ACT OF 2007

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. TAUSCHER. Madam Speaker, I rise today to speak on behalf of the many Medicare beneficiaries who require therapeutic rehabilitative services.

I first developed an interest in rehabilitation issues after someone in my own family was forced to cope with a disabling paralytic disease. I saw the benefits of recreational therapy first hand, through the therapy my father received, and I want to be sure everyone has access to the same treatment already covered by Medicare.

Recreational therapy can be a vital service for the ill and the disabled. In many cases, it is a critical means for improving the functioning, independence, and quality of life of persons with illness or disability. Recreational therapy is always prescribed and supervised by a physician as part of a patient's rehabilitative plan of care.

It has long been a priority of mine to remove existing barriers to Medicare beneficiaries' access to recreational therapy. For years, I have worked alongside therapists in trying to help those with illnesses or disabling conditions gain consistent access to these services.

In the past, dozens of my colleagues and I have sought clarification from the Centers for Medicare and Medicaid Services (CMS) on its policy on coverage and payment of recreational therapy services in three inpatient settings: rehabilitation hospitals (IRFs), psychiatric hospitals (IPFs) and skilled nursing facilities (SNFs).

CMS regulations and policy manuals currently lack sufficient clarity on the treatment of recreational therapy provided in these inpatient settings. As a result, widespread confusion and misperceptions surround the recreational therapy benefit under Medicare. Out of concern for potential liability for fraud and abuse, many IRF, IPS, and SNF facility administrators are declining to offer recreational therapy, creating inconsistent access to these vital services for patients throughout the country.

CMS has responded to each Congressional inquiry made on this issue, but to date CMS has not clarified its coverage and payment policy of recreational therapy services to fiscal intermediaries, facility administrators, treating physicians, and other relevant entities. In order to ensure that patients are able to receive appropriate rehabilitative services, CMS must formally clarify its policy.

For the sake of Medicare beneficiaries in need of recreational therapy, it is time to require CMS to do so.

To be sure, CMS has confirmed in writing that it considers recreational therapy to be a covered service in each of these three inpatient settings. CMS has also confirmed that the costs of these services have been built into the prospective payment systems for IRFs, IPFs, and SNFs and, therefore, Medicare is already paying to provide recreational therapy services to beneficiaries who need them. Yet access to recreational therapy is not assured.

To remedy this situation, I am introducing the Ensuring Medicare Access to Recreational Therapy Act of 2007, with Representative Phil English, to make certain that patients who need recreational therapy services, as prescribed by their physician and as warranted by their health condition, have consistent access to these medically necessary services.

Our bill simply directs CMS to clarify current coverage and payment policy by issuing notification that recreational therapy is a covered inpatient service in IRFs, IPFs, and SNFs and that the cost of providing such services has already been built into the prospective payment systems for these inpatient settings. This clarification will serve Medicare beneficiaries far better than the current CMS guidance on this issue.

It is important to note that this legislation will not create new coverage, or add any financial burden to the Medicare program. It will, however, ensure access to rehabilitative care so that individuals with disabilities, injuries, or chronic conditions may regain their maximum level of independent function.

I urge my colleagues to please join us in the fight to remove these arbitrary and unnecessary barriers to consistent access to recreational therapy services for all the Medicare beneficiaries who need them.

SETTING THE RECORD STRAIGHT ABOUT LOWE'S CHRISTMAS TREES

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Ms. FOXX. Madam Speaker, I rise today in support of Lowe's Home Improvement, a company that has long been a strong force of economic development and community involvement in North Carolina.

It recently came to my attention that this week there was a bit of a kerfuffle over a misprint in Lowe's holiday catalog. Apparently the Christmas tree section of the catalogue had a misprint that labeled them "family trees."

There was no small outcry from a number of concerned citizens who thought that Lowe's might be up to something here. Well, I want to set the record straight. After hearing from Lowe's myself I know that it was a simple printing error—a matter of a hiccup in the creative process.

Lowe's was quick to apologize for the printing error and assured me that they were not out to alter the nomenclature of this fine Christmas tradition. As a former Christmas tree farmer I know how important it is to millions of Americans that a beautiful evergreen graces their living rooms each year as part of their celebration of this sacred season. At the same time, I also know that Lowe's was in no way attempting to undermine our celebrations of advent.

I fully support every American's right to voice concerns over what many see as the steady march of secularism each Christmas season. But I want to assure them that Lowe's had no such intentions in mind. A printing error slipped through the cracks and the company has pledged to redouble its catalogue proofreading processes.

A company spokesperson has even been quoted in the media explaining that the catalogue title was an error and was inconsistent with the company's long-standing practice of referring to its Christmas trees as "Christmas trees." This spokesperson said that Lowe's had intended to convey that family traditions often begin with a Christmas tree.

I hope that now that the facts are out, we can all return to celebrating the birth of Christ this Christmas season, undistracted by this dust-up over a simple copyediting slipup.

THE ALL-AMERICAN HOLIDAY BILL

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. HUNTER. Madam Speaker, I rise today to honor and encourage Americans to come together this holiday season and protect the greatest economy the world has ever seen. The American economic experiment that started back in the early 20th Century has proved that freedom, innovation and individual drive have the ability to create a prosperous economy. Our economy has enabled us to build a democracy that so many nations seek to emulate. Yet I am sad to report that many families, particularly in the mid-west, which is the backbone of America, are losing manufacturing jobs to countries with less stringent regulatory systems and cheaper labor.

Madam Speaker, the holidays are upon us and I am troubled by the difficulty to buy American-made goods in my holiday shopping quest. Americans should be able to purchase products that are made by Americans. For many years, I have had concerns over the decrease in American manufacturing jobs and the increase in our trade with China, who sends us unsatisfactory goods that are harmful to our families and children.

Today, I am introducing an important resolution that fulfills what I believe to be one of our most important obligations as patriotic Americans: encouraging Americans to purchase American-made products this holiday season.

China is the second largest supplier of consumer products and an increasingly dependent supplier of agricultural products to the United States. The Consumer Product Safety Commission (CPSC) stated that to date, in 2007, over 80 percent of CPSC recall notices have involved Chinese-made products.

Specifically, over the past year, pet food laced with chemicals found in fertilizer caused the sickness and death of several dozen pets in the United States. The Food and Drug Administration released warnings on toothpaste products from China that contained poisonous chemicals, as well as farm-raised fish products that contained uncertified antimicrobial agents. Furthermore, the National Highway Traffic Safety Administration issued a recall of nearly 450,000 tires suspected to have major safety defects. Since March 2007, nearly 20 million Chinese made toys have been recalled by U.S. companies due to suspected lead contamination.

It is clear that China's irresponsible regulatory system is not sufficient to keep the citizens of their trading partners safe. In fact they are not able to provide safe products for their own people. In June 2004, the Chinese People's Daily reported that fake baby formula had killed 50 to 60 infants in China. Fish farmers in China reportedly feed various drugs to the fish to help keep them alive in polluted Chinese waters, and in July 2007, the Xinhua News Agency reported that a government survey of 7,200 different products from nearly 6,500 enterprises found that 19.1 percent of products made in China for domestic consumption in the first half of 2007 were substandard.

I call on my colleagues to join me in supporting the U.S. economy and, in turn, our Armed Forces, by purchasing American products. One of the best things we can do for our returning soldiers is to make sure they have good jobs when they return. Buying American-made products will keep good manufacturing jobs available for our soldiers when they return home. I understand how difficult it will be to purchase all American food and gifts during the holiday season. However, for the 1.8 million American jobs that have been shipped overseas, for the future jobs that are in jeopardy of being lost to cheaper labor and, of course, for the troops serving our country overseas, I ask you to buy for America this holiday season.

FEDERAL FOOD DONATION ACT

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. EMERSON. Madam Speaker, I rise today to introduce the Federal Food Donation Act of 2007. As we prepare to return home to spend time with our families and give thanks for the blessings we have received, I would ask that we pause a moment and think of those less fortunate among us. Yesterday we learned from USDA's annual hunger survey that more than 35 million people in the United States are food insecure; they either suffer from hunger or must sacrifice other essential items for food. Tragically, of these 35 million individuals, 12 million are children. Unfortunately, the number of the hungry among us is increasing. While we, as a government, are taking steps in the right direction, we have a long way to go.

One step we can take is to pass the Federal Food Donation Act, which I introduced today. This legislation would require executive agencies who serve food on their premises to encourage the donation of excess food to nonprofit organizations. Such "food rescue" efforts can be particularly useful to the more than 43,000 soup kitchens and food pantries on the front lines battling hunger. As we have celebrated Veterans Day this week, it is important to remember that one out every four homeless individuals is a veteran. Often, the beneficiaries of food rescue efforts serve the homeless community and these veterans.

I would like to particularly thank the dedicated individuals at Rock and Wrap It Up! for their efforts in conceiving and promoting this legislation. This non-profit organization has specialized in food recovery and has been "thinking outside the box" in the battle against hunger for years. I appreciate their efforts and look forward to working with them for passage of this legislation.

Madam Speaker, the bottom line we must be aware of is this: the cost of food is increasing. As we prepare our Thanksgiving dinners we will likely hear a lot about the impact of inflation, rising transportation costs, and increasing commodity prices on our family budgets. The effects of rising prices have already been felt by our partners who serve the hungry. More resources are clearly needed. The Federal Food Donation Act may be a small step in the overall battle against hunger, but it is one worth taking.

COMMEMORATING THE 90TH BIRTHDAY OF SENATOR ROBERT C. BYRD

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. RAHALL. Madam Speaker, on November 20, 1917, in Wilkesboro, North Carolina, the world received Cornelius Calvin Sale. Born to a poor, struggling couple, the child was too soon taken from the arms of his loving mother, when she fell victim to the devastating influenza epidemic. The loss of his mother separated him from his siblings and from his father, a man with talented hands and an honest heart, when he was sent to live with an aunt and uncle in the coalfields of southern West Virginia. There his name was changed and so was the course of history for my State and our Nation.

This November 20 marks the 90th birthday of ROBERT C. BYRD. He holds the title of the longest-serving Senator in the history of our Nation. He has held more leadership positions than any other Senator, has cast more rollcall votes than any other Senator, and served on a Senate committee longer than any other Senator. In fact, he has achieved so many records during his tenure of public service that the Guinness people could devote an entire book just to him.

Here in the Congress, ROBERT C. BYRD has seen majorities come and go. He has occupied the suite of the Majority Leader and been banished to the Elba of the Appropriations wing. He has felt the sting of legislative defeat, relished in legislative victory. He has watched good men, full of hope, come to the Congress and build long successful careers in public service. He has seen many ambitious men leave public life, sometimes bitter and frustrated, sometimes drawn to the big paychecks of the private sector. Through it all, his love of the U.S. Senate and his faith in our constitutional form of government has never wavered.

In both his public and private lives, he has been guided by the old values he learned growing up in the West Virginia hills, reading the Bible, and listening to his "old Mom's" prayers, offered up in dim lantern light.

And he has been the most devoted of husbands. In fact, he remains so. Even after his dear Erma left this Earth to become an angel in Heaven, his love for her—true love—has endured and bolstered him in times of trial.

So much has been written, so many speeches delivered, about the senior Senator from West Virginia, that it may be a fool's errand to even try to say anything about him that has not been repeated many times over. However, in anticipation of this special occasion, I choose to mention one particular thing for which the people of our State are most grateful to him—ROBERT C. BYRD has given us the gift of hope.

From his youthful days of coal camp life in an era of depression, through his climb to the pinnacle of governmental power, ROBERT C. BYRD's life has been and remains an inspiration to me and to every man, woman, and child who has ever doubted themselves, or been afraid to try to overcome life's considerable challenges. He is our hero.

Madam Speaker, I thank the Creator for Senator BYRD and all that he has done for this Nation. May he have the happiest of birthdays, and may he some day look back on his 90th year as just one notch on his way to scoring yet another amazing record.

RECOGNIZING DEBRA BROWN STEINBERG

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. WEINER. Madam Speaker, I wish to recognize the incredible work of Debra Brown Steinberg.

Ms. Steinberg has been an uncompromising advocate for the families of the victims of the September 11, 2001, attacks on the World Trade Center. She was quick to action taking an integral role in creating the New York Lawyers for the Public Interest 9/11 Project in early October 2001. She also drafted the New

York City Bar Association's comments for the 9/11 Victims Compensation Fund which was vital in creating the fund. This fund delivered a total of $7 billion to family members of the victims of the 9/11 attacks.

But her work did not end there. For the last 6 years she has continued to care for the families of those who were lost. She has worked tirelessly for the family members of the victims who could not mourn freely—the widows and orphans of the victims who were immigrants on 9/11. Today in New York City there are 9/11 widows and orphans who fear going to the World Trade Center site because they may be identified for deportation.

Ms. Steinberg speaks often with these families offering them her legal expertise. She used this expertise to help draft the September 11 Family Humanitarian Relief and Patriotism Act, H.R. 1071. This bill gives Congress the tools to provide legal immigration status to the 9/11 victim's family members. It grants permanent resident status to the spouses and children of undocumented immigrants who died on 9/11. To qualify these families must have been beneficiaries of the September 11th Victim Compensation Fund of 2001. Ms. Steinberg continues to push for its passage by consistently offering her talent and passion to our offices.

Her selfless and persistent efforts have given these families, victims of 9/11, comfort and hope that they will be able to soon grieve and live without fear. As I recognize her work today I hope we can honor it by passing the September 11 Family Humanitarian Relief and Patriotism Act.

THE BOTTLE RECYCLING CLIMATE PROTECTION ACT OF 2007

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. MARKEY. Madam Speaker, today I am introducing the Bottle Recycling Climate Protection Act of 2007, which would establish a national program to promote the recycling of beverage containers, including bottled water, iced teas, sports drinks and carbonated beverages, by offering a national 5 cent deposit. This bill would help move the Nation towards a future of less global warming pollution by reducing the energy and related heat-trapping emissions needed to create the materials used in new beverage containers.

Twenty-five years ago, my state of Massachusetts became one of the first states to pass a state bottle bill in order to encourage the recycling of cans and bottles. Since its inception, Massachusetts' bottle law has been a tremendous success. In 2006, over 2 billion beverage containers were sold in Massachusetts and nearly 70 percent of them were recycled rather than littered or incinerated.

Supreme Court Justice Louis Brandeis famously called the States "laboratories of democracy"—the places where innovative solutions to the Nation's challenges are developed. Nowhere is the States' pioneering role in our system more vital today than in the area of energy independence and global warming. On these critical issues, the States are in the vanguard of a green energy revolution. In the case of the bottle bill, 11 states have acted as laboratories for more than 2 decades, very successfully. Now is the time to move this important program onto the national stage.

Recycling and reusing these bottles not only reduces the amount of litter that ends up in our streets and the amount of trash that ends up in our landfills, it also dramatically reduces the amount of global warming pollution that ends up in our atmosphere. If all of the 58 billion aluminum cans that are thrown away every year in the United States were recycled, it would cut the emissions of heat-trapping carbon pollution by nearly 6 million tons—the equivalent of the pollution from more than one million cars. Cans made from recycled aluminum use 95 percent less energy than cans manufactured with new materials.

In addition, plastic water and juice bottles have become increasingly prevalent since many state bottle bills were initially adopted. While less than half of the aluminum cans sold every year are recycled, an astounding 80 percent of the 60 billion plastic bottles sold each year are not recycled. Including plastic bottles in a national bottle bill would lead to significant savings in energy and oil consumption. One ton of recycled plastic saves 5,774 kWh (kilowatt hours) of electricity and 685 gallons of oil.

I am proud to introduce this important bill today on America Recycles Day. Passing this bill would allow Congress to send the nation a global warming message in a bottle. We can still quench our thirst while reducing our thirst for energy. And we can have carbon dioxide in our fizzy drinks, while cutting down on heat-trapping carbon dioxide in the atmosphere.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. LOWEY. Madam Speaker, I regrettably missed rollcall vote No. 1093 on November 14, 2007. Had I been present, I would have voted in the following manner: rollcall No. 1093: "yes."

ON THE PRIVILEGED RESOLUTION TO IMPEACH VICE PRESIDENT RICHARD B. CHENEY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LANGEVIN. Madam Speaker, last week, the House considered a privileged resolution, offered by the gentleman from Ohio, Mr. KUCINICH, to impeach the Vice President. I supported an effort to refer that measure to committee where it can get the attention it deserves.

Having served on the House Armed Services Committee and the House Permanent Select Committee on Intelligence, I have repeatedly condemned how the administration presented evidence to Congress and the American public to justify military action against Iraq. In October 2002, I voted against the resolution authorizing the use of force against Iraq in part because of concerns about the intelligence we were given. It is Congress's responsibility to investigate the administration's claims and actions, not only to understand to what extent the White House cherry-picked evidence to support a course of action, but also to prevent intelligence from being manipulated by policymakers in the future. Congress has held numerous hearings into these complex questions, and we will continue to be aggressive in fulfilling our oversight duties.

Frustration with the administration among the American public has become palpable, with some calling for the impeachment of senior elected officials. While I share the deep dissatisfaction that people have with the way our Nation is being led, we must be extremely cautious about how best to chart a new course. Impeachment is one of the strongest constitutional powers granted to Congress, and its exercise must be governed by the laws of this Nation and the rules of this House. While I respect the intentions of the gentleman from Ohio in offering his resolution, I believe that it would be premature for the Members of the House to vote on a matter of such gravity without the benefit of hearings and with imperfect information. For that reason, I supported its referral to committee.

When the American people elected a Democratic majority last November, we promised to lead the country in a new direction. We saw how the Nation's priorities had been ignored for 12 years under Republican rule in Congress, and we vowed to promote change. In the last 11 months, we have made tremendous progress—increasing the minimum wage, implementing the recommendations of the 9/11 Commission, restoring fiscal accountability to the federal budget, expanding access to higher education, investing in clean and renewable energy, and much, much more. We built on those successes just last week, when we passed a middle-class tax relief package that would prevent 23 million Americans from being harmed by the alternative minimum tax, as well as an appropriations bill that would make long overdue investments in health care, medical research, education programs and veterans health care. Also, for the first time, the Bush administration is not getting a free pass from a rubber stamp Congress. We have aggressively investigated the activities of the executive branch, and through our oversight efforts, we have held the administration accountable for a number of its failures.

The will of the American people had been ignored for far too long, but this Congress has promised to address our Nation's most urgent needs. I will keep working to ensure that we pursue policies that reflect the priorities of all Americans so that we can put our country on the right path once again.

RECOGNIZING STEVE SCHAINKER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize Steve Schainker for reaching an important milestone as a public servant to the people of Ames, Iowa.

For the past 25 years, Steve has served as Ames City Manager. After receiving his master's degree in public administration at the University of Indiana's School of Public and Environmental Affairs, he became the assistant to the Ames City Manager in 1979, taking over the city manager position in 1982.

Steve values citizens' opinions, thriving on direct contact and open accessibility with residents to aid in making decisions for the betterment of the community. He also works to foster a positive relationship with city employees, the city council, the Chamber of Commerce, and Iowa State University to bring the Ames community together. While serving as city manager, Steve has facilitated many successful projects to improve the lives of citizens including City Hall, CyRide transportation, and the new aquatic center.

I know that my colleagues in the United States Congress will join me in commending Steve Schainker for his leadership and service to Ames. I consider it an honor to represent him in the United States Congress and I wish him the best in his future endeavors.

TRIBUTE TO RECIPIENTS OF THE OMEGA PSI PHI FRATERNITY, INC. MU NU CHAPTER'S ACADEMIC LEADERSHIP AWARD AND R.W. SNOWDEN SCHOLARSHIP AWARD

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. CLYBURN. Madam Speaker, I rise today to honor and pay tribute to the recipients of the Omega Psi Phi Fraternity, Inc. Mu Nu Chapter's Academic Leadership Award and R.W. Snowden Scholarship Award. On Wednesday, November 14, 2007, the recipients of these awards were acknowledged for their outstanding achievements at an Omega Psi Phi Fraternity awards reception in Silver Spring, Maryland.

The awards reception was held in recognition of Omega Psi Phi's 2007 Annual Achievement Week Observance. The concept for Omega Psi Phi's observance of Annual Achievement Week dates back to 1920. Omega Psi Phi's Annual Achievement Week Observance provides this storied association with the opportunity to recognize the notable achievements of African-Americans.

The recipients of Omega Psi Phi Fraternity, Inc. Mu Nu Chapter's Academic Leadership Award and R.W. Snowden Scholarship Award are: Tyler Jackson, Andrew Clarke, Stefon D. Thompson, Dorian Calhoun, Ian Francis, Biruk Kifle, Alex D. Weaver, Zachary Graves, Joseph Belachew, Zachary Etheridge, Hizkias Neway, Ryan Spriggs, Ayodeji Obayomi, Deonte Williams, Chigozie Mbanaso, Benjamin Warner, Matteo Bellistri, Asante Hatcher, Natneal Gugsa, Roberto Marwanga, Samuel Berhe, Bradley C. Smith, Phillip Jenkins, Stephan Mulrain, Emiola Oriola, Jr., Robel Berhe, Patrick Owusu, Jonmarc Winfield, Adrian Stoute, Chase Barnes, Theo Josephs, Brandon Griffin, and Stewart Cornelius.

Today, I ask my colleagues to join me in honoring these recipients for their selfless community service and tremendous academic achievements.

SENATE—*Friday, November 16, 2007*

The Senate met at 8:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, the giver of every good and perfect gift, as we enter the Thanksgiving season, heighten our gratitude for the blessings You so lavishly bestow upon us. Deepen our appreciation for the resources so uncommonly plentiful in our land. Lord, so many in our world live in fear. You have enabled us to live in freedom. So many in our world are hungry, but we have plenty to eat. So many in our world can't read or write, but You have placed in our Nation great institutions of higher learning. So many in our world don't know You as Savior, but we are grateful for Your saving love.

Use our Senators today to touch hurting lives. Make them sensitive to the pain in our world. May they become such good stewards of their influence and power that they will be advocates for the voiceless, the weak, the poor, the elderly, and the neglected. Let compassion be the hallmark of their deliberations. We pray in the name of Him who gave His life for all. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 16, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—S. 2363

Mr. REID. Mr. President, I ask the Chair to direct the clerk to report S. 2363, which is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 2363) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this measure.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, this morning, there will be debate prior to the first of three cloture votes. The first cloture vote is on the Motion to Proceed to S. 2340, the second cloture vote is on the Motion to Proceed to H.R. 4156, the House-passed Orderly and Responsible Iraq Redeployment bill, and the third vote is a vote on invoking cloture on the Harkin substitute amendment to the farm bill.

All debate time is equally divided between the two leaders, with each leader speaking for 5 minutes immediately prior to the first vote, which will occur at 9:30.

ORDER OF PROCEDURE

Mr. President, I now ask unanimous consent that the vote time after the first vote be limited to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, yesterday was a day of real negativity by our colleagues on the other side of the aisle. The country could have benefitted from passage of TRIA, the Terrorism Risk Insurance Act, which is so important. We must do that before the end of the year or it will bring business to a real slowdown here in America.

We also were unable to get the modernization of FHA done, even though it passed the House overwhelmingly and came out of committee here by a vote of 20 to 1. It is a shame there was an objection to that.

And also AMT, Mr. President. We tried a number of different ways to get that done. It was objected to every time we tried to do something. That is unfortunate. We will continue to work on these things and maybe before the day is out, we will get that done.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour of debate prior to the cloture vote on the motion to proceed to S. 2340.

The Senator from Washington.

Mrs. MURRAY. Mr. President, today we have an opportunity before us. With the bill we will consider, we can do what the American people have asked us to do. We can begin to bring the war in Iraq to a close.

More than 3,800 of our servicemembers have died. In fact, as we know, 2007 has been the deadliest year so far in Iraq. And while we spend billions of dollars in Iraq, the list of safety, health, and infrastructure needs at home is stacking up.

Today it is time to begin redeploying our troops, rebuilding our military, and getting back to fighting the war on terror.

I was one of the 23 Senators who voted against the war in Iraq, and since then I have voted time and time again to get us out of this war. That is why I support the bridge funding that is being offered by Senator REID this morning that we will consider.

This bill provides $50 billion to make sure our troops have what they need to do their job and it requires the President to begin redeploying troops out of Iraq within 30 days after he signs this into law. Our goal with this legislation is to be out of Iraq by the end of next year. And importantly, unlike the bill being offered by the other side, it is not a blank check. It requires American personnel, including the CIA, to follow Army Field Manual rules on torture, it requires the military to give our troops at least a year to rest in between tours of duty, and to ensure that they are battle ready before going into war. So this morning I urge our colleagues to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

seize this opportunity and put American lives, American security, and America's future first and begin to change direction in Iraq.

Earlier this year, President Bush promised us his troop surge was going to improve security and allow Iraqis to stabilize their own country, but that is not working. The Washington Post reported Thursday that senior military commanders in Iraq are now saying that the inflexibility of the Shiite government is the key threat facing the U.S. effort there.

We have given the Iraqi Government every chance to step up and take control. We have done our part. The Iraqi Government has not done its part. And in the meantime—while more than 150,000 of our troops are policing a civil war in Iraq—we have become more vulnerable overseas. Terrorist attacks have risen almost fivefold since 9/11.

The President has hidden in his bunker and stubbornly refused to pursue the strategy needed to bring stability in Iraq. It is time for him to face facts. It is time for the Iraqis to take control of their own country and for us to redeploy our troops where they are most needed.

Our bill will allow us to rebuild our military, which is stretched too thin. Generals have testified to Congress that the war in Iraq has weakened our military readiness, destroyed our equipment, hurt our ability to respond to disasters here at home, and left our troops stressed and without fully rounded training. We need to make sure our troops are trained for whatever conflict they face, and changing the direction in Iraq allows us to do that.

We need to fight and win the war on terror and rebuild our military. We also need to be there to support our servicemembers, our veterans, and their families. Our veterans have had to struggle to get basic care because this administration has put them on the back burner. We learned this week that, tragically, thousands of our veterans didn't get the help they needed and they took their own lives. CBS reported that in 2005 alone, 6,256 veterans committed suicide—a rate twice that of other Americans. That is shocking.

The bill we are working on today, and that we hope we can get enough votes for, will ensure we are meeting our veterans' needs every step of the way, from the day they are recruited, while they are trained, while they are deployed, and as they transition back home.

Finally, while President Bush has waged war overseas, he has insisted on paying for it in ways that have left us tragically underfunded here at home. Democrats have taken the right steps to reinvest in the many parts of our budget that have been neglected. We have got to move forward. I hope we can move this legislation that has been offered on our side, because the war in Iraq is not making us more secure, it is making us less secure. It is hurting how our Nation is perceived around the world, it is hurting our military, it is hurting our veterans, and it is hurting our security at home.

Today we have an opportunity to make progress, and I urge my colleagues to support the bridge funding and send a message to the President that it is time to change course in Iraq.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, how much time remains on the Democratic side?

The ACTING PRESIDENT pro tempore. The Senator may speak for up to 7 minutes. The balance of the time on the Democratic side has already been allocated.

Mr. REED. Mr. President, I request 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 5 minutes.

Mr. REED. Mr. President, today we face an opportunity to change the course and the direction of our policy in Iraq. The other body, the House of Representatives, has sent a provision—a bridge appropriations supplemental—to us, which includes language that would change this policy. It would change our missions, it would establish a goal to complete the transition to this new mission by the end of next year, and it would invest resources, energy, and effort in diplomacy as well as military activity. I think it is critical to do that.

We have, for the last several months, seen an increase in American forces on the ground, and the sheer presence and effectiveness of American forces has created some tactical momentum in terms of the security situation. But the fundamental challenge remains to get the policy right in Iraq, and that is the responsibility of the Government of Iraq. In January of this year, 2007, the President announced his surge and he said:

> I have made it clear to the prime minister and Iraq's other leaders that America's commitment is not open-ended. If the Iraqi government does not follow through on its promises, it will lose the support of the American people and it will lose the support of the Iraqi people.

Well, those individuals in this body who oppose the House provision, the changed missions, are essentially declaring that there is an open-ended commitment; that we will not condition our resources and our effort in Iraq. I think that is wrong. And, in fact, it is wrong because what has been acknowledged over the last several days is the fact that the Iraqi political leaders have not seized on the situation in Iraq. They have not followed through.

The President proposed his surge because he thought the Government of Iraq would have the breathing space it needed to make progress in other critical areas. No such significant progress has been made. Yesterday, on the front page of The Washington Post, Tom Ricks wrote:

> Senior military commanders here now portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq, rather than al-Qaida terrorists, Sunni insurgents, or Iranian-backed militias.

General Odierno, our tactical commander, the corps commander, indicated if that doesn't happen—i.e., the Government taking charge—we are going to have to review our strategy. Well, that is not taking place. We have to review our strategy. Indeed, we have to change our strategy. We have to have a strategy with limited missions, counterterrorism, force protection, training Iraqi security forces. Those are the missions embedded in the supplemental bridge legislation passed by the House. Those are the missions we should pursue. Those are the missions that are essential to our security.

The Iraqi people, the Iraqi Government, must solve their own internal problems. We have given them space. They have not used it. Now we must seize on those mission which will protect the United States without an open-ended, unlimited commitment of our forces and our resources.

I urge that all of our colleagues join together in a bipartisan fashion and strongly support the supplemental bridge legislation proposed by the House, including conditions which are essential to our progress forward in Iraq.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent I be yielded 5 minutes.

The ACTING PRESIDENT pro tempore. There is only 3½ minutes that have not been allocated.

Mr. LEVIN. Mr. President, I ask I be yielded that time.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. LEVIN. Mr. President, once again the Senate has an opportunity to address the situation in Iraq. This morning, we are considering a motion to proceed to H.R. 4156 that contains a so-called bridge fund of $50 billion for ongoing military operations in Iraq.

The House-passed bill provides for the President, within 30 days after enactment, to commence a phased redeployment of U.S. forces from Iraq and for the transition of those forces to specific missions: (1) Protecting U.S. diplomatic facilities, U.S. forces, American citizens; (2) conducting limited training, equipping and providing logistical and intelligence support to Iraqi Security Forces; and (3) engaging in targeted counterterrorism operations against al-Qaida, al Qaida affiliated groups, and other terrorist organizations in Iraq. It sets a goal for the completion of the transition would be December 15, 2008.

Some argue that we should not identify the new more limited missions or commit to transition to them. The President told the American people on September 13 that we will transition to a new phase starting in December and that "As this transition in mission takes place, our troops will focus on a more limited set of tasks, including counterterrorism operations and training, equipping, and supporting Iraqi forces." Does that sound familiar? Well, it's like the House passed language before us.

It is the goal of completing the transition that he objects to—although it is a goal and not binding. Setting a goal may be too much for he who is unwilling to set a goal—but just don't misrepresent it as a fixed timetable when it is stated as a goal.

From all accounts, the surge has already produced militarily progress—sectarian violence in most regions of Iraq, particularly Baghdad, is down.

The problem is that, while the surge has at this point seen militarily progress, it has not accomplished its primary purpose as announced by President Bush last January, when he stated that its purpose was to give the Iraqi government "the breathing space it needs to make progress in other critical areas." The President also said that "America will hold the Iraqi government to the benchmarks it has announced." Well we haven't. The President statement that he "will hold the Iraqi government to the benchmarks it has announced" is so much hollow rhetoric. Those benchmarks include approving a hydrocarbon law; approving a de-Baathification law; completing the work of a Constitutional Review Committee; and holding provincial elections. Those commitments, made 1½ years ago, which were to have been completed by January 2007, have not yet been kept by the Iraqi political leaders despite the breathing space the surge has provided. As a matter of fact, the Iraqi leaders appear to be farther apart today than they were at the start of the surge. The Iraqi political leadership's response to the breathing space provided by the surge has been nothing less than abysmal.

One year ago this month, the Prime Minister of Iraq, Nouri al-Maliki himself: "The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the [Iraqi] politicians." Secretary of Defense Gates agreed with that assessment in December of last year. President Bush agreed in January. Petraeus agreed in September. If everyone agrees that this is a political crisis, why does the administration keep focusing on military solutions?

General Odierno, according to yesterday's Washington Post, described the breathing space as a window of opportunity, which may close at any time. Whether the Iraqi political leaders decide to take advantage of this window of opportunity is of course their decision. We can't make that decision for them. They are a sovereign country.

But how long U.S. forces remain deployed to Iraq, and with what missions, and how long U.S. forces continue to fight the insurgency instead of the Iraqi army taking over that fight, and how long we continue to subject our brave and valiant servicemen and women to the risk of death and serious injury—those decisions are in our hands.

Secretary Gates has said that pressure on the Iraqi political leaders is useful. President Bush has acknowledged as much. How can Congress act to put pressure on the Iraqi political leaders? By setting a goal for the transition of the missions of U.S. forces in Iraq to the more supporting and less direct role. The Baker-Hamilton Iraq Study Group in their December 2006 report essentially called for a transition of the mission of U.S. forces in Iraq very much like that called for in this bill—only they called for it to take place by the first quarter of 2008.

We need to do more than say to the Iraqis that our patience has run out and that they need to seize the opportunity that has been given them. Their dawdling will only end when they have no choice.

The bill we will hopefully vote for sets a goal for completion of a transition to missions the President has said were going to transition to. I wish it were binding but setting a timetable as a goal is better than silence which leaves in place the open-endedness of our current presence.

It is that open-ended commitment which continues to create in the minds of the Iraqi political leaders the false impression that their future is in our hands instead of theirs.

We should vote for cloture on the House passed bill and be allowed to vote on its substance.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, this morning we are going to be voting on two supplemental appropriations bills. Both of these bills would appropriate funds for our operations in Iraq—one would provide $50 billion while the other would provide $70 billion. However, the key difference between the bills is very simple: The goal of one of the bills is to help our efforts in Iraq succeed, and the goal of the other bill is to make our efforts fail.

H.R. 4156, which passed the House of Representatives on Wednesday by a margin of only 15 votes, would mandate that the funds appropriated through the bill can only be used for a "safe and orderly" withdrawal of U.S. forces from Iraq and requires that a withdrawal of U.S. forces begin 30 days after enactment with a goal for a complete withdraw of December 15, 2008. If there is a reason the restrictions in this bill sound familiar, it is because they are. This bill employs the same jargon and ill-advised deadlines and withdrawal dates that the majority tried on the Defense authorization bill and fiscal year 2007 supplemental appropriations bill earlier this year. Those strategies failed and, in the case of the appropriations bill, the proposed restrictions were removed after a Presidential veto and Congress then passed a supplemental appropriations bill without surrender dates. These strategies will fail this time as well, and they will fail for several reasons.

First, in the midst of progress in Iraq—which no one denies—and a strategy which is working, it simply does not make sense to tie the hands of the commanders on the ground and force them to implement a strategy which—in the best judgment of our military leaders, our intelligence agencies, and the perspective of countless outside observers—will lead to the failure of our mission and the rapid deterioration of conditions in Iraq and for the Iraqi people.

Second, the type of restrictions and conditions in this bill exceed both the authority and the expertise of the legislative branch. For example, section 104 of the bill requires that no unit can be deployed to Iraq unless it is certified to be fully mission capable 15 days prior to deployment. Everyone will agree that our troops need to be trained, rested, and ready to execute the missions they are given. No one will disagree that the global war on terrorism has stretched our military and that our military is having to adapt to meet the challenges we put before them. However, to legislate readiness levels in a time of war is extremely unwise and—in my judgment—unconstitutional. Although appealing at face value, such restrictions will hamper our commanders, ability to respond to crises and weaken their ability to take advantage of momentum. These types of restrictions would have compromised our effectiveness and success in previous military engagements with catastrophic results.

Third, the strategy which inspires these restrictions is—at root level—not a military strategy. It is a political strategy. The tactics being used by those who would enact conditions and deadlines like those in this bill are not based on any strategic thought or analysis—instead they respond to a political base that is anti-war and refuses to acknowledge the progress we are making. Political strategies for fighting wars—like the strategy we are dealing with now—all have one thing in common—they result in failure. They are shortsighted, politically motivated, and—most importantly—do not serve any national security objective.

We are making progress in Iraq. The strategy our President and our military commanders have implemented is working. We are receiving regular updates from our leaders in Iraq which are not "glowing," but they are positive. Most importantly, our leaders are adjusting their strategy in accordance with developments on the ground as well as the realities back home. They are doing this wisely, not hastily, or in response to opinion polls, but according to good judgment and a realistic assessment of what will work, what won't work, and what is appropriate at this point of time. H.R. 4156 will put a stop to our leaders' ability to do this. It will keep them from doing the jobs we have sent them to do, and that is to lead, to decide, to make judgments, and to report back to us on their effectiveness.

One week from today, I will be in Iraq. I will be spending Thanksgiving day with the troops and I am so looking forward to it. While we are there on this bipartisan trip, we are going to be getting the facts about what is happening in Iraq. I know militarily, as I stated, we are moving forward. That is what this bill is all about, supporting our troops. But at the same time, we know there are challenges there, particularly on the political side. The stability of the Iraqi Government is not where we want it to be, and we are going to be delivering a bipartisan message from this body that it is time for the Iraqi leadership to get their political Government in order and it is time for them to begin to exercise real leadership of the Iraqi people because we are not going to be there forever.

They now have the ability, because of the great work the men and women of the U.S. military have done and continue to do, to provide stability to that Government, and that message will be delivered very clearly.

For all the above reasons, I urge my colleagues to vote against H.R. 4156 and in support of Senators MCCONNELL and STEVENS' alternative, S. 2340.

Now I wish to move to the other vote we are going to be taking today.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

THE FARM BILL

Mr. CHAMBLISS. Mr. President, I rise today to address the upcoming vote to restrict debate on the Food and Energy Security Act of 2007. Rule XXII has historically been used in the Senate of the United States as a way to limit the duration of debate on bills of consequence. This rule is typically utilized when the Senate—long known for its ability to conduct lengthy and protracted debates—is unable to conduct its business in a timely fashion due to a threat of filibuster or an unwillingness on the part of some Senators to end debate and vote on critical legislation.

Today, the Senate has been forced into a cloture vote, not because we have conducted a protracted debate with no end in sight; not because a filibuster has been employed by the minority; not because there is a lack of desire by anyone in the Senate to pass a farm bill; but because the past precedent of conducting a fair and open farm bill debate was trampled upon before this process was even started.

Both Democrats and Republicans have utilized the procedural tool of "filling the tree" in the past in an effort to restrict our deliberative process. Each circumstance for employing this tool is unique and I respect the right of the majority leader to choose this process; but I certainly wish he would have chosen a more bipartisan approach. The bill we passed out of the Agriculture Committee enjoyed so much support from our committee members that it was passed unanimously by voice vote. Our committee knew and understood that a bill of this magnitude would not only have to face the scrutiny of the entire Senate; but that it would also likely be amended in some form or fashion. We recognized and embraced that fact because we knew the strong bipartisan support within our committee would allow us to debate this legislation on the floor under the guiding principle of providing an effective safety net for America's farmers and ranchers; rather than the principles of political partisanship and procedural maneuvers.

Unfortunately, as occurred with the House version of the farm bill, partisan politics were inserted into this debate at the final hour and have successfully transformed a bill that enjoyed vast bipartisan support into a partisan spectacle on the Senate floor.

Let me be clear to every Senator on the floor and every farmer and rancher in America listening today; I have a vested interest in the passage of this legislation. I have tirelessly worked on the farm bill before us today for over 2 years. I have traveled the entire country and held field hearings to garner the views of America's farmers and ranchers. I have conducted oversight hearings, initiated GAO investigations, traveled to rural destinations across this great country and have met with everyone with an interest in this bill from the peanut farmer in Georgia to Agricultural Ministers from foreign lands.

I have done all of these things with a singular goal in mind; that is, to craft a 2007 farm bill that will carry American agriculture into the next 5 years in a very prosperous way. With the help of my friends on the Agriculture Committee, both Democratic and Republican, and particularly the chairman, and particularly Senator CONRAD, I believe we have accomplished just that.

No one can challenge my sincere desire to pass this bill. I reject any suggestion that I do not want a farm bill. But I want a farm bill done the right way, a farm bill that is debated under the long-held principles of this body that any Member may offer any amendment he or she desires. Had we taken this approach on Tuesday morning, November 6, I am quite confident that today we would be voting on final passage rather than attempting to restrict a debate that has yet to even occur.

It is, frankly, irresponsible and disrespectful to the Members of this body that we would constrict debate on this critical piece of legislation to the rules of postcloture without allowing any substantive debate. To be clear, there has been no debate on the farm bill in the 10 days it has been on the floor—not one vote, not one amendment considered, not one meaningful debate on the substance and merits of the Food and Energy Security Act of 2007.

Every Member must understand that if we vote for cloture today, we will limit every Member's ability to offer amendments they believe are vital to this bill. Some will argue that 30 hours of debate will be adequate to address the concerns of Members, but history tells a clear and different story.

During the 2002 farm bill debate, the Senate held three cloture votes, and they all failed. The farm bill was only allowed to move forward when the then-Senate majority leader finally allowed an open process. Once he did so, the bill was completed in a little over a week. An open process served the Senate then, and it will serve us well today.

I respect this body. I respect the Members who rightfully have an opportunity to debate any piece of legislation brought before them. It is not in our interest nor in the interest of the American agricultural producer to force this bill through the Senate without the due consideration of the Members who so passionately represent them. Let us not rush to the finish line simply to stumble on our final step. A deliberative process will serve America well and perhaps will allow the bipartisan spirit of our Senate Agriculture Committee to infect and overwhelm the partisan rancor on the Senate floor.

I humbly urge my colleagues to vote against the motion to invoke cloture.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, let me first respond to my friend from Georgia and for the benefit of all Senators make it quite clear that if we have cloture on the farm bill this morning, we will still be allowed to have up to 3 days, 3 full days of debate, 30 hours, and untold numbers of amendments. Every amendment that is relevant and germane to agriculture in the farm bill will be allowed to be offered and voted on. I wish to make that very clear.

Now, if a Senator wants votes on immigration, well then put it on some other bill. If he wants to vote on taxes, put it on some other bill. If they want to vote on whatever else they might want to bring up that is important, put it on another bill. Let's do what is needed for our farmers and ranchers and rural America and get the farm bill passed. That is what this cloture vote will do this morning.

Now, you know, we have a good, strong bipartisan bill. We came out of committee on a voice vote without one dissenting vote voiced—without one. We spent a day and a half—a record short time to my knowledge—in getting a farm bill through the committee.

Mrs. HUTCHINSON. Would the Senator yield for a unanimous consent request?

Mr. HARKIN. Without losing my right to the floor, of course.

Mrs. HUTCHINSON. I ask unanimous consent that I be allowed to follow the Senator from Iowa for up to 2 minutes.

Mr. DURBIN. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I ask if this is additional time being requested for debate on the bill or under the time allotted?

Mrs. HUTCHINSON. Under the time allotted.

Mr. DURBIN. I withdraw my objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask that the preceding few minutes not come from my time.

The ACTING PRESIDENT pro tempore. They have not.

Mr. HARKIN. Mr. President, the farm bill before us was laid down 10 days ago. Yet during that time we have been blocked from voting on any amendments—not one amendment in 10 days. So the majority leader has correctly filed a cloture motion in an effort to allow this body to offer, debate and vote on amendments and pass this vital legislation without further unreasonable delay. The cloture vote, I say to all, is pivotal, crucial as to whether we will have a new farm bill this year. Everyone knows it. Let me remind my colleagues of what is at stake, why it is so critically important that we put an end to the delay and move ahead.

The pending legislation stays within strict pay-go budget limits. Yet we provide good farm income protection; we promote new economic opportunities for farm and ranch families, especially in the area of energy production; and we help dairy farmers and especially the specialty crop producers all across America. There is more in this bill for specialty crops than any farm bill ever passed in the history of this country. The bill boosts economic growth, jobs, and quality of life in rural America with rural development money in the bill. It makes major new investments in conservation of our natural resources, to save soil, increase water quality, restore wetlands and wildlife habitat. A big part of this farm bill will allow low-income Americans to put a little more food on the family table and to improve the diets not only of our families but of our kids in school. We also have very strong provisions in this bill to help restore our national energy security by promoting biofuels, other renewable energy sources and rural energy initiatives.

These are just some of the highlights that are in this bill. There is much more in the farm bill to benefit rural America and all of our Nation. We have come too far with this bill, we have accomplished too much to let this vitally important bill languish and stall. In fact, at this point, the fate of this bill is in jeopardy—in jeopardy. That is why this cloture vote is so critical.

We are at a procedural impasse. We simply cannot obtain the necessary cooperation from the Republican leadership. They will not agree to a reasonable plan that we debate and deal with relevant, germane amendments so that we avoid having the farm bill even further sidetracked by becoming a Christmas tree of nongermane, nonrelevant amendments, far off the subject of dealing with the farm bill.

I tried—I tried to obtain consent to allow the Senate to debate and vote on amendments that Republicans themselves have filed and presumably wanted to offer, debate and vote on. I asked unanimous consent to bring them up, get a time limit, and vote on them. My request was rejected out of hand. We cannot even get consent to adopt over 50 amendments that have been agreed upon on both sides for a managers' amendment—50 that have been agreed upon. We cannot even get consent to adopt those. Now that shows you how unreasonable—how unreasonable this lack of cooperation has become.

I certainly hope the situation is not a deliberate and orchestrated attempt to stop the farm bill dead in its tracks, but I am beginning to wonder. There are enough rumors floating around. When rumors start coming from different sources, you know there may be something behind them. What I am hearing is that the White House has put out the word behind the scenes to stop this farm bill—stop it. Now, why is that? I began to wonder.

Well, keep in mind, the White House has issued a statement of policy threatening a veto of the farm bill as passed by the House. Then the White House issued a threat to veto the farm bill reported by the Senate Agriculture Committee. So that means if we pass the bill, if we go to conference, we will probably send the White House something they said they would veto.

I suspect some of the White House political people said: You cannot veto a farm bill. Do you want to lose all of rural America for the Republican Party next year? You cannot veto that farm bill. So perhaps instead it would be better if the bill never made it to the White House. Kill the bill here in the Senate. Kill it here.

I see the heavy hand of the White House behind what is going on here. I have worked very closely with Senator CHAMBLISS. We have worked very hard to get to this point. We have worked very hard to get a bipartisan coalition together. But I detect something else interfering here: I detect the White House's heavy hand coming in, telling people what to do and what not to do.

The majority leader has done the appropriate thing by filing cloture. Now, let me again repeat, cloture does not cut off debate, and it does not cut off any relevant, germane amendment to the farm bill. As I said, if we vote for cloture this morning, we can have 3 days of debate, 10 hours a day. We can have 20 amendments or more debated and voted on, plus the 50 we have already agreed upon and others. Plus, every amendment that is relevant and germane is guaranteed an up-or-down vote at the end of cloture. No one will be denied a vote on an amendment to the farm bill as long as it is relevant and germane. If someone wants to add a Christmas tree ornament dealing with immigration or foreign relations or the war in Iraq or something, yes, that amendment is out after cloture. They will not be able to offer that amendment. But that comes down to the question, do you want a farm bill or not? Do you want a farm bill or not? It is too important to allow a small minority or the White House—maybe people here are bowing to pressure from the White House—to hold it up indefinitely.

We are falling behind. If we get cloture, we can move ahead aggressively. We can come back after the Thanksgiving recess, spend about 2 or 3 days, 3 days on the farm bill, and it would pass the Senate. We can go to conference, work out our differences, and send the bill to the White House. That will not happen if we do not get cloture. If we do not get cloture, my friends, there may well not be any farm bill.

Now, who has a stake in this? I have a good number of letters here with many signatures. I ask unanimous consent to have them printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. Here is a letter with 11 groups telling us to move forward without further delay, everything from the American Farmland Trust and Audubon, to the National Wildlife Federation and the Izaak Walton League of America.

Here is another letter with 185 signatures urging the Senate to vote for cloture. Many of those signing the letter are antihunger and nutrition groups ranging from the America's Second Harvest to the Atlanta Community Food Bank, the Food Bank of North Alabama, the Food Bank of the Albemarle in North Carolina—food banks and others who fight hunger all over the country realize they need this farm bill. The National Association of State Departments of Agriculture, National Farmers Union, National Milk Producers Federation and many others—again, 185 groups on this letter asking us to vote for cloture this morning.

Here is another letter—61 groups who wrote in late September calling for expedited action on the new farm bill. Well, that is what cloture is—expedited action. This letter is signed by groups from the American Farm Bureau Federation, to the American Soybean Association, to the National Association of Wheat Growers, the National Cotton Council, Pheasants Forever, and the School Nutrition Association, to name just a few. They want expedited action.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HARKIN. How much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has consumed his 10 minutes.

Mr. HARKIN. I urge all Senators to vote for cloture and let us get this critical farm bill passed, go to conference, send it to the White House, and get it signed before Christmas.

EXHIBIT 1

NOVEMBER 15, 2007.

DEAR SENATOR: The undersigned conservation organizations urge the Senate to move forward with consideration of the farm bill without further delay but with full and fair consideration of relevant amendments. We need a new and improved conservation title, and extension of the 2002 Farm Bill is not, in our view, an acceptable alternative. We believe the bill reported by the Agriculture Committee makes very important strides in addressing key conservation issues and programs, but we also are united in the view that important improvements to both policy and funding need to be made on the floor. Therefore, we urge you to move as quickly as possible to considering, amending, and passing a new farm bill.

Sincerely,

American Farmland Trust, Audubon, Center for Native Ecosystems, Chesapeake Bay Foundation, Coevolution Institute, Defenders of Wildlife, Izaak Walton League of America, National Campaign for Sustainable Agriculture, National Wildlife Federation, Natural Resources Defense Council, Sustainable Agriculture Coalition.

NOVEMBER 15, 2007.

U.S. Senate,
Washington, DC.

DEAR SENATOR: The undersigned organizations write to urge the Senate to vote in favor of the farm bill cloture motion. It is critical that the Senate pass omnibus farm legislation as soon as possible in order to assure enactment of a new farm bill this year.

While our organizations have differences on specific policy recommendations, we believe it is vitally important that the Senate pass a 2007 Farm Bill as soon as possible. The 2002 law expired in September, leaving farmers and ranchers uncertain of the policy environment in which they will operate next year and several conservation and nutrition programs expired. These programs that conserve land resources and serve poor and hungry people must be reauthorized and adequately funded now.

Extending the 2002 Farm Bill is not an acceptable alternative to enacting new legislation that addresses important needs in each of these areas. Extension is only a short term solution that does not provide the assurances that the nutrition, agriculture, conservation and renewable energy communities need for efficient long-term planning.

We worked with the Senate Agriculture Committee to develop a farm bill that addresses our priorities, but are concerned that delayed floor action is lessening the chances of completing a new farm bill this year. We therefore urge a yes vote on the cloture motion on this important legislation.

Sincerely,

AARP; Alameda County Community Food Bank; America's Second Harvest—The Nation's Food Bank Network; American Council for an Energy-Efficient Economy; American Farmland Trust; American Heart Association; American Public Health Association; American Wind Energy Association; America's Second Harvest of KY's Heartland Food Bank; America's Second Harvest of Wisconsin; Association of American Veterinary Medical Colleges; Association of Arizona Food Banks; Atlanta Community Food Bank; Bay Area Food Bank, Theodore, Alabama; Blue Ridge Area Food Bank, Verona, Virginia; California Association of Food Banks; California Food Policy Advocates; California Hunger Action Coalition; Capital Area Food Bank of Texas; Care and Share Food Bank for Southern Colorado; Cathedral Kitchen, Camden, New Jersey; Center for Civil Justice, Michigan; Center for Public Policy Priorities, Texas; Central Pennsylvania Food Bank; Children's Alliance, Washington; Children's Hunger Alliance, Ohio; Children's Sentinel Nutrition Assessment Program (C-SNAP); Cleveland Foodbank, Inc.; Coalition on Human Needs; Community Food Security Coalition; Colorado Anti-Hunger Network; Colorado Food Bank Association; Community Food Bank of New Jersey; Community Food Banks of South Dakota; Congressional Hunger Center; Connecticut Association for Human Services; Connecticut Food Bank; Dare to Care Food Bank, Louisville, Kentucky; DC Hunger Solutions; Denver Urban Ministries.

Emergency Food and Shelter Program, NYC; End Hunger Connecticut; End Hunger Network, Houston, Texas; Environmental and Energy Study Institute; Environmental Law and Policy Center; Familia Center, Santa Cruz, California; Feeding Indiana's Hungry (FIsH); Feinstein Center for a Hunger Free America, University of Rhode Island; Florida Impact; Food & Water Watch; Food Bank for New York City; Food Bank of Alaska; Food Bank of Central and Eastern North Carolina; Food Bank of Central New York; Food Bank of Delaware; Food Bank of Iowa; Food Bank of Lincoln, Nebraska; Food Bank of North Alabama; Food Bank of South Jersey; Food Bank of the Albemarle, North Carolina; Food Bank of the Rio Grande Valley, Inc.; FOOD for Lane County, Eugene Oregon; Food Research & Action Center (FRAC); FOOD Share, Inc., Oxnard, CA.

Foodbank of the Virginia Peninsula; FoodLink for Tulare County, Inc.; Foodshare, Bloomfield, CT; FRAMAX Child Care Food Program, Modesto; Georgia State Food Bank Association; Gleaners Food Bank of Indiana, Inc.; God's Pantry Food Bank, Lexington, Kentucky; Great Plains Food Bank, Fargo, ND; Greater Chicago Food Depository; Greater Philadelphia Coalition Against Hunger; Greater Pittsburgh Community Food Bank; Harry Chapin Food Bank, Ft. Myers, Florida; Harvesters—The Community Food Network, Kansas City, Missouri; Houston Food Bank; Hunger Solutions Minnesota; Illinois Food Bank Association; Illinois Hunger Coalition; Island Harvest, Mineola, New York; Kalamazoo Loaves & Fishes, Michigan; Kansas Food Bank; Kentucky Task Force on Hunger.

Lincoln County Food Share, Newport, Oregon; Los Angeles Regional Foodbank; Louisiana Food Bank Association; Manna Food Center, Rockville, Maryland; MAZON: A Jewish Response to Hunger; Mercer Street Friends Food Bank, Ewing, New Jersey; Michigan Legal Services; Middle Georgia Community Food Bank, Macon, Georgia; Midwest Dairy Coalition; Migrant Legal Action Program; Minnesota Food Share; Mississippi Food Network; Montana Food Bank Network; N.C. Cooperative Extension, Mitchell County Center, College of Agriculture and Life Sciences; North Carolina State University; National Advocacy Center of the Sisters of the Good Shepherd; National Association of Conservation Districts; National Association of County and City Health Officials; National Association of State Departments of Agriculture; National Association of State Energy Officials; National Center for Law and Economic Justice.

National Commodity Supplemental Food Program (CSFP) Association; National Farmers Union; National Milk Producers Federation; National Puerto Rican Coalition, Inc.; Nebraska Appleseed Center for Law in the Public Interest; New Hampshire Food Bank; New Jersey Anti-Hunger Coalition; New Mexico Association of Food Banks; NM Human Needs Coordinating Council; North Texas Food Bank; Northeast Iowa Food Bank; Nutrition Consortium of NYS, Inc., New York; NYC Coalition Against Hunger; Ohio Association of Second Harvest Food Banks; OMB Watch; Oregon Food Bank; Oregon Hunger Relief Task Force; Ozarks Food Harvest, Springfield, Missouri; PANDORA-Patient Alliance for Neuroendocrineimmune Disorders Organization for Research and

Advocacy, Inc.; Partners in Ending Hunger, Maine.

Pennsylvania Hunger Action Center; Public Policy Center of Mississippi; Regional Food Bank of Oklahoma; RESULTS/RESULTS Educational Fund; Roadrunner Food Bank, Albuquerque, New Mexico; San Francisco Food Bank; Sargent Shriver National Center on Poverty Law; Second Harvest Food Bank for San Diego; Second Harvest Food Bank of Greater New Orleans and Acadiana; Second Harvest Food Bank of Middle Tennessee; Second Harvest Food Bank of Orange County; Second Harvest Food Bank of Santa Clara and San Mateo Counties, California; Second Harvest Food Bank of the Chattahoochee Valley, Columbus, Georgia; Second Harvest Gleaners Food Bank of West Michigan, Inc.; Second Harvest Heartland, Maplewood, Minnesota; Second Harvest Inland Northwest, Spokane, Washington; Second Harvest North Central Food Bank, Grand Rapids, Minnesota; Second Harvest Northern Lakes Food Bank, Duluth, Minnesota; SHARE Food Program, Inc., Philadelphia; Side Campaign Against Hunger, New York City; So Others Might Eat, Inc. (SOME), Washington, D.C.

Social Ministries Task Force, Presbytery of Des Moines, Iowa; Society of Saint Andrew; South Plains Food Bank, Lubbock, Texas; Southern New Hampshire Services, Inc.; Southern Peanut Farmers Federation; St. Leo Food Connection, Tacoma, Washington; St. Louis Area Foodbank; St. Mary's Food Bank Alliance, Phoenix, Arizona; Statewide Food Network of New Jersey; TEFAP Alliance; The Food Bank of Central Louisiana; The Food Bank of Northwest Louisiana; The Food Bank of Western Massachusetts, Inc.; The Food Bank, Memphis, Tennessee; The Foodbank, Inc., Dayton, Ohio;

The Greater Boston Food Bank; The Jewish Council for Public Affairs; The Kauai Food Bank, Inc, Hawaii; Union for Reform Judaism; United Food and Commercial Workers International Union; United Food Bank, Mesa, Arizona; USAction/USAction Education Fund; Utahns Against Hunger; Ventura County Food Bank; Vermont Campaign to End Childhood Hunger; Vermont Foodbank; Weld Food Bank, Greeley, Colorado; Western Organization of Resource Councils; WHEAT, Phoenix, Arizona; World Hunger Year (WHY).

SEPTEMBER 28, 2007.

Hon. HARRY REID,
Majority Leader,
U.S. Senate.
Hon. TOM HARKIN,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate.
Hon. MITCH MCCONNELL,
Minority Leader,
U.S. Senate.
Hon. SAXBY CHAMBLISS,
Ranking Member, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate.

DEAR SENATORS REID, MCCONNELL, HARKIN, AND CHAMBLISS: The undersigned organizations write to support expedited action on the 2007 Farm Bill. It is critical that the Senate develop omnibus farm legislation as soon as possible in order to assure enactment of a new farm bill this year.

While our organizations have differences on specific policy recommendations, we believe it is vitally important that the Senate Agriculture Committee mark up and pass a 2007 Farm Bill as soon as possible. Only a few days remain before provisions of the 2002 law expire. Farmers and ranchers need certainty on the policy environment in which they will operate next year. Several conservation and nutrition programs expire at the end of the fiscal year. These programs that conserve land resources and serve poor and hungry people must be reauthorized and adequately funded now.

Extending the 2002 Farm Bill is not an acceptable alternative to enacting new legislation that addresses important needs in each of these areas. Extension is only a short-term solution that does not provide the assurances that the nutrition, agriculture and conservation communities need for efficient long-term planning.

We are working with the Senate Agriculture Committee to develop a farm bill that addresses our priorities, but are concerned that delayed action on this legislation is lessening the chances of completing a new farm bill this year. We therefore urge a quick and favorable resolution to the funding and other outstanding issues that are holding up action on this important legislation. We look forward to working with you to move this process forward in the Senate in the coming weeks.

Sincerely,

AARP; Alliance to End Hunger; American Farm Bureau Federation; American Federation of State, County and Municipal Employees (AFSCME); American Malting Barley Association, Inc.; American Soybean Association; America's Second Harvest; Association of Fish and Wildlife Agencies; Children's Sentinel Nutrition Assessment Program (C-SNAP); Coalition of Human Needs; Community Food Security Coalition; Congressional Hunger Center; End Hunger Network; First Focus; Food Research and Action Center; Jewish Council for Public Affairs (JCPA); MAZON: A Jewish Response to Hunger; Migrant Legal Action Program; National Association of Conservation Districts; National Association for the Education of Young Children (NAEYC).

National Association of Resource Conservation and Development Councils; National Association of Wheat Growers; National Barley Growers Association; National Cotton Council; National Corn Growers Association; National Council of Farmer Cooperatives; National Commodity Supplemental Food Program Association; National Education Association (NEA); National Farmers Union; National Grange; National Law Center on Homelessness & Poverty; National Milk Producers Federation; National Policy and Advocacy Council on Homelessness (NPACH); National Pork Producers Council; National Recreation and Park Association; National Sorghum Producers; National Sunflower Association; National WIC Association; National Wild Turkey Foundation; NETWORK: A National Catholic Social Justice Lobby.

OMB Watch; Pheasants Forever; Presbyterian Church (USA) Washington Office; Quail Unlimited; RESULTS; School Nutrition Association; Share Our Strength; Society of St. Andrew; Southern Peanut Farmers Federation; Specialty Crop Farm Bill Alliance; The Brewers Association; The United Methodist Church—General Board of Church and Society; U.S. Canola Association; U.S. Dry Bean Council; U.S. Rice Producers Association; USAction; USA Dry Pea and Lentil Council; USA Rice Federation; Voices for America's Children; Wider Opportunities for Women; YWCA USA.

SPECIALTY CROP
FARM BILL ALLIANCE,
November 15, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: The Specialty Crop Farm Bill Alliance, a national coalition of more than 120 specialty crop organizations representing 350 specialty crops, is disappointed in the lack of progress that is being made by the Senate regarding the consideration and passage of the 2007 Farm Bill. The reauthorization of the Farm Bill represents an historic opportunity to move agriculture into the 21st Century by investing key resources into the livelihoods and business of specialty crop producers across the country.

Most importantly, this ongoing delay with the 2007 Farm Bill will make it difficult to enact legislation that addresses the needs of the specialty crop industry, which include increasing the role of specialty crops to improve nutrition, expanding production and product innovation research capabilities and improving critical procedures to control for invasive pests and diseases from entering this country. Therefore, it is critical that the Senate resolve their differences and pass a bill expeditiously so that a conference committee can be appointed and a final bill can be approved in 2007.

Specialty crop producers across the nation urge the Senate leadership and members of the Senate to come together quickly to pass a new Farm Bill for American farmers and consumers.

Thank you for your consideration of these important matters.

Sincerely,

Alabama Watermelon Association; American Mushroom Institute; American Nursery and Landscape Association; Arizona Winegrowers Association; Blue Diamond Growers; Buy California Marketing Agreement; California Association of Nurseries & Garden Centers; California Association of Wine Grape Growers; California Citrus Mutual; California Dried Plum Board; California Fig Institute; California Fresh Fig Growers Association; California Grape and Tree Fruit League; California Strawberry Commission; California Table Grape Commission; California Walnut Commission; California-Arizona Watermelon Association; Cherry Marketing Institute; Colorado Potato Administrative Committee; Colorado Wine Industry Development Board.

Connecticut Farm Wine Development Council; Connecticut Vineyard & Winery Association; Empire State Potato Growers; Florida Citrus Mutual; Florida Citrus Packers; Florida Fruit and Vegetable Association; Florida Strawberry Growers Association; Florida Tomato Exchange; Florida Watermelon Association; Fruit Growers Marketing Association; Georgia Fruit and Vegetable Growers Association; Georgia

Watermelon Association; Grower-Shipper Association of Central California; Idaho Grape Growers and Wine Producers Commission; Idaho Grower Shippers Association; Idaho Potato Commission; Indian River Citrus League; Indiana-Illinois Watermelon Association; Leafy Greens Council; Maine Potato Board.

Maryland-Delaware Watermelon Association; Maryland Wineries Association; Miami-Dade County; Michigan Apple Committee; Minnesota Area II Potato Growers Research and Promotion Council; Minnesota Grape Growers Association; Missouri Wine & Grape Board; Missouri-Arkansas Watermelon Association; National Berry Crop Initiative; National Grape Cooperative Association; National Grape and Wine Initiative; National Onion Association; National Potato Council; National Watermelon Association; New England Vegetable and Berry Growers; New Mexico Wine Growers Association; New York Apple Association; New York Wine & Grape Foundation; North American Blueberry Council; North American Bramble Growers Association.

North American Strawberry Growers Association; North Carolina Blueberry Council; North Carolina Grape & Wine Council; North Carolina Potato Association; North Carolina Strawberry Association; North Carolina Watermelon Association; Northern Kentucky Vintners & Grape Growers Association; Northwest Horticultural Council; Northern Plains Potato Growers; Ocean Spray Cranberries, Inc.; Ohio Wine Producers Association; Oklahoma Grape Growers & Wine Makers Association; Oregon Potato Commission; Oregon Raspberry & Blackberry Commission; Oregon Strawberry Commission; Oregon Winegrowers Association; Peace River Valley Citrus Growers Association; Peerbolt Crop Management; Potato Growers of Idaho; Produce Marketing Association.

Rocky Mountain Association of Vintners & Viticulturists; Society of American Florists; South Carolina Watermelon Association; South Florida Tropical Fruit Growers Association; Sun Maid Growers; Sunkist Growers, Incorporated; Tennessee Farm Winegrowers Association; Texas Citrus Mutual; Texas Produce Association; Texas-Oklahoma Watermelon Association; Texas Vegetable Association; Texas Wine & Grape Growers Association; Tropical Fruit Growers of South Florida; U.S. Apple Association; United Fresh Potato Growers of Idaho; United Fresh Produce Association; United Potato Growers of America; Virginia Apple Growers Association; Virginia Wineries Association; Washington Association of Wine Grape Growers.

Washington Red Raspberry Commission; Washington Apple Commission; Washington State Potato Commission; Welch's; Western Growers; Western Pistachio Association; Wild Blueberry Commission; WineAmerica; Wine Institute; Winegrape Growers of America; Winegrowers Association of Georgia; WineMichigan; Wine Producers Commission; Wyoming Grape & Wine Association.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the remaining Republican time be divided equally between Senators GRAHAM, THUNE, and SESSIONS, and that I be allowed to speak at this point.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we know what the deal is. The Senator from Iowa knows what the problem is. The Democratic leadership is refusing to allow amendments on the farm bill, and the farm bill is not going to pass until they do. And they are going to allow amendments at some time, and we are going to pass a farm bill. That is what the truth is, and everybody knows it here.

But I want to talk about something that is really troubling to me. We had a hearing yesterday in the Armed Services Committee. The Secretary of the Army, Pete Geren, and GEN George Casey, the Chief of Staff of the Army, told us that they are reaching a crisis in maintaining support for our troops in Iraq, that they need desperately for this Congress to fulfill its responsibility to support the troops we have sent into the field in harm's way to execute the policy of this Nation.

They are there because we sent them there. They are doing fabulous work, and they need support.

Just remember, this summer we had a long debate about what to do. President Bush said we need to change our policy. The American people said we need to change our policy. We sent General Petraeus there. I see the Senator from Texas. I don't know if she wants additional time.

Mrs. HUTCHISON. Mr. President, I had 2 minutes. I would be happy to follow the Senator from Alabama.

Mr. SESSIONS. I ask unanimous consent that 2 minutes be allocated to the Senator from Texas.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. We really need to do this. We voted after a full debate this summer to give General Petraeus a chance, asked him to come back and report in September. We voted 80 to 14 to fund the surge, and General Petraeus came back with positive reports in September. But it was early. We were not sure what was going to be the true trend. Since September, the situation in Iraq has improved to a degree I did not expect possible. The casualties are down two-thirds from earlier in the summer. It appears al-Qaida is completely on the run. Great progress has been made. It is unthinkable at this point, after all we have been through, the difficult times we had this summer, when progress is being made clearly, indisputably, that we would now jerk the rug out from under our soldiers. We have to do this. We need Senator REID to quit saying we are losing and quit saying this is not working, while our soldiers are making progress. How demoralizing is that?

I urge my colleagues to vote to support our troops at this critical point as we are making progress.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 2 minutes.

Mrs. HUTCHISON. Mr. President, I rise to speak against the bridge bill that was sent over by the House of Representatives. I hope the Senate can do what the Senate has been doing all year, and that is stop these reckless amendments that would tie the hands of our generals, that would dictate policy on the ground in Iraq from 6,000 miles away, from people who do not know what is going on on the ground, it seems. We have voted 40 times in the last year, since February, on amendments that would constrain the troops in the field doing what they are doing. Last week the Iraqi Government and U.S. commanders proclaimed that al-Qaida had been routed in every neighborhood in Baghdad, an 80-percent drop in the murder rate. The BBC reports that all across Baghdad streets are springing back to life, shops and restaurants which closed down are back in business. People are walking on the streets. Things have changed in Baghdad. Things have changed in Iraq. The only place it doesn't seem to change is in the Congress. We should not vote on anything that underfunds the troops, which is what this bridge bill does, and overregulates what our troops in the field are doing when we are not there every day, day in, day out, watching the progress.

General Petraeus is succeeding in quelling the violence. Now we must work with the Iraqis to have stability in that country so we can leave. General Petraeus has already said he is bringing home a brigade from the surge. We are going in the right direction. Let's don't do something foolish in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized for 1 minute 45 seconds.

Mr. THUNE. Mr. President, I also want to urge my colleagues to pass the $70 billion supplemental for the Department of Defense. The McConnell alternative is a funding bill that is free of political posturing, not influenced by armchair generals. The Department of Defense needs this money, and they need it now. Yesterday, Secretary Geren and General Casey testified before the Armed Services Committee on the state of the Army. When I asked Secretary Geren about what effect the lack of funding was having on the Army, he was frank and clear. The Army will run out of money by February and, what is worse, they will have to start scaling back services and canceling important civilian contracts. Moreover, when the President signed the Defense appropriations bill, it stopped the department's funding under the current continuing resolution. Now the Army is being forced to borrow from its operations and maintenance accounts in its base budget. The Army O&M budget is about $27 billion. Since the Army spends about $6.5 billion a month, that money will be gone by February. We are forcing our Army to borrow against itself.

General Casey testified that in the December timeframe nine brigades are coming back from Iraq, and they may return to find services that supported them have been cancelled. Last, when we passed a timely supplemental bill, the Army depots were able to reset 27 brigades, process 123,000 large vehicles, and 10,000 humvees.

Democrats are always going to paint Iraq as a failure, no matter what gains have been made. We need to support our troops and make sure they have the funding to do their job.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized for 1 minute 45 seconds.

Mr. GRAHAM. Mr. President, I will try to frame the issue the way it deserves. It is going to be hard hitting. Senator REID told me something one time, that we shouldn't run the Congress down. I generally agree with that except here. What we are about to do is take one of the most successful military operations in American history by any measure, the surge, and undercut it by one of the most dysfunctional Congresses in American history, by denying the funding to the troops in the field who have performed.

The House bill would replace military commanders with a dysfunctional Congress that is being led around by its nose by Code Pink and moveon.org, who don't understand success on the battlefield. All they see is the next election, the potential for an ad. Listen to the inflammatory rhetoric.

We are not going to allow the dysfunctional Congress to replace a successful commander. We are not going to send the message to our enemies: You are back into the fight. We are not going to tell our troops: You are a loser; you don't get any more money. We are not going to tell our allies and the brave Iraqis who have jumped on our side that we are leaving. This is ridiculous. It is undercutting America's vital national security interests, and it is telling our soldiers: You are losers—when they are winners. We are going to defeat it now and forever.

Mr. CHAMBLISS. Mr. President, I would like to respond to the comments made by my colleague, the chairman of the Agriculture Committee. It is important to recognize why we are in the procedural predicament we find ourselves in today. This predicament is not based on the Senate Agriculture Committee's inability to come together to protect and enhance our most basic national security interest—food security. We have successfully done that with a bill supported unanimously by the committee—across partisan and regional divide.

To be clear, this is a problem of including, in a farm bill, other extraneous issues that have little to do with agriculture policy. I don't fault the decision to go down this path of including tax-related provisions in the farm bill. It was decided early on. However, we must recognize the full implications of this decision. Indeed, one only need look at what occurred in the other body to see how a bipartisan process can completely disintegrate when other issues are injected into the farm bill debate.

Tax debates are always difficult and the inclusion of tax-related provisions in a piece of legislation has never been known to simplify the legislative process. In this instance, however, as much as I regret its impact on the farm bill, it is simply necessary to allow for debate on the tax-related provisions included in the Food and Energy Security Act of 2007.

I am confident we will work through these difficulties. I am grateful that my colleagues on the Finance Committee were able to avoid the problems created by the inclusion of the Ways and Means provisions in the underlying House bill. However, the tax-related provisions included in the underlying Senate bill have nonetheless complicated our process and we must recognize, accept, and work through the process in a deliberative and responsible manner.

Mr. COCHRAN. Mr. President, first I want to congratulate the Senator from Iowa, Mr. HARKIN, and the Senator from Georgia, Mr. CHAMBLISS, for their leadership in the Agriculture Committee and for bringing to the Senate a bipartisan farm bill that works for many family farmers.

I hope this hard work will not be endangered by an amendment that will adversely affect family farms in some States by eliminating the ability for family farms to receive financing, or will prevent farmers from efficiently markting their crop. Since the passage of the 2002 Farm Bill there has been a good bit of controversy surrounding the issue of payment limits. Much of this has been based on misinformation and is a result of misunderstanding agriculture practices. While I am pleased that the legislation passed by the committee contains significant reforms to address the concerns raised over the past 6 years, I want to be very clear that these reforms are not easy for producers in my State of Mississippi to accept and will result in many farms having to significantly alter their farming operation. I would like to give an example of how unfair this amendment is to crops grown in the South. Under the Grassley-Dorgan amendment, a cotton and rice farmer in Mississippi could only grow 400 acres of cotton or 225 acres of rice before they reach the limit. In comparison, a soybean and corn farmer in North Dakota could farm 2,000 acres of soybeans or 1,300 acres of corn before they hit the limit.

I believe it is important for my Senate colleagues to understand just how significant the reforms in the committee-passed bill are. This legislation applies direct attribution to the individual farmer, thus making all farm payments transparent. The committee-passed legislation would limit the direct payment a single producer can receive to $40,000. The legislation reduces the amount of a counter-cyclical payment to $60,000. In addition, the Senate language reduces the Adjusted Gross Income means test for producers from $2.5 million all the way down to $750,000. While this may still sound like a lot of money, when you consider production costs such as $400,000 cotton picker, fuel prices, fertilizer costs, and technology fees for seed, these levels are quite low.

Many crops of the Midwest are enjoying record prices right now due mostly to the use of corn in the current ethanol boom. The most prevalent crops in the South, cotton and rice, are not seeing the record prices created by the billions of dollars in renewable fuel incentives and tax credit subsidies, and it is important to point out that none of these subsidies is subject to an arbitrary limit.

Agriculture is the economic engine for rural communities located throughout Mississippi. These communities are dependent on family farms to provide the economic activity that generates millions of dollars in tax revenue and thousands of jobs. While we encourage small businesses to grow and prosper in this country, this amendment is telling our family farmers they will be punished if they do the same. The amendment offered by my friends from Iowa and North Dakota would have a very negative impact on a region of this country that already suffers from severe economic depression.

This amendment would have a very negative impact on the livelihood of thousands of farmers. It would undo what many farmers today and generations before them have established through hard work, surviving natural disasters, and even the Great Depression. This amendment is an attempt to drive farmers in my State to conform to the way others operate in very different regions of the country. Not every farmer fits in the same mold, and I ask my colleagues to vote against the Grassley-Dorgan Amendment.

Mr. SANDERS. Mr. President, as we consider the farm bill, I am proud to say that Vermont is leading the Nation in developing programs to bring fresh, local foods to school cafeterias.

Let me begin by recounting the experience of Burlington, VT, which has been replicated in other cities and towns across our State. Five years ago, residents of the city expressed concern about the significant nutritional issues facing the city's children. Twenty percent of the city's children were living in poverty, food insecurity was widespread, and the rate of childhood obesity was steadily increasing. In response, citizens called for an increased commitment to healthy food choices for children and their families.

At the same time, they were aware of the need to promote the local farm economy. So in the fall of 2003, with a U.S. Department of Agriculture grant, the Burlington School Food Project was created.

The program brings fresh foods from local farms to school cafeterias and provides hands-on agricultural education in the classroom. Students at the ten schools in this program are now eating foods that are healthier, more nutritious and from all the reports I have heard, better tasting.

The program also involves students in the process of harvesting, preparing and even taste-testing their own food. This has helped many young Vermonters learn about where food comes from, helping them connect with their local farms and community.

After 4 years of the project's existence, the Burlington school district now prepares 930,000 meals annually using fresh and local produce. Several schools offer salad bars either as a full lunch or as a side item to hot lunches. This has led to better diets and improved health.

The project has also been impressive from an economic standpoint. Last year, for instance, more than 1,000 pounds of local tomatoes, 600 pounds of local zucchini, 600 pounds of carrots and 400 pounds of local basil were used in school meals. The amount of local produce purchased tripled between 2003 and 2006.

Many partners have built upon these successes. Today, I would like to mention two driving forces.

Bonnie Acker, a school parent, took it upon herself to do whatever necessary to improve the quality of the food being served at her child's school. She worked with teachers, students, volunteers, and cafeteria workers at Edmunds Middle School. This school has become a model for others, its cafeteria has been transformed, and its school gardens are rich with color.

The director of the Burlington School Food Service, Doug Davis, provided much of the leadership needed to make BSFP work. When he was approached by parents like Bonnie, he listened. He then immediately took action and spearheaded an effort to buy whole grain breads for the cafeterias. Doug also introduced initiatives such as taste tests and classrooms linked to the cafeteria. Before long, Burlington students were trying new foods and getting healthier lunches. For his efforts, Doug was presented the Northeast award as Food Service Director of the Year.

But Burlington is not alone. Other Vermont school districts have undertaken similar programs, among them:

Brattleboro Elementary Schools, which won a Vermont Farm to School grant to set up a program to promote local food purchasing, taste testing seasonal foods, and to get students to farms for hands-on agricultural experiences. Sheila Humphreys coordinates the program, and Laura White has been a major force in its success.

Waitsfield Elementary worked with VT FEED on local purchasing and developing a food, farm and nutrition curriculum. Key figures in this effort have been school nurse Sue Dillon, as well as George Schenk of American Flatbread, who has been a strong and supportive community member raising money for Waitsfield and other schools.

Orleans Essex North Supervisory Union, where three elementary schools have comprehensive farm to school programs that include local purchasing, school gardening, taste testing of seasonal products, harvest celebrations with farmers and the communities, field studies with students on farms, and the development of farm and food-based classroom activities.

Sharon Elementary School also worked with VT FEED for 3 years developing a food, farm, and nutrition curriculum. Its principal, Sheila Moran, along with teacher Keenan Haley and food service director Lynn Ann Perry, have been instrumental in weaving farm to school into their school culture.

Ferrisburgh Elementary School has involved high school students to do field studies on farms, make a school garden, purchase more local foods and taste-test them, try new recipes using local foods, and have a farmers' market harvest festival for their community.

In addition, Hardwick Elementary School has worked with VT FEED on combining food, farm, and nutrition into the existing curricula, planting crops on farms for school use, and making healthy snacks. Val Simmons, its food service director, has led the effort to reconnect students and school food to the local farms.

Salisbury Elementary School takes students to local farms for field studies and does local food taste testing in classrooms. Here, teacher Diane Benware and food service director Gaye Truax have been prime movers.

On a larger scale, the Food Works' Farm-to-Table program, based in Montpelier, serves as a nonprofit distributor of produce from 18 area farms, delivering the produce throughout the year to 13 schools in central Vermont. In 2007 alone, more than $50,000 of local produce has been purchased and distributed through Farm-to-Table. Rick Hungerford, food service director at the U-32 High School in East Montpelier, is now sourcing nearly 14 percent of cafeteria purchases locally while turning a profit and preparing outstanding, healthy food for the entire school community. Ann Gilbert and Liz Scharf, two parents from Rumney Elementary School in Middlesex, spearheaded a grassroots effort to connect their school with local farms, in particular to purchase year-round from local grower Joe Buley, who is new to farming and has invested in greenhouse production so he can sell to schools.

Finally, let me recognize Vermont Food Education Every Day, VT FEED, which uses a community-based approach to school food system change and is the product of a collaboration of three Vermont nonprofits: Food Works, Northeast Organic Farming Association of VT, and Shelburne Farms. It does fine work in building connections between classrooms, cafeterias, local farms, and communities. It is most ably directed by Abbie Nelson and Kim Norris. It has also had strong cooperation from Jo Busha, the State Director of the Vermont Department of Education Child Nutrition Program, in introducing the farm to school concept to many school food service directors.

And this is just the beginning. With strong provisions in the farm bill for beginning farmers, increased funding for fruits and vegetables for schools, and an innovative pilot to work on community gardens in high-poverty schools, I expect Vermont's trailblazing efforts to expand not only in our State, but across the Nation.

Mr. DODD. Mr. President, I will oppose the motion to proceed to both the Senate and House bills to provide bridge funding to Iraq because they do not contain firm and enforceable dates to get our troops out of Iraq.

Once again, Congress is being asked to pour tens of billions of dollars more into an unending war, for uncertain goals, carried forward by little more than a mixture of blind faith and inertia.

Once again, the American people are being asked to shut their eyes tight against the facts and trudge blindly on—this time at the cost of some $50 or $70 billion, depending on which bill we are talking about, and who knows how many more lives. And once again, those who question this war—a majority of Americans—are being asked: You support the troops, don't you?

How could we not? How could we not be awed by the bravery and sacrifice of our men and women in Iraq? How could we not be inspired by their choice to volunteer in the first place? How could we not be impressed by the discipline, competence, intelligence, and resourcefulness with which General Petraeus and the soldiers under his command have fought in Iraq? They deserve our respect and much more.

But contrary to what the President's supporters would have you believe, the debate does not end there. It begins there. And I have come to the floor today to suggest that the President's supporters would do well to heed key military virtues: recognizing the difference between tactics and strategy—between short term and long term.

All the tactical brilliance in the world will win you nothing if it doesn't find its place within a larger plan for victory. And in Iraq, that plan is exactly where we found it in the spring of 2003—nonexistent.

No one in this Chamber would doubt that recent months in Iraq have seen significant tactical success. The number of IED explosions has dropped significantly.

The total number of enemy attacks, and the number of coalition soldiers killed in action, have been in decline—even though 2007 recently became the deadliest year on record for U.S. troops in Iraq. Iraqi civilian casualties have been cut from a high of 3,000 in the month of December 2006—even though they still hover around an appalling 1,000 per month.

But overall, the security picture in Iraq is, for the time being, improved.

The question is: Why? What made that happen? If anything comes out of this debate, it should be an honest answer to that question—not so we can assign praise and blame but so we can piece together a coherent strategy.

I don't doubt that our troops' dedication did its part to reduce the violence. But if American agency was the sole factor, why was violence in Iraq on the decline before the surge began—even before it was announced? It is clear to me that there have been three deeper causes.

First, Moqtada al-Sadr, a prime mover of sectarian violence, has sat out the surge, patiently waiting for its inevitable end. As The New Yorker recently put it: "Analysts credit much of the recent drop in Iraqi civilian deaths not to the surge but to Sadr's decision, in August, to order the Mahdi Army, which is believed to have been responsible for much of the Shiite-on-Sunni sectarian killing in and around Baghdad, to 'freeze' its activities for six months." Sadr and his fellow sectarian leaders may be brutal—but they are also calculating and self-interested.

They know that the surge, whatever is decided here today, cannot be physically sustained indefinitely.

Second, the drop in violence can also be attributed to the so-called Sunni awakening: the decision by tribal leaders in Anbar Province to turn against al-Qaida and foreign jihadists. That choice was laudable and—as shown by Abu Risha, the charismatic tribal leader who allied with America and was murdered for it—truly courageous.

But it was also unforeseen by the surge and began independently of the surge. But as valuable and necessary as the fight against al-Qaida in Iraq has been, it does little to stem the deeper civil war between Sunnis and Shiites—the overwhelming source of Iraq's chaos.

The fight against al-Qaida must go on—but there's no reason why it compels us to police a civil war.

Third and finally, many analysts have argued that violence has bottomed out because Iraq's ethnic cleansing is reaching a conclusion—because Iraq has, de facto, partitioned itself. With almost a million Baghdadis fleeing their homes in the conflict, the city has become ever more ethnically homogenous, reducing Sunni-Shiite flashpoints.

Each of these causes has contributed its part to what some are intemperately hailing as our long-awaited victory. It would be wonderful to believe that America made it happen, after all this time, through sheer force of will. Every one of my colleagues, I am sure, wants to believe that.

But this is the clear line running through this Chamber: between those who want it to be true so desperately that they blind themselves and those who understand that that kind of belief—the kind that calls a proposition true because we want it to be true—is the kind that saw an alliance between Saddam and al-Qaida, the kind that saw an Iraq full of WMDs, the kind that saw a mission accomplished 4 years ago.

But still, even if you grant that belief, even if you say that the surge, and nothing else, brought down the violence—is that our victory?

No. The surge was always a military means to a political end. Comptroller General David Walker put it well: "The primary point of the surge was to improve security . . . in order to provide political breathing room" for the Iraqi Government. President Bush has said much the same. The surge was always meant to open a window for political reconciliation. Nearly 800 Americans sacrificed their lives to keep that window open; thousands and thousands of Americans took wounds to keep that window open. What has the Iraqi Government done with it?

Failed to meet its own political benchmarks. Failed to enact oil legislation. Sustained a mass resignation of Sunni politicians, leaving more than half of its Cabinet seats vacant. Enjoyed a month-long vacation.

This September, 60 percent of Iraqis—and 93 percent of Sunnis—thought it was justified to kill American troops.

And during America's long sacrifice to keep civil war at bay, the Maliki Government has grown more sectarian than ever, more and more openly an arm of the Shiites, more and more actively prejudiced against Sunnis. Hundreds of Americans died to give breathing space to Iraqi politicians and they act as if Iraq doesn't exist.

Many of the Iraqi forces we have relied on to stabilize that country are little more than retooled sectarian gangs. What is stopping them from accepting our training, accepting our weapons, and then, as soon as the surge dies down, jumping once again down each other's throats?

In the name of unity and reconciliation, our policies have divided Iraq deeper and deeper, until, as George Washington University Middle East expert Marc Lynch has argued, Iraq becomes "a warlord state . . . with power devolved to local militias, gangs, tribes, and power-brokers, with a purely nominal central state."

That is Iraq with the surge in place. But President Bush has conceded that it can't continue past July; and soon, we will be confronted by Iraq without the surge. So I have a simple question for my colleagues this morning:

What then?

And as President Bush tries to find an answer, as he tries to cobble together a plan more than 4 years too late, our billions will continue to be poured into a desert sinkhole; our Nation will earn the enmity of more and more Muslims for our endless occupation; our military will be ground into the dirt, unit by unit, machine by machine, soldier by soldier; and young Americans will continue to die. And we will be not an inch safer.

That is why I have come to the floor this morning: not to pass judgment; not to score points; not to assign blame. But because as we hurtle on with all tactics and no strategy, the costs are becoming too heavy for us to bear.

There is only one realistic strategy, only one honest answer to: What then? Redeploy our combat forces from Iraq, starting immediately. Refocus the fight on al-Qaida, training those Iraqi forces we can trust, and protecting U.S. personnel and infrastructure. Rebuild our worn-down, battered military.

Our troops will have my respect for what they have done in Iraq for as long as I live. And I join President Bush in his fervent hope that their sacrifice would be enough to heal a shattered country. But my eyes are open. I know that the best hope for Iraq, and the best hope for America, lies in redeployment—not in another $50 or $70 billion poured down this hole. I have faith that time will open the eyes of every one of my colleagues; I hope they will begin by seeing the deep error of these bills.

• Mr. McCAIN. Mr. President, I oppose H.R. 4156, a bill that would link vital funding for our troops to a mandated timeline for withdrawal from Iraq. Not only is this bill irresponsive to the facts on the ground, it is irresponsible. Instead, we should approve S. 2340 and provide our military with the resources they require, free of conditions that would undermine their ability to conduct operations and build on their recent successes.

Today the Senate considers yet another bill mandating the withdrawal of U.S. combat forces from Iraq, regardless of conditions on the ground or the views of our commanders in the field. If this latest attempt sounds familiar, it should—the majority has thus far engaged in no less than 40 legislative attempts to limit the ability of the President and his commanders to prosecute this war. And, just like the 40 votes that preceded this one, the result of this vote will undoubtedly be the same. The proponents of this legislation are well aware of this fact, and the fact that the President has pledged to veto legislation calling for a precipitous withdrawal from Iraq. Rather than move beyond these differences and ensure that our troops in the field receive the vital funding they need, however, we will go through this exercise yet again.

This legislation would mandate a withdrawal of U.S. combat forces within 30 days of enactment, leaving a smaller force authorized only to carry out narrowly defined missions, with the goal of ending our involvement, irrespective of the situation in Iraq, by December 15 of next year. Given that similar provisions have failed 40 times already, it is inconceivable that they would succeed now, when there is unambiguous progress in Iraq. The choice today is simple: Do we build upon the clear successes of our current strategy and give General Petraeus and the troops under his command the support they require to complete their mission, or do we ignore the realities and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue? The answer should be simple.

As we proceed with consideration of this bill, it is important to spend a few moments reviewing the current state of affairs in Iraq. We see today that, after nearly 4 years of mismanaged war, the situation on the ground in Iraq shows tangible signs of progress. The forces needed to implement General Petraeus's counterinsurgency plan have been in place for over 6 months and our military, in cooperation with the Iraqi security forces, continues to make significant gains in a number of areas.

The second in command in Iraq, LTG Ray Odierno, stated earlier this month that due to the recently implemented counterinsurgency operations, "we have been able to eliminate key safe havens, liberate portions of the population and hamper the enemy's ability to conduct coordinated attacks." General Odierno went on to add that "we have experienced a consistent and steady trend of increased security over the last four months, and I believe continued aggressive operations by both Iraqi and coalition forces are the most effective way to extend our gains and continue to protect the citizens of Iraq." According to a recent report issued by the Department of Defense, weekly IED attacks have decreased by 60 percent across Iraq since the beginning of Operation Phantom Thunder in mid-June.

The Associated Press reports that Iraqi civilian deaths have dropped sharply as a result of the "surge," from 1,791 in August to 750 in October. Mortar attacks by insurgents in October were the lowest on record since February of 2006, as were the number of "indirect fire" attacks on U.S. and coalition forces. The surge's success in establishing greater security has spurred a great increase in cooperation from Iraqi citizens, and MG Rick Lynch, commander of U.S. forces south of Baghdad, said he believes the decrease in rocket and mortar attacks will continue to hold because of a "groundswell" of support from regular Iraqis. "If we didn't have so many people coming forward to help, I'd think [the decrease in attacks] is a flash in the pan. But that's just not the case," General Lynch said.

We are all aware of the monumental strides our military has made in restoring order and reducing violence in Anbar Province. A province once declared "lost" to al-Qaida has begun a return to normalcy for many of its inhabitants. Locals, sickened by the brutality of insurgents and terrorists, have rejected violent extremism and have cooperated with U.S. and Iraqi forces to take the fight to the enemy. This partnership model combined with U.S. troops "living forward" is being replicated and producing real results all across the country.

In Ghazaliya, for example, once known as a strategic gateway to Baghdad for insurgents and a place where coalition convoys were regularly ambushed, the creation of joint security stations has led to a significant reduction in sectarian violence and IED attacks. Amariyah, a neighborhood in western Baghdad that just 6 months ago was a central operational location for al-Qaida in Iraq and plagued by high levels of bombings and shootings, is beginning to see a drastic reduction in violence and many residents are beginning to experience some semblance of normal life. None of this is to argue that Baghdad or other regions have suddenly become safe, or that violence has come down to an acceptable level, or that victory lies just around the corner. On the contrary, the road ahead remains, as it always has been, long and hard. Violence is still at unacceptable levels in some parts of the country, reconstruction of important infrastructure lags, and the Maliki government remains unwilling to function as it must. No one can guarantee success or be certain about its prospects, but, by the same token, no one should dismiss the positive developments that have resulted from this new strategy in Iraq.

Nor can we dismiss the enormous costs of American failure in Iraq. Many of my colleagues would like to believe that, should the bill we are currently considering become law, it would mark the end of this long effort. They are wrong. Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous effort to contain the forces unleashed by our disengagement. If we leave, we will be back—in Iraq and elsewhere—in many more desperate fights to protect our security and at an even greater cost in American lives and treasure. Now is not the time for us to lose our resolve. We must remain steadfast in our mission, for we do not fight only for the interests of Iraqis, we fight for ours as well.

That means approving the support that our fighting men and women need. The funding contained in this supplemental is not, as some have characterized it, the "President's money." This money is for the troops. This funding is to provide them with the equipment and proper training they require to fulfill their mission, funding to protect our men and women from roadside bombs and other attacks, funding to enable them to bring this war to a successful end. Holding our military's funding hostage to a repetitive and futile attempt to score political points is unconscionable.

Deputy Secretary of Defense Gordon England recently wrote to the chairman of the House Appropriations Committee about the effects of this legislation. "Without this critical funding," he wrote, "the Department will have no choice but to deplete key appropriations accounts by early next year. In particular, the Army's Operation and Maintenance account will be completely exhausted in mid-to-late January. This situation will result in a profoundly negative impact on the defense civilian workforce, depot maintenance, base operations, and training activities." Secretary of Defense Robert Gates said just yesterday that, should the money contained in this bill be withheld, he will have to "lay off 200,000 civilian employees and contractors, terminate military contracts and partially shut down U.S. military bases." Army Secretary Pete Green went on to add that without these funds, the negative effects "will fall most heavily on. . .home based troops and their families."

I have seen a lot during my time in the Senate, but few events sink to the level of what we are witnessing today. I understand the frustration that many feel after nearly 4 years of mismanaged war. I share their frustration and sadness. But we must remember to whom we owe our allegiance. Not to short-term political gain, but to the security of America, to those brave men and women who risk all to ensure it, and to the ideals upon which our Nation was founded. That responsibility is our dearest privilege and to be judged by history to have discharged it honorably will, in the end, matter so much more to all of us than any fleeting glory of popular acclaim, electoral advantage or office. Let us not sacrifice the remarkable gains our service men and women have made by engaging in a game of political brinksmanship. There is far too much at stake.

I urge my colleagues to oppose this bill.●

Mr. FEINGOLD. Mr. President, H.R. 4156, the House-passed bill providing bridge funding for the Iraq war, is unacceptably weak. While I will support cloture on the motion to proceed to consideration of that bill, my vote should not be misinterpreted as a vote in favor of this bill. By supporting cloture on the motion to proceed, I am voting in favor of the Senate having the opportunity to debate and amend it. I have already filed an amendment to the bill that consists of the Feingold-Reid amendment offered to the Defense Department authorization bill earlier this year. Unfortunately, it appears that the Republicans will not even allow the Senate to have meaningful debate on a war that has no end in sight and that does not have the backing of the American people.

But Democrats aren't off the hook either. H.R. 4156 purports to attach some strings to the funding it provides, but those strings are so thin and pliable as to be virtually meaningless. Since Democrats assumed control of Congress with a mandate from the American people, we have made progress toward changing course in Iraq, and I have supported efforts to increase pressure on this administration to listen to the American people. At this point, giving the President money to continue the war while only setting a "goal" for concluding the redeployment of our troops is insufficient. I am afraid we are moving backwards, not forward, with this new bill.

I spoke at some length yesterday about the administration's flawed strategy in Iraq, so I will not repeat myself today. I will say, however, that the administration's policy is indefensible. The American people know that, which is why they voted the way they did in November. They want us out of Iraq, and they want us out now. They don't want to give the so-called "surge" time and they are right. The surge is a delaying tactic, an effort to buy time. We can't afford to spend any more time, or money, on a war that is hurting our own national security. We must act and we must do it now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized for 5 minutes.

Mr. McCONNELL. Mr. President, I have a simple message this morning. We need to get the funds to the troops, and we need to do it now. The Secretary of Defense told us yesterday that the money for the Army and Marine Corps will soon run out, that he will have to start writing pink slips, tearing up contracts, and reducing missions at military bases. If we don't approve these funds for training and supplies that are needed to protect these brave men and women in the field, that is exactly what will happen.

Are we about to deny all these supplies just as the successes of General Petraeus's plan have become more clear? Attacks are down, casualties are down, political cooperation is taking root at the local level. We should not leave our forces in the field without the funding they need to accomplish the mission for which they have been deployed.

The Pelosi bill, if it were to get to the President's desk, would be vetoed, as was the supplemental bill sent to the President earlier this year that contained a withdrawal date. We need to get our troops everything they need, and we need to get it to them now.

THE FARM BILL

A word about the farm bill. We all know we are going to pass a farm bill. Any suggestion to the contrary is laughable. I am disappointed that the majority has filed cloture on the bill. I am even more disappointed that from the get-go, the parliamentary device of filling up the tree was used on a 1,600-page bill so that one Member of the Senate could dictate to everybody else what amendments would be allowed, if any. This is not the way to go forward.

I am not sure how the majority defines wide-open debate, but this is certainly a no-amendments process which is stunningly observed in a body that has passed a number of farm bills over the years. As I mentioned on the first day of floor consideration, we have been down this road before.

During the last farm bill, when the Democrats were in the majority, then-Leader Daschle attempted to limit amendments. He failed three times. I am going to confidently predict today that this unfair procedural tactic is going to fail again. In 2002, after the majority finally agreed to an open-amendment process, final passage of the farm bill occurred fairly quickly—about a week. So we went through a somewhat similar dance. The tree was not filled, but there was premature cloture filed. Cloture was defeated several times. When the games stopped, we went back to the farm bill. We had an open process for a week and passed it.

We would probably be passing the farm bill today had we not used this process last week. We could have gone through the amendment process and worked our way through it and gotten to final passage. On today, instead of defeating cloture after an unfair process for 10 days, we could have been and would have been sending a farm bill on to conference with the House had we employed an open process which the Senate almost always insists upon. The farm bill will not pass today because the games have not stopped. But I will confidently predict at some point they will stop. We will have an open process and, in about a week, we will get a farm bill and get a conference and do the important work we need to do for America's farmers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, whatever time runs past 9:30, I will use leader time.

The ACTING PRESIDENT pro tempore. The leader has that right.

Mr. REID. Mr. President, on the farm bill, what has happened these past 10 days is extraordinarily wrong and negative. Today the Republicans have a decision to make: Are they going to allow the farm bill to proceed? Everyone out there from all over this country who is concerned about the farm bill, I want their eyes directed toward the Republican votes cast on this today. If they try to hide under some procedural nonsense, it is outlandish.

If cloture is invoked on the farm bill, there would be 30 hours of offering relevant amendments. Isn't that enough? Is it necessary that we have a farm bill where we debate immigration again; where we debate foreign policy, including the Iraq war; medical malpractice? The answer is no.

IRAQ

I would like to travel back in time, 10 months past, January 10, 2007, the exact date. In that second week of 2007, America was reaching the fourth full year of the war in Iraq, still without clear purpose, plan, or Presidential leadership. President Bush had faced a stinging rejection of his Iraq strategy by the votes in November. That is an understatement. He had fired his Defense Secretary, Donald Rumsfeld, much too late, but he did fire him. Republicans in the House and Senate were publicly and privately breaking ranks with his strategy. The demand and imperative to change course and end the war were clear. For the first time in his Presidency, there was real reason to believe he would heed the call for change. But on that day in January, the President did just the opposite. He called for a surge of forces in Iraq, not a responsible transition out of combat, not a refocus on the war on terror, but a plan to sink us further into the intractable Iraqi civil war.

What were the goals of that surge? Here are the President's own words:

> The strategy I announced in January is . . . aimed at helping the Iraqis strengthen their government so that it can function even amid violence.
>
> It seeks to open space for Iraq's political leaders to advance the difficult process of national reconciliation, which is essential to lasting security and stability.

Fast-forward to today, 10 months later. It is indisputable that the goals of the surge have failed. As we speak, there are 187,500 American troops in Iraq. The Iraqi Parliament created eight benchmarks for progress toward national reconciliation. These benchmarks were passed by this Congress on a bipartisan basis and signed by the President. According to an independent analysis by the General Accounting Office, the watchdog of Congress, and this country, only one and a half of eight legislative benchmarks have been achieved. By any standard, even the math of the Republicans, that is a failing grade.

Iraq, a country with huge natural resources, I can remember the first time I met with Iraqi leaders right back here in then-Senator Frist's office. We were told by the Iraqi President that he disagreed with the international assumption that Iraq had the second largest supply of oil in the world. He said: We have the largest supply of oil in the world.

Why are we pouring the treasures of this country into a country with the highest oil reserves in the world?

Without evidence of reconciliation, the Bush administration and its allies are trying a new playbook—pointing to recent reductions in violence. To be clear, any shift that makes conditions less dangerous for our troops and the Iraqi people is welcome news. But take, for example, what we read in the papers today. This past month, there were "only" 1,560 violent explosions with explosive devices in Iraq—"only" 1,560 in the last month. That is down from 3,200. Sounds like a lot of violence to me.

We must not forget that 2007 has been the deadliest year for our troops in the entire war. We must remember that about 3,900 Americans have been killed. We must remember that tens of thousands have been gravely wounded. According to the Joint Economic Council, more than $1 trillion already has been spent on the Iraq war. And 5 million Iraqi men, women, and children have fled their neighborhoods or left the country altogether—about half and half; half have left the country and about 2½ million have been displaced—out of a total population of about 27 million people.

With these staggering costs and political reconciliation nowhere in sight, how would the President honestly judge his troop surge? We know how General Petraeus rates it. In a letter to the troops he wrote:

> One of the justifications of the surge, after all, was that it would help create the space for Iraqi leaders to tackle the tough questions and agree on key pieces of national reconciliation legislation. It has not worked out as we had hoped.

General Petraeus.

And why has reconciliation failed?

Yesterday's Washington Post reported the alarm among our military leaders that it is clear the Iraqis are simply not doing their part. Quoting from one article:

> U.S. military officials expressed growing concern over the Iraqi government's failure to capitalize on sharp declines in attacks against U.S. troops and Iraqi civilians. . . .
>
> The lack of political progress calls into question the core rationale behind the troop buildup President Bush announced in January, which was premised on the notion that improved security would create space for Iraqis to arrive at new power-sharing agreements.

Our troops continue to fight and die valiantly; and our treasury continues to be depleted rapidly—for a peace we seem far more interested in achieving than Iraq's own political leaders—a peace we want. The Iraqi leaders do not seem to want one.

Meanwhile, the hidden costs of the war are only growing. Our military is stretched nearly to a breaking point, which has prompted Secretary Colin Powell to say: "The army is [nearly] broken."

New evidence emerges every day that President Bush's obsession with Iraq has come at the expense of Afghanistan, once viewed as a success.

Now the opium trade in that country is at an all-time high. Ninety-three percent of the world's opium this year is coming from Afghanistan. Think of the misery around the world that it has created. Violence is at its highest since the American intervention in Afghanistan, and it was reported yesterday that the Taliban has vastly stepped up its efforts.

Meanwhile, bin Laden is still free, taunting and threatening us with videotapes, and his al-Qaida network—according to the Bush administration's own intelligence—has regrouped and is stronger than ever.

We need to look no further than the crisis in Pakistan as a reminder that the world can change overnight, and our ability to respond nimbly to new challenges is essential.

Are we prepared to do so? General Casey, head of the Army, a few weeks ago, said this:

> The current demand for our forces exceeds the sustainable supply. We are consumed with meeting the demands of the current fight, and are unable to provide ready forces as rapidly as necessary for other potential contingencies.

The evidence—from General Casey, from Secretary Powell, from the General Accounting Office, and from constant news reports—is indisputable. Yet President Bush has demanded another $200 billion with no accountability at all.

But the choice is ours. Those of us who think the answer in Iraq is more of the same should approve the President's request. If you think we should simply stay the course, approve the President's request. But if you think it is time to turn the page and take a responsible path out of Iraq, approve the bridge fund bill that came from the House.

We will never turn away from our courageous troops.

A couple of days ago, we sent a bill to the President that he signed for $470 billion. People are out here now, after Secretary Gates has gone and talked to the President, saying we need the money tomorrow. We talked to Secretary Gates on Wednesday. On Wednesday, he said the Army is OK until the end of February, the Marines are OK until the middle of March. But he went on to say: If we have to start doing layoffs, we are going to go to the union members first. Everybody listen to that. The Secretary of Defense said: If we have to start laying people off, we are going to go to the union members first.

Does that speak of this administration, their despicable attitude toward men and women who work hard, and by a chance to improve their lot they are union members—they are going to get laid off first—when they got, 3 days ago, $470 billion that, we were told on Wednesday, would take the Army until the end of February and the Marines until the middle of March?

This bill requires the President to start bringing these troops home so they can get the heroes' welcome they so bravely have earned.

Our bill sets a reasonable goal for the end of combat operations, and it finally ensures that the President will be accountable to the Congress and to the people.

I urge all my colleagues to support this fair and reasonable legislation we received from the House of Representatives.

Finally, let me say this. The vote the Republicans are having us take is totally unnecessary. Yesterday, when the minority leader requested a vote on his motion to proceed, my staff told him he could offer his proposal to the House appropriations bill. He chose to ignore that and, instead, made the unusual motion to proceed by a minority—by a minority leader—so not only is this vote unnecessary, it is totally meaningless. It is a motion to proceed to a Senate appropriations bill.

Let me repeat that it is a motion to proceed to a Senate appropriations bill. Everyone knows, even in elementary school, that under our Constitution revenue bills must originate in the House of Representatives. So even if the Senate were to pass his bill, the House would refuse to act on it. This would be the case regardless of which party controls the House of Representatives.

The Republicans, when they controlled the House, also upheld their constitutional role in the appropriations process, and rightfully so. The only way to get the troops their funding is to act on the House-passed appropriations bill. Anything else is political posturing and does nothing to get the troops their needed funding.

UNANIMOUS CONSENT REQUEST—H.R. 4156

In order to give the minority leader his vote, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4156—that is the House-passed bill—and that immediately after the clerk reports the bill, the minority leader be recognized to offer his bill as an amendment; that there be 1 hour for debate on his amendment, and that the Senate vote on his amendment upon the use or yielding back of time, with 60 votes needed to pass his amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALEXANDER. On behalf of the Republican leadership, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2340, a bill making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008.

Mitch McConnell, Saxby Chambliss, Bob Corker, Wayne Allard, Thad Cochran, John Cornyn, Kay Bailey Hutchison, Lisa Murkowski, Orrin Hatch, Richard Burr, Trent Lott, Mike Crapo, Pat Roberts, Chuck Grassley, Jon Kyl, Norm Coleman, Mel Martinez.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2340, a bill making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Mississippi (Mr. LOTT) and the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 53, as follows:

[Rollcall Vote No. 410 Leg.]

YEAS—45

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Warner

NAYS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—2

Lott
McCain

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations Act, 2008.

Carl Levin, Robert Menendez, Claire McCaskill, Robert P. Casey, Jr., Richard J. Durbin, Tom Carper, Amy Klobuchar, Daniel K. Akaka, Jack Reed, Patty Murray, Sherrod Brown, Frank R. Lautenberg, Charles E. Schumer, S. Whitehouse, Debbie Stabenow, B.A. Mikulski, Harry Reid.

The PRESIDING OFFICER. There will now be 2 minutes, with the time equally divided. Who seeks time?

The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, what will it take to end this war? How many lives? How many limbs? How many broken families? How many innocent victims?

The Senate has an opportunity, with this next vote, to start to bring this war to an end and to start to bring our soldiers home in an orderly, responsible way.

We know the President will not do this. But it is within our power, our authority, and our responsibility under the Constitution to do it. A vote now to move forward on this House appropriations bill will bring this war to an end in an orderly, responsible way.

I urge my colleagues, do not shirk your responsibility. Do not be on the wrong side of history.

The PRESIDING OFFICER. Who seeks time?

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, this summer, we had grim numbers coming out of Iraq and we had an election and we went through a soul-searching analysis of what to do. By an 80-to-14 vote, this Senate voted to send General Petraeus to Iraq and give him a chance to succeed. We had his full report in September. We had other reports from General Jones and GAO, and we concluded to continue this.

In recent weeks, progress has exceeded what we could have expected possible. This is not the right time to tie the hands of our military leaders. It is not the right thing to do—to leave any doubt that we are going to support the troops we have sent into harm's way.

I urge colleagues to not leave our troops in uncertainty and stand firm with a policy that seems to be working. Let's continue to monitor it. If it fails, we need to know that. But, right now, things are going well, and it would be wrong to undermine that in any way.

The PRESIDING OFFICER. All time has expired. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 4156, a bill making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Mississippi (Mr. LOTT) and the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 411 Leg.]

YEAS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad

Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—45

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Lott
McCain

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I move to reconsider vote No. 410.

Mr. DODD. I move to table that, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I enter a motion to reconsider vote No. 411.

The PRESIDING OFFICER. The motion to reconsider is entered.

Mr. DODD. Mr. President, at the request of the distinguished majority leader, and as the only Democrat who voted against cloture on the motion to proceed to H.R. 4156, the Orderly and Responsible Iraq redeployment Appropriations Bill, I have entered this motion to reconsider so that the Senate may have another opportunity to vote on this matter. Only Senators who voted no on this matter are able under Senate rules to ask for another vote.

I am undertaking this procedural matter at the Leader's request and out of my respect for him. I am happy to do so.

However, I want to make clear that should there be another cloture vote on H.R. 4156 or similar legislation, my position will remain the same—I will vote no. I am opposed to providing any additional funding for the war in Iraq unless there is a firm and enforceable deadline for the redeployment of our forces from Iraq.

My views on the ongoing failed policy in Iraq are included in the RECORD earlier in the day at the time of the original vote and I urge my colleagues to take the opportunity to review my concerns about our continued involvement in a civil war which has no military solutions.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Resumed

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Harkin amendment No. 3500 (Substitute) to H.R. 2419, the farm bill.

Tom Harkin, Jon Tester, Daniel K. Inouye, Dick Durbin, Patrick J. Leahy, Patty Murray, Bernard Sanders, Kent Conrad, Ben Cardin, Debbie Stabenow, Ben Nelson, Byron L. Dorgan, Max Baucus, Ken Salazar, Claire McCaskill, Bob Casey, Jr., Sherrod Brown.

The PRESIDING OFFICER. There will be 2 minutes equally divided on the cloture motion.

Who seeks time?

The majority leader is recognized.

Mr. REID. Mr. President, there will be no more rollcall votes today. I look forward to a productive Thanksgiving. I hope everyone enjoys themselves. When we come back in December, we have 3 weeks to do a lot of work. I had a good exchange with the Republican leader today and hope we can return more quickly than we have in the last few days.

The PRESIDING OFFICER. There will be 2 minutes equally divided on the motion to invoke cloture. Who seeks time?

Mr. HARKIN. Mr. President, I yield back our time.

The PRESIDING OFFICER. The Senator from Iowa yields back time.

Mr. CHAMBLISS. Mr. President, I yield back our time.

The PRESIDING OFFICER. The Senator from Georgia yields back time.

The mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3500, offered by the Senator from Iowa, Mr. HARKIN, to H.R. 2419, the farm bill, should be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 42, as follows:

[Rollcall Vote No. 412 Leg.]

YEAS—55

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Stabenow
Tester
Thune
Webb
Whitehouse
Wyden

NAYS—42

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Collins
Corker
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Vitter
Voinovich
Warner

NOT VOTING—3

Cornyn
Lott
McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 55, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

UNANIMOUS CONSENT REQUEST—H.R. 2366

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 217, H.R. 2366; that all after the enacting clause be stricken and the text of the amendment, which is at the desk, be inserted in lieu thereof; that the bill be advanced to third reading, passed, and the motion to reconsider be laid upon the table; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees, with the Small Business Committee appointed as conferees, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Mr. President, I do object. I would like to make a statement on this after the majority leader finishes his request. Maybe I can do that in morning business.

I do want to say how much I appreciate both the ranking member and the chairman of the Small Business Committee for their thoughtfulness toward our veterans. We have some things to work out, and hopefully we can get this done in December.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I would hope during the next 2 weeks we can work out these differences. It is a very important bill for the entrepreneurial spirit of veterans. This is a good bill, and we have worked hard on it. So I hope we can work it out. I am disappointed we cannot pass that today.

I appreciate the Senator allowing me to finish some other business before he makes his statement.

TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 2761, and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that a Dodd substitute amendment at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3800) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 2761), as amended, was read the third time and passed.

Mr. REID. Mr. President, with all the "he said, she said" that has been going on in this body this week, everyone should all agree with one voice we passed extremely important legislation, terrorism insurance, which gives breathing room to the American free enterprise system, which allows various companies to go forward with what needs to be done, dealing with making sure that when they have a building they are going to construct, that there is some ability for the purchase of insurance, so if something untoward comes from these evil people around the world, they are covered.

This is good legislation. I appreciate the cooperation of the Republicans.

Mr. DODD. Mr. President, I am extremely pleased that the Senate has unanimously passed the Terrorism Risk Insurance Program Reauthorization Act of 2007. It is critically important for our Nation's workers and businesses that we enact this backstop legislation. The legislation passed today provides for an extension of the Terrorism Risk Insurance Act, known as "TRIA," which expires on December 31 of this year. TRIA was originally passed in the aftermath of the 9/11 attacks, and was extended for 2 years in 2005. The bill passed by the Senate today extends TRIA for an additional 7 years.

In anticipation of TRIA's expiration, the Banking Committee held a hearing earlier this year in which the committee heard from a variety of experts about the critical need to extend this program, which is vital to the economic security and prosperity of our Nation. As my colleagues will recall, after the attacks of September 11, 2001, the market for terrorism insurance in this country virtually disappeared. Businesses could not obtain credit, borrowers could not obtain loans, jobs were at risk, and the economy faced serious instability and dislocation. We repeatedly heard from businesses, both large and small, from labor unions, from universities and hospitals, from manufacturers, builders, and lenders, and from insurers about the need for the Federal Government to help stabilize the market and ensure the availability of affordable insurance against the risk of future terrorist attacks. Congress responded by creating TRIA, a public-private partnership in which the Federal Government would share the risk of future terrorist attacks with insurers by becoming the backstop against truly catastrophic losses.

And the overwhelming evidence shows that TRIA has worked, very very well. According to several recent studies, terrorism insurance is more widely available and more affordable today than in the aftermath of 9/11, providing certainty and stability to the sectors of our economy that we depend on for our national well-being. And it is important to note, TRIA has cost taxpayers virtually nothing. When terrorism insurance is available at reasonable rates, and when business owners and property owners can insure themselves against terrorism, there is a private-sector mechanism in place to cover a significant amount of the losses stemming from any future terrorist attack. In fact, a recent study by the RAND Corporation found that in the case of a terrorist attack, TRIA would actually save taxpayers money, as property owners could rebuild using the payments from their insurance policies instead of federal disaster assistance. Let me quote from RAND's findings: "Taxpayer cost is lower with TRIA than without TRIA across a broad range of scenarios when post-attack assistance is factored in as well."

The need to extend this program is clear. The private insurance industry has not reemerged with respect to the provision of terrorism insurance. Nearly all of the data and the experts say that there is no reason to think that the private insurance industry alone can insure against this unique risk. As long as the threat of terrorism remains, we must act to ensure that terrorism insurance remains available and affordable.

I want to note that this bill contains two important studies to address serious issues that were raised in the context of the TRIA extension debate. First, there is a mandate for the GAO to study the question of insurance for nuclear, biological, chemical, and radiological terrorist events. Insurance coverage in this area is very limited and in this legislation we require the GAO to make recommendations for expanding such coverage. Second, the GAO is required to study and to report back to the committee within 6 months on whether there are areas of this country, such as Lower Manhattan, that may have unique capacity constraints when it comes to terrorism insurance, and to make recommendations for addressing those capacity constraints.

This legislation is supported by the insurance industry and policyholders, and I ask unanimous consent to have printed in the RECORD letters of support for the legislation. I also want to particularly thank Senator SHELBY for his work on this program, as well as Majority Leader REID, Minority Leader MCCONNELL, and Senators REED, BENNETT, and SCHUMER, for their work both on this bill and on the original TRIA bill and its extension in 2005. By extending the TRIA program for an additional 7 years, this bill will address the long-term security needs of our people and our economy, and I thank all the Members of the Senate for their unanimous support for this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
Washington, DC, October 16, 2007.

Hon. CHRISTOPHER DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to encourage prompt action on the matter of terrorism risk insurance. For us and our families, it is an issue of jobs and our national economic security, as well as one of protecting the investments of pensioners to shareholders to individuals.

With the devastation of the September 11th attacks, and the recognition that terrorism risk will be with us for the foreseeable future, insurers have excluded this risk from coverage, and reinsurance remains largely unavailable, exposing our economic security to serious peril.

The essential facts that led Congress to enact the Terrorism Risk Insurance Act of 2002 have not changed. We continue to face an unpredictable threat with the potential of mammoth losses to our economy. We continue to need terrorism insurance for our economy to function in the face of the terrorist threat. We continue to need the framework the program provides to enable the United States to recover quickly and efficiently should there be some future terrorist attack.

As Chairman of the Senate Banking Committee, I encourage you to act on an effective long-term federal program as soon as possible.

Thank you for your consideration of these views.

Sincerely.

FREDERICK P. MCLUCKIE,
Legislative Director,
Government Affairs Department.

COALITION TO INSURE
AGAINST TERRORISM,
Washington, DC, October 16, 2007.

Hon. CHRISTOPHER J. DODD, *Chairman,*
Hon. RICHARD C. SHELBY, *Ranking Member,*
Senate Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: The Coalition to Insure Against Terrorism (CIAT), a broad-based coalition of business insurance policyholders, representing a significant segment of the nation's GDP, strongly endorses your efforts to extend and improve the Terrorism Risk Insurance Act (TRIA) with the introduction of the Terrorism Risk Insurance Program Reauthorization Act of 2007 (TRIPRA).

CIAT is very pleased that the Senate Committee on Banking, Housing and Urban Affairs is proposing bi-partisan legislation to extend TRIA. As the principal consumers of this vital insurance coverage, CIAT thanks you for your long-standing support and leadership on the issue of terrorism risk insurance.

The current federal terrorism risk insurance program has been a tremendous success. TRIA has helped keep the economy going in the face of continued terrorist threats by allowing businesses across America to secure this commercially necessary product, saving countless jobs in the process. Moreover, it serves as an important tool to minimize the severe economic disruption that almost certainly will occur from a future terrorist attack.

With TRIEA's expiration looming at the end of 2007, CIAT is extremely pleased that the extension enjoys bi-partisan support in the Committee, and we look forward to the Committee's consideration of it.

CIAT thanks you for taking a significant step towards securing the economy against terrorism risk by scheduling this mark-up.

OCTOBER 16, 2007.

Hon. CHRISTOPHER J. DODD,
Chairman, Senate Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.
Hon. RICHARD SHELBY,
Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: We, the undersigned sports leagues, write to express our strong support for your Committee's efforts to extend the Terrorism Risk Insurance Extension Act (TRIEA) before it expires at the end of this year.

Sports venues are more than just buildings where professional and amateur athletic teams compete. These iconic buildings are a source of public pride for millions of sports fans, and, with capacities that can sometimes exceed 100,000, are the sites of huge public gatherings year-round. In most cases, sports venues are the result of public-private partnerships that involve significant financial commitments from taxpayers. And very often, they serve as anchors for private investment in communities across the country.

In the current environment, it is critical that arenas and stadia continue to be insured against a terrorist act. The federal backstop established by Congress in 2002 has been a tremendous success, and is the only reason that such insurance remains available to policyholders. We are therefore pleased that the Committee will be taking up extension legislation this week, and we urge its prompt passage.

In addition, because many of our venues are located in densely populated areas, we further hope you will include language similar to that in the House-passed bill (HR 2761), providing private insurers with an incentive to make coverage available in those areas where they would otherwise impose coverage limits due to the perceived risk of terrorism.

Ensuring minimum economic disruption from a terrorist attack is an important national objective, and guaranteeing the continued availability of terrorism insurance is a key component of that goal. Once again, we are grateful to the Committee for its history of supporting TRIEA and strongly support its extension.

NATIONAL ASSOCIATION OF
MUTUAL INSURANCE COMPANIES,
October 16, 2007.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.
Hon. RICHARD SHELBY,
Ranking Member, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DODD AND SENATOR SHELBY: On behalf of the National Association of Mutual Insurance Companies (NAMIC) and our over 1400 member companies we want to express our support for the Committees' "Terrorism Risk Insurance Program Reauthorization Act of 2007."

With the Terrorism Risk Insurance Extension Act (TRIEA) set to expire on December 31st, this legislation is vital in continuing this much needed program. Following the terrorist attacks on September 11, 2001, it became clear that some form of federal involvement was needed to help stabilize the marketplace. Despite some improvements in the marketplace, NAMIC believes that the current TRIA program must be reauthorized to assure an orderly economic recovery after the next terrorist attack.

By eliminating the distinction between foreign and domestic terrorism, maintaining insurers' copayments and deductibles at existing levels and extending the program for seven years, we feel strongly that this bill assures that terrorism coverage will continue to be available to policyholders. While we strongly support the base bill, we would like to continue to work with the Committee to try to lower the current event trigger level to $50 million to assure that small and medium-sized property and casualty companies are not squeezed out of the marketplace.

We look forward to continuing to work with you as this important bill moves through the legislative process.

Sincerely,

CHARLES M. CHAMNESS,
President and CEO.

MORTGAGE BANKERS ASSOCIATION,
Washington, DC, October 16, 2007.

Hon. CHRISTOPHER J. DODD,
Chairman, Senate Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.
Hon. RICHARD C. SHELBY,
Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: As you prepare to mark up the "Terrorism Risk Insurance Program Reauthorization Act of 2007" (TRIPRA), the Mortgage Bankers Association (MBA) believes the seven-year extension in the Chairman's Mark signals to the real estate finance industry and the nation as a whole that terrorism risk insurance will remain available and affordable over an extended period of time. This certainty bolsters the capital market's confidence in the commercial and residential real estate finance industries and fosters market stability.

In addition, recently uncovered domestic and international terrorist plots indicate that the distinction between foreign and domestic source terrorism has blurred to the point where such distinctions are meaningless. Accordingly, we strongly support the clarifying language contained in TRIPRA that eliminates this distinction and allows domestic source terrorism to be included in TRIPRA.

MBA remains concerned about nuclear, biological, chemical and radiological (NBCR) risks We stand ready to participate in an effort that would bring together the federal government, policy holders, the insurance industry, and insurance regulators to perform a comprehensive evaluation of the challenges facing the development of the NBCR insurance market and provide recommendations for overcoming these challenges.

Once again, MBA commends you for working together to extend TRIEA. A long-term extension helps provide the clarity and certainty of the federal government's response to a terrorist attack will serve as an important deterrent to future attacks. MBA salutes you for this effort and offers its full support of TRIPRA.

Very truly yours,

KIERAN P. QUINN,
Chairman.

BUILDING AND CONSTRUCTION
TRADES DEPARTMENT,
Washington, DC, October 1, 2007.

Hon. CHRISTOPHER DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR CHAIRMAN DODD: I am writing to you to encourage prompt action on the issue of terrorism risk insurance. This issue is of critical importance to my members and their families all across the United States. For those of us whose jobs depend on this important coverage to do business, this is not just an issue of protecting the investments of pensioners, shareholders, bondholders and individuals from across the nation. It is an issue of jobs and our national economic security.

Since 9/11, the threat of terrorism remains a clear and present danger as are the economic risks associated with this peril. The Terrorism Risk Insurance Act (TRIA) and its extension have been essential to those of us who depend on this coverage. But the current law, TRIA, is, as you know, set to expire in just over 3 months, and people now in the market for terror coverage that extends into next year are being told that their coverage will end if Congress fails to act.

The essential facts that motivated Congress to enact TRIA in 2002 have not changed. Terrorism continues to be an unpredictable threat with potentially mammoth losses. Insurers continue to say terrorism risk is uninsurable. Our economy continues to need terrorism insurance in order to function in the face of the terrorist threat.

Most importantly, our economy needs the framework the program provides to enable us to recover quickly and efficiently after some future terrorist attack. If not extended, the real victims will be the millions of good men and women who depend on the construction industry for their livelihood.

We encourage you as Chairman of the Senate Banking Committee to enact an effective long-term federal program as soon as possible.

Thank you for the opportunity to comment on this important national issue.

Sincerely,

MARK H. AYERS,
President.

AMERICAN BAR ASSOCIATION,
Washington, DC, October 16, 2007.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We understand that tomorrow your Committee will markup legislation to reauthorize the Terrorism Risk Insurance Act (TRIA). We urge your Committee to approve legislation that is permanent or that extends TRIA for a term of years that is as long as possible.

The ABA believes it is very important to pass a long-term or permanent reauthorization of TRIA, which was enacted after September 11, 2001, in order to create a program that helps stabilize the commercial property and casualty insurance markets and ensures the continued availability of terrorism insurance for U.S. businesses. Terrorism insurance is required by banks and financing institutions prior to approving loans on commercial real estate projects and development. Insurance companies are reluctant to offer terrorism insurance without TRIA, which is set to expire at the end of December 2007. In order to prevent market disruption, it is critical for Congress to act promptly so that new policies for 2008 can be written by insurers and purchased by policyholders prior to TRIA's expiration.

TRIA has helped stabilize the price of terrorism insurance by reducing the amount of risk borne by insurers. Without this federal backstop, many insurers would not provide terrorism coverage. The unpredictability of terrorism diminishes the ability of the private market to underwrite this risk, which is significantly more difficult to predict and model than other kinds of risks. The risk is so variable and difficult to predict that insurers and reinsurers will only put limited amounts of capital at risk. The government backstop helps to consolidate the risk of catastrophic events so that the consequences of modeling mistakes are shared by the federal government and the private insurance industry, rather than by individual insurers alone.

A government backstop is especially needed in the area of insurance coverage for nuclear, chemical, biological, and radiological attacks. At the present time, there is little insurance available for such attacks apart from coverage mandated by state law, such as workers compensation.

The government-industry partnership benefits policyholders and the economy. Some critics of TRIA improperly characterize it as an "industry bailout" bill. Such rhetoric is both overblown and misplaced. After September 11, and prior to TRIA's enactment, exclusions from terrorism risk were approved in 45 states and the District of Columbia. It is therefore reasonable to assume that without sufficient reinsurance, or another financial loss-sharing mechanism like the federal backstop, most insurers could simply exclude terrorism risk from their coverage.

The federal government, because of its massive national security apparatus and its superior access to information, is in the best position to partner with the insurance industry to provide terrorism insurance. Moreover, experience has shown that the government will likely provide assistance to victims of a major terrorist attack; it behooves the federal government to be involved prior to the attack in order to receive the benefits of advance planning, risk management, capital accumulation, and the opportunity to use the underwriting and claims expertise of the insurance industry.

We urge your Committee to approve legislation that would provide for the permanent or long-term reauthorization of TRIA.

Sincerely,

DENISE A. CARDMAN,
Acting Director.

AMERICA'S COMUNITY BANKERS,
Washington, DC, October 16, 2007.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

Hon. RICHARD SHELBY,
Ranking Member, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: On behalf of America's Community Bankers (ACB) and its member banks representing over $1.7 trillion in assets across the nation, I am writing to express our strong support for the Terrorism Risk Insurance Program Reauthorization Act of 2007 and the Flood Insurance Reform and Modernization Act of 2007. These two pieces of legislation, scheduled for consideration during the Committees Executive Session on Wednesday, October 17, 2007 will provide much needed certainty to both the commercial and residential lending market by ensuring that adequate terrorism and flood insurance safeguards remain both affordable and available They will also provide certainty to our nation's lenders who require these types of coverage for the commercial and residential loans they originate

ACB particularly appreciates the inclusion of a provision that extends the terrorism risk insurance program beyond what has become a standard two years. This will allow time for the private market to innovate and develop private-based solutions for permanently covering this level of risk.

We commend you both for crafting balanced legislation that will ensure adequate continuity in our nation's lending and insurance markets, and we look forward to working with you in passing these very important bills.

Sincerely,

ROBERT R. DAVIS,
Executive Vice President and Managing Director, Govt. Relations.

NATIONAL ASSOCIATION
OF REALTORS,
Washington, DC, October 16, 2007.

U.S. SENATE,
Committee on Ranking, Housing & Urban Affairs, Washington, DC.

DEAR SENATOR: On behalf of more than 1.3 million members of the National Association of REALTORS® (NAR), I commend the Senate Committee on Banking, Housing and Urban Affairs for developing a bipartisan bill extending the terrorism Risk Insurance Program. NAR, supports the Terrorism Risk Insurance Program Reauthorization Act (TRIPRA) being considered on Wednesday, October 17.

The availability of terrorism insurance is vital to the continued strength of the commercial real estate markets. Without a reauthorization of the Terrorism Risk Insurance Program by the end of the year, terrorism coverage will likely become unaffordable and widely unavailable. As we continue to fight the WAR on terror, our enemies may look beyond the iconic real estate of our major urban centers and consider soft targets such as shopping centers and suburban offices. NAR supports a comprehensive extension of the Terrorism Risk Insurance Program which provides a long-term duration, eliminates the distinction between foreign and domestic acts of terrorism, and evaluates whether the federal backstop program should be strengthened to enable insurance providers to make nuclear, biological, chemical, and radiological event coverage available at an affordable rate.

Again, I thank the Senate Committee on Banking, Housing and Urban Affairs for addressing the need to extend the Terrorism Risk Insurance Program in a timely and comprehensive manner. NAR urges you to support TRIPRA.

Sincerely,

PAT V. COMBS,
2007 President,
National Association of Realtors.

PROPERTY CASUALTY INSURERS
ASSOCIATION OF AMERICA,
Washington, DC, October 16, 2007.

Hon. CHRIS DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

Hon. RICHARD SHELBY,
Ranking Member, Committee on Banking, Housing and Urban Affairs, U.S. Senate Washington, DC.

DEAR CHAIRMAN DODD AND SENATOR SHELBY: The Property Casualty Insurers Association of America (PCI) supports the bill you have drafted to extend the Terrorism Risk Insurance Act (TRIA), without amendments. We represent more than 1,000 members who insure America's large and small businesses in every sector of the economy.

TRIA works. This program has successfully protected millions of individuals, businesses and the U.S. economy since January 2003 and has made it possible for insurers to cover an otherwise uninsurable risk. We greatly appreciate the leadership both of you have shown in crafting legislation to renew this vital program that has been a foundation on which America's economic strength is built. We are particularly appreciative of the exclusion of a mandatory "make available" requirement for nuclear, chemical, biological and radiological (NBCR) attacks, and also of the inclusion of a seven-year term, which will allow time for a fair analysis of the potential for private sector growth in this market.

We look forward to our continued work with you as this much-needed bill moves through the Senate.

Sincerely,

BENJAMIN MCKAY,
Senior Vice President.

NATIONAL MULTI HOUSING COUNCIL
AND NATIONAL APARTMENT ASSOCIATION,
Washington, DC, October 16, 2007.
Hon. CHRISTOPHER DODD,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN DODD: On behalf of the National Multi Housing Council (NMHC) and the National Apartment Association (NAA), we would like to express our strong support for the "Terrorism Risk Insurance Program Reauthorization Act of 2007" (TRIPRA).

The NMHC and the NAA represent the nation's leading firms participating in the multifamily rental housing industry. Our combined memberships are engaged in all aspects of the apartment industry, including ownership, development, management, and finance. The NMHC represents the principal officers of the apartment industry's largest and most prominent firms. The NAA is the largest national federation of state and local apartment associations. NAA is comprised of 190 affiliates and represents nearly 50,000 professionals who own and manage more than 6 million apartments. NMHC and NAA jointly operate a federal legislative program and provide a unified voice for the private apartment industry.

We are extremely pleased with the proposed 7-year extension. This recognizes the long-term need for the program and will bring certainty to the market relative to pricing and capacity. With the December 31, 2007 expiration date of the program quickly approaching, we are reminded of the interruptions that result with looming expiration dates that are harmful to the overall health of the market for terrorism insurance. Certainty in costs and coverage limits are critical components in a multifamily property owner's continued ability to offer safe and affordable housing. We are also pleased to see the elimination of the distinction between foreign and domestic acts of terrorism.

The Terrorism Risk Insurance Act of 2002 (TRIA) and the Terrorism Risk Extension Act of 2005 (TRIEA) have been the mechanism that provides ready access to affordable terrorism insurance coverage for commercial property owners and developers, as well as countless small and large companies throughout the United States. The real estate industry represents one of the highest take up rates among all policyholders for terrorism coverage. According to results of the NMHC 2007 Risk Survey, 87.1 percent of apartment firms surveyed purchased terrorism coverage as part of their property program.

NMHC/NAA remain optimistic that over time private market solutions will reduce or eliminate the need for federal support. However, we are not there yet. Until such time we support the federal government's continued role to ensure that terrorism risk insurance is available and affordable for all American businesses. We encourage your support for the "Terrorism Risk Insurance Program Reauthorization Act of 2007" (TRIPRA).

Thank you for your support of this critical program.

Sincerely,

JIM ARBURY,
Senior Vice President,
Government Affairs.

Mr. COBURN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. May I ask the Senator to withhold for a couple minutes?

Mr. COBURN. Absolutely.

HONORING SENATOR ROBERT C. BYRD

Mr. REID. Mr. President, last night I had the honor and pleasure of going to a birthday party. I, personally, never had birthday parties. My mother always said my birthday was too close to Christmas, so I guess we made up for it on Christmas. But the party last night was sensational.

Hundreds of people showed up. They showed up a few days early, but only a few days, because this coming week Senator ROBERT BYRD will be 90 years old. He holds all kinds of records. I often compare him with the greatest baseball player of all time, Babe Ruth, for obvious reasons.

What a pleasure it has been for me to serve in the Senate, but every day that goes by that I am able to serve in the Senate, I reflect upon how fortunate I am to serve with Senator BYRD and the many courtesies he has extended to me; from the first time I arrived in the Senate, when he asked: Senator, will you agree to conduct hearings for the Interior Subcommittee on Appropriations?

That was as good as scoring a touchdown, to have Senator BYRD ask me to conduct a hearing. He was chairman of that subcommittee, and I did that. When work was to be done on that committee, it didn't matter what I had scheduled, I set it aside so I could satisfy Senator BYRD and do a good job of conducting those hearings.

I wish Senator BYRD happy birthday. As I said last night at the birthday party, I also wish to tell him how much I appreciate all he has done for me personally, all he has done for the people of West Virginia, all he has done for the people of the State of Nevada, and all he has done for our country.

It is such a thought-provoking thing, to think that I have been able to serve with Senator BYRD and serve in some of the positions he has held: Minority leader, majority leader, minority whip, majority whip.

Last night I was so happy. Senator BYRD was his old self. There he was up there in front of everybody, without a note, reciting poetry from memory. I have said it before, but I will say it again, I want him to hear this and I want everyone else to hear this. I have a lot of favored stories about Senator BYRD, but this is my favorite.

I came back from Nevada. I was right back here. Senator BYRD said: What did you do this weekend?

I said: Senator BYRD, I grabbed a little paperback book out of my library and I read "The Adventures of Robinson Crusoe."

Senator BYRD did as I have seen him do many times: Robinson Crusoe? He was on that island 28 years, 6 months, 2 weeks, and 3 days.

I looked at him. I said: What is he talking about? I just read the book. I went back to my home and looked, and there it was. He hadn't read the book for 40 years, but in that computer he has that is a brain, he was able to recall that.

That is only one indication of the abilities of this orphan who is so proud of being from West Virginia. He may have been an orphan growing up, but he is not an orphan in the Senate. He has a family who loves him.

Mr. MCCONNELL. Mr. President, when ROBERT C. BYRD was born, America had just sent its first troops to France, an angry mob had just abolished private property in Russia, and the New York Times published its first op-ed piece.

Unfortunately, the "Times" would continue to publish daily editorials in addition to those op-eds. But fortunately for the country and for us, his colleagues, the Lord granted Robert Carlyle Byrd the gift of years—a lot of them.

Next week, Senator BYRD celebrates one more milestone in a long and growing list of them: his 90th birthday. And I think I speak for every Member of this body when I say we are grateful to have lived in an age in which we could serve with such a remarkable man.

Writing about the foundation of any great society, Ralph Waldo Emerson wrote:

Not gold, but only men can make a nation great and strong
Men who for truth and honor's sake stand fast and labor long
Real men who work while others sleep
Who dare while others fly
They build a nation's pillars deep
And lift them to the sky

ROBERT BYRD is such a man. Indeed, those words seem almost to have been written with him in mind.

Senator, we revere you for your many achievements, we thank you for always bringing us back to our purpose here, we wish you a very happy birthday, and many more to come.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

EXPLANATION OF OBJECTION

Mr. COBURN. Mr. President, I will take a few short minutes because I know others want to honor Senator BYRD, and there is some other business to discuss. The bill I objected to today comes before us because we have some questions. The chairman of the committee, Senator KERRY from Massachusetts, and Senator SNOWE, the ranking member, have it right, wanting to help our veterans and to make sure they have great opportunities as they return. But I remind my colleagues that this last year, in the SBA, we stole $26 million worth of their salaries to run that, to do directed earmarks. So we have this great new leader at the SBA, Steven Preston. Yet we have handcuffed him in his ability to do what he needs to do at the SBA.

We noticed in the paper yesterday a tremendous, large number of loans where things have been faked. The SBA hadn't had the capability of managing the SBA properly. So our purpose in doing this is not to go against the veterans we see. Nobody stands as a greater supporter than I in terms of protecting their privacy, their second-amendment rights, and honoring them.

We do want to do this. The offset that is in this bill comes out of a microloan that is also designed to help veterans. So we are taking money from one area and not the other at the same time we are stealing money from the SBA's operational money to do earmarks that don't do anything to help veterans.

My pledge to both Senator KERRY and SNOWE is to look at this and see if we can't come to some resolution about our concerns over the intervening time between now and the time we come back and make a commitment to try to do that.

But most important is, what we want to do is preserve freedom. An ever-encroaching Federal Government does not preserve the very freedom that those veterans fought for.

I yield.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

HONORING SENATOR ROBERT C. BYRD

Mr. ROCKEFELLER. Mr. President, I rise today to wish a very happy birthday today to my colleague, Senator ROBERT C. BYRD, and to say a couple of things about him.

As the majority leader indicated, we had a wonderful reception for him last night, and what was interesting to me was not only the warmth of what it was that those who spoke said of him, but even more important was the fact that in the crowd of 2 or 300, I would say 80 percent of them had come up from West Virginia or were West Virginians who had come from other parts of the country.

It was actually the strongest statement of the evening because it reflects their love and their respect. These were people who would not ordinarily do something such as this because they have other matters they might need to attend to because they are public officials or because of their positions—they are scholars or whatever. But they made their way up here so they could pay their tribute by their presence, even though they could not say a word to Senator BYRD.

That meant a lot to me, to understand—as I do anyway—the way people feel.

I also wish to say one of the things I have always most admired about Senator BYRD is he grew up the hard way. We have talked about that from time to time, all of us who comment on Senator BYRD, from one birthday to another, and how he persevered and how he never grew discouraged. He had very little means with which to live, but he had something called iron will and a sense of purpose.

It is not entirely clear to me that his sense of purpose was to be directed to the Senate in his early years, when he was working for the military, as a ship builder, as a meat cutter, and doing other things he needed to do, particularly when he was in West Virginia, for the purpose of surviving.

But what actually interests me almost the least about next Tuesday is that it is his 90th birthday. That is not what I think of when I think of ROBERT C. BYRD. I don't think about his age. I think about his absolutely dominant sense of discipline, self-control, purpose, and a willingness to do whatever needs to be done to accomplish a goal for West Virginia.

Senator BYRD and this speaker, this Senator, understand very well how hard it is for West Virginia to succeed, to make strides forward, partly because of the nature of its topography—only 4 percent of the land is flat. There is a very interesting effect of that 4 percent. I think Senator BYRD would agree with me. It causes us not only to have to fit most of the industry in that 4 percent, but a lot of the people are fit into that 4 percent. Therefore, by definition, the word "community," and from that the word "family," has a powerful meaning in West Virginia.

I wasn't born in West Virginia. I came to West Virginia as a VISTA volunteer and worked in a very challenged community for 2 years as a VISTA volunteer. It was that sense of family, of people looking out for each other, that turned my life upside down and made me want to stay there and fight for West Virginia.

The phrase "fighting for West Virginia" is what sums up ROBERT C. BYRD, whether it is his 50th birthday or his 90th birthday. It has never changed with him. The fight for West Virginia, in our part of the world, is a sacred cause; No. 1, because it is hard; No. 2, because there are so many people who don't understand West Virginia, don't understand West Virginians.

But then an interesting thing happens. They come to West Virginia on a visit. When they go to the Greenbrier, that doesn't quite count as going to West Virginia. But if they come to the rest of West Virginia, they are usually overwhelmed. This can be reporters, this can be observers, this can be people who are doing business or visiting in West Virginia—they are overwhelmed by the sense of warmth, honesty, integrity, purpose. For the most part, it is a hard life, a fairly low average family income, people living at the margins—some people doing spectacularly well. Many of them leave the State. Many of them stay in the State.

But West Virginia takes work. It takes hard work. That is what Senator ROBERT C. BYRD is all about and that is what I think of when I think of him on this day, on next Tuesday, or any time in the future: the capacity and the love of hard work. It is a requirement for a Senator from West Virginia, but it has been the particular domain of the senior Senator from West Virginia. Yes, it is true that he has held powerful positions and does hold powerful positions in the Senate. What can one make of that? The fact that he has been here and he has earned those positions.

But he has done everything in his power to help our people and to help our communities. That is essentially what I am here for, but I am staggered by what he has done.

It is not just the building of roads—that is what is usually associated with Senator BYRD—but it is all kinds of work. When you pick up a local newspaper, often somebody—some institution, some college, some volunteer fire department, some research institute at one of our universities or colleges—has been helped by Senator BYRD.

It is work, it is simply hard work.

It is like the memorization which has been referred to so often. It is the power of memory. If you memorize poems, if you memorize books, if you memorize English monarchs, that takes work. It takes a particular type of diligence, fanatical commitment to achieving a purpose. So he can do it on that cerebral side, the intellectual side, and he does it all the time in serving West Virginia.

I can remember in happier days for all of us, when Irma, his beloved wife, was living. I would call him—I would try not to call Senator BYRD too often at home—and she would say: Oh, he is out on the porch having a cigar.

I would feel good. I would feel good because it would be one of the very few times that I had ever heard of Senator BYRD not working but actually sitting on the porch smoking a cigar. Now, he may have been reading the Constitution, he may have been reading the Encyclopedia Britannica, I have no idea. But he was smoking a cigar. Or sometimes he would take a walk with his beloved dog Billy. And those things he treasured.

So he did have his moments of solace and his moments of quietude. I think a particularly hard blow for him, and therefore for my wife Sharon and myself, was the death of his wife. She was the, as they say, moving wind under his wings. He adored her. We have had many conversations about her. Yet when she passed on, it did not change his nature. It saddened him. He does not show his emotions. But it did not change his nature as a worker. So he will be 90, that should be noted as a fact, on Tuesday. But on Tuesday he will also be an incredible fighter for the people of West Virginia and, yes, of the Constitution and, yes, the place of the Senate in our pattern of Government. But, fundamentally, his heart, his work, his attention, over and above what he has given to his family, has been helping the people of West Virginia. That is what we are elected to do. We all do it in one way or another. Some just do it in a superior way because they have the superior ability and a superior focus and a superior concentration and an overwhelming love for their State, which nurtured them, brought them up, and gave them the values Senator BYRD has.

Senator BYRD, I am tempted at this point to say: Here is to you. But you do not drink. That is another one of your good characteristics. So I am not going to say that. I am just going to say I am extremely proud to be your colleague. I am very moved by every aspect of your career which, I think, in the broad sweep of America, matches anybody.

Lots of people can make money. They have an idea, they turn it into a product, the product sells, they make a lot of money, and then they go buy houses and do things. Very few people have the constancy of purpose and love of State, driven greatly now by the memory of Irma, which is always with you every minute of every day.

So I honor you, Senator BYRD. I wish you a happy birthday, and many happy birthdays to come.

Mr. CONRAD. Mr. President, I wish Senator BYRD a happy birthday. I was there at the celebration last night. Senator BYRD is one of the great men in American history. As people will look back on his career, they will see a truly remarkable public servant. It has been my privilege in the 21 years I have been here to watch Senator BYRD, to learn from him. He is a truly remarkable man, a renaissance man, somebody who studied not only American history but world history. He has learned from what he has studied. He brings the wisdom of the ages to this Chamber.

We have enormous admiration for what Senator BYRD has meant to this country, to his State, and to the Senate that he loves so much. We all recognize Senator BYRD and want to honor him on this special day.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

UNANIMOUS-CONSENT REQUEST—H.R. 3074

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany H.R. 3074, the Transportation-HUD Appropriations Act; that there be 20 minutes of debate with respect to the conference report; with the time equally divided and controlled between Senators MURRAY and BOND or their designees; that upon the use or yielding back of time, the Senate proceed to vote on adoption of the conference report, without further intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Mr. President, there is objection on behalf of members of the Republican side. As you know, the Republican leader objected to the same request yesterday. There is objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mrs. MURRAY. Mr. President, we are about to begin one of the busiest travel seasons of the year—the week of our Thanksgiving holiday. The millions of Americans who will take to our Nation's roads, rails, and airways probably won't have the country's transportation budget on their minds. But we had them in mind as we put together this bipartisan Transportation-Housing appropriations bill and negotiated the conference agreement before us today. Unfortunately, the Senate Republican leadership has now formally blocked our ability to have a vote on this conference agreement and move it to the White House. And that is shameful.

Our conference report invests in rebuilding our infrastructure and modernizing our safety systems. It spends the money needed to adequately staff our air traffic control towers and hire the safety inspectors for aircraft, pipelines, and railroads that are needed to protect us. It rejects misguided budget cuts proposed by the White House to slash the number of safety inspectors, underfund our highway needs, and throw Amtrak into bankruptcy.

This bill also keeps faith with another American Thanksgiving tradition—giving back to those who are less fortunate. It rejects the President's proposals to slash housing funds for the elderly and the disabled and provides necessary increases to shelter the homeless and keep federally subsidized tenants in their homes.

Finally, this holiday, millions of families will worry that they won't be able to keep their homes for another year. Millions are facing foreclosure on their homes in the coming months as their mortgage payments rise to unaffordable levels. This agreement helps address that crisis by targeting a quarter of a billion dollars to ensure these families get counseling that will allow them to stay in their homes. We are working to stop the rising number of foreclosures and increasing despair among the millions of citizens who pursued the American dream of homeownership.

Throughout this process, I have worked closely with a very able partner, my ranking member, Senator BOND of Missouri. We held numerous hearings together. We negotiated every line of a very complicated spending bill together, and we negotiated the details of a conference report with the House together. Senator BOND and I didn't agree on every issue or every funding level, but we continued to make compromises so that we could keep the team together, press forward with our joint responsibilities.

We were able to put together an appropriations bill that was reported by our committee without one dissenting vote. That bill passed the Senate with 88 votes. We then negotiated a conference agreement that earned the signature of every single conferee, on both sides of the aisle, on both sides of Capitol. I am so proud of how well we were able to work together to get this important bill done. This is truly a bipartisan bill.

Sadly, President Bush threatened to veto this agreement—despite the years of neglect it seeks to reverse—and even though it has strong bipartisan support. The President says he opposes this bill because it spends about $3 billion more than the levels he requested for these programs back in February. I think it is unconscionable that he wants to spend $196 billion on the wars in Iraq and Afghanistan—in this year alone. Yet he refuses to invest just $3 billion on some of the basic needs of every American—transportation and housing.

What is even worse is that instead of standing up for programs they believe in—that they supported already—the Republican leadership here in the Senate has decided to stand in the way in order to protect President Bush from having to veto these important projects. The Senate Republican leadership put their loyalty to this failed Presidency above all the good this bill can do—and above the fact that 88 Members of the Senate supported it.

Clearly, when the Senate Republican leadership calls for bipartisanship—as they have several times since they became the minority—they don't necessarily mean it. When we have a truly bipartisan agreement, they might still kill it just to score a political point. And that is a tragedy for the Senate and for Americans.

So I think it is important to point out why this bill spends more than the President's request. It is because all the conferees—Democrats and Republicans alike refused to let our bridges and highways crumble. They refused to go into the busiest travel week of the year by slashing funding for airports and railways. They refused to let our families lose their homes without an opportunity to work with their lender and professional counselors to keep it. And they refused to let our returning heroes lie homeless on the street in need of shelter and mental health services.

Now let me share some examples of why this bill should move forward.

We have all heard the stories this year about record flight delays that have disrupted people's travel plans across the country. Customer service complaints are at an alltime high. Our airports and runways are now more congested than they have ever been. And that is on a normal nonholiday week—some 27 million Americans will take to the airways this Thanksgiving.

We also face a huge challenge as we work to replace the thousands of air traffic controllers and safety inspectors who are scheduled to retire over the next several years. The void they will leave threatens the safety and reliability of our airlines. Many of our controllers are still using equipment that is two decades old or older. But if the President had his way, we would cut funding to modernize our air traffic control system by more than $50 million.

Well, not one Democratic or Republican conferee on our bill stood up for the President's dramatic cuts in airport investment. And no one agreed that the cutting our investment in modernized equipment was a good idea.

The President just doesn't get it. Just yesterday, he voiced concern about flight delays even as he continued to threaten to veto this bill. Only someone who flies on Air Force One could make those two statements at the same time. Travelers will have President Bush and the Senate Republican leadership to thank as they wait at the gate and on the runway, this holiday weekend.

Mr. President, the next is train travel. This coming Wednesday—the day before Thanksgiving—more than 125,000 Americans will use the Amtrak system in just 1 day. Our overcrowded highways and runways aren't able to absorb those travelers. We have to keep up our investments in options like Amtrak, which will cut down on highway congestion and air pollution caused by cars stalled in traffic. Yet the President proposed to decimate Amtrak's funding, which would have thrown the railroad into certain bankruptcy.

Well, all the conferees—House and Senate—Democrats and Republicans—refused to slash funding for Amtrak by nearly 40 percent—or almost $500 million. Not one wanted to lose our Nation's passenger rail service to the President's misguided budget priorities.

Thirdly, we agreed to spend more than the President requested because the conferees recognized that the millions of holiday travelers who take to the highways next week will cross over 600,000 bridges that the Federal Highway Administration has rated as "Deficient." Mr. President, 80,000 of those bridges have been deemed to be functionally obsolete, meaning they don't meet today's design standards for safety, and they are handling traffic far beyond what they are designed for. These are not just remote bridges in sparse parts of the country, either—6,000 of those deficient bridges are on the National Highway System—the core network of highways that connect our major cities and towns.

We still have a tragic reminder of the cost of neglecting our highways and bridges. In the city of Minneapolis, tens of thousands of Thanksgiving travelers will be required to take alternative routes due to the collapse of Interstate 35W bridge.

This conference report includes $195 million to help complete the reconstruction of the I-35W bridge. It also includes additional spending authority of $1 billion dollars from the Highway Trust Fund to allow all 50 States to beef up bridge inspections and rebuild or renovate their most deficient bridges. That additional spending authority came about as a result of my amendment, which passed on the floor back in early September. I want to thank the many Republican Senators who supported me on that vote.

Now the President's budget was formulated and delivered to Congress before the Minneapolis tragedy. But I just think it is wrong that the President hasn't altered his budget priorities one penny in the wake of that reality.

Both sides of the aisle in Congress have heard the wake-up call on the need to address our most critical, deteriorating infrastructure. Yet the President would rather spend $196 billion on the war than help our communities ensure their safety.

Our conference agreement also helps protect homeowners who are struggling to keep a roof over their heads. It spends more than the President's request because the conferees—Democrats and Republicans alike—didn't hide from the subprime mortgage crisis that is threatening to destroy many middle-income communities across the Nation.

In the next two quarters, more than 2 million homeowners throughout the Nation will see their mortgage payments rise. Many of them will struggle or fail to meet these new, higher payments. We are now seeing communities where every other home—or every third home—is being abandoned by homeowners who can't meet their payments. Whole communities are having their economic underpinnings ripped from beneath them. Many of these near-ghost towns have been concentrated in the industrial Midwest. But Senators must know—if something isn't done to address this crisis soon, we will find these communities all across the country.

Our conference agreement includes a special infusion of $200 million to boost housing counseling efforts to help keep struggling mortgage-holders in their homes. It is the same level that was included in the Senate version of the bill—a 500-percent increase over the current level. And rather than send this additional funding into the HUD bureaucracy, we have sent it out for competitive grants through the Neighborhood Reinvestment Corporation—a federally chartered corporation that specializes in this area.

I am especially proud that this agreement helps protect our veterans, who—tragically—now make up a quarter of the homeless population.

Veterans Day just passed. In the speech I delivered in my home State, I said we ought to be asking what we can do—as a community, a state, and a nation—for our veterans. The conferees on our Transportation-Housing bill—Democrats and Republicans alike—refused to turn their back on the realities facing our returning heroes from Iraq and Afghanistan and all past conflicts. So our bill took one step in the right direction for our veterans. It includes $75 million for additional housing vouchers, which provide housing assistance through HUD, as well as supportive services through the VA to help get our heroes back on their feet.

This isn't the first year the President has tried to underfund our Nation's housing and transportation system. The cuts this Congress refused to adopt this year are the very same reckless cuts proposed by the Bush administration in 2007, in 2006, in 2005, and every other year. The President has been proposing to slash funding for the CDBG Program, for elderly and disabled housing, for Amtrak, and for airports—year, after year, after year. This year was no different—and Congress responded the same way. The only difference between this year and prior years is that this year President Bush is threatening to veto the bill. And the Senate Republican leadership is determined to protect him from having to make that hard decision.

But the American people don't care about party politics. They care about whether their bridges are safe enough to travel on. They care about whether they will have to sit for hours in the airport because their flights were delayed. They care—when they are sitting on a train platform—about whether the train is actually going to arrive. And they care about our homeless veterans and the need to keep struggling mortgage-holders in their homes.

Our conference committee addressed those realities head-on and came up with a bipartisan solution. I only wish the Senate Republican leadership had these concerns of the American people on their minds rather than their need to protect a misguided President who is so out of touch with the American people.

We learned today where bipartisanship begins and ends for the Senate Republican leadership. It begins with empty, insincere rhetoric on the Senate floor. And it ends when it comes to the need to protect President Bush. When the American people wonder why important legislation is not passing out of the Senate, they should look at this example, one where the Senate Republican leadership is blocking progress on a bill that bears the signature of every Republican who worked on it—one where the needs of the American people are thrown out the window in favor of the need to protect a failed President.

HAPPY BIRTHDAY TO SENATOR BYRD

Mr. KYL. Mr. President, might I be recognized for a moment to comment, as the Senator from West Virginia did, on the birthday of Senator BYRD?

I will be very brief. Certainly, Senator ROCKEFELLER, being Senator BYRD's colleague, with great emotion, I noted, commented on his colleague's birthday.

I hope perhaps coming from someone on the other side of the aisle it will be equally meaningful to recognize Senator BYRD's birthday, but also recognizing his long service here, not just his birthday.

We all hope we can continue to achieve those birthdays, but more important is the ability to represent the people of our State, the people of the United States, and do so over a long and distinguished career.

There are few who have matched Senator BYRD in that regard. I join Senator ROCKEFELLER in extending my best wishes to Senator BYRD, someone who, like me, loves bluegrass music. The only difference is he can play it; I cannot. Happy birthday, Senator.

The ACTING PRESIDENT pro tempore. The Senator from Ohio has the floor.

Mr. BROWN. Mr. President, I join in wishing Senator BYRD a happy 90th birthday. I first heard Senator BYRD speak, and for that matter play his fiddle, in 1974 in Shelby, OH, a city in north central Ohio.

I was a candidate, right out of school, for the State legislature. I knew of Senator BYRD's reputation, but I never heard him play the fiddle, and I was honored by his coming to this small town and playing the fiddle for the assembled 200 or 300 people.

I also had the pleasure of listening to Senator BYRD earlier this year as a freshman member of this body as he spoke to the Democratic caucus lunch. He talked about his background. He was born during the flu epidemic. It took members of his and so many families' lives, and his struggles, as Senator ROCKEFELLER said, made him into the scholar and the fighter for economic justice that he has been.

Then I had the pleasure of visiting Senator BYRD in his office my first month on the job. He then came out during my maiden speech on the Senate floor and made a comment that my daughter talks about to this day. He said: Senator BROWN's words will be in the CONGRESSIONAL RECORD not for 100 years but 1,000 years. And my daughter called me up right afterward and said Senator BYRD said the words will be in the CONGRESSIONAL RECORD in 1,000 years.

But more important than that, he gave me his collection of speeches on the history of the Roman Senate, something we all, as newer Members of the body, should have the opportunity, and should take advantage of the opportunity to learn from his writings about the Roman Senate, how we can make this Senate work better than sometimes it does.

I would finally say, as the Senator from the State on the other side of the Ohio River, we share Parkersburg and Marietta and Belpre. We share Wheeling and Belmont County, Saint Clairsville, Bellaire, Flushing, across the river, and all up and down the river. People on my side of the river have such great admiration—of course, they do in West Virginia, but they have such great admiration on my side of the river for the terrific work Senator BYRD has done.

I only have 4 or 5 minutes I would like to say about Thanksgiving and the farm bill. But if Senator BYRD would like to take time before that, I am certainly willing to yield or I can proceed.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have some comments. They will be short, but I will save them for next Tuesday, which the Lord willing, at that time I will say a few things. I thank the Chair. I thank the Senator. I thank all of the Senators. I thank all the Members and the staff who make it possible for us to do our work. Thank you. Thank you. Thank you. Have a good Thanksgiving.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

THE FARM BILL

Mr. BROWN. Mr. President, today the Senate will break for the Thanksgiving holiday. We will all travel back to our States. We will work in our offices. We will move around our States. We will probably celebrate the Thanksgiving holiday with our families and our friends.

Many of us who are so very blessed will gather together next Thursday at tables surrounded by family, echoing with laughter, overflowing with food.

For too many families in my home State of Ohio and across the Nation next Thursday will be very different. These families, many of whom work full-time, simply do not earn enough each month to survive without the assistance of food stamps and food banks and help from churches and help from other organizations.

Too many families suffering from layoffs—layoffs caused by plant closings, the offshoring of jobs, and the downsizing of American industry—are now solely reliant on food stamps and food banks to feed their families. Adding anguish to heartache, food banks, the last hope many have for getting even just one meal a day, are finding themselves running short on food.

Yesterday's Cincinnati Enquirer told the story of Denise Arnold, a mother from Roselawn, OH, a suburb of Cincinnati. Since losing her job, and while looking for another job, Ms. Arnold has fallen behind on her rent and worries about becoming homeless. She has applied for food stamps, but that process takes time, and she has a son to feed.

Ms. Arnold visits the St. Vincent de Paul food pantry industry to get what food she can for her family. She told the reporter: It is really rough. I have been so scared. The pantry once was able to offer a week's supply of food to those in need. Now, because of budget cuts and inadequate funding, this pantry must ration out, as so many others do, to their visitors, a few days' worth at a time, not a full week.

According to yesterday's newspaper article, food pantries across the region have similar stories to report. On this floor, I have shared the story of Rhonda Stewart, a single mother from Butler County, OH, who relies on food stamps to feed her family.

Ms. Stewart bravely shared her story before the Senate Agriculture Committee several months ago as we began the process of writing the 2007 farm bill. She told us she has a young son and is fairly recently divorced. Her husband—her ex-husband—has lost his job and is not able to support the son or his former wife.

She has a full-time job, only making about $9 an hour. She is president of the local PTA and volunteers for the Cub Scouts. She teaches Sunday school. She does everything we ask of a citizen and a parent, and she is a food stamp beneficiary.

Yet, she told us, at the beginning of the month, she and her son—she cooks pork chops once or twice that first week. That is his favorite meal. By the middle of the month, she takes him out to a fast food restaurant perhaps once or twice. By the end of the month, she always runs out of money. She sits at the dining room or the kitchen table with her son, and that last couple of days of the month at dinnertime he is eating dinner, and she is sitting there not eating.

He says: Mom, what is wrong?

She says: I am not feeling well, or I am not hungry. She said it happens month after month.

The truth is, food stamps provide a benefit of about $1 per person per meal. So Rhonda Stewart was getting $6 per day for food stamps. She traveled to Washington to let us know what mattered most to her and to her family and to families like hers. She had every right to expect that we would listen and we would hear her.

In 2006, more than 35 million Americans went hungry. We must ask ourselves, how many more will go hungry next Thursday and Friday and Saturday and Sunday and into the rest of the holiday season?

I raise this issue today because at this moment we are debating in this Chamber legislation that literally means the difference between food and hunger for Ms. Arnold, Ms. Stewart, and millions of families in this country, hundreds and hundreds of thousands of families in my home State of Ohio like theirs.

In a nation wealthy as ours, eradicating hunger, eliminating poverty, investing in families should not be a political issue. It is not Republican versus Democrat. It is food and shelter versus Americans who aren't as fortunate as all of us in this body, as the staff, the Senators, all of us. This is a moral obligation, a duty that flows from compassion and the very reason we have been sent here as public servants.

In November of last year, families in my State of Ohio, as they did in the State of the Presiding Officer, sent a loud and clear message that they wanted change. They demanded in no uncertain terms that the priorities championed here in Washington better reflect their own back home. Given their call for change and the unquestionable understanding of challenges facing families across the country, one must pause and reflect on what we are actually doing here. We have a responsibility to think about the priorities being debated this week, this very day as part of the farm bill.

On the one hand, we have been arguing for weeks about how many tens of millions, sometimes hundreds of millions, an industry gets out of this bill. We have been arguing over profit margins. On the other hand, we have in this legislation language that would fund food banks by an additional $110 million each year. We have legislation that would increase food stamp funding by $5 billion over 5 years and would help millions of new families with food assistance. We have the opportunity in this bill to validate for Ms. Arnold and Ms. Stewart and the millions of mothers like them across the country that their voices do in fact matter. These are not issues being discussed only within these walls. This is a question of principle. It is a call to action the public understands very well. The public understands how important are the issues of hunger, social justice, investing in families, at every level of income.

I applaud Ohio food banks and businesses such as First Energy and the Kroger Company for their dedication and initiative. This year First Energy and its employees, as part of their Harvest for Hunger campaign, collected the equivalent of nearly 2 million meals. This week the Kroger Company helped jump-start a Hunger is Unacceptable campaign in greater Cincinnati.

Local social service agencies in the area are pooling resources to help fight hunger more effectively. What these stories say to me is that people back home get it. They get it in Cincinnati, in Columbus, and in Cleveland. It is time that Washington gets it.

I strongly urge my colleagues to remember that budgets and bills are more than ink on paper. They are a set of priorities, and they are about our values. I strongly encourage my colleagues not to delay in passing the farm bill and to remember how many families are depending on them for us to stand up for them.

I fully expect and encourage families back home to continue watching what we do and to hold all of us accountable for our actions.

I want to say to Ms. Arnold—with a very special mention to Rhonda Stewart—that so many of us in this Chamber hear you. We are fighting for you, and we will not give up.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague from Ohio for his service on the Agriculture Committee. He has brought new vision, new vigor to the committee. We very much appreciate his service there. This has been a difficult challenge, but I think we can be very proud of the result. This bill is fiscally responsible, and at the same time it does begin the orientation of priorities. It gives additional funding to not only conservation but to nutrition, where the Senator from Ohio has been a real leader. Over and over he has reminded us of not only our responsibility to fellow Americans, but a moral responsibility we have to make certain we change some of these programs that are so critically important to people all across America.

It is so often overlooked that the vast majority of the money in the farm bill, 66 percent of the funding, goes for nutrition. That is where the vast majority of the spending goes. We can be very proud of the changes that have been made. We have added over $5 billion above the baseline for nutrition, to begin to address things that have not been changed for 30 years. The Senator from Ohio has been a leader, somebody who prodded us all to be better than we have been. I thank the Senator from Ohio for his leadership.

BUDGET FACTS

Mr. CONRAD. Mr. President, I come to the floor to respond to remarks made yesterday by the ranking member of the Senate Budget Committee. I must say, sometimes my friends on the other side of the aisle amaze me on the question of fiscal policy. Because after nearly 7 years of rubberstamping the Bush administration's completely failed fiscal policy, they are so anxious to distract attention from what they did, they now want to besmirch what we have done. We are not going to let them do that.

I have enormous respect for my colleague. He and I work together on the Budget Committee. I like him. I respect him. But it is not his right to rewrite history. The fact is, when they were in charge, as recently as last year, they couldn't even get a budget. They had no budget for the United States. They did not produce a budget, even though they controlled the House of Representatives, the White House, and the Senate. They did not produce a budget for our country. In fact, 3 of the last 5 years they didn't produce a budget for this country.

Facts are facts. Not only did they not produce a budget, they did not finish work on 10 of the 12 appropriations bills for last year. They are now complaining we have not completed this year's work. One reason is, we had to start out by doing virtually all of last year's work before we could get started on this year's work. That is a fact.

The larger reality is that Democrats not only produced a budget, they produced a budget that will balance the books over 5 years. That is not according to my numbers or the Senate Budget Committee's numbers. That is according to the Congressional Budget Office that is nonpartisan. They are the ones who have the responsibility to make these judgments. They say our budget will balance over 5 years. The President never has produced a budget that would balance. In fact, none of his budgets come even close. In fact, he has run up record deficits and record debt and put America in a deep hole. Our friends on the other side supported every one of his misguided efforts. Facts are facts.

Let's look at the record of our colleagues. For nearly 7 years, our friends on the other side of the aisle voted lock, stock, and barrel to support the President's failed fiscal policy. The result is record debt, and the explosion in Federal debt comes at the worst possible time, just before the retirement of the baby boom generation. That has been their policy. That is their record. We on the Democratic side are working feverishly to change this failed course.

Let's be clear. Under the President's policies, the $5.6 trillion projected surplus he inherited has been completely wiped out. Worse than that, the President's policies have driven us deep into deficit, as this chart shows. This is the record. This isn't a projection. This is what has happened under the President's policies. He inherited a surplus, in fact, a surplus so large that for 2 years we were able to stop what had gone on for 20 years, raiding Social Security to pay other bills. For 2 years under the Clinton administration, that bad habit was stopped. Instead of using Social Security money to pay other bills, we were able to actually pay down debt. That is a fact. That is not an imagining. That is not a political claim. That is historic fact.

Here is the record of our friends on the other side. Here is what happened to spending they controlled. Make no mistake, they controlled it completely. They controlled the House of Representatives, the Senate, and the White House. Here is what happened to spending. It went from $1.9 trillion a year to $2.7 trillion a year on their watch. And they accuse us of being big spenders? Excuse me? This is their record. This is what they did. They ran up the spending in the country by 50 percent. But it didn't end there. Here is what they did on the revenue side. On the revenue side, real revenues have been stagnant during the entire time of this administration. They will show you a very different chart. They will show you not real revenues, which are adjusted for inflation; they will show you a chart that only looks at the last 3 years, and they will do it not adjusted for inflation. So the last 3 years they will show a big increase in revenue. But we all know that is not an apples-to-apples comparison, and we all know that neglects to point out what has happened over the whole period of their control.

Over the whole period of their control, there has been virtually no increase in the real revenues, the inflation-adjusted revenues of the country. They have been flat, as this chart shows.

What is the result? If you dramatically increase spending and revenue is flat, what happens? The debt explodes. That is precisely what has happened with our colleagues on the other side in control. They walked in here with a debt at the end of the first year of the President's tenure at $5.8 trillion. We don't hold them responsible for the first year, because they are working on the budget of the previous President. But look what has happened to the debt. They have run it up $3 trillion in these last 6 years. They have run up the debt to a fare-thee-well. And increasingly, it is foreign-held debt. That is, we are increasingly dependent on the kindness of strangers to finance this incredible borrowing binge our colleagues on the other side have taken this country on.

When they came into office, we had a trillion dollars of U.S. debt held abroad. That is now over $2 trillion. They have more than doubled foreign holdings of U.S. debt in this short period of time from 2001 to 2007.

They then go after the spending that is in our budget. Let me be clear. We pay for our spending. We balance the books in 5 years. If you look at total spending, there is virtually no difference between what the President proposed and what we proposed. The difference is seven-tenths of 1 percent.

Where did we propose spending some additional money?

We proposed not to spend more money in Iraq. We proposed to spend more money right here at home on critical domestic priorities, in three areas: No. 1, aid to our veterans and their health care; No. 2, children's health care; and, No. 3, education.

Those are the priorities of the American people. Those are the priorities that will make a significant difference to our country over time: more money for education so people can go to college, so they can come out with less debt, so parents can afford to help their kids get the best education they can; more money for veterans health care to keep the promise that was made to veterans when we sent them in harm's way; more money for children's health care so we begin to cover children with health insurance. That is a good investment because if you are able to help a child lead a healthier life, that is an investment that pays off over a lifetime.

But more than that, Democrats adopted a rule that we call pay-go. What pay-go says is simply this: If you want more tax cuts or more mandatory spending, you can do it, but you can only do it if you pay for it. In the Senate we adopted the rule that new mandatory spending and tax cuts must be offset, must be paid for, or that you get a supermajority.

Now let me be clear: Pay-go is working. My colleague on the other side calls it "Swiss-cheese-go," as a way of deriding the new discipline that they refused to follow.

We used to have pay-go, and you can see—it is very interesting—the difference. This chart goes back to 1990. You can see that red ink back in the early 1990s. Then things started to get better when a strong pay-go rule was put in effect, as shown right here on the chart. The result was that, coupled with other steps, every year the deficit was reduced. In fact, we got into a situation in which we had a surplus. Then our friends took over after the 2000 election, and look what has happened since: They immediately weakened pay-go. It is one of the first things they did. Look what has happened since: They immediately frittered away the surplus that had been built up, with great difficulty, and plunged us back into deficit.

Now we have restored pay-go, and we are moving in the other direction. We are finally moving out of deficit.

Let me be clear that pay-go is working. What is the evidence? Here is the evidence. The Senate pay-go "scorecard" has a positive balance of $670 million over the next 11 years. That means the legislation we have passed thus far has, in fact, been paid for. You would not have a positive balance on the pay-go scorecard unless the legislation that is passed has been paid for. These are facts. These are not political claims. These are not the assertions that were made on the other side without the backing of fact. These are facts.

No. 2, every bill coming out of conference committee this year has been paid for—or more than paid for. My colleague calls it "Swiss-cheese-go"? No. This is pay-go, properly applied, getting real results, requiring that things be offset—something they never bothered to do.

Pay-go also has a significant deterrent effect, preventing many costly bills from ever being offered.

Interestingly enough, my colleague on the other side, in his previous service as head of the Budget Committee, said this. He had a different view of pay-go back then. I am quoting him from back in 2002, 5 years ago. He said this:

> The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget-neutral event that also lapses. . . .

He went on to say:

> If we do not do this—

In other words, if we do not have pay-go—

> if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress, and, as a result, we will dramatically aggravate the deficit which, of course, impacts a lot of important issues, but especially impacts Social Security.

That is what he said 5 years ago. He was right then. He now contradicts himself and, unfortunately, the record bears out his previous position. Because when he weakened pay-go—and his side weakened pay-go—what was the result? Exactly what he predicted 5 years ago. The deficit has exploded, the debt has exploded—all while they controlled the fiscal direction of the country. He was right then. He should have stayed with that position. The country would have been in far better shape.

Now he made a series of arguments in his assault on pay-go, suggesting that it is "Swiss-cheese-go." Let me indicate we do not have to take my word for it on the question of what has happened under pay-go with the legislation that is passed. We can look to the nonpartisan Congressional Budget Office, because what we find is that his argument is full of holes. It is not pay-go that is "Swiss-cheese-go." It is his own argument that is full of holes.

Here is what the Congressional Budget Office says: On the SCHIP reauthorization—that is children's health care—the overall effect of that legislation led to a savings of $207 million; on the higher education bill that he criticized, the combined effect of that legislation was a savings of $752 million. In other words, the legislation was paid for, plus additional savings were created so that the cost was completely offset. It did not add a dime to the deficit or debt. In fact, it had savings.

As to the immigration bill that never passed the Senate, it had, when it went down, large unified savings—over $20 billion over 10 years. The farm bill shows savings of $102 million, according to the Congressional Budget Office.

So these four bills cover virtually all of the phony claims—phony claims—made by the other side with respect to pay-go.

Again, you do not have to take my word for it. This is an official document from the Congressional Budget Office. The Senator on the other side, the ranking member of the Budget Committee, attacked the children's health insurance bill, saying it was not paid for. Wrong. The Congressional Budget Office says not only was it paid for, but that it had savings of $207 million.

The College Cost Reduction Act of 2007—he said it was not paid for. Wrong. According to the Congressional Budget Office, over 10 years, it saves $3.6 billion.

The Immigration Reform Act. He has again said it was not paid for. According to the Congressional Budget Office, he is wrong again. Over 10 years, it would have unified savings of over $25 billion.

The Food and Energy Act of 2007 he says is not paid for. The Congressional Budget Office says he is wrong again, that it saves $102 million.

THE FARM BILL

Mr. CONRAD. Mr. President, let me conclude on the farm bill itself. This farm bill is fiscally responsible. It is a 5-year reauthorization. It is fully paid for. It complies with pay-go. It cuts commodity title payments by $7.5 billion over 5 years. That is a fact. In fact, the share of the total Federal budget going to commodity programs is reduced from the previous farm bill, from three-quarters of 1 percent of total Federal spending to one-quarter of 1 percent. That is a fact.

This bill tightens payment limitations and eliminates loopholes. It adopts the elimination of the three-entity rule that allowed people to hide behind paper entities to get farm program payments. It eliminates that abuse. It requires direct attribution of farm program payments so a living, breathing human being has to be the recipient of these payments—again, instead of being able to hide behind a mask of phony corporate entities.

This bill is fiscally responsible. When my colleague says this bill has tax increases in it—$15 billion he asserted of tax increases—wrong again. Is there more revenue in this bill? Yes. How can it be there is more revenue but not tax increases? Well, let's look.

Let's look at where the revenue comes from—$15 billion over 5 years. Where does it come from? It comes from codifying the "economic substance" doctrine that prohibits businesses from using certain tax-avoidance schemes. Is that a tax increase? No, I do not think that is a tax increase. I think that is shutting down a bunch of tax scams that are going on around the country. In fact, you heard the Republican ranking member of the Finance Committee out here on the floor vigorously defending that pay-for, and that came out of the Finance Committee on a vote of 17 to 4—overwhelming bipartisan support.

The second pay-for is to revoke tax benefits for leasing foreign subways and sewer systems. Now they are going to say that is a tax increase? Let's understand what is happening. We have certain corporations and wealthy individuals who are buying—get this—buying foreign sewer systems, and depreciating them on the books for U.S. tax purposes—leasing those sewer systems back to the European cities that bought them in the first place.

Did they do this because they are in the sewer business? No. They are not in the sewer business. They are in monkey business. They are buying foreign sewer systems to depreciate them on the books in the United States to reduce their taxes in the United States. They have nothing to do with being in the sewer business in European cities. They want to call that a tax increase? Again, that provision came out of the Senate Finance Committee on a vote of 17 to 4—a very strong bipartisan vote.

Where is the other revenue coming from?

Increasing penalties for failure to file correct information returns. That is not a tax increase. That is a penalty for people who are trying to cheat.

Finally, denying deductions for certain fines and penalties. That is, again, an additional inducement for people to play fair.

In addition, much of the money—in fact, two-thirds of the money—that has come from this additional revenue has been turned around and put right back out in tax cuts. You did not hear that from the other side, did you? They never mention that fact.

Well, what are the tax cuts that are in this bill? There is $7.3 billion for conservation, including a tax credit for farmland in the Conservation Reserve Program—a program that affects over 10 million acres across the United States.

There is $2.5 billion for energy, including a tax credit for small producers of cellulosic fuel and $800 million for agriculture and rural areas.

Those are the tax reduction elements which are a part of this bill.

The final point I want to make is this Democratic-led Congress has rejected the failed fiscal policies of the last 2 years. We have put in place a strong pay-go rule. It is working by any standard—by any objective standard. While it would not single-handedly solve all of our problems, it is making a meaningful contribution. The fact is, the pay-go scorecard, as of this moment, shows a positive balance. That means the legislation that has been advanced has been paid for. That is a significant departure from what has gone on in the previous 6 years under the control of our colleagues on the other side.

So it is going to be a long, tough slog for us to get done what needs to be done and get America back on track, at least in the fiscal arena. While the Senator from New Hampshire and I have sharp disagreement on these matters, we are working together on a plan to bring together a bipartisan task force—16 Members; 8 Democrats, 8 Republicans—with the responsibility to come up with a plan, a long-term plan to get America back on track. In that, he and I are joined at the hip, and we are prepared to ask our colleagues to come together in a bipartisan way to develop a plan to deal with these long-term imbalances. So while we have sharp disagreement on the question of pay-go and on the question of their fiscal record versus ours, one place we are in complete agreement is on the need to face up to these long-term fiscal imbalances. That is in the interests of our country. That is in the interests of every citizen of America.

I thank the Chair.

I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, just very briefly if I could, I say to my colleague, I am just going to take 30 seconds.

THANKS TO STAFF

Mr. CONRAD. Mr. President, I wanted to thank my staff director of the

Senate Budget Committee. The other day I thanked all of those who have worked so hard on the farm bill, the members of my staff, including my lead negotiator and my entire negotiating team; six members of my staff. I did not thank at that time my staff director on the Senate Budget Committee, Mary Naylor.

No one has worked harder in this Chamber at the staff level to try to get us back on a fiscal track that makes sense than Mary Naylor. She has been with me many years. She was the person who ran all of my budget operations before I became chairman of the Budget Committee, and when I became chairman, I asked her to be the staff director because there is no one for whom I have higher regard than Mary Naylor, and I wanted to thank her formally and publicly today for her extraordinary commitment to making this country better.

I thank the Chair, and I yield the floor.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as in morning business without a time limit.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEMOCRATIC AGENDA

Mr. ENZI. Mr. President, Ron Hindle has done a tremendous job of finding any information that I need and putting it in tremendous format so that it is easily understandable, and even writing it up in words that I can understand. He has been with me the entire time that I have been in the Senate. This is my 11th year. He has done a tremendous job. He worked for Senator Simpson before that. So I welcome him to the floor.

Mr. President, in the history of politics, I don't think anyone has ever had their finger on the pulse of the Nation quite like former President Ronald Reagan. Anyone who knew him or heard him speak was instantly warmed by his charm and captivated by his personality. He had a way of expressing himself that enabled him to connect with all of America. He had a unique way of speaking, and that unforgettable Reagan wit let everyone know he was on their side and would do everything he could to make this a better world for us all.

I remember one day in particular. It was 1992, and the Republican Convention was going strong. Ronald Reagan approached the podium to give one of his trademark speeches. As he spoke, something told us that this night, this speech, would be different from all the rest. Something told us that we were watching the last major address he would ever give.

In his message, he spoke of the importance of doing everything we could to point America toward the day when the nations of the world would turn to us and say: America, you are the model of freedom and prosperity. That was when we would turn to them and say: You "ain't" seen nothing yet.

It was a wonderful catch phrase that had been around for so many years, but it expressed his feeling that when that day came, something even bigger and greater would be about to make its presence felt throughout the Nation. Unfortunately, today when we hear those words, we are reminded not of a great President, but of a Congress that continues to lag further and further behind the expectations it created in the last election.

I know I am not the first one to notice. There have been editorials in the papers asking us when we are going to fulfill the promises that were made in the elections last year by the Democratic majority party.

This is also the anniversary of another event. It was about a year ago that what is now the Democratic Party put together a strategy that proved to be successful and they won both Houses of Congress. People were excited and looking forward to the change the Democrats said the election would bring. It seemed that every Member had a press conference during which he or she offered a long laundry list of legislation that was going to be taken up as soon as possible.

With such a celebrated beginning, you may be wondering why you ain't seen nothing yet. Trust me, you aren't the only one. I don't think you will see any celebrating in the leader's office or the Speaker's office about the past year's results. So much of what they fought so hard to attain has been lost over the past year. So much of the progress they promised and that we all hoped to see has somehow failed to materialize. I do need to note an exception. The HELP Committee, the Health, Education, Labor and Pensions Committee that Senator KENNEDY chairs and on which I am the senior Republican, has produced a few bills and virtually all of the bills that have passed. If someone as liberal as Senator KENNEDY and as conservative as I am can move bills, everyone should be able to, but it requires putting aside "gotcha" politics and working for the 80 percent that we can agree on.

Is it any wonder that Congress's approval ratings are at an all-time low?

As the Senate's only accountant, I well remember all of those times I would come to the Senate floor to debate our Nation's budget. The Democratic Party didn't have the numbers back then to control the Senate, so all we heard was a steady stream of complaints from them about the lack of progress that we were making on the budget and the lack of a coherent plan for spending. Now that the shoe is on the other foot and the Democrats are in charge, what have they produced?

We have all heard about the slow boat to China. Well, this is a slow boat that is going nowhere. The same people who criticized the Republican budget, the same people who promise they would do better have instead done worse—a lot worse.

We are long past the start of the fiscal year—about 6 weeks or so—and still only two appropriations bills have been sent to the President, and that was just last week. If you want to find another Congress that was this tardy with spending bills, you would have to go back quite a while, I would imagine. In fact, I think you would have to go back through all of U.S. history.

Remember all the talk we heard about fiscal discipline and controlling spending? Once again, you might be thinking that you ain't seen nothing yet, and you would be right again.

Reminiscent of Everett Dirksen's words that a billion here and a billion there and pretty soon we are talking about real money—the Democratic Party seems unconcerned about the difference between their proposed spending and the President's proposals over the next 5 years. After all, what is $20 billion or so among friends? We have even had times of gaming to pay for the spending to the tune of nearly $40 billion.

So what is the record of the Democratic Party so far? Not too good. Are we surprised? The Democrats continue to insist that they support the troops. At the same time they are professing their support for the troops in Iraq, they are suggesting it is time to cut funding off for our military. With our backs against the wall, they have been keeping their foot to the pedal—the brake pedal—when it comes to providing our troops with emergency supplies they need—the body armor, the bullets, the mine-resistant vehicles. These things save lives, and we need to give our troops what they need when they need it so that they will come home safe and sound to their loved ones.

This isn't all. There is a long list of promises made during the last election that haven't been kept. After questioning whether the war in Iraq made us safer, they refused to deal with the reforms we need to gather the intelligence we have to have to keep our people safe.

I am strongly supportive of the rights guaranteed to us by our Constitution. There is no question that our rights as Americans are sacred and they have to be respected. But if you ask the average American if terrorists deserve to be treated as citizens, if terrorists deserve to be treated as citizens and given those same rights, I think you will hear a decisive no. I believe our constituents know they have been kept safe for these past 6 years by this administration, and they want Congress to work together with the administration to continue that pattern of safety. I don't think they want us to work against each other.

When the new Congress began about 11 months ago, we were promised a new attitude. We were told we would be walking arm in arm, working together to make this a better Nation for us all.

Unfortunately, that hasn't happened either. Instead, we have seen a general unwillingness to work together to get things done. The "gotcha" politics. In fact, in 2007, at least 70 cloture motions have been filed by the majority so far. That is the same number of motions filed by the Republicans in the entire 109th Congress spanning 2 years. We are supposed to be here to conduct the people's business. Instead, more often than not, we are just getting the things done on cloture petitions, and that is not getting anything done at all.

How do you get things done? We quit playing "gotcha" politics. We have been on the farm bill for 2 weeks, but there hasn't been a single amendment voted on. There hasn't been a single amendment allowed to be voted on.

I did some checking. The farm bill has never passed without votes. I think we could have done this bill in a week. It came out of committee unanimously. So why not give the rest of the Senators a shot and move on? I have checked. We have always done about 25 amendments on the farm bill, in the history of the farm bill. A lot of them failed, but we have the right to have votes.

Parliamentarily, we have been precluded from having votes, from offering amendments. Until that happens, there is not going to be any progress on the bill. As soon as it happens, there will be progress on the bill.

So how about health care? Well, you ain't seen nothing yet, and I know you will not this year. You may not next year.

Are you concerned about energy? Again, you ain't seen nothing yet. There has to be something done.

How about training our workers for the good jobs that will come during the current global economy? Once again, unfortunately, you ain't seen nothing yet. I am bringing these sentiments to the attention of Congress that could do great things, and does do great things when it wants to, or probably more accurately when it needs to. It can come together with a snap of a finger in a time of crisis.

Remember September 11? We came together not as Democrats or Republicans or Independents. We came together as Americans, and we swore we would work together to make this a better country. Unfortunately, that magic moment didn't last, and it wasn't long before we were back to our old ways.

Sometimes it seems like partisanship and gridlock are just a way of life back here. It doesn't need to be. It doesn't have to be. If we work together and take the action on health care, education reform, and so much more of the Nation's needs, and look to get it done, when we go home to hold town meetings and meet with our constituents and we are asked what we are doing in Washington to make their lives better, ease their burdens, and make their futures brighter, we will be able to answer truthfully: You ain't seen nothing yet—not because we haven't done anything yet but because we have, and there is a lot more to come. And it can come. We agree on 80 percent of the issues. So if we just do the 80 percent instead of concentrating on the 20 percent we are not going to agree on—but I guess makes good political ads—we can get something done.

As every football fan knows, it takes four quarters to make a football game. We are only coming up on halftime. There is plenty of time to put our heads together and develop a winning strategy—not for our parties but for the American people.

At the close of the speech I referred to earlier, Ronald Reagan said that he hoped we would have the heart to conceive, the understanding to direct, and the hand to execute the works that will make the world a little better for our having been here. That is our charge, our mission—to leave the world a little better than it was when we got here. It is a difficult mission, but it is one we can accomplish. We can accomplish it by joining and working together because the future is quite literally in our hands.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE REGENT-MOTT STATE CHAMPIONSHIP FOOTBALL TEAM

Mr. DORGAN. Mr. President, I know the Senate is about to adjourn. I wish to take a minute. Last evening, I called a legion club in a small town in southwestern North Dakota, a State I am privileged to represent in the Senate, and said congratulations to a group of young men from my hometown of slightly less than 300 people, Regent, ND, who combined with a school in Mott. The Regent-Mott team won the nine-man State championship football game last week at the Fargo Dome in Fargo, ND. I called last evening to several hundred people who gathered to say congratulations to the players and talk about how proud they were. I wish to add my congratulations today. I told them I was going to do so on the floor of the Senate.

It is a big deal for a small community to have the kind of community pride and the achievement of winning a State championship.

The communities of Regent and Mott—the community I grew up in was a town of 300 people in Regent, ND, and Mott is slightly larger than that, but it is a wonderful community. It is a community that has the kind of small-town values one would expect.

When I grew up in that community, I graduated in a senior high school class of nine students. I have always talked about the tapestry of the Senate. I sit in the Senate with JOE LIEBERMAN, from Connecticut, on one side of me and DIANNE FEINSTEIN, a Senator from California, on the other side. We have people coming from all corners of this country to serve in this great place. My privilege is to come from a town of about 300 people and a high school senior class of nine students.

We didn't, when I was in that senior class of nine students, win a State championship. Finally, the students from that school combined with a school in neighboring Mott, ND, and did win a State championship. They are enormously proud, and I am proud of them. They actually played in what is called the Fargo Dome, a very large indoor dome in Fargo, ND. That is over 300 miles from southwestern North Dakota, but distance doesn't mean too much to us out on the northern Great Plains. Driving is not such a chore. There is not a lot of traffic. People are pretty courteous to each other. We drive a lot of miles on virtually every occasion.

I wished to describe the pride I have in a very small community. Hettinger County, to describe one more specific, in North Dakota, is larger than the State of Rhode Island in landmass. It has 2,700 citizens in the entire county spread out among three towns and also a lot of family farms. It is, in my judgment, the cradle of family values and all things that are sensible and all things that are likable about American life.

I wished to, again, come to the floor today to say to the Regent and Mott schools and those young boys in Hettinger County congratulations on a State championship and to the coach who has coached for 22 years. One might expect the number of hours that man has invested in the lives of young people, and last Saturday he had the privilege of coaching a State championship team. I know how proud he is as well.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALTERNATIVE MINIMUM TAX

Mr. HATCH. Mr. President, I rise today to discuss the pending crisis of the American taxpayer. The cause of this crisis is the failure of Congress to deal honestly with the alternative minimum tax, or AMT.

Debate over what to do about the AMT has become a yearly ritual on Capitol Hill. As a member of the Finance Committee, I fully understand this ritual. But this year, we are dragging our feet, and the more we delay, the more likely it is that millions of Americans will get socked with an unexpected tax bill next year and millions more will have their refunds delayed.

Now it appears we are not going to address the AMT until December. Failure to address the AMT promptly on our return will be a pretty terrible Christmas surprise for the families impacted by congressional ineptitude, but it will certainly be a surprise they will never forget. I can see it now: Surprise, you need to write a check for $3,000 to the IRS by April 15. That is right up there with: Surprise, you have been served. Yet Congress delays. Congress fiddles. This is grossly irresponsible.

According to Secretary Paulson and the Department of the Treasury, unless we fix the AMT, 25 million taxpayers will be subject to it in 2007. That is 21 million more than in 2006. And 25 million other taxpayers will face delays in the processing of their returns and receiving of refunds. In my home State of Utah, the Joint Tax Committee estimates we will jump from 19,000 AMT filers to 150,000 AMT filers. This is simply unacceptable.

Most of the taxpayers who are at risk have not planned for the eventuality of AMT liability. After all, year after year, like clockwork, the Republicans controlled Congress and they passed AMT relief. We are already too late to avoid some problems. The IRS warned Congress that unless we fixed the AMT by early November, there would be serious delays in the processing of tax returns. We are now pushing toward Thanksgiving. Secretary Paulson has made clear that based on historical filing patterns, enactment of an AMT fix in mid to late December could delay issuance of approximately $75 billion in refunds—that is with a "b," a billion dollars, 75 of them. That is 25 million tax refunds delayed.

It is always a bad idea for Members of Congress to get between their constituents and their tax refunds. Yet here we are. How did we come to this particular pass? The story of the AMT should be a case study for limited Government. Give Congress long enough, and it will find a way to mess things up.

In 1969, the press reported that 155 high-income Americans paid no Federal income taxes in 1966. That was found out in 1969. Congress came to the rescue, creating an alternative minimum tax that would make sure all Americans paid their fair share. The AMT would prevent tax avoidance by disallowing certain credits and deductions. As if it is not bad enough figuring out one tax system, now many Americans would have to complete their tax a second way—once under the traditional income tax and once under the alternative minimum tax. And naturally the tax that gets paid is the one which is highest.

Still, this AMT was originally meant to apply to a small number of filers—155. That is 155 out of almost 300 million people. Today, it is a menace threatening millions of Americans. Absent changes, estimates show that by 2010, nearly 89 percent of all married couples, with two children, earning between $75,000 and $100,000 will be hit by the AMT. Make no mistake about it, elected officials are responsible for that train wreck—and, I might say, on both sides of the aisle.

In 1986, Congress failed to index the AMT exemption for inflation.

In 1993, a Democratic Congress and President Clinton took us a bit further down the road toward this fiscal debacle. They raised the 24-percent rate on the first $175,000 of the alternative minimum tax. They raised that taxable income to 26 percent. The rate on income in excess of $175,000 was raised to 28 percent.

Republicans in Congress attempted to right the ship. In 1999, we passed a provision repealing the AMT in its entirety. Done. Finito. Vaya con dios, AMT. Had President Clinton signed this bill, we would not be having this debate today. Millions of Americans would not be staring down the barrel of an unfair and unplanned-for tax hike. But we all know how this story ended. President Clinton vetoed the bill. This was the coup de grace. And so the AMT would continue to haunt us, growing bigger and more destructive every year since then.

The tax cuts of 2001 and 2003 only further emphasized the insidiousness of the AMT. These tax cuts promised tax relief to middle-class families and economic growth. Yet, as the economy grew and income rose, more and more middle-class families fell into the AMT trap. Economic growth, income growth, tax cuts, and a failure to index the AMT for inflation created one costly cocktail for millions of families.

So there you have it. Congress manages to take a tax designed to target a handful of super-rich tax avoiders—155 people—and 40 years later, millions of middle-class families are being hit by that tax.

For what it is worth, this experience should give pause to any American who wants to hand management of the Nation's health care system over to the good people on Capitol Hill—us good people on Capitol Hill. Nonetheless, since 2001, Congress has patched the AMT. In layman's terms, on a yearly basis we have increased the AMT exemption. The result is that fewer Americans have an AMT liability greater than their liability under the ordinary income tax. These patches have done the trick. They have prevented the AMT from hitting even more families. Republicans dutifully passed that patch as sure as the sun rising in the morning.

Now, don't get me wrong, a yearly patch is no substitute for what we tried to do during the Clinton years, and that was to completely repeal the AMT, which I have been advocating for many years. Only complete repeal will remove the uncertainty faced by millions of Americans with potential AMT liability. And as is on full display this year, that uncertainty is growing.

The problem now is the insistence by my colleagues on the other side that we follow the so-called pay-go rules. Under a Democratic Congress, any tax cuts must be paid for. Now, let me translate that for you. This Democratic Congress is going to raise your taxes, and to pay for the AMT, a Democratic Congress is going to have to raise a lot of your taxes. Under pay-go rules, if Congress passes a provision that reduces revenues to the Treasury, it must make up the balance from somewhere else. This is true even if the provision does not cut taxes but merely prevents a tax increase from hitting middle-class American families.

The Democratic Congress is proud of these rules. These rules supposedly demonstrate a commitment to fiscal responsibility. But, as some wags have suggested, the Democrats misnamed their rule. It should be more accurately called tax-go, not what it has been—pay-go. You see, in the hands of a Democratic Congress, the way to balance the books after a tax cut is never to cut spending; it is always to raise taxes. You have to love the logic. We are going to cut taxes by raising taxes. This is a public policy of robbing Peter to pay Paul.

Now, you don't have to take my word for it. This is what Congressman TIM MAHONEY, a Florida Democrat, had to say:

> You want to reward people for taking risks. How about budget cuts to make government more efficient? We need to show people we are good managers and stewards of their money. I've been here 10 months and I haven't seen one proposal to cut spending.

Now, I think that about hits the mark, and that is a Democrat speaking about Democrat rule in the House of Representatives and the Senate.

Now, for the Democrats—most of them—fiscal responsibility means one thing: raising your taxes. They have a one-page playbook, and with the AMT fix passed by the House last week, they ran that play right down the throats of the American people. Touchdown, Democrats. Unfortunately, the American people are the big losers here. A 1-year patch for the alternative minimum tax costs $50 billion. For 2 years, we will need to come up with $135 billion. Permanent repeal of the alternative minimum tax will now cost us $872 billion.

Oh, if we had just had President Clinton sign into law the repeal of AMT that we passed through both Houses of Congress back then. But let's just start with the 1-year patch.

In order to pay for this $50 billion 1-year patch—or a tax increase, in other words—the House had to come up with $50 billion in tax increases. One of the most talked about tax hikes in that bill involves treating carried-interest income, currently taxed as capital gains, as ordinary income. This is an old-school soak-the-rich play, honed before the adoption of the forward pass. I think for this one the Democrats pulled out FDR's playbook. Go after private equity managers, raise taxes on the 50,000 people nationwide earning carried interest, and keep taxes level for the 23 million people whose financial security is jeopardized by AMT. Never mind the fact that this could create perverse disincentives for one of the engines of our current economic growth. Never mind that it would reduce risk-taking in venture capital firms and real estate partnerships and other entities that create jobs and economic growth. Never mind the fact we are paying for a 1-year AMT tax by permanently raising taxes—your taxes. No, what is really pathetic about this proposal is that the Democrats who support this want to permanently raise taxes to pay for revenue we never thought we would have in the first place. People, this is phantom revenue. We were never going to collect this money. We never wanted to collect this money. But with a twisted sense of fiscal responsibility, we are now going down the road of permanently increasing taxes to make 1-year offsets on money we never thought we would have. And that is because we are unwilling to cut spending in this Congress today. Now, this is some seriously warped tax policy.

The House majority leader sees these misguided tax hikes as a model of virtuous statesmanship—"Raising revenues takes political courage." If that is true, then the House Democrats are the Spartans of tax hikes. In the end, I doubt we will raise taxes to pay for AMT relief. I certainly hope we will not do that.

I understand why the Democrats feel the need to blame someone else for this problem. While Americans everywhere could be hit by the AMT, it really is the high-tech States—represented primarily by Democrats—that will suffer the most if Congress fails to act. All States will suffer, but the ones that will suffer the most are the blue States. Taxpayers in California, Connecticut, Maryland, New Jersey, and New York filed 44.2 percent of all AMT returns last year, and I think that figures in it a lot.

This disparity is only growing. If Congress does not fix this problem, in States such as Connecticut, Maryland, and New Jersey, nearly 25 percent of current filers will be forced into paying the alternative minimum tax. Absent alternative minimum tax relief, New York would have 1 million additional AMT tax filers this year compared to last year—1 million more. In California, the number of new AMT filers would increase by 1.7 million.

I don't mind these Robin Hood-like approaches to blue States, if that is what they want to do by electing people who do this to them. I think they have a right to do that. But I will bet money that they do not want that type of thing to happen to them.

These individuals and families, who are going to now be sucked into the AMT tax, never thought they would be subjected to the AMT and so they did not withhold accordingly. The worst case scenario, then, is that they will actually have to cut checks for thousands of dollars come April.

Let's not forget the 25 million lower income taxpayers who are facing long delays in getting their refunds because of the slowness of the Congress and the inability of Congress to get this done. This would be devastating, it will be devastating, unless we can change this. Yet we continue to dither. The answer is easy: Repeal it, just do it, get rid of it already. But Democrats do not seem to be inclined to do the sensible thing. They want to let the AMT linger and fester.

Year after year, repeal will become even more expensive and the Democrats, armed with their pay-go rules, will have to find a way to balance the books when they do repeal it.

What do they propose? How will they offset the nearly $1 trillion that AMT repeal or reform will cost? If you look closely enough, you can just make it out on the horizon—the mother lode, the mother ship, the mother of all tax reforms, according to my dear friend over in the House, the chairman of the Ways and Means Committee. We are close friends but, boy, he called it right, the mother of all tax reforms.

AMT relief is at the center of the central Democratic proposal for tax reform. While this tax reform is going nowhere right now, make no mistake about it, this is what we have to look forward to, from a Democratic Congress and White House.

My friend from New York, the chairman of the Ways and Means Committee, has a way of getting what he wants. He is smart—I think he is brilliant, personally—he is persistent, and he knows how to cut a deal. I know. I have worked with him on a number of things. I have great admiration for him. And this mother of all tax reforms is his baby. But as much as I love my friend Congressman RANGEL, this is one ugly mother.

This mother is not friendly or funny like Lucille Ball. She is a bit creepy, as a matter of fact, as you can see. Actually, she is a bit scary. That is frightening. At times, she is downright unstable. This may be hard to see on the television cameras here, but she looks pretty unstable to me. And she is coming to get the middle class.

This mother promises to get rid of the onerous AMT. By repealing AMT, mother claims she will provide tax relief to millions of middle-class families. But mother is really only out for mother. Of course, that relief is not real relief, since we never intended those families to pay the AMT in the first place. Calling this tax relief is like someone getting ready to hit you in the head with a hammer, deciding not to hit you, and then telling you that he is doing you a favor.

What she gives with one hand, this mother takes away with the other, by assuming the 2001 and 2003 tax cuts, so essential to our economic growth, will expire.

The mother ship already comes fully loaded with the largest tax increase in history. Allowing the 2001 and 2003 tax cuts to expire would dwarf even that.

This is not a recipe for happy taxpayers, this is bitter and unnecessary medicine. The majority of Democrats in the Congress seem prepared to make the American taxpayer take the dose. You can see, it is not very tasty.

We do not need to go down this track. To borrow from an old movie, we should "Throw Momma"—this mama—"From The Train." It would be a real mistake to continue the practice of paying for fake, temporary tax cuts with real and permanent tax hikes.

Contrary to the assertions of some of my colleagues on the other side of the aisle, the only responsible and the only realistic action we can take is to repeal the AMT in its entirety right now. We should do so without raising taxes.

We are going to have a debate in the next few years over fundamental tax reform and we are going to have debates over fundamental health care reform. We should do so without the specter of the AMT hanging over this Chamber.

I urge my colleagues to repeal it in its entirety, right now, without raising taxes. You cannot be fiscally responsible without being fiscally honest. This phantom income should play no part in broader debates over tax reform. At the very least, we should not pass permanent tax hikes that would have ugly economic ramifications in order to pay for 1 year of AMT relief. We are putting off disaster 1 more year by doing that, at a cost of $50 billion in tax increases.

There are some ways we can do this. There are no good ways we can do this. But I know one thing, the worst way is to do it by increasing taxes to pay for it, and stifling the economy that has enough on its plate with the high cost of energy, to mention one item.

To go to approximately 24 million people from 155 people is more than absurd. That is where we are going. If we take this mother of all tax reforms seriously, and if we were able to pass that—and I hope we are not—I have to say there is going to be a great increase in taxes, a great stifling of the economy, and much more difficulty for this country in the coming years.

One reason I am giving these remarks is I know there are people on the Democratic side who do not like this, who are responsible and who do want to do what is right, who basically know there are no good options here. Raising taxes is one of the worst options we can do. I appeal to them to stand up now and not let this happen because if it does, this economy is going to pay a tremendous price. I think in the end, as bad as it will be no matter what we do, there are better ways of doing this than increasing taxes, doing it the way that has been suggested.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. SESSIONS. Mr. President, we are facing a number of challenges in the Senate and in the Congress, but none is more important than our willingness and our responsibility to properly support the men and women in our Armed Forces who are serving us today in Iraq and Afghanistan; serving us because we voted to send them there, doing the policy of the United States that has the support of the President, the Chief Executive, the Commander in Chief, and that has been supported by the Congress.

Yes, we have had a lot of debate, a lot of dissension, and a lot of complaints, but when the chips have been down, time and time again we have authorized and funded the activities that are going on now in the name of the United States of America in Iraq and in Afghanistan.

We had an election last fall. We have heard people talk about that. But the American people did not say: We want to pull out of Iraq regardless of the consequences. They said they were not happy, and none of us were happy with the way things were going.

It seemed to be drifting in a bad way, and there seemed to be no positive results coming. So we had, after this election, last spring, April and May, a big debate about it. And President Bush said: We need to change policy. I am going to send a new general over there, General Petraeus, and we are going to change tactics, and I am going to ask you to approve additional troops. I am asking for a surge in troops.

So we talked about it. We debated it right here in the Senate. This great Nation's legislative branch responded to the President's call and had a debate on it. We had no obligation to fund that. None whatsoever. But earlier in the summer, we voted 80 to 14 to fund the surge in Iraq and to send General Petraeus and to give him a chance to utilize a new tactic and a new strategy for confronting the terrorist forces we were facing there, in particular al-Qaida, which was a strong entity at that time.

I have got to tell you, I was worried things had not gone as well as we had expected. We had had a bad year, and casualties were up and attacks were up and it was a tough time. But as part of that debate, we asked General Petraeus to come back in September and give us a report. My Democratic colleagues and others, all of us were concerned. We wanted a report to see how things were going because we were not going to have a blank check and unended obligation to Iraq if things were not going to work.

That is a fundamental synopsis of the situation. I believe that is a fair analysis. So General Petraeus came back and gave us his report. General Jimmy Jones had been sent and a group of other independent evaluators with experience in military matters.

That commission was sent over there at the direction of Congress. When we passed the supplemental to fund General Petraeus and the surge, we required another report, not just General Petraeus, but the Jones Commission to come back and make a report. We asked the General Accounting Office to do an evaluation also, the independent GAO.

So they all came back in September. We had hearings and debate and suggestions and we continued to go forward. We voted, in essence, to continue to allow General Petraeus to pursue the plans he was carrying out. Some progress had been made. It was notable, but it was not sufficient for us to say with certainty that a major change positively had occurred. We could not be certain of that. But it looked as if some progress was being made with more troops and new tactics.

So we said then: Let's go forward. And we did. Now we have seen some very dramatic positive developments in Iraq. The Iraqi people, by all accounts, I think few can dispute this, have believed the American troops are reliable allies. We have changed our tactics in how we deal with the local Iraqi officials and tribal leaders and mayors and chiefs of police.

We are doing a much better job—General Petraeus is—of partnering with them. They have turned against al-Qaida, Osama bin Laden's troops, that terrorist group they thought was going to take over Iraq. And Al Anbar, the worst area in Iraq for al-Qaida, has made a transformation. Al-Qaida is on the run throughout Iraq. Violence is down substantially.

Can I guarantee you it will continue to go down? I cannot. I can tell you that deaths of American soldiers are down by two-thirds this last month; and attacks on Iraqi civilians, which always cost more lives than attacks on our American soldiers, are down by a similar margin. Attacks on Iraqi soldiers are also down.

Al-Qaida has virtually been removed. Sadr's group has quieted down and seems to be working with the Government. The Government has not performed like we would like it to. The Parliament, they have not performed like I would like to see them perform. I think they deserve criticism for that. But it is not an easy thing for them to do, just to walk in and reach agreements that affect the future of Iraq and the oil revenue and military power within Iraq for generations to come.

It is understandable they would be somewhat reluctant. But they need to do better. But, fundamentally, as of this date, things are so much better than they were in April and May, and so much better even than they were in September. That is quite remarkable. No one, I think, can deny that.

We are a great nation. We have a great Congress. And we went through a national post-election discussion about what to do. Were we just going to pull out regardless of the consequences? Were we going to give General Petraeus a chance to employ new tactics? We voted to give him a chance. It is beginning to work better than I think any of us would have predicted so far. It is rather dramatic.

So I would say to my colleagues, at this point in time, for goodness' sake, let's not now start cutting back on the ability of our soldiers to have the resources they need to continue what they are doing. Let's not try to pass legislation that directs General Petraeus how to conduct operations in Iraq.

What do a group of politicians in a dysfunctional Congress have to offer to one of the most brilliant generals this Nation has ever produced, General Petraeus? In a few short months he has achieved dramatic progress there.

We are committed there. Our soldiers are committed. They are serving us now. I had an e-mail the other day sent to me from a relative of a soldier in Iraq. He was saying things are better. The only concern he had was what the Congress would do, whether we would pull the rug out from under them, if we are going to deny them the resources they need to continue the progress. After all this effort, to walk away from what we have done is, to me, unthinkable.

We are at a point now where instead of giving a supplemental that will allow the military to plan the year's activities, plan to go forward with, as you know, General Petraeus's commitment to reduce troops by next summer, we are talking about a $50 billion supplemental with all kinds of strings attached to it. The President is not going to accept it. He cannot accept it. He is not going to accept it. So for us to continue to pursue a supplemental with excessive strings attached that is too small, leaves the military uncertain of the support of the American people and the Congress is a bad thing for us to do. It really is. It is not good.

Well, they say, let's keep the military out there. Let's let them know we are watching them. We are going to keep control of them instead of giving them the funding they need for a year or more. Let's do it a few months at a time. Then we can bring them in here, and we can beat them up. We can appeal to our antiwar people out in the country and let them know we are fighting for them, and we will do all these things. And it won't hurt anything.

But it does hurt. If you were walking the streets in Baghdad right now attempting to execute the policy of the United States, placing your life at risk, does it not make any difference to you whether Congress is behind you? I think it does make a difference. While questioning General Casey yesterday, the chief of staff of the Army, former commander in Iraq, I said, I am concerned that what we are doing is going to undermine the confidence American soldiers have in the support they have at home. It will embolden the enemy and make our allies less certain of our commitment. I said, I know you don't want to be drawn into a political debate, but that seems to be the situation. He summed it up this way. He said: Senator, as I said in my opening statement, it sends the wrong message.

Doesn't it send the wrong message that we can't, after a full debate this summer, now continue for a few months to support our troops? They are in the field now. Why stand we here idle? Why are we not doing our part to show them the support they need? We will watch this situation in Iraq. If it gets worse and things are not moving effectively, then we ought to, as a Congress, continue to consider whether to remove our troops, to cut off funding. But that is not what we are going to do. We are not going to cut off funding for our troops while they are making the kind of progress they are making. It is not going to happen. So if we are going to actually follow through eventually and give this money to them, why don't we do it in a way that helps them to be even more successful instead of doing it in a way that makes it more difficult for them and places our soldiers and troops at greater risk?

This is what the Deputy Secretary of Defense wrote a few days ago, November 8, about the budget situation we are now in. Yes, we did pass a Defense appropriations bill. But we funded the military effort in Iraq and Afghanistan by separate supplemental appropriations. It allows us to have more control over what is actually being spent on the war effort to do it separately. He wrote this letter. This is Secretary Gordon England:

> I am deeply concerned that the . . . Defense Appropriations Conference report under consideration does not provide necessary funding for military operations and will result in having to shut down significant portions of the Defense Department by early next year.

He goes on to say:

> Without this critical funding, the Department will have no choice but to deplete key appropriations accounts by early next year. In particular, the Army's Operation and Maintenance account will be completely exhausted in mid-to-late January, and the limited general transfer authority available can only provide three additional weeks of relief. This situation will result in a profoundly negative impact on the defense civilian workforce, depot maintenance, base operations, and training activities. Specifically, the Department would have to begin notifications as early as next month to properly carry out the resultant closure of military facilities, furloughing of civilian workers, and deferral of contract activity.

If you were Secretary of Defense, what would you do if you have soldiers in the field authorized by the Congress, authorized by the Commander in Chief, and you run out of money? You have to lay off your civilian personnel, and you have to get the money to the soldiers whose lives are at risk.

Secretary England goes on to say:

> In addition, the lack of any funding for the Iraqi Security Forces and the Afghanistan National Security Forces directly undermines the United States' ability to continue training and equipping Iraqi and Afghani security forces, thereby lengthening the time until they can assume full security responsibilities.

These are not idle threats. The money is running out. We ought not to be dangling the Defense Department out there, leaving them hanging with uncertainty, having them spend hours and hours figuring out how they are going to juggle personnel, developing plans to lay off nonessential civilian personnel, although I suppose in some sense are all essential, but laying off civilian personnel and canceling contracts. It will result in substantial expense to the Government for penalties and that kind of thing. We ought not to be doing that.

This is what Secretary of the Army Geren said yesterday at the Armed Services Committee hearing:

> Let me just conclude with a brief comment on the supplemental.
>
> Very quickly we run through the resources that are available to us.
>
> Dr. Gates has told us to start planning for what we're going to do when we—if we reach the point where we do run out of our O&M funding and start making plans for what we as an army would do with that eventuality.

He pleaded with us:

> Last year, we had bridge funding that helped us through this period. This year, we don't have that funding. So we just ask that—we know there are many issues you all are working on and working through regarding that supplemental. But it's very important for us to be able to provide the orderly and reliable support to our soldiers, for us to get that funding.

Isn't that a reasonable request for him to make? I know moveon.org doesn't want us to fund the military. But we voted 80–14 to do this as a Senate, and the House also supported it. Why are we putting the military in a position to go through incredible gymnastics to try to manage this effort, because we are leaving them hanging about whether we are going to give them the money to support our troops?

Senator JOHN THUNE of South Dakota, a member of the Armed Services Committee, asked this of General Casey. General Casey is the chief of staff of the Army. He asked:

> And I want to ask General Casey, if I might, a question because earlier this year the Army—it was at an Army posture hearing, I believe, that your predecessor, General Schoomaker, raised concerns about the effect of not delivering adequate and predictable funding, particularly in the form of supplemental funding for the war effort.
>
> We're 46 days into the first quarter of fiscal year 2008. We don't have an authorization bill. We don't have a bridge funding bill for the [Department of Defense]. And we don't have an [fiscal year 2008] global war on terror supplemental.

Senator THUNE goes on:

> We recently sent a defense appropriations bill to the president which he has signed into law, but that has little effect on the war effort.
>
> So my question is what will be the effect of no timely bridge funding or supplemental funding. Will you have to cancel service contracts, lay people off, slow down work at depots, those sorts of thing? If you could, address that subject.

This is what General Casey said, a career military man:

> Secretary [of Defense] Gates has instructed us to begin planning for that possibility. The

> signing of the appropriations bill did two things. One, it gave us money for our base budget, but it also stopped the continuing resolution funding that was going to support the war.
>
> So now we're faced with having to fund the war without a bridge out of the base budget. Our Army O&M account is about $27 billion. When you look at our Army base budget . . . you're talking about $6.5 billion, $6.6 billion a month.
>
> If the Army is asked to fund this without any type of bridge or without any additional resources, we're going to run through that $27 billion . . . around mid February. And we cannot wait until then to start making some of the decisions that will have to be made.
>
> Our employment contracts, many of them, require 60 days' or 45 days' notice before you can furlough somebody. We have many of the services that are provided by civilians, by contractors, and it would have a hugely detrimental effect on the home base.
>
> We will beggar the home front to make sure our soldiers that are in theater have everything they need, and it will put a terrible burden on our soldiers, on families, on the institutional Army, our ability to train.
>
> Timely funding is absolutely essential. An organization of our size cannot live effectively with unpredictable funding. And we need that supplemental passed soon, or we're going to have to start planning for the possibility that we're not going to have it.

Can anybody dispute that General Casey is exaggerating about that? Can anybody dispute that uncertainty in funding has a terrible impact on the Pentagon?

Senator THUNE asked another question:

> General Schoomaker also testified that the Army was forced to cash flow itself through the first quarter of . . . 2006. Could you explain what that means? And will the Army have to do that again?

General Casey:

> We're in that position now. The O&M account is our account that offers us the greatest flexibility. Most of the other accounts are constrained by specific—we call the term color of money.
>
> But we would find ourselves having to spend the O&M money not only to support the Army but to support also the war effort. So we are in that position today and using up the funds at a rate of $6.5 billion a month against a $27 billion total.

So I hope in the weeks to come our leaders in the Senate will begin to work together in a way that can allow us to approve this funding—that I think with certainty we will ultimately approve—sooner rather than later and not go through this painful exercise.

I have to say, I really think it would be a lot better for our country, I think it would be a lot better for our military, I think it would be a lot better for our allies, and I think it would put us in a much better position against our enemies if the leader of the Senate, the majority leader, would quit saying this is a doomed, failed effort. It is not helpful.

We have voted to support this effort, and we do not need to be saying publicly it is not going to work when, in fact, we are achieving more success today than any of us would have thought possible just a few weeks ago.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS APPOINTMENTS

Mr. REID. Mr. President, the Senate will be coming in for pro forma sessions during the Thanksgiving holiday to prevent recess appointments.

My hope is that this will prompt the President to see that it is in our mutual interests for the nominations process to get back on track.

While an election year looms, significant progress can still be made on nominations.

I am committed to making that progress if the President will meet me halfway.

But that progress can't be made if the President seeks controversial recess appointments and fails to make Democratic appointments to important commissions.

As Democratic leader, I recommend nominees to the President for many important commissions like the Federal Communications Commission, Federal Energy Regulatory Commission and the Nuclear Regulatory Commission.

These independent agencies are required by law to have Democratic representation.

As a result, the President has a statutory obligation to honor my recommendations and move on them in good faith.

And, up until recently, the President has generally discharged that obligation.

In the last several months, however, the administration has been stalling progress on Democratic appointments.

This problem existed before the August break.

In an effort to solve it, I worked hard to confirm over 40 administration nominees in exchange for a commitment by the President to make progress on a number of important commissions.

When we reconvened after the August break, I also worked to quickly move on the President's new Attorney General.

I did this despite my own opposition to that nominee.

Even with all this hard work on our side, the commitments the administration made to me before the August break were not met.

In the almost 3 months since that break, we have received no Democratic nominees to full-time commission positions.

For some, in fact, absolutely no discernible progress has been made.

With the Thanksgiving break looming, the administration informed me that they would make several recess appointments.

I indicated I would be willing to confirm various appointments if the administration would agree to move on Democratic appointments.

They would not make that commitment.

As a result, I am keeping the Senate in pro forma to prevent recess appointments until we get this process back on track.

RECOGNIZING NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. REID. Mr. President, on October 31, President Bush proclaimed November 2007 as National American Indian Heritage Month.

American Indians influence and enrich our culture. I am proud of the contributions that Nevada's tribes have made and continue to make in my home State. The 26 tribes, bands, and colonies support their tribal and surrounding communities with their diverse tribal enterprises. Working on a government-to-government basis, they join Federal and State agencies to protect many of Nevada's natural resources and the environment—our wildlife habitats in mountains and valleys and our lakes and waterways for fish and fowl. The tribes in my State, like tribes throughout the country, provide education and health services to their children, elders, and members. I am proud of the leadership and opportunities many tribal leaders are providing for their people and that improve the lives of their neighbors.

Mr. President, I want to remind my colleagues of an anniversary this year. Fifteen years ago, the Indian Health Care Improvement Act Amendments of 1992 became law. My friend and colleague, Senator INOUYE, as chairman of the then-named Select Committee on Indian Affairs, led the effort to reauthorize the principal law governing Indian health services and programs. I joined Senator AKAKA, Senator COCHRAN, Senator CONRAD, Senator Domenici, Senator KENNEDY, Senator McCAIN, Senator STEVENS, and others to sponsor that bill, which became law. Incredible to think today, but S. 2481 was passed by a voice vote on the Senate floor.

The 1992 law was due to be reauthorized in 1999. Because of Senator DORGAN's passion for this issue and his regular statements on the Senate floor, we all know that the bill has been reauthorized annually since then, but more needs to be done.

The bill before us, S. 1200, the Indian Health Care Improvement Act Amendments of 2007, reflects the leadership and work of members on both sides of the aisle. Leaders on the Indian Affairs, Finance, and HELP Committees have worked to refine the bill with many Federal departments and agencies, national tribal organizations, and individual tribal leaders. It is a bipartisan, consensus bill that has been negotiated since the 105th Congress.

S. 1200 clarifies current law and authorizes critical services for Indian Country—strengthening recruitment, retention, and training programs for health care professionals; encouraging health care practioners to consult with other professionals using telemedicine and other technologic tools; expanding programs for behavioral health, to address problems of youth suicide and violence against women and children; improving individual access to other Federal health programs serving the most vulnerable people in our population—Medicaid, Medicare, and the Childrens Health Insurance Program; and helping tribes better coordinate with Federal programs to maximize the health services available to their members.

I am pleased that many of my colleagues who supported the 1992 legislation and whom I just mentioned are sponsoring this bill—with 29 cosponsors, including Senator Craig Thomas, our former colleague and ranking member of the Indian Affairs Committee.

I applaud the hard work of my colleagues, particularly Senator DORGAN and Senator BAUCUS. As I have said before, I am committed to bring this bipartisan bill to the floor for the full Senate's consideration, and I ask that the Republican leader work with me to bring this bipartisan bill to the floor in a timely and efficient manner.

Mr. President, as we acknowledge November as National American Indian Heritage Month, I cannot think of a better, or more timely, way to honor our indigenous people than by reauthorizing the Indian health bill. We must honor our Federal obligations to these people—just as many Native Americans have served and continue to serve this country, every day on battlefields, in government offices, in classrooms, in the wilderness, and on waterways.

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Mr. President, another month has passed, and more American troops lost their lives overseas in Iraq and Afghanistan. It is only right that we take a few moments in the Senate to honor them.

Since last memorializing the names of our fallen troops on October 24, the Pentagon has announced the deaths of 72 troops. They lost their lives in Iraq and in Operation Enduring Freedom, which includes Afghanistan. One Defense Department civilian was also killed. They will not be forgotten. So today I will submit their names into the RECORD:

PFC Casey P. Mason, of Lake, MI
SGT Christopher R. Kruse, of Emporia, KS
CPL Peter W. Schmidt, of Eureka, CA
SGT Joseph M. Vanek, of Elmhurst, IL
SGT Phillip A. Bocks, of Troy, MI
SSG Patrick F. Kutschbach, of McKees Rocks, PA
SPC Jermaine D. Franklin, of Arlington, TX
CPT Matthew C. Ferrara, of Torrance, CA
SGT Jeffery S. Mersman, of Parker, KS
SPC Sean K. A. Langevin, of Walnut Creek, CA
SPC Lester G. Roque, of Torrance, CA
PFC Joseph M. Lancour, of Swartz Creek, MI
SGT Lui Tumanuvao, Fagaalu, American Samoa
CPT Benjamin D. Tiffner, of WV
SSG Carletta S. Davis, of Anchorage, AK
SSG John D. Linde, of New York, NY
SGT Derek T. Stenroos, of North Pole, AK
PFC Adam J. Muller, of Underhill, VT
SGT Daniel J. Shaw, of West Seneca, NY
PO2 Kevin R. Bewley, of Hector, AR
SPC Christine M. Ndururi, of Dracut, MA
PFC Dwane A. Covert, Jr., of Tonawanda, NY
SFC Johnny C. Walls, of Bremerton, WA
2LT Tracy Lynn Alger, of New Auburn, WI
MSG Thomas A. Crowell, of Neosho, MO
SSGT David A. Wieger, of North Huntingdon, PA
Nathan J. Schuldheiss, of Newport, RI
SGT Daniel L. McCall, of Pace, FL
PFC Rush M. Jenkins, of Clarksville, TN
PVT Cody M. Carver, of Haskell, OK
CPT Timothy I. McGovern, of IN
SPC Brandon W. Smitherman, of Conroe, TX
SGT Louis A. Griese, of Sturgeon Bay, WI
SSG James D. Bullard, of Marion, SC
MAJ Jeffrey R. Calero, of Queens Village, NY
MSG Thomas L. Bruner, of Owensboro, KY
SSG Joseph F. Curreri, of Los Angeles, CA
SPC David E. Lambert, of Cedar Bluff, VA
SGT Joshua C. Brennan, of Ontario, OR
SPC Hugo V. Mendoza, of Glendale, AZ
PFC Adam J. Chitjian, of Philadelphia, PA
SSG Robin L. Towns, Sr., of Upper Marlboro, MD
SGT Edward O. Philpot, of Latta, SC
SSG Larry I. Rougle, of West Jordan, UT
Seaman Anamarie Sannicolas Camacho, of Panama City, FL
Seaman Genesia Mattril Gresham, of Lithonia, GA
SPC Wayne M. Geiger, of Lone Pine, CA
CPL Erik T. Garoutte, of Santee, CA
SSG Jarred S. Fontenot, of Port Barre, LA
SPC Vincent A. Madero, of Port Hueneme, CA
SPC Micheal D. Brown, of Williamsburg, KS
SPC Jason B. Koutroubas, of Dunnellon, FL
1LT Thomas M. Martin, of Ward, AR
PFC Kenneth J. Iwasinski, of West Springfield, MA
SFC Justin S. Monschke, of Krum, TX
SPC Frank L. Cady III, of Sacramento, CA
PVT Nathan Z. Thacker, of Greenbrier, AR
SSG Donald L. Munn II, of Saint Clairs Shores, MI
SSG Lillian Clamens, of Lawton, OK
SPC Samuel F. Pearson, of Westerville, OH
SGT Jason M. Lantieri, of Killingworth, CT
SSG Eric T. Duckworth, of Plano, TX
CPL Gilberto A. Meza, of Oxnard, CA
LCPL Jeremy W. Burris, of Tacoma, WA
CPL Benjamin C. Dillon, of Rootstown, OH
SPC Adam D. Quinn, of Orange City, FL
SGT Joseph B. Milledge, of Pointblank, TX
CPL Jason N. Marchand, of Greenwood, WV
SPC Vincent G. Kamka, of Everett, WA
SPC Rachael L. Hugo, of Madison, WI
SPC Avealalo Milo, of Hayward, CA
SGT Ricardo X. Rodriguez, of Arecibo, Puerto Rico
Seaman Apprentice Shayna Ann Schnell, of Tell City, IN

We cannot forget these brave men and women. The Nation cannot afford to forget their sacrifice. We have to remember that these brave souls left behind parents and children, siblings, friends. Those left behind will feel their sorrow forever. We want them to know the country thinks about them, and we make a pledge to preserve their memory with the dignity that those who served and paid this price deserve.

INTERNATIONAL ATOMIC ENERGY AGENCY

Mr. SMITH. Mr. President, I wish to speak on the latest report from the International Atomic Energy Agency, IAEA, on Iran's nuclear program. Yesterday, a copy of the IAEA's upcoming report on Iran was released. It is troubling.

The IAEA gives an interesting description of Iran's nuclear development over the past 20 years. What is more relevant, however, is its report on Iranian nuclear proliferation in the present day. According to this latest document, Iran has continued to enrich uranium in violation of two U.N. Security Council resolutions passed under Chapter Seven of the U.N. Charter. The resolutions, which are binding, were enacted specifically to prevent Iran from completing the nuclear fuel cycle. To ensure multilateral support at the U.N., they were made as soft as possible. Resolution 1737, passed in December 2006, only targeted items related to Iran's nuclear enrichment cycle. When that failed to have any impact, the UNSC passed Resolution 1747, which targeted specific members of the Iranian regime and made certain commitments related to Iranian arms sales.

At the time, the United States was applauded for taking the multilateral route. Withering contrasts were made to our approach to Iraq. If I am not mistaken, we received these same accolades in 2003, when we allowed the EU-3—Germany, France, and the United Kingdom—to handle nuclear negotiations with Iran. And like then, these same accolades and multilateral approach have accomplished little. Instead, Iran's uranium enrichment program has greatly expanded, to the point where—as the IAEA notes—uranium hexafluoride has been fed into each of the 18 centrifuge cascades. There is almost no doubt at this point that Iran will ultimately have enough enriched uranium to create a nuclear weapon.

There have been so many red lines broached during the past 5 years, it is almost hopeless to begin creating new ones. I will not try. What I will say, however, is that the issue of Iran creating highly enriched uranium has now become almost moot.

Centrifuge technology is technologically difficult; of that, there is no question. The Iranians have failed to spend the usual time needed to test and measure their first centrifuge cascade before building new ones. But resolution of this potential problem is just a matter of time. The equipment is there. The necessary uranium and uranium gas are there. Thanks to Pakistan's A.Q. Khan network, the knowledge is there.

Sometime in the future—not immediately but sometime not too far off—we will be approaching the endgame of this situation. I do not know what form the endgame will take. I hope and pray it is short of military confrontation; after all, that is why we have pursued the diplomatic track as long as we have. That is why I still believe diplomacy is the only answer. But we should remember that we in the United States have a luxury of sitting thousands of miles away from a nuclear-armed Iran. That is a reassuring expanse of mountains, plains, and oceans. Others do not have this luxury. Israel, one of our closest allies, is much closer, easily within Iran's missile range and certainly within Hezbollah's. Israel's decisionmaking process is certain to take this vulnerability into account.

So how do we move forward from the IAEA's report? Over the next several months, our focus must be in securing a third U.N. Security Council resolution on Iran. The Russians and Chinese may well point to this recent report and drag their heels on further sanctions. They are excellent at that, on issues from Darfur to Burma to North Korea. But the point of the first two resolutions was to halt Iran's uranium enrichment, not to receive more documentation from the IAEA. Iranian uranium enrichment is still continuing. Therefore, I think it weighs heavily on the U.N. and the Security Council in particular to pass a third set of sanctions on Iran. These would need to be stronger than the past two resolutions; ideally, they would include serious prohibitions on military and energy-related items, as well as nuclear equipment.

The time for foot-dragging is over. Every day that passes, that uranium hexafluoride becomes more enriched and the Islamic Republic draws nearer to a nuclear weapons capability. I believe that diplomacy is the best and only effective response to this growing threat. Therefore, Mr. President, it is time to pass the Iran Counter-Proliferation Act of 2007, to complement America's recent sanctions, and to pave the way for further U.N. sanctions. I was proud to introduce this bill with my colleague Mr. DURBIN, and I hope for quick passage.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In the early morning of November 4, 2007, in Austin, TX, a man was beaten by a group of college-aged men screaming antigay slurs. Tony Baker, 29, was riding his bike home when three men called to him from a sidewalk. He stopped to engage them since he hadn't understood what they were saying, and the men approached him. When it became apparent to him that the men were shouting antigay insults and that they were hostile, he began to ride off. But it was too late. The men were already upon him and began punching and kicking him in the head, still allegedly shouting slurs. The beating reportedly lasted about a minute, and Baker ended up in the hospital with minor injuries. The police are investigating the incident.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

LABOR-HHS APPROPRIATIONS

Mr. CARDIN. Mr. President, I wish to express my deep disappointment in President Bush's decision earlier this week to veto H.R. 3043, the fiscal year 2008 Labor, Health and Human Services, and Education, Labor-HHS, appropriations bill.

This bill would have provided an additional $8.2 billion in important health, education, and worker protection programs while remaining fiscally responsible. The President would have us cut funding from programs that help disadvantaged Americans while spending more than $10 billion monthly in Iraq. What does this say to the American people?

The President claims he understands the value of education. The original intent behind the No Child Left Behind Act, NCLB, was to give every child the opportunity for a quality public education while holding schools accountable for teaching the skills needed to succeed. That is an insightful goal. But not providing adequate funding to operate crucial programs has the effect of leaving every child behind. The Labor-HHS bill would have provided an additional $1.6 billion for NCLB programs, enough funding to provide title I services to 430,000 more disadvantaged children. The President's budget request provided a modest increase but also eliminated funding for school technology, school counselors, and arts in education. The spending bill also provided $12.3 billion in increased funding for the Individuals with Disabilities Education Act, IDEA. The IDEA Program entitles children with disabilities to a public education and provides Federal funds to help schools with the cost. The President proposes slashing $291 million from special education. Further, the President proposes reducing Head Start by $100 million, thereby cutting 30,000 slots for children. What is this saying to America's children?

As you are aware, Mr. President, my home State of Maryland is fortunate to have many Federal agencies that employ thousands of hard-working Marylanders. The Social Security Administration, SSA, is headquartered there. We are all aware of SSA's resources being stretched to the limit. Currently, over three-quarters of a million individuals are waiting an average of 523 days for hearing decisions. The Labor-HHS bill would have provided the agency with a $125 million increase over President Bush's budget request for administrative expenses. Funding provided by this bill would have barely scratched the surface of the ongoing claim backlog issue but is a step in the right direction. The President's decision to veto this bill forces older and disabled Americans to wait longer for their Social Security benefits. What does this say to America's seniors and disabled population?

We are also fortunate in my home State to have the National Institutes of Health, NIH, headquartered in Bethesda, MD. NIH funds significant health research at over 3,000 institutions throughout the U.S. and around the world. NIH funding supports research to find cures for diseases such as cancer, diabetes, stroke, and mental illness. These are health concerns that millions of Americans face every day. NIH-sponsored research offers hope for medical cures to millions of Americans. The bill added $1.1 billion for NIH research as opposed to the President's $279 million cut to NIH programs. His veto effectively closes the doors on much promising research and medical breakthroughs. What does this say to America's chronically ill citizens?

My agenda for America is one that values health care and education and hard work. Those are American values, and they were on display in the bill the President just vetoed. I regret the President's decision, and millions of other Americans do, too.

NATIONAL ADOPTION DAY

Mr. CARDIN. This Saturday, November 17, is the eighth annual National Adoption Day. On this day, courts across the country will open their doors to finalize the adoption of thousands of children from foster care.

This month, four Maryland cities will celebrate with events: Baltimore, Urbana, Rockville, and our capital city of Annapolis. In Baltimore on Saturday, November 17, the Circuit Court for Baltimore City will finalize the adoptions of more than 40 children. The court will host an event with face painting, arts and crafts, a dessert reception, and a commemorative photography session. Local businesses have donated toys and gift certificates for the children. Also, on Saturday, November 17, the Montgomery County Department of Health and Human Services, Child Welfare Services, will host an appreciation luncheon in Rockville. In Urbana on Sunday, November 18, an organization called Adoptive Families and Friends will host a celebration at the Urbana Public Library. They will have balloons, refreshments, entertainment, and representatives of adoption agencies, cultural groups, and support groups. Finally, in Annapolis on Thursday, November 29, the Circuit Court for Anne Arundel County will finalize between 10 to 15 adoptions and then host a reception for the new families and guests.

Mr. President, celebrations similar to these four in Maryland will occur all across our Nation in the days to come. The new families will serve as the inspiration for countless more adoptions in the years to come. By facilitating these adoptions, the lawyers, foster care workers, child advocates, judges, and others are building strong families and stronger communities.

This is my first year in the Senate, but for several years in the House of Representatives, I had the privilege of serving as ranking member on the Ways and Means Subcommittee on Human Resources, which handled issues related to families, foster care, and adoptions. Its new name is the Income Security and Family Support Subcommittee. In 1997, the committee worked in a bipartisan manner to pass the Adoption and Safe Families Act. That law created the Adoption Incentives Program, which provides incentive payments to States to promote adoptions out of foster care, with additional incentives provided for the adoption of foster children with special needs. Since that time, we have seen a substantial increase in the number of those adoptions—more than 60 percent.

Then in 2003, Representative DAVE CAMP and I authored, and Congress passed, the Adoption Promotion Act. It was introduced in the Senate by Senators GRASSLEY and LANDRIEU, and became law on December 2, 2003. That bill reauthorized the program providing States with incentives for increasing overall adoptions, and it created bonuses for placing older children in permanent homes. It also authorizes the Secretary of Health and Human Services to penalize States that fail to provide the Federal Government adequate data on adoptions and foster care services.

That law will expire next year, and to ensure that these vital programs can continue, Congress will need to reauthorize it. We still need more families willing to bring children into their homes. More than 114,000 American children are still awaiting adoption, and half of them are over 9 years old. These are the children who have the least chance of being adopted and the greatest chance of spending the rest of their childhood in foster care, so we must do more to help find adoptive families for them. I will be listening closely to the people of Maryland to learn how we can improve upon current laws.

Despite all the work we have done to promote adoptions, more than 25,000 age out of foster care every year. That means that they reach adulthood without ever having received permanent placement with a family. In September, a few of my colleagues and I participated in a wonderful event sponsored by the Orphan Foundation of America. We went to the Mansfield Room and helped put together care packages that are sent to college students across the country. It is something that many of us who have put children through college don't automatically think about. We have sent our college-age kids care packages with clothing, food, and other items. But what about the students without parents? This organization, with funding from Federal Express and many other companies, assembles and ships more than 3,700 packages to college campuses every year. I had the honor of meeting six talented students from Maryland—four from Morgan State University, one from the University of Maryland College Park, and one from the College of Southern Maryland. They have all the brains, promise, and enthusiasm of their fellow students, but they aged out of foster care, so they need our support to make the transition into adulthood a smoother one.

Mr. President, I believe every child deserves a loving family and a safe place to call home. We in Congress have the power to make that a reality for many of the more than 100,000 foster children now waiting for a family. I ask my colleagues to join me in congratulating the children who will be adopted this week and in working on policies that will help children who remain in foster care to get the opportunities they deserve.

THE GREAT AMERICAN SMOKEOUT

Mr. CARDIN. Mr. President, today is the American Cancer Society's 31st annual Great American Smokeout. This is an annual event designed to encourage the 45.8 million Americans who smoke tobacco to kick the habit. First held in 1977, American Smokeout Day challenges smokers to give up their cigarettes for 24 hours, in the hope that their decision to quit will be permanent.

Each year, approximately 440,000 Americans die from tobacco-related diseases. Lung cancer is the leading cause of cancer deaths for both men and women, accounting for one in five deaths in the United States. In Maryland alone in 2005, there were more than 7,000 smoking-related deaths, many from lung cancer.

Americans know much more today about the dangers of tobacco than we did 31 years ago when this event first took place. We know cigarettes contain more than 250 chemicals that are known to be harmful, including hydrogen cyanide, which is used in making chemical weapons; carbon monoxide, which is found in car exhaust fumes; and ammonia, which is used in household cleaners.

We have also learned that smoking affects not only tobacco users, but also the people around them. Recent research has demonstrated the serious hazards of secondhand smoke. Secondhand smoke causes nearly 3,400 lung cancer deaths and 46,000 heart disease deaths in adult nonsmokers in the United States each year, and it is especially harmful to young children. Tragically, secondhand smoke is cited as the cause of approximately 430 sudden infant death syndrome, SIDS, fatalities in the United States each year.

My home State of Maryland is 1 of 22 States that have enacted laws banning smoking in nearly all public places. Gov. Martin O'Malley signed the Clean Indoor Air Act of 2007 into law on May 17, 2007. It will go into effect on February 1, 2008. This law specifically prohibits smoking in public meeting places, public transportation vehicles, and indoor places of employment, including all restaurants and bars.

We also know it is never too late to quit. There are significant health benefits to quitting, even after 30 or more years of smoking. Studies have shown that quitting at age 30 reduces one's chances of dying from smoking-related diseases by more than 90 percent, and quitting by age 50 reduces one's chances by more than 50 percent.

Today is also a prime opportunity for our seniors who still smoke to quit. Doing so will save overall health care costs and save lives. According to the

Centers for Disease Control and Prevention, 9.3 percent of Americans age 65 and older smoke cigarettes, and nearly 300,000 seniors die of smoking-related diseases every year. The Centers for Medicare and Medicaid Services have estimated that smoking-related health problems accounted for about 10 percent of total Medicare costs.

Many elderly smokers began their habit decades ago, when tobacco companies told us that smoking carried no health risks. But we know better now, and help is available. Since 2005, Medicare has covered the cost of smoking cessation counseling for beneficiaries with diseases caused by tobacco use, such as cardiovascular disease, lung disease, weak bones, blood clots, and cataracts. Medicare also covers counseling for beneficiaries who take medications for diabetes, hypertension, blood clots, and depression because tobacco use can reduce the effectiveness of these medicines. Medicare Part D plans also cover smoking-cessation products such as nicotine patches and gum as long as they are prescribed by a physician.

There has been significant progress in the fight against cancer, and one factor is the decline in overall smoking rates in the U.S. But a recent New York Times article entitled, "The Smoking Scourge Among Urban Blacks," reported dramatic increases in smoking among poor minorities in cities across America and particularly in my home town of Baltimore. On city streets, cigarettes are sold individually as "loosies" for 50 cents each, targeting people who cannot afford the nearly $5 cost of a full pack. Despite the success of antismoking campaigns among American society as a whole, recent research shows that more than half of poor, Black young adults still smoke. So we must continue to do more to educate minority children and young adults about the health hazards of smoking. We won't be able to attack the problem of health disparities in earnest until we do.

Finally, it is time for the United States to recognize nicotine as a drug and regulate its use. That is why I am a cosponsor of Senator KENNEDY's bill, S. 625, the Family Smoking Prevention and Tobacco Control Act. This bipartisan legislation, sponsored by a majority of this body, would give the Food and Drug Administration broad new authority to regulate the manufacture, distribution, advertising, promotion, sale, and use of cigarettes and smokeless tobacco products. Congress cannot in good conscience allow the Federal agency most responsible for protecting the public health to remain powerless to deal with the enormous risks of tobacco.

In closing, I want to recognize the extraordinary efforts of the American Cancer Society in raising awareness of the dangers of tobacco use and in sponsoring the Great American Smokeout. Over the years, ACS has helped millions of Americans live healthier, longer, and fuller lives. With comprehensive tobacco control programs, indoor smoke-free workplace laws, and a multitude of smoking cessation resources available today to help smokers, there has never been a better time to quit. Today's smokeout will give many more Americans the motivation to put out their last cigarette.

THE FIRES OF SOUTHERN CALIFORNIA 2007

Mrs. BOXER. Mr. President, in October, residents of San Bernardino, San Diego, Orange, Los Angeles, Ventura, Riverside, and Santa Barbara counties faced some of the most horrific fires in California's history. At one point, flames driven by fierce Santa Ana winds forced as many as one million Californians to flee their homes and communities.

During these firestorms, 14 people lost their lives. More than 100 people sustained injuries. Almost 3,000 structures, two-thirds of them homes, were destroyed. More than 500,000 acres burned. The impact of these tragic fires will be felt by the people of California for a long time, but we will do everything we can to help rebuild the damaged lives, homes, and communities.

It is often during the very worst of times that we see the very best of humanity. I want to express my deep appreciation to all those at the local, county, State, and Federal levels who worked tirelessly to get the job done, including CalFire, the California National Guard, the U.S. Forest Service, the U.S. Navy, the Marines, the Border Patrol, the National Park Service and, above all, the county and local fire agencies.

I was deeply touched by the thousands of courageous and tireless firefighters who worked around the clock saving the lives of people caught in the fire's path, battling flames, and protecting neighborhoods. Our California firefighters and those who traveled across the country to help risked their own lives to protect the lives and homes of others. We are so grateful to these heroes, and will never forget their bravery and dedication.

Thankfully, no firefighters or public safety officers lost their lives during the fires. But several of our firefighters were injured, some of them seriously, and I send them and their families my best wishes for a full recovery.

As we pay tribute to our firefighters, we must recognize their valor with not just words, but also deeds. That means standing up for their health and welfare, particularly as they face challenges that can last a lifetime. Our firefighters are there for all of us when we need them most and they deserve the same.

RETIREMENT OF DENIS P. O'DONOVAN

Mr. ENZI. Mr. President, this is another one of those bittersweet moments for us all as we say goodbye to a member of our extended family, Denis O'Donovan. Denis will soon be retiring and bringing to a close a truly remarkable career in the Senate.

Denis has worked in several offices in the Senate during his career, but I would like to think he saved his best for his last post—as the chief clerk of our committee, a post he has held since 1998.

I remember when I first came to the committee and had the opportunity to observe Denis at work. I don't think I have ever met anyone who had a better eye for detail, or a better sense of making sure everything was in its proper place. He has a great mind for numbers, and anyone who has ever had to work with a budget knows how frustrating it can be to make sure all the columns add up and are balanced—top to bottom—and—left to right.

As the Senate's only accountant, I admire that kind of precision. In fact, I think our love of numbers may be one of the reasons why we got along so well and enjoyed each other so much.

In the years that I have served on the committee, I have had the chance to work with Denis as its chairman and now, as the ranking member. No matter which party had control of the committee, Denis was always there, ready to help in any way he could. That is why he was such a good chief clerk for me, for Senator KENNEDY, and for all of us.

Looking back, Denis has a lot to be proud of. He has been a part of a lot of the good work the committee has done over the years. Senator KENNEDY and I have brought a long list of measures to the Senate floor and then on to the President for his signature and Denis played an important role in every one of them. Thanks in no small part to you, Denis, we have made great progress on a lot of issues that will make life better for all Americans.

Now Denis is about to head off to that thoughtful and reflective world known as retirement. He will finally have the time to finish that book—not the one he was writing—the one he was reading. For now, there will be time to do all those things Denis has been putting off for someday.

I have a family tradition we call the list of 100 things. Simply put, it is the to do list of all time. You put together a list of the 100 things you have always wanted to do someday—and then you start to get them done—1 by 1. It is a little more complicated than that, but I will get together with you to explain the whole procedure to you later. It will be one of our gifts to you on your retirement.

I know what you are thinking—just what I wanted—more stuff to do!

Trust me, you will enjoy this project. And the next time I see you, we will compare notes so I can see how you are doing in your quest for adventure in your retirement.

I hope Senator KENNEDY will not mind, but I would like to close with a bit of Irish cheer for you—the words of a toast I have often heard, and I am sure you have too.

Denis, as you leave us:

May the road rise to meet you,
May the wind be always at your back.
May the sun shine warm upon your face.
And rains fall soft upon your fields.
And until we meet again,
May God hold you in the hollow of His hand.

ADDITIONAL STATEMENTS

CONGRATULATING DR. SCOTT D. MILLER

• Mr. BIDEN. Mr. President, I wish to commend a true leader, someone who has left an indelible impression on thousands of Delaware's college students. Dr. Scott D. Miller, after 10 years at the helm of Wesley College in Dover, is moving on to the next phase in his professional life.

Dr. Miller's tenure at Wesley has been marked by previously unknown success. He took over a quiet school in our State capital and turned it into a nationally recognized institution with a burgeoning and diverse student population.

Evidence of his quick influence is the fact that Wesley was named as one of just four "amazing turnarounds" featured in the book, "The Small College Guide to Financial Health," after only 5 years of Dr. Miller at the helm.

Dr. Miller's accomplishments are too numerous to name in one statement, but I would like to mention a few of the most notable:

> Wesley's faculty is stronger in number and diversity, which has improved the retention rate and academic profile of Wesley's student body.
>
> Enrollment has nearly tripled in the 10 years Dr. Miller has been president.
>
> He has presided over the most prolific fundraising era in Wesley's history.
>
> And he has developed community service partnerships for his students with five campus-based affiliates.

In short, Wesley College has been changed permanently—and for the better—by Dr. Miller's leadership and vision. My State's oldest private college will retain its prominence for years to come, thanks to Dr. Miller's guidance in leading that institution into the 21st century.

Dr. Scott Miller is moving on, being rewarded for his excellent work over the last decade, and he will surely be missed. But his efforts will not soon be forgotten in Dover, surely not among all of the lives that he touched.•

RECOGNIZING KITTY ROBERTS

• Mr. BINGAMAN. Mr. President, I would like to recognize Kitty L. Roberts, the superintendent of Glen Canyon National Recreation Area, who will retire on December 3, 2007, after 28 years with the National Park Service. Currently the superintendent of Glen Canyon National Recreation Area and Rainbow Bridge National Monument, for many years Kitty headed the National Park Service's Office of Legislative and Congressional Affairs, where she worked very closely with the Energy and Natural Resources Committee.

A native of Milton, WV, Kitty graduated from the University of Maryland and attended graduate school at Indiana University. She then worked for the Maryland National Capital Park and Planning Commission, where she remained for 9 years.

Kitty began her career with the National Park Service in 1979 as a management assistant in the National Capital Region. She went on to become the assistant superintendent at the George Washington Memorial Parkway between 1980 and 1984. From 1984 to 1990, Kitty was the Deputy Associate Regional Director, White House Liaison, in the National Capital Region. During this time, Kitty was the NPS Inaugural coordinator and oversaw the development of East Executive Park that now serves as a visitor entrance to the White House. In 1990, Kitty returned to the George Washington Memorial Parkway, where she served as superintendent. In 1993, former National Park Service Director Roger Kennedy asked Kitty to become the assistant director for Legislative and Congressional Affairs. Kitty served in that position for 8 years, and during that time was extremely helpful to the committee in its consideration of national park-related legislation.

During Kitty's tenure as assistant director, over 230 laws were passed affecting our national parks. Among the notable laws passed during that period were the California Desert Protection Act and the Omnibus Parks and Public Lands Management Act of 1996, with its creation of 5 new park units, 10 new national heritage areas, 12 park boundary adjustments, and numerous other changes that benefited several units of the National Park System. Kitty also worked on the Transportation Equity Act for the 21st Century, which doubled the amount of funding for national park roads, and the National Parks Omnibus Management Act of 1998, which reformed the National Park Service's concessions program, created a park research mandate, and supported employee career development and training.

In February 2001, Kitty left Washington to become the superintendent of Glen Canyon National Recreation Area and Rainbow Bridge National Monument. During her time at the park, Kitty has worked on a policy for personal watercraft and off-highway vehicle use. She has found ways to maintain access to Lake Powell even as ongoing drought conditions have led to a 145-foot drop in the lake's water level. Perhaps one of her most important contributions has been a program of public education to prevent needless deaths due to individuals swimming behind boats where exhaust fumes were vented. In early June of this year, Kitty presided with the President of the Navajo Nation at the grand opening of the new floating marina village at Antelope Point, with its architectural elements from the surrounding red rock landscape and its unique cooling system using lake water from 75 feet below the surface.

Kitty has had a distinguished career with the National Park Service and will be greatly missed by those she has worked with over the years, both in the Park Service and in Congress. I want to congratulate Kitty on her retirement and thank her for the many contributions she has made toward making our national parks the pride of our Nation, and I wish her the best in the years ahead.•

TRIBUTE TO JERRY PARKS

• Mr. BUNNING. Mr. President, today I pay tribute to Jerry Parks of Georgetown, KY, for being recognized on USA Today's 2007 All-USA Teacher Team.

For 10 years USA Today has selected K-12 teachers nationwide for the All-USA Teacher Team. This year the nominees were judged on how well they recognize and respond to the needs of their students as well as the effectiveness of their teaching methods. Each team member demonstrates dedication and enthusiasm for educating the youth and future of this great country.

Mr. Parks, a seventh-grade social studies teacher at Georgetown Middle School, was recognized in the top 8 of 20 teachers on this national team. His creative hands-on teaching techniques produce students who value education and are eager to learn more. Mr. Parks also holds a doctorate in theology and has had several teacher guides published. Because of his commitment to education, Mr. Parks established student scholarships with the profits from these publications. His passion for teaching serves as an inspiration to his peers and to teachers everywhere.

I now ask my fellow colleagues to join me in congratulating Mr. Parks for his remarkable achievement and his devotion to educating young minds. Our Nation can look forward to a brighter future because of individuals like Jerry Parks.•

COMMENDING JOE FREEMAN

• Mrs. DOLE. Mr. President, today I wish to congratulate Joe Freeman of

Mistletoe Meadows Christmas Tree Farm in Laurel Springs, NC, for winning the National Christmas Tree Association's 2007 National Christmas Tree Contest. As the Grand Champion, Mr. Freeman has the distinguished honor of providing this year's Official White House Christmas Tree. This storied tradition began in 1966, and I applaud Mr. Freeman for producing North Carolina's tenth Official White House Christmas Tree. After winning at the State level, the Mr. Freeman's prized 18½ foot Fraser fir was selected at the national competition. The prized tree was chosen to be the Blue Room Christmas Tree by White House Chief Usher Stephen Rochon, Superintendent of Grounds Irv Williams, Grounds Foreman Mike Lawn and White House Florist Nancy Clarke. Mr. Freeman and Ms. Linda Jones will have the honor of presenting the prized Blue Room Tree to First Lady Laura Bush in a special ceremony at the White House on November 26, 2007.

This year's Official White House Christmas Tree is a fine example of the exceptional quality of Christmas trees that we have in North Carolina. According to the North Carolina Department of Agriculture, in 2006 North Carolina led the nation in Christmas tree production, providing roughly one out of every four Christmas trees in the United States, and contributing over $134 million to North Carolina's economy. But this success did not come easily; it takes several years of meticulous care and attention to raise a Christmas tree. An average 7 foot tree is about 10 years old, and throughout that time the grower diligently shapes, grooms, and fertilizes the tree several times per year. Not many people realize the years of hard work and sacrifice that go into raising a Christmas tree, and our growers are to be commended for their continuous success.

North Carolina celebrates a rich history of Christmas Trees, and year after year, many American families enjoy the warmth and beauty of these North Carolina trees that are a symbol of the holiday season. I am proud of the hard work exhibited by our Christmas tree growers in North Carolina, and I am proud that there will be another North Carolina Christmas tree in the White House this year.•

TRIBUTE TO MAJOR GENERAL DANIEL J. DARNELL

• Mr. INHOFE. Mr. President, today I pay tribute to a great leader and an exceptional officer of the U.S. Air Force, MG Daniel J. Darnell, now serving as the Director of Legislative Liaison for Office of the Secretary of the Air Force, as he prepares to leave this position for one of even greater importance.

A command pilot with more than 4,500 flying hours, primarily in the F-15A/B/C/D and F-16C/D, Major General Darnell has commanded at the squadron, group, wing, and warfare center levels and has flown combat missions in Iraq, enforcing no-fly zones during operations Northern and Southern Watch. Major General Darnell continues to provide outstanding leadership, advice, and sound professional judgment on numerous critical issues of enduring importance to the Air Force, Congress, and this Nation.

Major General Darnell was born at March Air Force Base in California, where his father flew with Curtis LeMay as a B-29 radio operator, later retired as a B-52 tail gunner. He graduated as valedictorian from the Virginia Military Institute in 1975 and, immediately following graduation, he entered the Air Force and was recognized as a distinguished graduate from the Air Force ROTC Program. Major General Darnell was selected to attend pilot training at Reese Air Force Base in Texas and was again at the top of his class, graduating pilot training as a Distinguished Graduate. Upon completion of pilot training, Major General Darnell was selected to fly the F-15, the Air Force's premier air-to-air fighter. He was initially assigned to the 7th Tactical Fighter Squadron at Holloman Air Force Base but then moved overseas to Kadena Air Base in Japan. At Kadena, Major General Darnell again excelled in the air and on the ground leading to his selection as instructor pilot, flight examiner, and the sole F-15 aerial demonstration pilot in the Pacific.

In 1982, Major General Darnell was selected to attend the F-15 Fighter Weapons Instructor Course at Nellis Air Force Base in Nevada, an honor only bestowed on the top fighter pilots in the U.S. Air Force. After graduating, he returned to Kadena as the squadron weapons officer and then was assigned to McChord Air Force Base in Washington, first as the Chief of Standardization and Evaluation, and then as Chief of Weapons and Tactics. His weapons expertise, coupled with his superior leadership, led him back to Nellis Air Force Base and the U.S. Air Force Fighter Weapons School in 1986 where he was a Fighter Weapons Instructor Course instructor, flight commander and operations officer, providing the most advanced air-to-air training in weapons and tactics employment in the world.

Following a staff assignment to Headquarters Tactical Air Command at Langley Air Force Base, Virginia, as the Chief of Weapons and Tactics, Major General Darnell was selected as the 20th commander and leader of the U.S. Air Force Thunderbirds, "America's Ambassadors in Blue." Major General Darnell flew the F-16 as Thunderbird lead for 2 years, performing hundreds of aerial demonstrations for millions of people all over the globe. In 1994, he was hand-picked to attend National War College in Washington, DC, where he received a master's degree in national security policy.

In 1997, Major General Darnell became the commander of the 12th Operations Group at Randolph Air Force Base where he was responsible for conducting joint and allied pilot instructor training as well as Air Force and Navy undergraduate combat systems officer training. He returned to the F-16 in 1998 and commanded the 20th Fighter Wing at Shaw Air Force Base in South Carolina and then 31st Wing at Aviano Air Base in Italy.

Major General Darnell returned to Nellis Air Force Base in 2001 as commander, 57th Wing, the largest composite wing in the Air Force. During that time, he deployed to Prince Sultan Air Base in Saudi Arabia where he was the Senior Director of the Combined Air Operations Center during the opening weeks and months of Operation Iraqi Freedom. In 2003, Major General Darnell was assigned to Schriever Air Force Base in Colorado as the commander of the Space Warfare Center where he was responsible for advancing America's space capabilities and employment concepts.

For the past 2 years, Major General Darnell has been the Director of Legislative Liaison. During that time, he laid the legislative groundwork for procurement of four new major weapon systems, including Joint Strike Fighter, Joint Cargo Aircraft, Next Generation Combat Search and Rescue platform, and the $20 billion KC-X, the Air Force's No. 1 acquisition priority. His leadership, vision, and political acumen allowed the Air Force to break through years of congressional restrictions on aircraft retirements, resulting in the landmark $4 billion 2007 National Defense Authorization Act language, a milestone year for Air Force recapitalization and fleet management. He flawlessly orchestrated the movement of more than 1,500 congressional delegation trips for Members and staff throughout the world.

Major General Darnell's mastery of complex issues and decisive leadership guided Air Force relations with Congress through a myriad of difficult issues to include Base Realignment and Closure, Total Force Integration, and a 40,000 personnel drawdown. Additionally, he was responsible for effectively communicating a consistent Air Force message that was the driving force behind approval of an unprecedented multiyear funding authorization for the F-22A Raptor, garnering approximately $411 million in Air Force savings.

On behalf of Congress and the United States of America, I thank Major General Darnell, his wife Vickie, and their entire family for their continued commitment, sacrifice, and contribution to this great Nation. I congratulate Major

General Darnell on his selection to the rank of lieutenant general and wish him success as he transitions into his new job as Deputy Chief of Staff for Air, Space and Information Operations, Plans and Requirements.●

TRIBUTE TO DR. ANDREW MAYS

● Mr. SESSIONS. Mr. President, today I want to commend a distinguished resident of the State of Alabama, Dr. Andrew Mays. Dr. Mays lives in Birmingham, AL. He is a well-respected member of the medical community in our State, serving as a faculty member in the University of Alabama at Birmingham School of Medicine's Department of Ophthalmology, as well as operating a private clinical practice. He serves our State public education and health systems at the Callahan Eye Foundation Hospital, where he concentrates his research and practice in combating the devastating effects of the eye disease glaucoma. Dr. Mays also sits on the Board of Directors for the Alabama Academy of Ophthalmology.

However, I speak to you today not to praise Dr. Mays for his accomplishments in medicine, but to congratulate him on being awarded the first prize in the 2007 Van Cliburn International Competition for Outstanding Amateurs. Dr. Mays beat 74 other contestants on June 3, 2007, to earn this mark of distinction. This competition lasts a week, and allows competitors over the age of 35 who do not earn their livelihood through playing or providing instruction on the piano to vie for a chance to win this distinguished title.

Michael Huebner of the Birmingham News once stated that Dr. Mays possessed "a heart and mind of extraordinary capacity." Drew Mays possesses wonderful talent. He polished and sharpened this talent at the School of Music at the University of Alabama, earning both a Bachelor of Music in 1982, summa cum laude honors included, and a Master of Music degree in 1987 from this fine institution. In addition, he earned the opportunities to study at the Conservatory of Music in Hanover, Germany, and the Manhattan School of Music in New York City, where he began his Master studies.

Not only has Dr. Mays made a name for himself through medicine and music, he is a man dedicated to family values. He and his wife, Dr. Therese Mays, have four young children. Dr. Mays had his family by his side as he won the Van Cliburn competition this year. I had the pleasure of meeting him and his wife when they came to visit my office during a trip to play at George Washington University through a Smithsonian Associates program. During the recital he gave at the Jack Morton Auditorium on the GWU campus, you could see the bond these two shared as musicians and partners, as his wife nodded along to the twists, turns, and rhythms of his performance.

I commend Dr. Andrew Mays for all of his accomplishments and successes, and I am proud to be able to represent such a wonderful man. I share with this body today my pleasure in congratulating Dr. Mays for winning this prestigious competition, as he is certainly a worthy recipient.●

CAPTAIN SETH CHAPPELL

● Mr. STEVENS. Mr. President, I ask unanimous consent that this letter from CAPT Seth Chappell be read into the CONGRESSIONAL RECORD. Captain Chappell wrote this address for East Anchorage High School's Veterans Day Remembrance Ceremony. He is a 2000 East High graduate and a 2004 Graduate of the U.S. Military Academy. Captain Chappell served with the 37th Engineer Battalion, Combat, Airborne, in Afghanistan during Operation Enduring Freedom VII as a route clearance platoon leader a light equipment platoon leader.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EAST HIGH THUNDERBIRDS

When Mrs. Strickland approached me and asked for my thoughts on Veterans Day, I had to take pause for a minute. For me, Veterans Day 2007 will be my first as a veteran back from war, free to enjoy my long four-day weekend, sales, barbecues, and all the other trappings of Veterans Day here in the States. Last year at this time I was in Ghazni, Afghanistan, eight months into my tour as a Route Clearance platoon leader, hunting the roads of Afghanistan for bombs and mines. Since returning in March, I have had time to reflect on what my deployment experience and coming home has meant to me, and how it shapes who I am, what I do, and what I value.

For many Americans Afghanistan is a dimly understood backwater that occupies a place in world affairs somewhere between interest rates and celebrity sightings. For those of us who have served Afghanistan is much more. Afghanistan is days of boredom and seconds of terror. Afghanistan is 120 degrees in the shade and you have to keep your helmet and body armor on. Afghanistan is 10 degrees at night and the heater in your vehicle is broken. Afghanistan is eating combat rations for the 35th day in a row and showering out of a water bottle for a month. Afghanistan is waking up before daylight to roll out and hoping you find the roadside bombs and they don't find you. Afghanistan is the car coming up fast behind your convoy that you hope isn't a suicide bomber. Afghanistan is going to bed at night and hoping that a mortar round doesn't find you, and being so tired that you don't think twice about it. Afghanistan isn't all hardship and torment though. Afghanistan is the sun coming up on the mountains while I drink my coffee. Afghanistan is sitting with the locals and sharing tea. Most of all for me, Afghanistan is the combat engineers of 2nd Platoon, Alpha Company, 37th Engineer Battalion. Having the opportunity to serve with such great Soldiers made all the hardship and trial worth it, and looking back on the experience now, I wouldn't trade a minute of it.

The service members serving overseas today aren't much different than you, and aren't much older, and are doing amazing things. My twenty year old medic almost cut his life short when he ran 200 meters under fire to work on a Soldier with a sucking chest wound who he didn't even know. These are men and women who face extraordinary circumstances and hardship every day, and to see what they endure and achieve is humbling. The job is hard, the risks are high, the pay is low, the clock never stops, and deployments are over when they are over (sometimes in excess of 15 months) and come again all too soon. So why serve again and again and again? Some of our Soldiers and Marines are now on their fourth tour of duty in the Middle East, and still they keep coming back. This morning in the Middle East, Soldiers are strapping on body armor, checking weapons, and readying vehicles to go outside the wire in places like Baghdad, Kandahar, and Mosul. Everyday they give 100% to accomplish their mission with honor and keep each other alive. As an officer, I have to work hard every day to deserve the privilege to lead men and women of this caliber.

We are a nation at war, and a thin red line, less than one half of one percent of Americans, are directly engaged in this conflict. The great majority of Americans can go about their day and think about Iraq or Afghanistan if they choose to, or blow it off completely and watch Laguna Beach on MTV. Whatever your political leanings may be, understand that the men and women of the volunteer military serve on your behalf, and stand on that wall so you don't have to. The profession to which they devote themselves is defined by sacrifice and service to something greater than themselves. You are high school students, with a whole life before you, and how you live it will either honor that service and sacrifice, or deny it. Graduate, work hard, and do something to help others, something that you can be proud of. Earn the sacrifice that generations of Americans have made to give you this birthright of opportunity.

Lastly, I would ask you to think about how you spend Veterans Day. Tomorrow I will board a plane to West Point, and visit my alma mater for the first time since I graduated in 2004. I'm going back to do some upkeep on the pedestrian bridge that my best friend David Fraser and I built as seniors for a civil engineering project. Dave won't be able to join me however. His name will be read today. Captain David M. Fraser was killed last year in Baghdad on November 26th when a roadside bomb destroyed the vehicle he was riding in. Dave's commander and driver were killed in the attack also. He was supposed to return to the States the next week. Take the time this weekend to thank a veteran. More than 3,000 paratroopers are returning to Anchorage after a hard tour in Iraq. You will see them out and about in town, and when you do, tell them thank you. It means more than you can ever know.

Regards,

SETH L. CHAPPELL,
Captain, U.S. Army Engineers.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations. (The nomination received today is printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2363. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 3703. An act to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

H.R. 3997. An act to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3945. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that has been identified as Department of the Navy case number 07-07; to the Committee on Appropriations.

EC-3946. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that has been identified as Army case number 06-10; to the Committee on Appropriations.

EC-3947. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Foot-and-Mouth Disease Status of Uruguay" (Docket No. 00-11-3) received on November 13, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3948. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to the initiation of a standard competition of the Base Operating Support function at Goodfellow Air Force Base; to the Committee on Armed Services.

EC-3949. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department's financial report for fiscal year 2007; to the Committee on Armed Services.

EC-3950. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce , transmitting, pursuant to law, the report of a rule entitled "Expanded Licensing Jurisdiction for QRS11 Micromachined Angular Rate Sensors" (RIN0694-AD92) received on November 13, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3951. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Chief Procurement Officer, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD Acquisition Regulation Debarment and Suspension Procedures" (RIN2535-AA28) received on November 13, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3952. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Extension of Time Period for Quarterly Reporting of Bank Officers' and Certain Employees' Personal Securities Transactions" (RIN3064-AD20) received on November 13, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3953. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12938 with respect to the proliferation of weapons of mass destruction; to the Committee on Banking, Housing, and Urban Affairs.

EC-3954. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting Affiliate Marketing Regulations" (RIN1557-AC88) received on November 13, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3955. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transactions Act of 2003" (RIN1557-AC87) received on November 13, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3956. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska" (RIN0648-XD59) received on November 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3957. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (Total Allowable Catch Harvested for Management Area 1A Period 2)" (RIN0648-XD55) received on November 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3958. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Precious Corals; Black Coral" (RIN0648-AT93) received on November 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3959. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to Landowner Notification and Blanket Certificate Regulations" (Docket No. RM07-17-000) received on November 13, 2007; to the Committee on Energy and Natural Resources.

EC-3960. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Texas Regulatory Program" (Docket No. TX-057-FOR) received on November 14, 2007; to the Committee on Energy and Natural Resources.

EC-3961. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Emission Statements Reporting and Definitions" (FRL No. 8492-1) received on November 14, 2007; to the Committee on Environment and Public Works.

EC-3962. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Scranton/Wilkes-Barre 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory" (FRL No. 8497-1) received on November 14, 2007; to the Committee on Environment and Public Works.

EC-3963. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyprodinil; Time-Limited Pesticide Tolerance" (FRL No. 8156-8) received on November 14, 2007; to the Committee on Environment and Public Works.

EC-3964. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Isoxadifen-ethyl; Pesticide Tolerance" (FRL No. 8156-6) received on November 14, 2007; to the Committee on Environment and Public Works.

EC-3965. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pendimethalin; Pesticide Tolerance Technical Amendment" (FRL No. 8134-6) received on November 14, 2007; to the Committee on Environment and Public Works.

EC-3966. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District" (FRL No. 8496-7) received on November 14, 2007; to the Committee on Environment and Public Works.

EC-3967. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sethoxydim; Pesticide Tolerance Technical Amendment" (FRL No. 8153-5) received on

November 14, 2007; to the Committee on Environment and Public Works.

EC-3968. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Digestive Disorders; Final Rules" (Docket No. AF28) received on November 13, 2007; to the Committee on Finance.

EC-3969. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007-221—2007-234); to the Committee on Foreign Relations.

EC-3970. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of a commercial communications satellite to international waters for launch; to the Committee on Foreign Relations.

EC-3971. A communication from the Secretary to the Council of the District of Columbia transmitting, pursuant to law, a report relative to Council Resolution 17-378; to the Committee on Homeland Security and Governmental Affairs.

EC-3972. A communication from the President, U.S. African Development Foundation, transmitting, pursuant to law, a report relative to the confirmation that no matters related to personnel, programs or operations of the Foundation were referred to prosecutive authorities during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3973. A communication from the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the Department's Performance and Accountability Reports for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3974. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3975. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, notification of the fact that the Commission's Performance and Accountability Report for fiscal year 2007 is now available; to the Committee on Homeland Security and Governmental Affairs.

EC-3976. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3977. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Retention Incentives" (RIN3206-AL41) received on November 15, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3978. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems: Abolishment of Rock Island, Illinois, as a Nonappropriated Fund Federal Wage System Wage Area" (RIN3206-AL44) received on November 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3979. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems: Definition of the Municipality of Bayamon, PR, to a Nonappropriated Fund Federal Wage System Wage Area" (RIN3206-AL43) received on November 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3980. A communication from the Senior Associate General Counsel, National Counterterrorism Center, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Director of the National Counterterrorism Center, received on November 13, 2007; to the Select Committee on Intelligence.

EC-3981. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Attorney General, received on November 13, 2007; to the Committee on the Judiciary.

EC-3982. A communication from the White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of a vacancy for the position of Secretary, received on November 13, 2007; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-256. A resolution adopted by the Macomb County Board of Commissioners of the State of Michigan urging Congress to support H.R. 2927 which addresses increases in fuel economy; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 274. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes (Rept. No. 110-232).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2248. An original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Michael W. Hager, of Virginia, to be an Assistant Secretary of Veterans Affairs (Human Resources and Management).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself and Mr. BURR):

S. 2376. A bill to establish a demonstration project to provide for patient-centered medical homes to improve the effectiveness and efficiency in providing medical assistance under the Medicaid program and child health assistance under the State Children's Health Insurance Program; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2377. A bill to amend title 38, United States Code, to improve the quality of care provided to veterans in Department of Veterans Affairs medical facilities, to encourage highly qualified doctors to serve in hard-to-fill positions in such medical facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROBERTS:

S. 2378. A bill to authorize the voluntary purchase of certain properties in Treece, Kansas, endangered by the Cherokee County National Priorities List Site, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2379. A bill to authorize the Secretary of Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of certain Monument land in exchange for private land, to designate certain Monument land as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 2380. A bill to amend the Internal Revenue Code of 1986 to modernize the application of the subpart F rules to computer software, to expand the subpart F de minimis rule, and to extend certain expiring provisions; to the Committee on Finance.

By Mr. SALAZAR (for himself and Mr. BINGAMAN):

S. 2381. A bill to amend title XVIII of the Social Security Act to extend and improve protections for sole community hospitals under the Medicare program; to the Committee on Finance.

By Mr. PRYOR:

S. 2382. A bill to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units sot red by the Federal Government around the country at taxpayer expense; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Mr. GRASSLEY):

S. 2383. A bill to require a pilot program on the mobile provision of care and services for veterans in rural areas by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SALAZAR:

S. 2384. A bill to authorize the Chief of Engineers to conduct a feasibility study relating to the construction of a multipurpose project in the Fountain Creek watershed located in the State of Colorado; to the Committee on Environment and Public Works.

By Mr. BROWN:

S. 2385. A bill to provide Federal Perkins Loan cancellation to fire fighters; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2386. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize temporary mortgage and rental payments; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2387. A bill to establish guidelines and incentives for States to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2388. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to increase the maximum amount of assistance to individuals and households; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself, Ms. CANTWELL, and Mr. LIEBERMAN):

S. 2389. A bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax credit amount for individuals with long-term unused credits for prior year minimum tax liability, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2390. A bill to promote fire-safe communities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REED:

S. 2391. A bill to provide for affordable housing relief, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. OBAMA:

S. 2392. A bill to direct the Secretary of Education to establish and maintain a public website through which individuals may find a complete database of available scholarships, fellowships, and other programs of financial assistance in the study of science, technology, engineering, and mathematics; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 2393. A bill to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorist activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COLEMAN (for himself and Ms. COLLINS):

S. 2394. A bill to amend the Internal Revenue Code of 1986 to simplify, modernize, and improve public notice of and access to tax lien information by providing for a national, Internet accessible, filing system for Federal tax liens, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. ROCKEFELLER):

S. 2395. A bill to establish an adoption process improvement pilot program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. LOTT, and Mr. KENNEDY):

S. 2396. A bill to amend title XI of the Social Security Act to modernize the quality improvement organization (QIO) program; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2397. A bill to amend the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 to preserve and expand minority depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS:

S. 2398. A bill to phase out the use of private military contractors; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ:

S. 2399. A bill to expand and improve housing counseling services by increasing financial education and counseling services available to homeowners and prospective homebuyers in financial turmoil or who seek credit or other personal financial assistance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 25. A joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 385. A resolution honoring those who have volunteered to assist in the cleanup of the November 7, 2007, oil spill in San Francisco Bay; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 386. A resolution to authorize testimony and legal representation in State of Nebraska v. Pamir J. Safi; considered and agreed to.

By Mr. LUGAR (for himself and Mr. DURBIN):

S. Res. 387. A resolution expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan, and the Palestinian Authority; considered and agreed to.

By Mr. NELSON of Florida (for himself and Mr. ISAKSON):

S. Con. Res. 53. A concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release; to the Committee on Foreign Relations .

By Ms. COLLINS (for herself, Mr. FEINGOLD, and Mr. DORGAN):

S. Con. Res. 54. A concurrent resolution supporting the designation of a week as "National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week"; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself and Mr. WEBB):

S. Con. Res. 55. A concurrent resolution commemorating the centennial anniversary of the sailing of the Navy's "Great White Fleet", launched by President Theodore Roosevelt on December 16, 1907, from Hampton Roads, Virginia, and returning there on February 22, 1909; considered and agreed to.

By Mrs. BOXER (for herself, Mr. DODD, and Mr. DURBIN):

S. Con. Res. 56. A concurrent resolution encouraging the Association of Southeast Asian Nations to take action to ensure a peaceful transition to democracy in Burma; considered and agreed to.

ADDITIONAL COSPONSORS

S. 60

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 60, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 325

At the request of Mr. BINGAMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 325, a bill to provide for innovation in health care through State initiatives that expand coverage and access and improve quality and efficiency in the health care system.

S. 380

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 505

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 583

At the request of Mr. SALAZAR, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 583, a bill to create a competitive grant program for States to enable the States to award salary bonuses to highly qualified elementary school or secondary school teachers who teach, or commit to teach, for at least 3 academic years in a school served by a rural local educational agency.

S. 747

At the request of Mr. ISAKSON, the name of the Senator from Texas (Mr.

CORNYN) was added as a cosponsor of S. 747, a bill to terminate the Internal Revenue Code of 1986, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 1000

At the request of Mr. STEVENS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1000, a bill to enhance the Federal Telework Program.

S. 1102

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1102, a bill to amend title XVIII of the Social Security Act to expedite the application and eligibility process for low-income subsidies under the Medicare prescription drug program and to revise the resource standards used to determine eligibility for an income-related subsidy, and for other purposes.

S. 1103

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1103, a bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program.

S. 1108

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1108, a bill to amend title XVIII of the Social Security Act to provide a special enrollment period for individuals who qualify for an income-related subsidy under the Medicare prescription drug program and to provide funding for the conduct of outreach and education with respect to the premium and cost-sharing subsidies under such program, and for other purposes.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1194

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1194, a bill to improve the No Child Left Behind Act of 2001, and for other purposes.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1484

At the request of Mr. ROBERTS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1484, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 1572

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1572, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1641

At the request of Mr. COLEMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1641, a bill to amend Public Law 87-383 to reauthorize appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetland and other waterfowl habitat essential to the preservation of migratory waterfowl, and for other purposes.

S. 1814

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1814, a bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health related information, promote the use of non-identifiable information for health research, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1996

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1996, a bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2058

At the request of Mr. LEVIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2102

At the request of Mr. BINGAMAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2103

At the request of Mr. BINGAMAN, the names of the Senator from Ohio (Mr. BROWN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Hawaii (Mr. AKAKA), the Senator from Iowa (Mr. HARKIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2103, a bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

S. 2111

At the request of Mr. OBAMA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2111, a bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of early intervention services, particularly school-wide positive behavior supports.

S. 2154

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2154, a bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from social security tax coverage.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2209

At the request of Mr. HATCH, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2250

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2250, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare Program.

S. 2319

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2319, a bill to ensure the continued and future availability of life saving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs.

S. 2324

At the request of Mrs. MCCASKILL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2324, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

S. 2335

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2335, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide adequate case management services.

S. 2348

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2348, a bill to ensure control over the United States border and to strengthen enforcement of the immigration laws.

S. 2356

At the request of Mr. COLEMAN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2356, a bill to enhance national security by restricting access of illegal aliens to driver's licenses and State-issued identification documents.

S. 2358

At the request of Mr. BROWNBACK, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 2358, a bill to amend title 18, United States Code, to prohibit human-animal hybrids.

S. 2365

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2365, a bill to require educational institutions that receive Federal funds to obtain the affirmative, informed, written consent of a parent before providing a student information regarding sex, to provide parents the opportunity to review such information, and for other purposes.

S.J. RES. 22

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. RES. 356

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 356, a resolution affirming that any offensive military action taken against Iran must be explicitly approved by Congress before such action may be initiated.

S. RES. 367

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Res. 367, a resolution commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall.

S. RES. 380

At the request of Mr. STEVENS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 380, a resolution recognizing Hostelling International USA for 75 years of service to intercultural understanding and to youth travel.

AMENDMENT NO. 3538

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 3538 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3613

At the request of Mr. STEVENS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 3613 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. BURR):

S. 2376. A bill to establish a demonstration project to provide for patient-centered medical homes to improve the effectiveness and efficiency in providing medical assistance under the Medicaid program and child health assistance under the State Children's Health Insurance Program; to the Committee on Finance.

Mr. DURBIN. Mr. President, we are all aware of the current healthcare crisis in our nation. Health care spending continues to rise at an unsustainable rate, constituting 16 percent of the Federal budget. Health care costs have increased 78 percent since 2001, more than 4 times the pace of prices and wages.

One reason for the rise in costs and spending is the increase in chronic disease. Heart disease, cancer, and diabetes are the leading causes of death and disability in the U.S. They also account for 70 percent of all deaths in the U.S., or 1.7 million people each year. These diseases also make life harder for the 1 of 10 Americans who are living with them. The irony, of course, is that chronic diseases are both preventable and manageable.

The quality of our healthcare has not changed substantially despite the fact that we live in the wealthiest country in the world with the best researchers and medical doctors at our fingertips. At a time when both health care costs and chronic illnesses are on the rise, we need a better way to provide care.

Changing the delivery of care is a controversial topic, but it is a topic that has gained more traction in recent months. Last week, the New York Times published an article titled, "A Model for Health Care That Pays for Quality." The article described a new model for healthcare, and I quote here, "to identify the best primary care doctors and to steer patients their way. Those doctors, in turn, would be paid for more services than are currently reimbursed under typical health plan payments for office visits. The idea is to encourage doctors to meet with patients for more than a few minutes during an office visit and to also compensate them, or nurse coordinators, for communicating with patients by phone and e-mail outside office hours." This is an approach to delivering care that national physician groups and patient advocacy organizations call the medical home.

A medical home is something that those of us who have it take for granted. We see the same doctor, in the same setting, for extended periods of time. Our medical history is in one place, and even if we are seeing specialists or different doctors in the same practice, there is continuity in decisions about our health care. This is a medical home.

But many people do not have this luxury. Think about people who move from place to place, whose home lives are less than stable, who don't have health insurance, whose medical care is sporadic. For these members of our community, each visit to a clinic or an emergency room means starting over again.

So, everyone should have access to a medical home. A medical home is not only a place, but an approach to providing comprehensive primary care that respects, and responds to, individual patient preferences and needs and helps patients develop relationships with their providers.

It sounds easy, but it requires some changes and creative thinking and, perhaps most importantly, it requires a commitment by local providers to work together. The medical home model makes sense for improving health care for everyone. It is a model of care that makes sense for stretching our limited Federal health care dollars.

States like Illinois and North Carolina are already seeing progress with implementing the medical home model. Illinois Health Connect is a new program at the Illinois Department of Healthcare and Family Services that uses the medical home model to deliver primary and preventive care for children and adults covered through the All Kids program. This emphasis on coordinated and ongoing care is leading to better health outcomes, and it's saving money.

Community Care of North Carolina launched a medical home model in 1998, through nine physician-led networks. North Carolina started by creating medical homes for 250,000 Medicaid enrollees. Today, it is a State-wide program that has saved the state at least $60 million in Medicaid costs in 2003 and $120 million in 2004.

Cost savings is not the only benefit. Several studies show that the medical home approach improves quality of care. Early analyses are finding that having regular access to a particular physician through the medical home is associated with earlier and more accurate diagnoses, fewer emergency room visits, fewer hospitalizations, lower costs, better care, and increased patient satisfaction. Many studies conclude that having both health insurance and a medical home leads to improved overall health for the entire population, which brings down the cost of care and reduces health care disparities.

Today, I am proud to be joined by my colleague Senator RICHARD BURR of North Carolina to introduce the Medical Homes Act of 2007. This bill would make it easier for other states to implement a medical home model, much like Illinois and North Carolina have. Congress passed a medical home demonstration project for Medicare last year. The Medical Homes Act of 2007 would do this for Medicaid and SCHIP beneficiaries by making Federal funding available for a demonstration project in 8 States to provide care through patient-centered medical homes.

The approach we propose requires a per-member, per-month care management fee to help pay for participating doctors and provides initial start-up funding for participating States. The startup funds are used for the purchase of health information technology, primary care case managers, and other uses appropriate for the delivery of patient-centered care.

If patients, provider, payers, and the government work together to create a system that values the patient more than payments and the health outcome of the patient more than the number of patients seen, we can really change the way primary care is provided. I urge my colleagues to support the Medical Homes Act of 2007 and help stabilize healthcare delivery for low-income and elderly Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medical Homes Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Medical homes provide patient-centered care, leading to better health outcomes and greater patient satisfaction. A growing body of research supports the need to involve patients and their families in their own health care decisions, to better inform them of their treatment options, and to improve their access to information.

(2) Medical homes help patients better manage chronic diseases and maintain basic preventive care, resulting in better health outcomes than those who lack medical homes. An investigation of the Chronic Care Model discovered that the medical home reduced the risk of cardiovascular disease in diabetes patients, helped congestive heart failure patients become more knowledgeable and stay on recommended therapy, and increased the likelihood that asthma and diabetes patients would receive appropriate therapy.

(3) Medical homes also reduce disparities in access to care. A survey conducted by the Commonwealth Fund found that 74 percent of adults with a medical home have reliable access to the care they need, compared with only 52 percent of adults with a regular provider that is not a medical home and 38 percent of adults without any regular source of care or provider.

(4) Medical homes reduce racial and ethnic differences in access to medical care. Three-fourths of Caucasians, African Americans, and Hispanics with medical homes report getting care when they need it in a medical home.

(5) Medical homes reduce duplicative health services and inappropriate emergency room use. In 1998, North Carolina launched the Community Care of North Carolina (CCNC) program, which employs the medical home concept. Today CCNC includes 14 networks, that include all Federally qualified health centers in the State, covering 740,000 recipients across the entire State. An analysis conducted by Mercer Human Resources Consulting Group found that CCNC resulted in $244,000,000 in savings to the Medicaid program in 2004, with similar results in 2005 and 2006.

(6) Health information technology is a crucial foundation for medical homes. While many doctor's offices use electronic health records for billing or other administrative functions, few practices utilize health information technology systematically to measure and improve the quality of care they provide. For example, electronic health records can generate reports to ensure that all patients with chronic conditions receive recommended tests and are on target to meet their treatment goals. Computerized ordering systems, particularly with decision-support tools, can prevent medical and medication errors, while e-mail and interactive Internet websites can facilitate communication between patients and providers and patient education.

SEC. 3. MEDICAID AND SCHIP DEMONSTRATION PROJECT TO SUPPORT PATIENT-CENTERED PRIMARY CARE.

(a) DEFINITIONS.—In this section:

(1) CARE MANAGEMENT MODEL.—The term "care management model" means a model that—

(A) uses health information technology and other innovations such as the chronic care model, to improve the management and coordination of care provided to patients;

(B) is centered on the relationship between a patient and their personal primary care provider;

(C) seeks guidance from—

(i) a steering committee; and

(ii) a medical management committee; and

(D) has established, where practicable, effective referral relationships between the primary care provider and the major medical specialties and ancillary services in the region.

(2) HEALTH CENTER.—The term "health center" has the meaning given that term in section 330(a) of the Public Health Service Act (42 U.S.C. 254b(a)).

(3) MEDICAID.—The term "Medicaid" means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(4) MEDICAL MANAGEMENT COMMITTEE.—The term "medical management committee" means a group of local practitioners that—

(A) reviews evidence-based practice guidelines;

(B) selects targeted diseases and care processes that address health conditions of the community (as identified in the National or State health assessment or as outlined in "Healthy People 2010", or any subsequent similar report (as determined by the Secretary));

(C) defines programs to target diseases and care processes;

(D) establishes standards and measures for patient-centered medical homes, taking into account nationally-developed standards and measures; and

(E) makes the determination described in subparagraph (A)(iii) of paragraph (5), taking into account the considerations under subparagraph (B) of such paragraph.

(5) PATIENT-CENTERED MEDICAL HOME.—

(A) IN GENERAL.—The term "patient-centered medical home" means a physician-directed practice or a health center that—

(i) incorporates the attributes of the care management model described in paragraph (1);

(ii) voluntarily participates in an independent evaluation process whereby primary care providers submit information to the medical management committee of the relevant network;

(iii) the medical management committee determines has the capability to achieve improvements in the management and coordination of care for targeted beneficiaries (as defined by Statewide quality improvement standards and outcomes); and

(iv) meets the requirements imposed on a covered entity for purposes of applying part C of title XI of the Public Health Service Act (42 U.S.C. 300b–1 et seq.) and all regulatory provisions promulgated thereunder, including regulations (relating to privacy) adopted pursuant to the authority of the Secretary under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(B) CONSIDERATIONS.—In making the determination under subparagraph (A)(iii), the medical management committee shall consider the following:

(i) ACCESS AND COMMUNICATION WITH PATIENTS.—Whether the practice or health center applies both standards for access to care for and standards for communication with targeted beneficiaries who receive care through the practice or health center.

(ii) MANAGING PATIENT INFORMATION AND USING INFORMATION MANAGEMENT TO SUPPORT PATIENT CARE.—Whether the practice or health center has readily accessible, clinically useful information on such beneficiaries that enables the practice or health center to comprehensively and systematically treat such beneficiaries.

(iii) MANAGING AND COORDINATING CARE ACCORDING TO INDIVIDUAL NEEDS.—Whether the practice or health center—

(I) maintains continuous relationships with such beneficiaries by implementing evidence-based guidelines and applying such guidelines to the identified needs of individual beneficiaries over time and with the intensity needed by such beneficiaries;

(II) assists in the early identification of health care needs;

(III) provides ongoing primary care; and

(IV) coordinates with a broad range of other specialty, ancillary, and related services.

(iv) PROVIDING ONGOING ASSISTANCE AND ENCOURAGEMENT IN PATIENT SELF-MANAGEMENT.—Whether the practice or health center—

(I) collaborates with targeted beneficiaries who receive care through the practice or health center to pursue their goals for optimal achievable health;

(II) assesses patient-specific barriers; and

(III) conducts activities to support patient self-management.

(v) RESOURCES TO MANAGE CARE.—Whether the practice or health center has in place the resources and processes necessary to achieve improvements in the management and coordination of care for targeted beneficiaries who receive care through the practice or health center.

(vi) MONITORING PERFORMANCE.—Whether the practice or health center—

(I) monitors its clinical process and performance (including process and outcome measures) in meeting the applicable standards under paragraph (4)(D); and

(II) provides information in a form and manner specified by the steering committee and medical management committee with respect to such process and performance.

(6) PERSONAL PRIMARY CARE PROVIDER.—The term "personal primary care provider" means—

(A) a physician, nurse practitioner, or other qualified health care provider (as determined by the Secretary), who—

(i) practices in a patient-centered medical home; and

(ii) has been trained to provide first contact, continuous, and comprehensive care for the whole person, not limited to a specific disease condition or organ system, including care for all types of health conditions (such as acute care, chronic care, and preventive services); or

(B) a health center that—

(i) is a patient-centered medical home; and

(ii) has providers on staff that have received the training described in subparagraph (A)(ii).

(7) PRIMARY CARE CASE MANAGEMENT SERVICES; PRIMARY CARE CASE MANAGER.—The terms "primary care case management services" and "primary care case manager" have the meaning given those terms in section 1905(t) of the Social Security Act (42 U.S.C. 1396d(t)).

(8) PROJECT.—The term "project" means the demonstration project established under this section.

(9) SCHIP.—The term "SCHIP" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1396aa et seq.).

(10) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(11) STEERING COMMITTEE.—The term "steering committee" means a local management group comprised of collaborating local health care practitioners or a local not-for-profit network of health care practitioners—

(A) that implements State-level initiatives;

(B) that develops local improvement initiatives;

(C) whose mission is to—

(i) investigate questions related to community-based practice; and

(ii) improve the quality of primary care; and

(D) whose membership—

(i) represents the health care delivery system of the community it serves; and

(ii) includes physicians (with an emphasis on primary care physicians) and 1 representative from each part of the collaborative or network (such as a representative from a health center, a representative from the health department, a representative from social services, and a representative from each public and private hospital in the collaborative or the network).

(12) TARGETED BENEFICIARY.—

(A) IN GENERAL.—The term "targeted beneficiary" means an individual who is eligible for benefits under a State plan under Medicaid or a State child health plan under SCHIP.

(B) PARTICIPATION IN PATIENT-CENTERED MEDICAL HOME.—Individuals who are eligible for benefits under Medicaid or SCHIP in a State selected to participate in the project shall receive care through a patient-centered medical home when available.

(C) ENSURING CHOICE.—In the case of such an individual who receives care through a patient-centered medical home, the individual shall receive guidance from their personal primary care provider on appropriate referrals to other health care professionals in the context of shared decisionmaking.

(b) ESTABLISHMENT.—The Secretary shall establish a demonstration project under Medicaid and SCHIP for the implementation of a patient-centered medical home program that meets the requirements of subsection (d) to improve the effectiveness and efficiency in providing medical assistance under Medicaid and child health assistance under SCHIP to an estimated 500,000 to 1,000,000 targeted beneficiaries.

(c) PROJECT DESIGN.—

(1) DURATION.—The project shall be conducted for a 3-year period, beginning not later than October 1, 2009.

(2) SITES.—

(A) IN GENERAL.—The project shall be conducted in 8 States—

(i) four of which already provide medical assistance under Medicaid for primary care case management services as of the date of enactment of this Act; and

(ii) four of which do not provide such medical assistance.

(B) APPLICATION.—A State seeking to participate in the project shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(C) SELECTION.—In selecting States to participate in the project, the Secretary shall ensure that urban, rural, and underserved areas are served by the project.

(3) GRANTS AND PAYMENTS.—

(A) DEVELOPMENT GRANTS.—

(i) FIRST YEAR DEVELOPMENT GRANTS.—The Secretary shall award development grants to States participating in the project during the first year the project is conducted. Grants awarded under this clause shall be used by a participating State to—

(I) assist with the development of steering committees, medical management committees, and local networks of health care providers; and

(II) facilitate coordination with local communities to be better prepared and positioned to understand and meet the needs of the communities served by patient-centered medical homes.

(ii) SECOND YEAR FUNDING.—The Secretary shall award additional grant funds to States that received a development grant under clause (i) during the second year the project is conducted if the Secretary determines such funds are necessary to ensure continued participation in the project by the State. Grant funds awarded under this clause shall be used by a participating State to assist in making the payments described in paragraph (B). To the extent a State uses such grant funds for such purpose, no matching payment may be made to the State for the payments made with such funds under section 1903(a) or 2105(a) of the Social Security Act (42 U.S.C. 1396b(a); 1397ee(a)).

(B) ADDITIONAL PAYMENTS TO PERSONAL PRIMARY CARE PROVIDERS AND STEERING COMMITTEES.—

(i) PAYMENTS TO PERSONAL PRIMARY CARE PROVIDERS.—

(I) IN GENERAL.—Subject to subsection (d)(6)(B), a State participating in the project shall pay a personal primary care provider not less than $2.50 per month per targeted beneficiary assigned to the personal primary care provider, regardless of whether the provider saw the targeted beneficiary that month.

(II) FEDERAL MATCHING PAYMENT.—Subject to subparagraph (A)(ii), amounts paid to a personal primary care provider under subclause (I) shall be considered medical assistance or child health assistance for purposes of section 1903(a) or 2105(a), respectively, of the Social Security Act (42 U.S.C. 1396b(a); 1397ee(a)).

(III) PATIENT POPULATION.—In determining the amount of payment to a personal primary care provider per month with respect to targeted beneficiaries under this clause, a State participating in the project shall take into account the care needs of such targeted beneficiaries.

(ii) PAYMENTS TO STEERING COMMITTEES.—

(I) IN GENERAL.—Subject to subsection (d)(6)(B), a State participating in the project shall pay a steering committee not less than $2.50 per targeted beneficiary per month.

(II) FEDERAL MATCHING PAYMENT.—Subject to subparagraph (A)(ii), amounts paid to a steering committee under subclause (I) shall be considered medical assistance or child health assistance for purposes of section 1903(a) or 2105(a), respectively, of the Social Security Act (42 U.S.C. 1396b(a); 1397ee(a)).

(III) USE OF FUNDS.—Amounts paid to a steering committee under subclause (I) shall be used to purchase health information technology, pay primary care case managers, support network initiatives, and for such other uses as the steering committee determines appropriate.

(4) TECHNICAL ASSISTANCE.—The Secretary shall make available technical assistance to States, physician practices, and health centers participating in the project during the duration of the project.

(5) BEST PRACTICES INFORMATION.—The Secretary shall collect and make available to States participating in the project information on best practices for patient-centered medical homes.

(d) PATIENT-CENTERED MEDICAL HOME PROGRAM.—

(1) IN GENERAL.—For purposes of this section, a patient-centered medical home program meets the requirements of this subsection if, under such program, targeted beneficiaries designate a personal primary care provider in a patient-centered medical home as their source of first contact, comprehensive, and coordinated care for the whole person.

(2) ELEMENTS.—

(A) MANDATORY ELEMENTS.—

(i) IN GENERAL.—Such program shall include the following elements:

(I) A steering committee.

(II) A medical management committee.

(III) A network of physician practices and health centers that have volunteered to participate as patient-centered medical homes to provide high-quality care, focusing on preventive care, at the appropriate time and place in a cost-effective manner.

(IV) Hospitals and local public health departments that will work in cooperation with the network of patient-centered medical homes to coordinate and provide health care.

(V) Primary care case managers to assist with care coordination.

(VI) Health information technology to facilitate the provision and coordination of health care by network participants.

(ii) MULTIPLE LOCATIONS IN THE STATE.—In the case where a State operates a patient-centered medical home program in 2 or more areas in the State, the program in each of those areas shall include the elements described in clause (i).

(B) OPTIONAL ELEMENTS.—Such program may include a non-profit organization that—

(i) includes a steering committee and a medical management committee; and

(ii) manages the payments to steering committees described in subsection (c)(3)(B)(ii).

(3) GOALS.—Such program shall be designed—

(A) to increase—

(i) cost efficiencies of health care delivery;

(ii) access to appropriate health care services, especially wellness and prevention care, at times convenient for patients;

(iii) patient satisfaction;

(iv) communication among primary care providers, hospitals, and other health care providers;

(v) school attendance; and

(vi) the quality of health care services (as determined by the relevant steering committee and medical management committee, taking into account nationally-developed standards and measures); and

(B) to decrease—

(i) inappropriate emergency room utilization, which can be accomplished through initiatives, such as expanded hours of care throughout the program network;

(ii) avoidable hospitalizations; and

(iii) duplication of health care services provided.

(4) PAYMENT.—Under the program, payment shall be provided to personal primary care providers and steering committees (in accordance with subsection (c)(3)(B)).

(5) NOTIFICATION.—The State shall notify individuals enrolled in Medicaid or SCHIP about—

(A) the patient-centered medical home program;

(B) the providers participating in such program; and

(C) the benefits of such program.

(6) TREATMENT OF STATES WITH A MANAGED CARE CONTRACT.—

(A) IN GENERAL.—In the case where a State contracts with a private entity to manage parts of the State Medicaid program, the State shall—

(i) ensure that the private entity follows the care management model; and

(ii) establish a medical management committee and a steering committee in the community.

(B) ADJUSTMENT OF PAYMENT AMOUNTS.—The State may adjust the amount of payments made under (c)(3)(B), taking into consideration the management role carried out by the private entity described in subparagraph (A) and the cost effectiveness provided by such entity in certain areas, such as health information technology.

(e) EVALUATION AND PROJECT REPORT.—

(1) IN GENERAL.—

(A) EVALUATION.—The Secretary, in consultation with appropriate health care professional associations, shall evaluate the project in order to determine the effectiveness of patient-centered medical homes in terms of quality improvement, patient and provider satisfaction, and the improvement of health outcomes.

(B) PROJECT REPORT.—Not later than 12 months after completion of the project, the Secretary shall submit to Congress a report on the project containing the results of the evaluation conducted under subparagraph (A). Such report shall include—

(i) an assessment of the differences, if any, between the quality of the care provided through the patient-centered medical home program conducted under the project in the States that provide medical assistance for primary care case management services and those that do not;

(ii) an assessment of quality improvements and clinical outcomes as a result of such program;

(iii) estimates of cost savings resulting from such program; and

(iv) recommendations for such legislation and administrative action as the Secretary determines to be appropriate.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that, during the next authorization of SCHIP, titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 1397aa et seq.) should be amended, based on the results of the evaluation and report under paragraph (1), to establish a patient-centered medical home program under such titles on a permanent basis.

(f) WAIVER.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall waive compliance with such requirements of titles XI, XIX, and XXI of the Social Security Act (42 U.S.C. 1301 et seq.; 1396 et seq.; 1397aa et seq.) to the extent and for the period the Secretary finds necessary to conduct the project.

(2) LIMITATION.—In no case shall the Secretary waive compliance with the requirements of subsections (a)(10)(A), (a)(15), and (bb) of section 1902 of the Social Security Act (42 U.S.C. 1396a) under paragraph (1), to the extent that such requirements require the provision of, and reimbursement for services described in section 1905(a)(2)(C) of such Act (42 U.S.C. 1396d(a)(2)(C)).

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2377. A bill to amend title 38, United States Code, to improve the quality of care provided to veterans in Department of Veterans Affairs medical facilities, to encourage highly qualified doctors to serve in hard-to-fill positions in such medical facilities, and for other purposes; to the Committee on Veterans' Affairs.

Mr. DURBIN. Mr. President, today I am introducing legislation along with Senator OBAMA that will address some serious deficiencies we have found in the Veterans Administration's health care quality assurance efforts. Over the past several months, we have learned of problems in the hiring practices and quality of care at the veterans hospital in Marion, IL. What we have learned suggests that there are flaws that could equally affect the hiring and quality assurance programs in other VA hospitals.

The problems at Marion first came to light in August after the VA became aware that there had been an abnormal spike in deaths at the hospital the previous winter. A doctor was practicing at Marion even though a year earlier he had agreed to stop practicing medicine in Massachusetts. This fact came to light only after he had resigned from Marion because he was being sued for malpractice involving a case at Marion. It turned out that he had been involved in at least nine other cases at Marion in which the patient died, and he had been the subject of at least two malpractice settlements and a disciplinary action in Massachusetts before moving to Illinois.

The VA initiated an investigation and has taken steps to protect the patients at Marion. All but the most simple outpatient surgeries have been suspended, one doctor has resigned, four others have had their privileges restricted, and four top staff members have been temporarily reassigned.

The VA's Inspector General is conducting a thorough investigation and I am looking forward to considering his conclusions. But we know enough to take action now. And we must take action now because what happened at Marion may not be an isolated case. The same problems may exist at other VA hospitals as well.

The legislation we are introducing has three main objectives. First, it would improve the process of vetting doctors applying to and working in the VA. Second, it would expand the quality control programs in the VA health care system. And third, it would create incentives to encourage high-quality doctors to practice at veterans hospitals.

The VA's standards for evaluating employment applicants must be strengthened. When the doctor whose problematic service brought this issue to light was hired by the VA, he had two malpractice payments on his record, but he had only disclosed one to the VA. He was also under investigation by the Massachusetts medical board for gross incompetence in several cases that led to the deaths of patients. This was not disclosed to the VA.

Our legislation will fix this problem. It will require all physician applicants to the VA, and all doctors practicing in the VA, to disclose any judgments, settlements, disciplinary actions, and open investigations involving them. In addition, each doctor would be required to make a written request to the State medical board of any State in which they have held a license, requesting that the board release this same information to the VA.

Now, as a lawyer, I understand the caution that must be used when dealing with investigations that are not complete and judgments that are not final. But doctors and hospitals understand and work with confidential information all the time. VA officials with hiring authority will keep this information confidential and will be able to differentiate between a frivolous lawsuit and a case that should raise real concern. Before we entrust our Nation's veterans to a doctor, the VA should know all the pertinent information about that individual. Before the VA hires a physician, it should be required to examine this kind of information to make sure the physician should not be disqualified from employment in the VA.

In addition, our bill requires doctors employed by the VA to be licensed in the state in which they practice.

The bill's second objective is to improve the VA's quality assurance program. Our legislation would establish a quality assure officer at each VA medical facility, in each Veterans Integrated Service Network, VISN, region, and at the VA national headquarters. These officers would establish and carry out a quality assurance program at each VA medical facility.

Over the year and a half that this doctor practiced at Marion, at least a few of the nurses had concerns about his skills and competence and raised those concerns with the hospital leadership. They were ignored. This is absolutely unacceptable.

Concerns about the quality of care in a VA facility should never go unexamined. If local hospital officials will not listen, another avenue should be available for raising these concerns. Our legislation would allow employees to raise quality of care concerns to the local quality assurance officer and the regional quality assurance officer, ensuring that there is a place employees can go and know that their concerns will be considered.

In addition, we would require that the quality assurance program at each hospital include a mechanism for the peer review of physicians in the hospital. At Marion, it appears that any kind of peer review program that might have been present was either dormant or ignored. As a result, early warning signs were missed that might have saved lives.

Our measure would require that the quality assurance officers be licensed physicians, so that they will be qualified to monitor the performance of other doctors and ensure a fair but thorough peer review process is in place.

Finally, our legislation includes provisions to encourage talented doctors to practice in the VA system. We would direct each VA hospital to seek to affiliate with a nearby medical school so that our hospitals will have the benefit of the fresh, young minds of medical students and the more experienced judgments Of medical school faculty. These affiliations would introduce young doctors to the work of the VA, which might lead them to consider a career there. We also would create loan forgiveness and tuition reimbursement programs to encourage doctors to commit to practice in VA hospitals.

We also recognize that many experienced doctors might be willing to practice part-time in a VA hospital but would be unwilling to totally leave private practice. Our bill would instruct the VA to develop programs to increase the recruitment of experienced, quality doctors who might be willing to practice part-time in the VA health care system. It would also offer access to the federal employees health insurance program to doctors who are willing to practice at least five days per month in a VA medical facility.

This bill addresses very real issues that directly affect the health of our veterans. The VA's investigation of what went wrong at Marion may lead us to additional legislative initiatives, but the steps we have outlined in this bill are steps that need to be taken now to protect veterans in VA hospitals throughout the country.

This legislation has been endorsed by Veterans for America. I urge my colleagues to join in moving forward with this legislation to ensure that our veterans receive the quality of care they deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Health Care Quality Improvement Act".

SEC. 2. STANDARDS FOR APPOINTMENT AND PRACTICE OF PHYSICIANS IN DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) STANDARDS.—

(1) IN GENERAL.—Subchapter I of chapter 74 of title 38, United States Code, is amended by inserting after section 7402 the following new section:

"§ 7402A. Appointment and practice of physicians: standards

"(a) IN GENERAL.—The Secretary shall, acting through the Under Secretary for Health, prescribe standards to be met by individuals in order to qualify for appointment in the Administration in the position of physician and to practice as a physician in medical facilities of the Administration. The standards shall incorporate the requirements of this section.

"(b) DISCLOSURE OF CERTAIN INFORMATION BEFORE APPOINTMENT.—Each individual seeking appointment in the Administration in the position of physician shall do the following:

"(1) Provide the Secretary a full and complete explanation of the following:

"(A) Each lawsuit, civil action, or other claim (whether open or closed) brought against the individual for medical malpractice or negligence (other than a lawsuit, action, or claim closed without any judgment against or payment by or on behalf of the individual).

"(B) Each payment made by or on behalf of the individual to settle any lawsuit, action, or claim covered by subparagraph (A).

"(C) Each investigation or disciplinary action taken against the individual relating to the individual's performance as a physician.

"(2) Submit a written request and authorization to the State licensing board of each State in which the individual holds or has held a license to practice medicine to disclose to the Secretary any information in the records of such State on the following:

"(A) Each lawsuit, civil action, or other claim brought against the individual for medical malpractice or negligence covered by paragraph (1)(A) that occurred in such State.

"(B) Each payment made by or on behalf of the individual to settle any lawsuit, action, or claim covered by subparagraph (A).

"(C) Each medical malpractice judgment against the individual by the courts or administrative agencies or bodies of such State.

"(D) Each disciplinary action taken or under consideration against the individual by an administrative agency or body of such State.

"(E) Any change in the status of the license to practice medicine issued the individual by such State, including any voluntary or nondisciplinary surrendering of such license by the individual.

"(F) Any open investigation of the individual by an administrative agency or body of such State, or any outstanding allegation against the individual before such an administrative agency or body.

"(c) DISCLOSURE OF CERTAIN INFORMATION FOLLOWING APPOINTMENT.—(1) Each individual appointed in the Administration in the position of physician after the date of the enactment of the Veterans Health Care Quality Improvement Act shall, as a condition of service under the appointment, disclose to the Secretary, not later than 30 days after the occurrence of such event, the following:

"(A) A judgment against the individual for medical malpractice or negligence.

"(B) A payment made by or on behalf of the individual to settle any lawsuit, action, or claim disclosed under paragraph (1) or (2) of subsection (b).

"(C) Any disposition of or material change in a matter disclosed under paragraph (1) or (2) of subsection (b).

"(2) Each individual appointed in the Administration in the position of physician as of the date of the enactment of the Veterans Health Care Quality Improvement Act shall do the following:

"(A) Not later than the end of the 60-day period beginning on the date of the enactment of that Act and as a condition of service under the appointment after the end of that period, submit the request and authorization described in subsection (b)(2).

"(B) Agree, as a condition of service under the appointment, to disclose to the Secretary, not later than 30 days after the occurrence of such event, the following:

"(i) A judgment against the individual for medical malpractice or negligence.

"(ii) A payment made by or on behalf of the individual to settle any lawsuit, action, or claim disclosed pursuant to subparagraph (A) or under this subparagraph.

"(iii) Any disposition of or material change in a matter disclosed pursuant to subparagraph (A) or under this subparagraph.

"(3) Each individual appointed in the Administration in the position of physician shall, as part of the biennial review of the performance of the physician under the appointment, submit the request and authorization described in subsection (b)(2). The requirement of this paragraph is in addition to the requirements of paragraph (1) or (2), as applicable.

"(d) INVESTIGATION OF DISCLOSED MATTERS.—(1) The Regional Director of the Veterans Integrated Services Network (VISN) in which an individual is seeking appointment in the Administration in the position of physician shall perform a comprehensive investigation (in such manner as the standards required by this section shall specify) of each matter disclosed under subsection (b) with respect to the individual.

"(2) The Regional Director of the Veterans Integrated Services Network in which an individual is appointed in the Administration in the position of physician shall perform a comprehensive investigation (in a manner so specified) of each matter disclosed under subsection (c) with respect to the individual.

"(3) The results of each investigation performed under this subsection shall be fully documented.

"(e) APPROVAL OF APPOINTMENTS BY REGIONAL DIRECTORS OF VISNS.—(1) An individual may not be appointed in the Administration in the position of physician without the approval of the Regional Director of the Veterans Integrated Services Network in which the individual will first serve under the appointment.

"(2) In approving the appointment under this subsection of an individual for whom any matters have been disclosed under subsection (b), a Regional Director shall—

"(A) certify in writing the completion of the performance of the investigation under subsection (d)(1) of each such matter, including the results of such investigation; and

"(B) provide a written justification why any matters raised in the course of such investigation do not disqualify the individual from appointment.

"(f) BOARD CERTIFICATION.—(1) Except as provided in paragraph (2), an individual may not be appointed in the Administration in the position of physician unless the individual is board certified in the specialties in which the individual will practice under the appointment.

"(2) A Regional Director may waive the limitation in paragraph (1) with respect to any individual who has completed a residency program within the two-year period ending on the date of such waiver if the individual provides satisfactory evidence (as determined in accordance with the standards required by this section) of an intent to become board certified. The period of any waiver under this paragraph may not exceed one year.

"(g) STATE LICENSE REQUIRED FOR PRACTICE IN IN-STATE VA MEDICAL FACILITIES.—Each physician practicing at a medical facility of the Department in a State, whether under an appointment in the Administration or through the extension of privileges of practice, shall, as a condition of such practice, hold a license to practice medicine in the State within one year of appointment.

"(h) ENROLLMENT OF PHYSICIANS WITH PRACTICE PRIVILEGES IN PROACTIVE DISCLOSURE SERVICE.—Each medical facility of the Department at which physicians are extended the privileges of practice shall enroll each physician extended such privileges in the Proactive Disclosure Service of the National Practitioners Data Base.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of such title is amended by inserting after the item relating to section 7402 the following new item:

"7402A. Appointment and practice of physicians: standards.".

(b) EFFECTIVE DATE AND APPLICABILITY.—

(1) EFFECTIVE DATE.—Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) APPLICABILITY OF CERTAIN REQUIREMENTS TO PHYSICIANS PRACTICING ON EFFECTIVE DATE.—In the case of an individual appointed to the Veterans Health Administration in the position of physician as of the date of the enactment of this Act—

(A) the requirements of subsections (f) and (g) of section 7402A, United States Code, as added by subsection (a) of this section, shall take effect on the date that is one year after the date of the enactment of this Act; and

(B) the requirements of subsection (h) of such section 7402A, as so added, shall take effect on the date that is 60 days after the date of the enactment of this Act.

SEC. 3. ENHANCEMENT OF QUALITY ASSURANCE BY THE VETERANS HEALTH ADMINISTRATION.

(a) ENHANCEMENT OF QUALITY ASSURANCE THROUGH QUALITY ASSURANCE OFFICERS.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by inserting after section 7311 the following new section:

"§ 7311A. Quality assurance officers

"(a) NATIONAL QUALITY ASSURANCE OFFICER.—(1) The Under Secretary of Health shall designate an official of the Administration to act as the principal quality assurance officer for the quality-assurance program required by section 7311 of this title. The official so designated may be known as the 'National Quality Assurance Officer of the Veterans Health Administration' (in this section referred to as the 'National Quality Assurance Officer').

"(2) The National Quality Assurance Officer shall report directly to the Under Secretary for Health in the discharge of responsibilities and duties of the Officer under this section.

"(3) The National Quality Assurance Officer shall be the official within the Administration who is principally responsible for the quality-assurance program referred to in paragraph (1). In carrying out that responsibility, the Officer shall be responsible for—

"(A) establishing and enforcing the requirements of that program; and

"(B) carrying out such other responsibilities and duties relating to quality assurance in the Administration as the Under Secretary for Health shall specify.

"(4) The requirements under paragraph (3) shall include requirements regarding the following:

"(A) A confidential system for the submittal of reports by Administration personnel regarding quality assurance at Administration facilities.

"(B) Mechanisms for the peer review of the actions of individuals appointed in the Administration in the position of physician.

"(C) Mechanisms for the accountability of the facility director and chief medical officer of each Administration medical facility for the actions of physicians in such facility.

"(b) Quality Assurance Officers for VISNs.—(1) The Regional Director of each Veterans Integrated Services Network (VISN) shall appoint an official of the Network to act as the quality assurance officer of the Network.

"(2) Each official appointed as a quality assurance officer under this subsection shall be a board-certified physician.

"(3) The quality assurance officer for a Veterans Integrated Services Network shall report to the Regional Director of the Veterans Integrated Services Network, and to the National Quality Assurance Officer, regarding the discharge of the responsibilities and duties of the officer under this section.

"(4) The quality assurance officer for a Veterans Integrated Services Network shall—

"(A) direct the quality assurance office in the Network; and

"(B) coordinate, monitor, and oversee the quality assurance programs and activities of the Administration medical facilities in the Network in order to ensure the thorough and uniform discharge of quality assurance requirements under such programs and activities throughout such facilities.

"(c) Quality Assurance Officers for Medical Facilities.—(1) The director of each Administration medical facility shall appoint a quality assurance officer for that facility.

"(2) Each official appointed as a quality assurance officer under this subsection shall be a board-certified physician.

"(3) The official appointed as a quality assurance officer for a facility under this subsection shall be a practicing physician at the facility. If the official appointed as quality assurance officer for a facility has other clinical or administrative duties, the director of the facility shall ensure that those duties are sufficiently limited in scope so as to ensure that those duties do not prevent the officer from effectively discharging the responsibilities and duties of quality assurance officer at the facility.

"(4) The quality assurance officer for a facility shall report directly to the director of the facility, and to the quality assurance officer of the Veterans Integrated Services Network in which the facility is located, regarding the discharge of the responsibilities and duties of the quality assurance officer under this section.

"(5) The quality assurance officer for a facility shall be responsible for designing, disseminating, and implementing quality assurance programs and activities for the facility that meet the requirements established by the National Quality Assurance Officer under subsection (a).".

(2) Clerical Amendment.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7311 the following new item:

"7311A. Quality assurance officers.".

(b) Board-Certified Physician Requirement for Individuals Appointed as Under Secretary for Health.—Section 305(a)(2) of title 38, United States Code, is amended by inserting "shall be a board-certified physician and" before "shall be".

(c) Reports on Quality Concerns Under Quality-Assurance Program.—Section 7311(b) of such title is amended by adding at the end the following new paragraph:

"(4) As part of the quality-assurance program, the Under Secretary for Health shall establish mechanisms through which employees of Administration facilities may submit reports, on a confidential basis, on matters relating to quality of care in Administration facilities to the quality assurance officers of such facilities under section 7311A(c) of this title and to the quality assurance officers of the Veterans Integrated Services Networks (VISNs) in which such facilities are located under section 7311A(b) of this title. The mechanisms shall provide for the prompt and thorough review of any reports so submitted by the receiving officials.".

(d) Review of Current Health Care Quality Safeguards.—

(1) In general.—The Secretary of Veterans Affairs shall conduct a comprehensive review of all current policies and protocols of the Department of Veterans Affairs for maintaining health care quality and patient safety at Department of Veterans Affairs medical facilities. The review shall include a review and assessment of the National Surgical Quality Improvement Program (NSQIP), including an assessment of—

(A) the efficacy of the quality indicators under the program;

(B) the efficacy of the data collection methods under the program;

(C) the efficacy of the frequency with which regular data analyses are performed under the program; and

(D) the extent to which the resources allocated to the program are adequate to fulfill the stated function of the program.

(2) Report.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the review conducted under paragraph (1), including the findings of the Secretary as a result of the review and such recommendations as the Secretary considers appropriate in light of the review.

SEC. 4. INCENTIVES TO ENCOURAGE HIGH-QUALITY PHYSICIANS TO SERVE IN THE VETERANS HEALTH ADMINISTRATION.

(a) Incentives Required.—

(1) In general.—Subchapter III of chapter 74 of title 38, United States Code, is amended by inserting after section 7431 the following new section:

"§ 7431A. Physicians: additional incentives for service in hard-to-fill positions

"(a) Loan Repayment for Physicians Who Serve in Hard-to-Fill Positions.—(1) In order to recruit and retain physicians in the Administration in hard-to-fill positions (as designated by the Secretary for purposes of this subsection), the Secretary shall repay, for each individual who agrees to serve as a physician for a period of not less than three years in an Administration facility in such a position, any loan of such individual as follows:

"(A) Any loan of the individual described in paragraphs (1) through (4) of section 16302(a) of title 10.

"(B) Any other loan of the individual designated by the Secretary for purposes of this subsection the proceeds of which were used by the individual to finance education leading to the medical degree of the individual.

"(2) Each individual seeking repayment of loans under paragraph (1) shall enter into an agreement with the Secretary regarding the repayment of loans. Under the agreement, the individual shall agree—

"(A) to perform satisfactory service in a physician position specified in the agreement in an Administration facility specified in the agreement for such period of years as the agreement shall specify; and

"(B) to possess and retain for the period of the agreement such professional qualifications as are necessary for the service specified under subparagraph (A).

"(3) Repayment of loans under this subsection shall be made on the basis of complete years of service under the agreement under this subsection. The amount to be repayed under an agreement under this subsection for a complete year of service specified in the agreement shall be such amount, not to exceed $30,000, for each complete year of service as the agreement shall specify.

"(b) Tuition Reimbursement for Physician Students Who Agree to Serve in Hard-to-Fill Positions.—(1) In order to recruit and retain physicians in the Administration in hard-to-fill positions (as designated by the Secretary for purposes of this subsection), the Secretary shall reimburse individuals who are enrolled in a course of education leading toward board certification as a physician for the tuition charged for pursuit of such course of education if such individuals agree to serve as a physician in an Administration facility in such a position.

"(2) Each individual seeking tuition reimbursement under paragraph (1) shall enter into an agreement with the Secretary regarding such tuition reimbursement. Under the agreement, the individuals shall agree—

"(A) to satisfactorily complete the course of education of the individual described in paragraph (1); and

"(B) upon completion of the course of education, to become board-certified as a physician; and

"(C) upon completion of the matters referred to in subparagraphs (A) and (B)—

"(i) to perform satisfactory service in a physician position specified in the agreement in an Administration facility specified in the agreement for such period of years as the agreement shall specify; and

"(ii) to possess and retain for the period of the agreement such professional qualifications as are necessary for the service specified under clause (i).

"(3) The amount of reimbursement payable to an individual under paragraph (1) for a year may not exceed $30,000.

"(4) Any individual receiving tuition reimbursement under paragraph (1) who does not satisfy the requirements of the agreement under paragraph (2) shall be subject to such repayment requirements as the Secretary shall specify in the agreement.

"(5) An individual receiving tuition reimbursement under paragraph (1) for pursuit of a course of education shall also be paid a stipend in the amount of $5,000 for each academic year of pursuit of such course of education after entry into an agreement under paragraph (2).

"(c) Participation in FEHBP of Physicians Who Serve Part-Time in Hard-to-Fill Positions.—(1) In order to recruit and retain physicians in the Administration in hard-to-fill positions (as designated by the Secretary for purposes of this subsection), an individual not otherwise eligible for health insurance under chapter 89 of title 5 who agrees to serve as a physician in an Administration facility in such a position for not less than five days per month (of which two days must occur in each 14-day period) shall be eligible for enrollment in the health benefit plans under chapter 89 of title 5 on a self only or self and family basis (as applicable).

"(2) The Secretary shall administer this subsection in consultation with the Director of the Office of Personnel Management.

"(d) Additional Programs.—It is the sense of Congress that the Secretary should undertake active and on-going efforts to establish additional incentive programs to encourage individuals to serve in the position of physician in the Administration, or otherwise practice in the Administration, in hard-to-fill positions, including, in particular, incentive programs to encourage more experienced physicians to serve or practice in such positions.

"(e) CONSTRUCTION.—The incentives required under this section are in addition to any other special pays or benefits to which the individuals covered by this section are eligible or entitled under law.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of such title is amended by inserting after the item relating to section 731 the following new item:

"7431A. Physicians: additional incentives for service in hard-to-fill positions.".

(b) AFFILIATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES WITH MEDICAL SCHOOLS.—The Secretary of Veterans Affairs shall, to the extent practicable, require each medical facility of the Department of Veterans Affairs to seek to establish an affiliation with a medical school within reasonable proximity of such medical facility.

SEC. 5. REPORTS TO CONGRESS.

(a) REPORT.—Not later than December 15, 2009, and each year thereafter through 2012, the Secretary of Veterans Affairs shall submit to the congressional veterans affairs committees a report on the implementation of this Act and the amendments made by this Act during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A comprehensive description of the implementation of this Act and the amendments made by this Act.

(2) Such recommendations as the Secretary considers appropriate for legislative or administrative action to improve the authorities and requirements in this Act and the amendments made by this Act or to otherwise improve the quality of health care and the quality of the physicians in the Veterans Health Administration.

(b) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this section, the term "congressional veterans affairs committees" means—

(1) the Committees on Veterans' Affairs and Appropriations of the Senate; and

(2) the Committees on Veterans' Affairs and Appropriations of the House of Representatives.

By Mr. ROBERTS:

S. 2378. A bill to authorize the voluntary purchase of certain properties in Treece, Kansas, endangered by the Cherokee County National Priorities List Site, and for other purposes; to the Committee on Environment and Public Works.

Mr. ROBERTS. Mr. President, I rise today to offer legislation to protect the residents of Treece, Kansas from the potential danger of remaining in an area that is undergoing a Superfund cleanup. I commend my fellow Kansas colleague, Congresswoman NANCY BOYDA, for introducing similar legislation in the House.

Treece is located in Cherokee County, Kansas. The Cherokee County site encompasses 115 square miles of former mining area. Mining in this area dates back to the early 1900s and at one time contained the richest lead and zinc ore production in the world. Although the drilling stopped in 1970, the effects of over 60 years of mining can be seen for miles around with mountains of milling left behind. Below these mountains, and surrounding areas, are enormous holes large enough to fit a football stadium, and they continually threaten the everyday safety of the residents of this community.

Cherokee County is part of a larger area known as the Tri-State Mining District that encompasses cities in southeastern Kansas, southwestern Missouri and northeastern Oklahoma. Within the Tri-State Mining District are 2 towns of particular importance, Treece, Kansas and Picher, Oklahoma. While these 2 towns are separated by a State line they are only a mere 2 miles away from one another. These 2 communities share more than a State line; they share a major highway, local stores, and most importantly the concerns of the aftermath of over 60 years of mining on their health, safety and the ultimate survival of their towns.

Currently Picher, part of the Tar Creek Superfund site, is undergoing a Federal buyout. The residents of Treece rely heavily on the services provided to them by Picher. Without that support the economic stability and ultimate survival of their town is in danger. Therefore, in order to assist the residents of Treece, I offer this legislation today to authorize the Environmental Protection Agency to make available to the state of Kansas $6,000,000, in 2009. This money will be used for the voluntary purchase of certain properties in Treece and will also allow for the relocation of community residents. This legislation will provide the residents of Treece an opportunity to relocate to another town of their choosing. An opportunity that they may not have without the Environmental Protection Agency's assistance.

By Mr. SALAZAR:

S. 2384. A bill to authorize the Chief of Engineers to conduct a feasibility study relating to the construction of a multipurpose project in the Fountain Creek watershed located in the State of Colorado; to the Committee on Environment and Public Works.

Mr. SALAZAR. Mr. President, today I am introducing the Fountain Creek Feasibility Study Act of 2007. This bill is an important piece of a larger vision to transform and restore the Fountain Creek watershed, which lies in the Arkansas River Valley between the cities of Pueblo and Colorado Springs in my State of Colorado.

The Fountain Creek watershed is a major tributary to the Arkansas River and is home to a wide variety of plants and wildlife. Anyone who has traveled the I–25 corridor between Colorado Springs and Pueblo can attest to the natural beauty of this region. The watershed itself comprises 927 square miles, but the impact of its waterflow extends far beyond its strict boundaries. According to the 2000 census, more than 500,000 people live in the watershed's boundaries. Water from the watershed serves municipal, industrial and agricultural uses. Creeks within the watershed contribute about 15 percent of the drinking water for Colorado Springs and are a source of irrigation for over 100 farms and ranches. The fertile farmland there produces wheat, corn, hay, oats, and vegetable crops; there are also many working livestock ranches along Fountain Creek.

Today there are major problems with Fountain Creek. In recent years, instead of serving as an important link for commerce and recreation, the Fountain has divided the area. Decades of neglect, increased waterflows in the Fountain as a result of major urban development in the north half of the watershed, increased stormwater discharges, and sewage spills have all harmed the region. The watershed is subject to frequent flood damage, erosion, and sedimentation. In 1999 a major flood caused millions of dollars of damage to public and private property, and destroyed the foundations of numerous homes and roads. Indeed, just this spring there was minor flooding from the Fountain in the Pueblo area. Farmers and ranchers near the downstream end of the watershed in particular have suffered substantial losses of productive farmland. Degradation of the water quality and thus aquatic and wetland habitats is accelerating due to wastewater spills, loss of natural vegetation, and high water volume. Simply put, Fountain Creek watershed's ecological conditions are unstable and under constant threat.

This bill is a foundation stone for the idea of restoring Fountain Creek and turning the corridor between Colorado Springs and Pueblo into an environmental, agricultural, and recreational "crown jewel" for my State.

This bill would task the Army Corps of Engineers to conduct a study of the feasibility of constructing one or more dams and reservoirs to provide more reliable flood and sediment control, to conserve fish and wildlife and preserve their ecosystem, and to improve the water quality throughout the watershed. The Corps' expertise and experience will be critical to determining the options for restoring the health and stability of the Fountain Creek watershed.

The idea of such a multipurpose project on the Fountain is not new. It was first proposed in 1970 by the U.S. Army Corps of Engineers after the 1965 flood that inundated communities along the Fountain Creek, including particularly the city of Pueblo. The proposal was supported by the States of Colorado and Kansas and local officials, and was even the preferred option of the Army Corps for addressing flooding in the Fountain. I believe a similar proposal should be evaluated again, in light of changed conditions and increased flows in Fountain Creek resulting from urban development in the Colorado Springs metro area. Because the Fountain contributes a significant amount of water to the Arkansas River Valley below the confluence of the Fountain Creek and Arkansas River in Pueblo, this project may very well help address the various concerns of residents and communities of the Arkansas River Valley from Pueblo to the Kansas State line.

Last year I laid out a vision to revitalize Fountain Creek and connect the communities along its bank in a regional project. My plan involves the cleanup and revitalization of Fountain Creek; creating a linear state park along the river corridor with camping facilities, hundreds of miles of new trails, restored wildlife and natural habitat and new flat water recreation opportunities; protecting farms and ranches along the creek and in the lower Arkansas Valley; and ensuring a greenbelt separator between the communities of Colorado Springs and Pueblo.

My vision is to restore and transform this vital watershed. I hope that all levels of Government can work together to bring unmatched recreational opportunities, create an environment for plants and wildlife to flourish, ensure that agricultural lands remain productive, and address the flood control and water quality issues on Fountain Creek. This bill is an essential step towards achieving this goal.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2386. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize temporary mortgage and rental payments; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President. I rise today to introduce a series of bills, S. 2386, S. 2387, S. 2388, and S. 2390, designed to better prepare for catastrophic wildfires like the ones that recently devastated Southern California.

The Nation watched as these fires swept, uncontrolled, through several counties.

They caused the evacuation of an estimated 750,000 people—the largest evacuation in California history.

They burned more than 500,000 acres. Destroyed more than 2,000 homes.

Killed 10 people. Injured 130.

The financial damage is estimated in the billions.

Simply put: This was a major disaster.

It was not the first. Southern California suffered similar wildfire losses just 4 years ago.

We must face the fact that catastrophic wildfires are in California's future, and the future of other states.

California is tinder-dry. Global warming is real, leading to extended droughts and longer fire seasons.

Fires are larger, and they burn hotter and with more intensity.

More and more people are living in areas at high risk of wildfire. There are more than 5 million homes in California alone in this high-threat "wildland-urban interface."

Across the rest of the country, there are nearly 40 million more homes in the wildland-urban interface.

So the question comes: What can be done?

There is no doubt that we cannot fully eliminate wildfires.

But I believe we can take steps now to better protect communities, to improve firefighting capabilities, and to improve relief and recovery aid.

The four bills introduced today will get this process started. They are the Fire Safe Community Act, which would establish new incentives for communities at risk of wildfires to adopt a new model Fire Safe ordinance; the Mortgage and Rental Disaster Relief Act, to make sure that qualified individuals, displaced by major disasters, can make their mortgage and rental payments; the Disaster Rebuilding Assistance Act, to increase the amount of Federal dollars available to homeowners whose rebuilding costs outstrip their insurance coverage; and the Managing Arson Through Criminal History, MATCH, Act, requiring states to create registries of convicted arsonists.

Let me go into greater detail on each of these bills.

FIRE SAFE COMMUNITY ACT

This bill will help protect our communities from the catastrophic effects of wildfires.

Most importantly, it does three key things: it instructs the National Institute of Standards and Technology to develop a model ordinance that will serve as a baseline for communities seeking to protect their homes and property from wildfire; it encourages local participation by allowing for greater Federal reimbursement of firefighting costs in communities that adopt the model ordinance; and it creates a grant program to encourage responsible development practices that meet model guidelines in the wildland-urban interface.

In effect, the Federal Government would become the partner to local governments as they seek to make their communities fire-safe.

As I have said, we can never stop wildfires. But we can take important steps to make these fires less destructive.

This bill starts with the first step of creating a model "Fire Safe" ordinance—with clear, unambiguous language that sets a national standard for how to address all aspects of fire threat.

The National Institute of Standards and Technology would provide this standard guideline for communities, in conjunction with the U.S. Forest Service, the Bureau of Land Management, and the U.S. Fire Administration.

States are also encouraged to adopt model ordinances tailored to the needs of their own communities for fire-safe development.

These guidelines will address water supply, construction materials and techniques, defensible space, vegetation management, and infrastructure standards.

The next step is to put this model ordinance to use.

The bill authorizes a $25 million per year grant program, administered by the Federal Emergency Management Agency's Office of Grants and Training.

It will help communities implement these standards, and bring the safest development practices to their neighborhoods.

This grant program will be available to local governments located in the wildlife-urban interface, and to high-threat regions that have adopted—or plan to adopt—the model ordinance.

They will have the option of adopting either the federal model ordinance, or one produced by their own state.

As further incentive, this bill would improve Fire Management Assistance Grants to communities adopting a model ordinance.

Today under the Fire Management Assistance Grant program, the Federal Government covers 75 percent of the cost of fighting wildfires.

Under this bill, communities adopting a model ordinance would be eligible for federal reimbursement of up to 90 percent of their firefighting costs.

The Fire Safe Community Act will also make grants available to States to help them compile their own fire maps.

The mapping grants will be matched 50-50 by State funds, and will encourage development of comprehensive fire hazard maps that indicate the exact locations of high-threat fire areas.

This vital information will aid firefighting efforts at all levels.

It's important to note that the model ordinances at the core of this bill are not mandatory—they would provide voluntary guidelines that communities can adopt, or not.

It does not step on the toes of local government. Rather, it would help all of us reach a common goal.

I come from local government—I'm 9 years a mayor, 9 years a county supervisor—and I recognize that zoning is the province of local government.

But we have a real problem here: We know that development in the wildland-urban interface is accelerating, making fires more costly.

So we need to take steps to improve fire safety in these areas.

This bill is an important step toward becoming better prepared.

Now I want to discuss two bills intended to improve recovery aid after disaster strikes.

MORTGAGE AND RENTAL DISASTER RELIEF ACT

This bill will provide much-needed relief to families hit hard by disaster—including people displaced by the recent fires.

It would authorize FEMA to make mortgage and rental assistance available for qualified individuals in communities designated by the President as disaster areas.

It is based on an important point: While catastrophic wildfires and other disasters can destroy homes, they don't relieve people of the financial obligations that come with home ownership or lease agreements.

In most cases, these payments must still be made, even if the residence has been wiped out.

This burden is too much for many families. They incur additional expenses—such as hotel or lodging costs—that come with being displaced following a major disaster.

FEMA used to provide mortgage and rental assistance. But it was eliminated by the Disaster Mitigation Act of 2000.

This bill would reauthorize the program, and make several changes to ensure that assistance is provided only to those most in need.

First, to qualify for assistance applicants must demonstrate that they face significant economic hardships and suffered disaster-related income loss.

The disaster-related income loss must fit into one of the following categories: Your employer, or your own business, must be located in the area declared a major disaster by the President; you lose your job because your employer or business has a significant business relationship with a company located within the Presidentially declared disaster area; or you live in a Presidentially declared disaster area, and have suffered financially due to travel restrictions and road closures post-disaster.

To qualify for this aid, applicants must also provide proof that their employment was discontinued as a result of disaster.

They must also show imminent delinquency, eviction, dispossession, or foreclosure.

Finally, this assistance is available only for up to 18 months, and is subject to income caps.

Only households with adjusted gross incomes of $100,000 or less, in high-cost States such as California, would be eligible.

Households in lower-cost States could be eligible if their annual adjusted gross incomes do not exceed $75,000.

DISASTER REBUILDING ASSISTANCE ACT

This second disaster relief bill would increase the amount of money FEMA can provide—for rebuilding and temporary housing—in high-cost States such as California.

It is designed to help disaster victims whose rebuilding costs exceed their insurance coverage.

Sadly, many Californians hit by the wildfires are now learning that their insurance coverage was insufficient.

This is a real problem in California; in fact, California Insurance Commissioner Steve Poizner estimates that as many as 25 percent of the victims of the recent fires may be underinsured.

Let me be clear: This bill will not cover the full costs of rebuilding.

But it will help close the gap, for qualified households in areas declared by the President to be disaster areas.

Today, FEMA can provide up to roughly $28,000 to individuals and households whose rebuilding costs exceed their insurance coverage.

This assistance can be used for rebuilding costs, as well as temporary housing.

This bill would increase this amount to $50,000.

The legislation also gives the President the discretion to increase this cap, if necessary, to cover rebuilding expenses in high-cost States.

I believe this bill will provide an important step toward giving Americans the chance they need to rebuild their lives after suffering through a major disaster.

The last bill in this package takes aim at criminal arsonists.

MANAGING ARSON THROUGH CRIMINAL HISTORY ACT

This bill—also known as the MATCH Act—is the Senate version of a bill introduced in the House by California Representatives MARY BONO and ADAM SCHIFF.

It would establish Federal and State arson registries; require convicted arsonists to register and update certain specified information for 5 years after a first conviction, 10 years after a second conviction, and for life after a third conviction; and authorize grants and incentives so that these registries will be operational within 3 years.

It is important that we improve our ability to keep track of arsonists, because it is clear that some of these recent wildfires were no accident.

The Santiago Fire in Orange County—which burned at least 27,000 acres—has officially been declared an arson fire.

Would-be arsonists tried to start new fires as the wildfires raged.

In San Diego County, authorities arrested an adult and a juvenile suspected of starting a blaze in Vista.

In San Bernardino, a suspect was charged with setting a brush fire near Victorville.

There were several arson-related arrests in Los Angeles County—one suspect died in a gunfight with police.

The arsonist who started the Santiago fire remains at-large.

There is a reward—it now stands at $250,000—but law-enforcement officials say an arrest will likely depend on a tip from the public.

It does not have to be that way.

This bill would give fire investigators and law-enforcement officials up-to-date information on potential arsonists.

This is common-sense legislation. It will provide a readily accessible database, and help investigators rule out persons of interest and zero in on arson suspects.

We owe it to our brave firefighters to give fire investigators this important new tool, so they can help bring arsonists to justice.

Catastrophic wildfires are not going away. In fact, the evidence strongly suggests they will occur with greater frequency and ferocity.

But we can take important steps—now—to make our communities safer.

To strengthen our firefighting capabilities.

To ensure that more relief and recovery aid is provided to victims, so they can get back on their feet as soon as possible.

These bills are not a panacea. But they are an important first step. I urge my colleagues to vote for them.

By Mr. REED:

S. 2391. A bill to provide for affordable housing relief, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED Mr. President, today I introduce the Government Sponsored Enterprise Mission Improvement Act of 2007. This bill would amend the Housing and Community Development Act of 1992 to dramatically strengthen the affordable housing mission of Fannie Mae and Freddie Mac. I believe that deepening Fannie and Freddie's responsibilities towards affordable housing must be a part of any type of GSE reform that we undertake in the Senate.

The problems caused by the shortage in affordable housing are well publicized. But the impact of the shortage, which most commonly affects those near the bottom of the income scale, receives less attention. Worse, there is currently no Federal housing program that increases the supply of housing affordable to those with the most severe needs. The bill I am introducing today, the Government Sponsored Enterprise Mission Improvement Act, would provide $500 to $900 million per year in funding to help those with worst case housing needs.

Across the U.S., the 17 million renters and owners with lowest incomes have by far the most critical housing problems. About three-fifths of renters and owners with incomes below 30 percent of area median income pay more than half of their meager incomes for housing.

Families must pay such excessive amounts because there are too few affordable units. Nationally, according to

HUD's analysis of 2005 American Housing Survey data, there were 10 million renters with incomes below 30 percent of area median income in 2005, but only 6.7 million units with rents affordable to those with such incomes.

This bill I am introducing today would require Fannie Mae and Freddie Mac to set aside 4.2 basis points on each dollar of unpaid principle balance of total new business purchases for an Affordable Housing Program.

Sixty-five percent of this set-aside would go towards an Affordable Housing Block Grant Program. This program would be managed by the Secretary of Housing and Urban Development and in the first year after enactment, would be allocated to the states by formula grant to help address the current subprime mortgage crisis. These grants could be used to facilitate loan modification and refinance options for low- and moderate-income borrowers facing foreclosure. Some of the funding could also be used to help low- and moderate-income homebuyers purchase properties that have been foreclosed upon to help stabilize neighborhoods.

After 2008, the funding would be distributed by formula grants to the states for the development, construction, and preservation of housing for very low- and extremely low-income families. This funding would complement other Federal and State programs, such as the HOME Investment Partnerships and Low-Income Housing Tax Credit programs, to bring down costs enough to primarily target the income group most needing housing that is truly affordable to them, extremely low-income renters.

The other 35 percent of this set-aside would be allocated for a Capital Magnet Fund managed by the Secretary of the Treasury. This funding would go out through competitive grants for financial activities that leverage affordable housing development, construction and preservation for low-, very low-, and extremely low-income families. It could also be used for economic development activities or community service facilities, such as day care centers and health care clinics, that in conjunction with affordable housing activities implement a concerted strategy to stabilize or revitalize a low-income community or underserved rural area.

The Government Sponsored Enterprise Mission Improvement Act also would strengthen Fannie and Freddie's Affordable Housing Goals. In particular, it would align their goals with current Community Reinvestment Act income targeting definitions, which I believe should help the lower end of the conventional market become more liquid.

Finally, this legislation would create a new statutory duty for Fannie Mae and Freddie Mac to serve "underserved markets" that lack adequate credit through conventional lending sources such as Manufactured Housing; Affordable Housing Preservation; Subprime Borrowers; Community Development Financial Institutions; and Rural Housing. I give teeth to this provision by making compliance with this duty subject to Section 1336 enforcement provisions.

I urge my colleagues to cosponsor this legislation and to help make it an integral part of any GSE reform that is taken up by the Senate. This bill makes it clear that with Fannie and Freddie's Government benefits come many important responsibilities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD.

S. 2391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Government Sponsored Enterprise Mission Improvement Act" or the "GSE Mission Improvement Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Annual housing report regarding enterprises.
Sec. 3. Public use database.
Sec. 4. Revision of housing goals.
Sec. 5. Duty to serve underserved markets.
Sec. 6. Monitoring and enforcing compliance with housing goals.
Sec. 7. Affordable housing programs.
Sec. 8. Enforcement.

SEC. 2. ANNUAL HOUSING REPORT REGARDING ENTERPRISES.

(a) REPEAL.—Section 1324 of the Housing and Community Development Act of 1992 (12 U.S.C. 4544) is hereby repealed.

(b) ANNUAL HOUSING REPORT.—The Housing and Community Development Act of 1992 is amended by inserting after section 1323 the following:

"SEC. 1324. ANNUAL HOUSING REPORT REGARDING ENTERPRISES.

"(a) IN GENERAL.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act and section 307(f) of the Federal Home Loan Mortgage Corporation Act, the Secretary shall submit a report, not later than October 30 of each year, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on the activities of each enterprise.

"(b) CONTENTS.—The report required under subsection (a) shall—

"(1) discuss—

"(A) the extent to and manner in which—

"(i) each enterprise is achieving the annual housing goals established under subpart B;

"(ii) each enterprise is complying with its duty to serve underserved markets, as established under section 1335;

"(iii) each enterprise is complying with section 1337; and

"(iv) each enterprise is achieving the purposes of the enterprise established by law; and

"(B) the actions that each enterprise could undertake to promote and expand the purposes of the enterprise;

"(2) aggregate and analyze relevant data on income to assess the compliance of each enterprise with the housing goals established under subpart B;

"(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

"(4) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime loans; and

"(5) compare the characteristics of subprime loans purchased and securitized by each enterprise to other loans purchased and securitized by each enterprise.

"(c) DATA COLLECTION AND REPORTING.—

"(1) IN GENERAL.—To assist the Secretary in analyzing the matters described in subsection (b), the Secretary shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

"(2) DATA POINTS.—Each monthly survey conducted by the Secretary under paragraph (1) shall collect data on—

"(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

"(i) the price of the house that secures the mortgage;

"(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

"(iii) the terms of the mortgage;

"(iv) the creditworthiness of the borrower or borrowers; and

"(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise;

"(B) the characteristics of individual subprime mortgages that are eligible for purchase by the enterprises and the characteristics of borrowers under such mortgages, including the credit worthiness of such borrowers and determination whether such borrowers would qualify for prime lending; and

"(C) such other matters as the Secretary determines to be appropriate.

"(3) PUBLIC AVAILABILITY.—The Secretary shall make any data collected by the Secretary in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Secretary may modify the data released to the public to ensure that the data—

"(A) is not released in an identifiable form; and

"(B) is not otherwise obtainable from other publicly available data sets.

"(4) DEFINITION.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.".

SEC. 3. PUBLIC USE DATABASE.

Section 1323 of the Housing and Community Development Act of 1992 (42 U.S.C. 4543) is amended—

(1) in subsection (a)—

(A) by striking "(a) IN GENERAL.—The Secretary" and inserting the following:

"(a) AVAILABILITY.—

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following new paragraph:

"(2) CENSUS TRACT LEVEL REPORTING.—Such data shall include the data elements required to be reported under the Home Mortgage Disclosure Act of 1975, at the census tract level.'';

(2) in subsection (b)(2), by inserting before the period at the end the following: "or with subsection (a)(2)''; and

(3) by adding at the end the following new subsection:

"(d) TIMING.—Data submitted under this section by an enterprise in connection with a provision referred to in subsection (a) shall be made publicly available in accordance with this section not later than September 30 of the year following the year to which the data relates.''.

SEC. 4. REVISION OF HOUSING GOALS.

(a) REPEAL.—Sections 1331 through 1334 of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 through 4564) are hereby repealed.

(b) HOUSING GOAL.—The Housing and Community Development Act of 1992 is amended by inserting before section 1335 the following:

"SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

"(a) IN GENERAL.—The Secretary shall, by regulation, establish effective for the first calendar year that begins after the date of enactment of the Government Sponsored Enterprise Mission Improvement Act, and each year thereafter, annual housing goals, as described in sections 1332, 1333, and 1334, with respect to the mortgage purchases by the enterprises.

"(b) SPECIAL COUNTING REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary shall determine whether an enterprise shall receive full, partial, or no credit for a transaction toward achievement of any of the housing goals established pursuant to this section or sections 1332 through 1334.

"(2) CONSIDERATIONS.—In making any determination under paragraph (1), the Secretary shall consider whether a transaction or activity of an enterprise is substantially equivalent to a mortgage purchase and either (A) creates a new market, or (B) adds liquidity to an existing market, provided however that the terms and conditions of such mortgage purchase is neither determined to be unacceptable, nor contrary to good lending practices, and otherwise promotes sustainable homeownership and further, that such mortgage purchase actually fulfills the purposes of the enterprise and is in accordance with the chartering Act of such enterprise.

"(c) ELIMINATING INTEREST RATE DISPARITIES.—

"(1) IN GENERAL.—In establishing and implementing the housing goals under this subpart, the Secretary shall require the enterprises to disclose appropriate information to allow the Secretary to assess if there are any disparities in interest rates charged on mortgages to borrowers who are minorities, as compared with borrowers of similar creditworthiness who are not minorities, as evidenced in reports pursuant to the Home Mortgage Disclosure Act of 1975.

"(2) REPORT TO CONGRESS AND REMEDY REQUIRED ON DISPARITIES.—Upon a finding by the Secretary that a pattern of disparities in interest rates exists pursuant to the information provided by an enterprise under paragraph (1), the Secretary shall—

"(A) forward to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report detailing the disparities; and

"(B) require the enterprise to take such actions as the Secretary deems appropriate pursuant to this Act, to remedy such identified interest rate disparities.

"(3) IDENTITY OF INDIVIDUALS NOT DISCLOSED.—In carrying out this subsection, the Secretary shall ensure that no personally identifiable financial information that would enable an individual borrower to be reasonably identified shall be made public.

"(d) TIMING.—The Secretary shall establish an annual deadline for the establishment of housing goals described in subsection (a), taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such goals.

"SEC. 1331A. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

"(a) AUTHORITY.—An enterprise may petition the Secretary in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

"(b) STANDARD FOR REDUCTION.—The Secretary may reduce the level for a goal pursuant to such a petition only if—

"(1) market and economic conditions or the financial condition of the enterprise require such action; or

"(2) efforts to meet the goal would result in the constraint of liquidity, over investment in certain market segments, or other consequences contrary to the intent of this subpart, section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)), or section 301(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

"(c) DETERMINATION.—

"(1) 30-DAY PERIOD.—The Secretary shall make a determination regarding any proposed reduction within 30 days of receipt of the petition regarding the reduction.

"(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) for a single additional 15-day period, but only if the Secretary requests additional information from the enterprise.

"SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

"(a) ESTABLISHMENT OF GOALS.—

"(1) IN GENERAL.—The Secretary shall establish annual goals for the purchase by each enterprise of conventional, conforming, single-family, owner-occupied, purchase money mortgages financing housing for each of the following:

"(A) Low-income families.

"(B) Families that reside in low-income areas.

"(C) Very low-income families.

"(2) GOALS AS PERCENTAGE OF TOTAL PURCHASE MONEY MORTGAGE PURCHASES.—The goals established under paragraph (1) shall be established as a percentage of the total number of single-family dwelling units financed by single-family purchase money mortgages of the enterprise.

"(b) DETERMINATION OF COMPLIANCE.—

"(1) IN GENERAL.—The Secretary shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goals established under this section for such year.

"(2) COMPLIANCE REQUIREMENTS.—An enterprise shall be considered to be in compliance with a goal described under subsection (a) for a year, only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied, purchase money mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target established under subsection (c) for the year for such type of family.

"(c) ANNUAL TARGETS.—

"(1) IN GENERAL.—The Secretary shall establish annual targets for each goal described in subsection (a).

"(2) CONSIDERATIONS.—In establishing annual targets under paragraph (1), the Secretary shall consider—

"(A) national housing needs;

"(B) economic, housing, and demographic conditions;

"(C) the performance and effort of the enterprises toward achieving the housing goals under this section in previous years;

"(D) the ability of the enterprise to lead the industry in making credit available;

"(E) recent information submitted in compliance with the Home Mortgage Disclosure Act of 1975 and such other mortgage data as may be available for non metropolitan areas regarding conventional, conforming, single-family, owner-occupied, purchase money mortgages originated and purchased;

"(F) the size of the purchase money conventional mortgage market serving each of the types of families described in subsection (a), relative to the size of the overall purchase money mortgage market; and

"(G) the need to maintain the sound financial condition of the enterprises.

"(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

"(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding compliance of an enterprise for a year with the housing goals established under this section and before any public disclosure thereof, the Secretary shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Secretary, of the performance of the enterprise for the year and the targets for the year under subsection (c).

"(2) COMMENT PERIOD.—The Secretary shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

"(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Secretary shall consider a mortgagor's income to be the income of the mortgagor at the time of origination of the mortgage.

"SEC. 1333. SINGLE-FAMILY HOUSING REFINANCE GOALS.

"(a) PREPAYMENT OF EXISTING LOANS.—

"(1) IN GENERAL.—The Secretary shall establish annual goals for the purchase by each enterprise of mortgages on conventional, conforming, single-family, owner-occupied housing given to pay off or prepay an existing loan served by the same property for each of the following:

"(A) Low-income families.

"(B) Families that reside in low-income areas.

"(C) Very low-income families.

"(2) GOALS AS PERCENTAGE OF TOTAL REFINANCING MORTGAGE PURCHASES.—The goals described under paragraph (1) shall be established as a percentage of the total number of single-family dwelling units refinanced by mortgage purchases of each enterprise.

"(b) DETERMINATION OF COMPLIANCE.—

"(1) IN GENERAL.—The Secretary shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing refinance goals established under this section for such year.

"(2) COMPLIANCE.—An enterprise shall be considered to be in compliance with the goals of this section for a year, only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied refinancing mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target for the year for such type of family that is established under subsection (c).

“(c) ANNUAL TARGETS.—

“(1) IN GENERAL.—The Secretary shall establish annual targets for each goal described in subsection (a).

“(2) CONSIDERATIONS.—In establishing annual targets under paragraph (1), the Secretary shall consider—

“(A) national housing needs;

“(B) economic, housing, and demographic conditions;

“(C) the performance and effort of the enterprises toward achieving the housing goals under this section in previous years;

“(D) the ability of the enterprise to lead the industry in making credit available;

“(E) recent information submitted in compliance with the Home Mortgage Disclosure Act of 1975 and such other mortgage data as may be available for non metropolitan areas regarding mortgages on conventional, conforming, single-family, owner-occupied, refinanced mortgages originated and purchased;

“(F) the size of the refinance conventional mortgage market serving each of the types of families described in subsection (a) relative to the size of the overall refinance conventional mortgage market; and

“(G) the need to maintain the sound financial condition of the enterprises.

“(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

“(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding compliance of an enterprise for a year with the housing goals established under this section and before any public disclosure thereof, the Secretary shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Secretary, of the performance of the enterprise for the year and the targets for the year under subsection (c).

“(2) COMMENT PERIOD.—The Secretary shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

“(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Secretary shall consider a mortgagor's income to be the income of the mortgagor at the time of origination of the mortgage.

“SEC. 1334. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish, by regulation, by unit or dollar volume, as determined by the Secretary, an annual goal for the purchase by each enterprise of:

“(A) Mortgages that finance dwelling units affordable to very low-income families.

“(B) Mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

“(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Secretary shall establish additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of 5 to 50 units (as adjusted by the Secretary), or with mortgages of up to $5,000,000 (as adjusted by the Secretary).

“(3) FACTORS.—In establishing the goal under this section relating to mortgages on multifamily housing for an enterprise, the Secretary shall consider—

“(A) national multifamily mortgage credit needs;

“(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

“(C) the size of the multifamily mortgage market;

“(D) the most recent information available for the Residential Survey published by the Census Bureau, and such other data as may be available regarding multifamily mortgages;

“(E) the ability of the enterprise to lead the industry in expanding mortgage credit availability at favorable terms, especially for underserved markets, such as for—

“(i) small multifamily projects;

“(ii) multifamily properties in need of preservation and rehabilitation; and

“(iii) multifamily properties located in rural areas; and

“(F) the need to maintain the sound financial condition of the enterprise.

“(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Secretary may give credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing that otherwise qualify under such goal and that is financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if—

“(1) such bonds are secured by a guarantee of the enterprise; or

“(2) are not investment grade and are purchased by the enterprise.

“(c) USE OF TENANT INCOME OR RENT.—

“(1) IN GENERAL.—The Secretary shall monitor the performance of each enterprise in meeting the goals established under this section and shall evaluate such performance (for purposes of section 1336) based on—

“(A) if such data is available, the income of the prospective or actual tenants of the property; or

“(B) if such data is not available, the rent levels affordable to low-income and very low-income families.

“(2) RENT LEVEL.—A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

“(d) DETERMINATION OF COMPLIANCE.—

“(1) IN GENERAL.—The Secretary shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

“(2) COMPLIANCE.—An enterprise shall be considered to be in compliance with the goal of this section for a year only if for each of the properties described in subsection (a), the percentage of the number of multifamily mortgages purchased by each enterprise in such year, that serve such families, meets or exceeds the goals for the year for such type of properties that are established under subsection (a).

“(e) CONSIDERATION OF UNITS IN SINGLE-FAMILY RENTAL HOUSING.—In establishing any goal under this section, the Secretary may take into consideration the number of housing units financed by any mortgage on single-family rental housing purchased by an enterprise.”.

(c) CONFORMING AMENDMENTS.—The Housing and Community Development Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking “low- and moderate-income housing goal” and all that follows through “section 1334” and inserting “housing goals established under this subpart”;

(2) in section 1336 (12 U.S.C. 4566)—

(A) in section (a)(1), by striking “sections 1332, 1333, and 1334,” and inserting “this subpart”; and

(B) in subsection (b)(1), by striking “section 1332, 1333, or 1334,” and inserting “this subpart”.

(d) DEFINITIONS.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) is amended—

(1) in paragraph (19), by striking “60 percent” each place such term appears and inserting “50 percent”; and

(2) by adding at the end the following:

“(20) CONFORMING MORTGAGE.—The term ‘conforming mortgage’ means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the dollar limitation, in effect at the time of such origination, under—

“(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

“(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.

“(21) LOW-INCOME AREA.—The term ‘low-income area’ means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.

“(22) VERY LOW-INCOME.—

“(A) IN GENERAL.—The term ‘very low-income’ means—

“(i) in the case of owner-occupied units, income in excess of 30 percent but not greater than 50 percent of the area median income; and

“(ii) in the case of rental units, income in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

“(B) RULE OF CONSTRUCTION FOR PURPOSES OF HOUSING GOALS.—Notwithstanding subparagraph (A), for purposes of any housing goal established under sections 1331 through 1334, the term ‘very low-income’ means—

“(i) in the case of owner-occupied units, families having incomes not greater than 50 percent of the area median income;

“(ii) in the case of rental units, families having incomes not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

“(23) EXTREMELY LOW-INCOME.—The term ‘extremely low-income’ means—

“(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

“(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

"(24) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Secretary that are occupied by extremely low-income renter households or are vacant for rent; and

"(ii) the number of extremely low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

"(25) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Secretary that are occupied by either extremely low- or very low-income renter households or are vacant for rent; and

"(ii) the number of extremely low- and very low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low- and very low-income households as described in subparagraph (A)(ii), there is no shortage.".

SEC. 5. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Housing and Community Development Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting "**duty to serve underserved markets and**" before "**other**";

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "and to carry out the duty under subsection (a) of this section," before ", each enterprise shall";

(B) in paragraph (3), by inserting "and" after the semicolon at the end;

(C) in paragraph (4), by striking "; and" and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as redesignated by paragraph (3)(E) of this subsection) the following new subsection:

"(a) DUTY TO SERVE UNDERSERVED MARKETS.—

"(1) DUTY.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to purchase or securitize mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets.

"(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

"(A) MANUFACTURED HOUSING.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

"(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to extremely low-, very low-, and low-income families, including housing projects subsidized under—

"(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

"(ii) the program under section 236 of the National Housing Act;

"(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

"(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

"(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act; and

"(vi) the rural rental housing program under section 515 of the Housing Act of 1949.

"(C) SUBPRIME BORROWERS.—The enterprises shall lead the industry in making mortgage credit available to low- and moderate-income families with credit impairment, and shall develop underwriting guidelines that preclude the purchase of loans with unacceptable terms and conditions, or which are contrary to good lending practices or to sustainable homeownership, including—

"(i) mandatory arbitration provisions;

"(ii) single premium credit insurance financed into the mortgages;

"(iii) unreasonable prepayment penalties and up front fees;

"(iv) introductory rates that expire in less than 10 years; and

"(v) any other such loans with unacceptable terms and conditions, or which are contrary to good lending practices or to sustainable homeownership.

"(D) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.—The enterprises shall—

"(i) lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on unconventional affordable housing loans made or purchased by Treasury certified community development financial institutions and other nonprofit housing lenders; and

"(ii) utilize credit facilities, capital and loss reserves, credit enhancements, securitization, and other methods to facilitate a secondary market for mortgages on unconventional affordable housing loans made or purchased by community development financial institutions certified by the Secretary of the Treasury, as determined by the Secretary and consistent with the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act, and the provisions of this Act.

"(E) COMMUNITY REINVESTMENT ACT CONSIDERATIONS.—The enterprise shall take affirmative steps to assist depository institutions to meet their obligations under the Community Reinvestment Act, which shall include developing appropriate underwriting standards, business practices, repurchase requirements, pricing, fees, and procedures.

"(F) RURAL AND OTHER UNDERSERVED MARKETS.—

"(i) IN GENERAL.—The enterprises shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Secretary identifies as lacking adequate credit through conventional lending sources.

"(ii) IDENTIFICATION OF UNDERSERVED MARKETS.—Underserved markets may be identified for purposes of this paragraph by borrower type, market segment, or geographic area.

"(G) OTHER UNDERSERVED MARKETS.—The Secretary may, by rule, determine other underserved markets that the enterprises shall be required to lead the market in facilitating the availability of investment capital for mortgage financing for such markets."; and

(5) by adding at the end the following new subsection:

"(c) EVALUATION AND REPORTING OF COMPLIANCE.—

"(1) EVALUATING COMPLIANCE.—

"(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Government Sponsored Enterprise Mission Improvement Act, the Secretary shall establish through notice and comment rulemaking, a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets, and for rating the extent of such compliance.

"(B) RATING COMPLIANCE.—Using the evaluation method established under subparagraph (A), the Secretary shall, for each year, evaluate such compliance and rate the performance of each enterprise as to the extent of compliance.

"(C) EVALUATIONS AND RATINGS INCLUDED IN ANNUAL REPORT OF THE SECRETARY.—The Secretary shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

"(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Secretary shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

"(A) the development of loan products and more flexible underwriting guidelines;

"(B) the volume of loans purchased in each of such underserved markets; and

"(C) such other factors as the Secretary may determine.".

(b) ENFORCEMENT.—Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting "and with the duty under section 1335(a) of each enterprise with respect to underserved markets" before ", as provided in this section,"; and

(2) by adding at the end the following new paragraph:

"(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—

"(A) IN GENERAL.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under sections 1332, 1333, and 1334 are enforceable.

“(B) LIMITATION.—The duty under section 1335(a) shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.”.

SEC. 6. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

Section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting “PRELIMINARY” before “DETERMINATION”;

(B) by striking paragraph (1) and inserting the following new paragraph:

“(1) NOTICE.—If the Secretary preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail to meet any housing goal established under this subpart, the Secretary shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Secretary based the determination.”;

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting “finally” before “determining”;

(ii) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

“(B) EXTENSION OR SHORTENING OF PERIOD.—The Secretary may—

“(i) extend the period under subparagraph (A) for good cause for not more than 30 additional days; and

“(ii) shorten the period under subparagraph (A) for good cause.”; and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(D) in paragraph (3)—

(i) in subparagraph (A), by striking “determine” and inserting “issue a final determination of”;

(ii) in subparagraph (B), by inserting “final” before “determinations”; and

(iii) in subparagraph (C)—

(I) by striking “Committee on Banking, Finance and Urban Affairs” and inserting “Committee on Financial Services”; and

(II) by inserting “final” before “determination” each place such term appears; and

(2) in subsection (c)—

(A) by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

“(c) CEASE-AND-DESIST ORDERS, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

“(1) REQUIREMENT.—

“(A) HOUSING PLAN.—If the Secretary finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed to meet any housing goal under this subpart and that the achievement of the housing goal was or is feasible, the Secretary may require that the enterprise submit a housing plan under this subsection.

“(B) REFUSAL TO SUBMIT HOUSING PLAN.—If the Secretary makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan or the Secretary finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Secretary may—

“(i) issue a cease-and-desist order in accordance with section 1341;

“(ii) impose civil money penalties in accordance with section 1345; or

“(iii) order other remedies as set forth in paragraph (7) of this subsection.”;

(B) in paragraph (2)—

(i) by striking “CONTENTS.—Each housing plan” and inserting “HOUSING PLAN.—If the Secretary requires a housing plan under this section, such a plan”; and

(ii) in subparagraph (B), by inserting “and changes in its operations” after “improvements”;

(C) in paragraph (3)—

(i) by inserting “comply with any remedial action or” before “submit a housing plan”; and

(ii) by striking “under subsection (b)(3) that a housing plan is required”;

(D) in paragraph (4), by striking the first 2 sentences and inserting the following:

“(A) REVIEW.—The Secretary shall review each submission by an enterprise, including a housing plan submitted under this subsection, and not later than 30 days after submission, approve or disapprove the plan or other action.

“(B) EXTENSION OF TIME.—The Secretary may extend the period for approval or disapproval for a single additional 30-day period if the Secretary determines such extension necessary.

“(C) APPROVAL.—”; and

(E) by adding at the end the following new paragraph:

“(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease-and-desist orders under section 1341, and ordering civil money penalties under section 1345, the Secretary may—

“(A) seek other actions when an enterprise fails to meet a goal; and

“(B) exercise appropriate enforcement authority available to the Secretary under this Act.”.

SEC. 7. AFFORDABLE HOUSING PROGRAMS.

(a) REPEAL.—Sections 1337 of the Housing and Community Development Act of 1992 (12 U.S.C. 4562 note) is hereby repealed.

(b) ANNUAL HOUSING REPORT.—The Housing and Community Development Act of 1992 is amended by inserting after section 1336 the following:

“SEC. 1337. AFFORDABLE HOUSING ALLOCATIONS.

“(a) SET ASIDE AND ALLOCATION OF AMOUNTS BY ENTERPRISES.—Subject to subsection (b), in each fiscal year—

“(1) the Federal Home Loan Mortgage Corporation shall—

“(A) set aside an amount equal to 4.2 basis points for each dollar of unpaid principal balance of its total new business purchases; and

“(B) allocate or otherwise transfer—

“(i) 65 percent of such amounts to the Secretary of Housing and Urban Development to fund the affordable housing block grant program established under section 1338; and

“(ii) 35 percent of such amounts to fund the Capital Magnet Fund established pursuant to section 1339; and

“(2) the Federal National Mortgage Association shall—

“(A) set aside an amount equal to 4.2 basis points for each dollar of unpaid principal balance of its total new business purchases; and

“(B) allocate or otherwise transfer—

“(i) 65 percent of such amounts to the Secretary of Housing and Urban Development to fund the affordable housing block grant program established under section 1338; and

“(ii) 35 percent of such amounts to fund the Capital Magnet Fund established pursuant to section 1339.

“(b) SUSPENSION OF CONTRIBUTIONS.—The Secretary shall temporarily suspend allocations under subsection (a) by an enterprise upon a finding by the Secretary that such allocations—

“(1) are contributing, or would contribute, to the financial instability of the enterprise;

“(2) are causing, or would cause, the enterprise to be classified as undercapitalized; or

“(3) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

“(c) PROHIBITION OF PASS-THROUGH OF COST OF ALLOCATIONS.—The Secretary shall, by regulation, prohibit each enterprise from redirecting the costs of any allocation required under this section, through increased charges or fees, or decreased premiums, or in any other manner, to the originators of mortgages purchased or securitized by the enterprise.

“(d) ENFORCEMENT OF REQUIREMENTS ON ENTERPRISE.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.

“SEC. 1338. AFFORDABLE HOUSING BLOCK GRANT PROGRAM.

“(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Housing and Urban Development shall establish and manage an affordable housing block grant program, which shall be funded with amounts allocated by the enterprises under section 1337. The purpose of the block grant program under this section is to provide grants to States for use—

“(1) to increase and preserve the supply of rental housing for extremely low- and very low-income families, including homeless families; and

“(2) to increase homeownership for extremely low- and very low-income families.

“(b) AFFORDABLE HOUSING BLOCK GRANT ALLOCATIONS FOR HOMEOWNERSHIP PRESERVATION IN FISCAL YEAR 2008.—

“(1) ASSISTANCE FOR HOMEOWNERS FACING FORECLOSURE.—

“(A) IN GENERAL.—To help address the subprime mortgage crisis, in fiscal year 2008, 100 percent of the amounts allocated for grants under this section shall be used to make grants to States to—

“(i) facilitate loan modification and refinance options for low- and moderate-income borrowers facing foreclosure; and

“(ii) expeditiously make available to low- and moderate-income homebuyers, properties that have been foreclosed upon.

“(B) DISTRIBUTION.—The amounts allocated to help address the subprime mortgage crisis under subparagraph (A) shall be distributed according to a formula established by the Secretary.

“(2) PERMISSIBLE DESIGNEES.—A State receiving grant amounts under this subsection may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)), or any other qualified instrumentality of the State to receive such grant amounts.

"(3) DEVELOPMENT OF DISTRIBUTION FORMULA.—Not later than 3 months after the date of enactment of the Government Sponsored Enterprise Mission Improvement Act, the Secretary shall develop the distribution formula required under paragraph (1)(B). Such formula shall be based on the following factors:

"(A) The population of the State based on the most recent estimate of the resident population of such State as determined by the Bureau of the Census.

"(B) The 90-day delinquency rate of the State.

"(C) The ratio of foreclosures to owner-occupied households within the State.

"(4) ELIGIBLE LOAN USES.—

"(A) LOANS TO HOMEOWNERS TO PRESERVE HOMEOWNERSHIP.—

"(i) IN GENERAL.—A State or State designated entity shall use any grant amounts made available under this subsection to—

"(I) support the refinancing of loans of eligible homeowners, only if such loans have a loan-to-value ratio of not greater than 100 percent of current appraised value of the home on which such loan was taken;

"(II) reduce the outstanding loan balances of eligible homeowners, but only if the lender, servicer, investor, or other appropriate entity reduces such balance by the amount necessary to bring the combined loan value (including first and second mortgages) at or below 100 percent of the appraised value of the home; and

"(III) pay off any outstanding amounts owed by eligible homeowners for taxes and insurance.

"(ii) PROGRAM REQUIREMENTS FOR ELIGIBLE HOMEOWNERS.—

"(I) DEVELOPMENT BY STATES.—Each State or State designated entity that is a recipient of a grant amount under this subsection shall develop program requirements for eligible homeowners seeking a loan under this subparagraph.

"(II) REQUIRED CONTENT.—The program requirements required to be developed under this clause shall, at a minimum, include the following:

"(aa) The annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.

"(bb) That any loan under this paragraph may be provided for up to a 4-family owner-occupied residence, including 1-family units in a condominium project or a membership interest and occupancy agreement in a cooperative housing project, that is used, or is to be used, as the principal residence of the applicant seeking such grant or loan.

"(cc) The homeowner has a loan with unsustainable loan terms, as determined by a State housing finance agency or other designated State agency. For purposes of this item, the term 'unsustainable loan terms' includes such activities as the lack of escrow of taxes and insurance, the inclusion of prepayment penalties, and the lack of the ability of the homeowner to pay at the fully indexed interest rate because the debt-to-income ratio on such home loan is greater than 45 percent.

"(iii) LOAN REQUIREMENTS.—In order for a State or State designated entity to use the amounts made available under this subsection to assist eligible homeowners, a loan under this subparagraph—

"(I) shall—

"(aa) have a fixed interest rate;

"(bb) be affordable, so that the maximum debt-to-income ratio of such loan is not greater than 45 percent;

"(cc) require mandatory escrow of taxes and insurance;

"(dd) have no prepayment penalties;

"(ee) have no mandatory arbitration clauses; and

"(ff) if the loan-to-value ratio of the original mortgage loan is greater than 100 percent, require the lender to reduce such balance by the amount necessary to bring the loan value at or below 100 percent of the appraised value of the home;

"(II) shall not be due and payable unless—

"(aa) the real property securing such loan is sold, transferred, or refinanced; or

"(bb) the last surviving homeowner of such real property dies;

"(III) shall not exceed 10 percent of the principal balance; and

"(IV) may be subordinated.

"(iv) EXISTING LOAN FUNDS.—Any State or State designated entity with a previously existing fund established to make loans to assist homeowners in satisfying any amounts past due on their home loan may use funds appropriated for purposes of this subparagraph for that existing loan fund, even if the eligibility, application, program, or use requirements for that loan program differ from the eligibility, application, program, and use requirements of this subparagraph, unless such use is expressly determined by the Secretary to be inappropriate.

"(v) NO FORECLOSURE IF NOTICE OF APPLICATION FOR HOME PRESERVATION LOAN.—A mortgagee shall not initiate a foreclosure—

"(I) upon receipt of a written confirmation from the State or other State designated entity that the homeowner has applied for a home preservation loan under this subparagraph; and

"(II) for the 2-month period after receipt of such written confirmation or until the mortgagee is informed, in writing, that the homeowner is not eligible for a home preservation loan, whichever occurs first.

"(B) LOANS TO NONPROFIT DEVELOPERS FOR THE REHABILITATION AND SALE OF FORECLOSED PROPERTIES TO LOW- AND MODERATE-INCOME HOMEBUYERS.—

"(i) IN GENERAL.—A State or State designated entity may use up to 20 percent of the grant amounts made available under this subsection for homeownership preservation to provide loans to nonprofit affordable housing developers for the purposes of assisting low- and moderate-income homebuyers to purchase properties that are in the process of being foreclosed upon or have been acquired by the mortgage holder through the foreclosure process.

"(ii) PROGRAM REQUIREMENTS FOR NONPROFIT AFFORDABLE HOUSING DEVELOPERS.—

"(I) IN GENERAL.—Each State or State designated entity that is a recipient of a grant under this subsection shall, if they choose to use part of their grant award to make loans under this subparagraph, develop program requirements for nonprofit affordable housing developers for the purposes of assisting low- and moderate-income homebuyers to purchase properties that are in the process of being foreclosed upon or have been acquired by the mortgage holder through the foreclosure process.

"(II) REQUIRED CONTENT.—The program requirements developed under subclause (I) shall, at a minimum, include the following:

"(aa) That any loan under this clause may be provided for up to a 4-family owner-occupied residence, including 1-family units in a condominium project or a membership interest and occupancy agreement in a cooperative housing project, that is used, or is to be used, as the principal residence of a low- or moderate-income homebuyer.

"(bb) The annual income of the low- or moderate-income homebuyer is not greater than the annual income established by the Secretary as being of low- or moderate-income.

"(cc) The property is in foreclosure or has been acquired by the mortgage holder through the foreclosure process, the property has been appraised, and the sales price of the property does not exceed 100 percent of the appraised value of the property.

"(iii) LOAN REQUIREMENTS.—In order for a State or State designated entity to use the amounts made available under this subsection, a loan under this subparagraph—

"(I) may be used for—

"(aa) downpayment and closing costs;

"(bb) financing the difference between the sales price of a home and the mortgage for which the low- or moderate-income homebuyer qualifies; and

"(cc) repairs of a home not to exceed 10 percent of the appraised value of the home;

"(II) shall carry a zero percent interest rate;

"(III) shall not be due and payable by the low- or moderate-income homebuyer unless—

"(aa) the real property securing such loan is sold, transferred, or refinanced; or

"(bb) the last surviving homeowner of such real property dies; and

"(IV) may be subordinated.

"(iv) EXISTING LOAN FUNDS.—Any State or State designated entity with a previously existing fund established to make loans for the purposes of this subparagraph may use funds appropriated for purposes of this subparagraph for that existing loan fund, even if the eligibility, application, program, or use requirements for that loan program differ from the eligibility, application, program, and use requirements of this subparagraph, unless such use is expressly determined by the Secretary to be inappropriate.

"(c) ALLOCATION FOR AFFORDABLE HOUSING BLOCK GRANTS IN 2009 AND SUBSEQUENT YEARS.—

"(1) IN GENERAL.—Except as provided in subsection (b), during each fiscal year the Secretary of Housing and Urban Development shall distribute the amounts allocated for the affordable housing block grant program under this section to provide affordable housing as described in this subsection.

"(2) PERMISSIBLE DESIGNEES.—A State receiving grant amounts under this subsection may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)), or any other qualified instrumentality of the State to receive such grant amounts.

"(3) DISTRIBUTION TO STATES BY NEEDS-BASED FORMULA.—

"(A) IN GENERAL.—The Secretary of Housing and Urban Development shall, by regulation, establish a formula within 12 months of the date of enactment of the Government Sponsored Enterprise Mission Improvement Act, to distribute amounts made available under this subsection to each State to provide affordable housing to extremely low- and very low-income households.

"(B) BASIS FOR FORMULA.—The formula required under subparagraph (A) shall include the following:

"(i) The ratio of the shortage of standard rental units both affordable and available to extremely low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to extremely low-income renter households in all the States.

"(ii) The ratio of the shortage of standard rental units both affordable and available to very low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to very low-income renter households in all the States.

"(iii) The ratio of extremely-low income renter households in the State living with either (I) incomplete kitchen or plumbing facilities, (II) more than 1 person per room, or (III) paying more than 50 percent of income for housing costs, to the aggregate number of extremely low-income renter households living with either (IV) incomplete kitchen or plumbing facilities, (V) more than 1 person per room, or (VI) paying more than 50 percent of income for housing costs in all the States.

"(iv) The ratio of very low-income renter households in the State paying more than 50 percent of income on rent relative to the aggregate number of very low-income renter households paying more than 50 percent of income on rent in all the States.

"(v) The resulting sum calculated from the factors described in clauses (i) through (iv) shall be multiplied by the relative cost of construction in the State. For purposes of this subclause, the term 'cost of construction'—

"(I) means the cost of construction or building rehabilitation in the State relative to the national cost of construction or building rehabilitation; and

"(II) shall be calculated such that values higher than 1.0 indicate that the State's construction costs are higher than the national average, a value of 1.0 indicates that the State's construction costs are exactly the same as the national average, and values lower than 1.0 indicate that the State's cost of construction are lower than the national average.

"(C) PRIORITY.—The formula required under subparagraph (A) shall give priority emphasis and consideration to the factor described in subparagraph (B)(i).

"(4) ALLOCATION OF GRANT AMOUNTS.—

"(A) NOTICE.—Not later than 60 days after the date that the Secretary of Housing and Urban Development determines the formula amounts described in paragraph (3), the Secretary shall caused to be published in the Federal Register a notice that such amounts shall be so available.

"(B) GRANT AMOUNT.—In each fiscal year other than fiscal year 2008, the Secretary of Housing and Urban Development shall make a block grant to each State in an amount that is equal to the formula amount determined under paragraph (3) for that State.

"(C) MINIMUM STATE ALLOCATIONS.—If the formula amount determined under paragraph (3) for a fiscal year would allocate less than $3,000,000 to any State, the allocation for such State shall be $3,000,000, and the increase shall be deducted pro rata from the allocations made to all other States.

"(5) ALLOCATION PLANS REQUIRED.—

"(A) IN GENERAL.—For each year that a State or State designated entity receives an affordable housing block grant under this subsection, the State or State designated entity shall establish an allocation plan. Such plan shall—

"(i) set forth a plan for the distribution of grant amounts received by the State or State designated entity for such year;

"(ii) be based on priority housing needs, as determined by the State or State designated entity in accordance with the regulations established under subsection (g)(2)(C);

"(iii) comply with paragraph (6); and

"(iv) include performance goals that comply with the requirements established by the Secretary pursuant to subsection (g)(2).

"(B) ESTABLISHMENT.—In establishing an allocation plan under this paragraph, a State or State designated entity shall—

"(i) notify the public of the establishment of the plan;

"(ii) provide an opportunity for public comments regarding the plan;

"(iii) consider any public comments received regarding the plan; and

"(iv) make the completed plan available to the public.

"(C) CONTENTS.—An allocation plan of a State or State designated entity under this paragraph shall set forth the requirements for eligible recipients under paragraph (8) to apply for such grant amounts, including a requirement that each such application include—

"(i) a description of the eligible activities to be conducted using such assistance; and

"(ii) a certification by the eligible recipient applying for such assistance that any housing units assisted with such assistance will comply with the requirements under this section.

"(6) SELECTION OF ACTIVITIES FUNDED USING AFFORDABLE HOUSING FUND GRANT AMOUNTS.—Grant amounts received by a State or State designated entity under this subsection may be used, or committed for use, only for activities that—

"(A) are eligible under paragraph (7) for such use;

"(B) comply with the applicable allocation plan of the State or State designated entity under paragraph (5); and

"(C) are selected for funding by the State or State designated entity in accordance with the process and criteria for such selection established pursuant to subsection (g)(2)(C).

"(7) ELIGIBLE ACTIVITIES.—Grant amounts allocated to a State or State designated entity under this subsection shall be eligible for use, or for commitment for use, only for assistance for—

"(A) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B) and for operating costs, except that such grant amounts may be used for the benefit only of extremely low- and very low-income families; and

"(B) the production, preservation, and rehabilitation of housing for homeownership, including such forms as downpayment assistance, closing cost assistance, and assistance for interest rate buy-downs, that—

"(i) is available for purchase only for use as a principal residence by families that qualify both as—

"(I) extremely low- and very low-income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

"(II) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this subsection be considered to refer to assistance from affordable housing fund grant amounts;

"(ii) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act;

"(iii) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

"(iv) is made available for purchase only by, or in the case of assistance under this subsection, is made available only to homebuyers who have, before purchase completed a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Secretary;

"(8) ELIGIBLE RECIPIENTS.—Grant amounts allocated to a State or State designated entity under this subsection may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity or a nonprofit entity) that—

"(A) has demonstrated experience and capacity to conduct an eligible activity under paragraph (7), as evidenced by its ability to—

"(i) own, construct or rehabilitate, manage, and operate an affordable multifamily rental housing development;

"(ii) design, construct or rehabilitate, and market affordable housing for homeownership; or

"(iii) provide forms of assistance, such as downpayments, closing costs, or interest rate buy-downs for purchasers;

"(B) demonstrates the ability and financial capacity to undertake, comply, and manage the eligible activity;

"(C) demonstrates its familiarity with the requirements of any other Federal, State, or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

"(D) makes such assurances to the State or State designated entity as the Secretary shall, by regulation, require to ensure that the recipient will comply with the requirements of this subsection during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all activities under paragraph (8) that are engaged in by the recipient and funded with such grant amounts.

"(9) LIMITATIONS ON USE.—

"(A) REQUIRED AMOUNT FOR HOMEOWNERSHIP ACTIVITIES.—Of the aggregate amount allocated to a State or State designated entity under this subsection not more than 10 percent shall be used for activities under subparagraph (B) of paragraph (7).

"(B) DEADLINE FOR COMMITMENT OR USE.—Grant amounts allocated to a State or State designated entity under this subsection shall be used or committed for use within 2 years of the date that such grant amounts are made available to the State or State designated entity. The Secretary shall recapture any such amounts not so used or committed for use and reallocate such amounts under this subsection in the first year after such recapture.

"(C) USE OF RETURNS.—The Secretary shall, by regulation, provide that any return on a loan or other investment of any grant amount used by a State or State designated entity to provide a loan under this subsection shall be treated, for purposes of availability to and use by the State or State designated entity, as a block grant amount authorized under this subsection.

"(D) PROHIBITED USES.—The Secretary shall, by regulation—

"(i) set forth prohibited uses of grant amounts allocated under this subsection, which shall include use for—

"(I) political activities;

"(II) advocacy;

"(III) lobbying, whether directly or through other parties;

"(IV) counseling services;

"(V) travel expenses; and

"(VI) preparing or providing advice on tax returns;

"(ii) provide that, except as provided in clause (iii), affordable housing block grant amounts of a State or State designated entity may not be used for administrative, outreach, or other costs of—

"(I) the State or State designated entity; or

"(II) any other recipient of such grant amounts; and

"(iii) limit the amount of any affordable housing block grant amounts for a year that may be used by the State or State designated entity for administrative costs of carrying out the program required under this subsection to a percentage of such grant amounts of the State or State designated entity for such year, which may not exceed 10 percent.

"(E) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining compliance with the housing goals under this subpart and the duty to serve underserved markets under section 1335, the Secretary may not consider any affordable housing block grant amounts used under this section for eligible activities under paragraph (7). The Secretary shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from such block grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

"(d) REDUCTION FOR FAILURE TO OBTAIN RETURN OF MISUSED FUNDS.—If in any year a State or State designated entity fails to obtain reimbursement or return of the full amount required under subsection (e)(1)(B) to be reimbursed or returned to the State or State designated entity during such year—

"(1) except as provided in paragraph (2)—

"(A) the amount of the grant for the State or State designated entity for the succeeding year, as determined pursuant to this section, shall be reduced by the amount by which such amounts required to be reimbursed or returned exceed the amount actually reimbursed or returned; and

"(B) the amount of the grant for the succeeding year for each other State or State designated entity whose grant is not reduced pursuant to subparagraph (A) shall be increased by the amount determined by applying the formula established pursuant to this section to the total amount of all reductions for all State or State designated entities for such year pursuant to subparagraph (A); or

"(2) in any case in which such failure to obtain reimbursement or return occurs during a year immediately preceding a year in which grants under this section will not be made, the State or State designated entity shall pay to the Secretary for reallocation among the other grantees an amount equal to the amount of the reduction for the entity that would otherwise apply under paragraph (1)(A).

"(e) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

"(1) RECIPIENTS.—

"(A) TRACKING OF FUNDS.—The Secretary shall—

"(i) require each State or State designated entity to develop and maintain a system to ensure that each recipient of assistance under this section uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

"(ii) establish minimum requirements for agreements, between the State or State designated entity and recipients, regarding assistance under this section, which shall include—

"(I) appropriate periodic financial and project reporting, record retention, and audit requirements for the duration of the assistance to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

"(II) any other requirements that the Secretary determines are necessary to ensure appropriate administration and compliance.

"(B) MISUSE OF FUNDS.—

"(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance under this section is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided, the State or State designated entity shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the State or State designated entity for such misused amounts and return to the State or State designated entity any such amounts that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

"(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is made by the Secretary or made by the State or State designated entity, provided that—

"(I) the State or State designated entity provides notification of the determination to the Secretary for review, in the discretion of the Secretary, of the determination; and

"(II) the Secretary does not subsequently reverse the determination.

"(2) GRANTEES.—

"(A) REPORT.—

"(i) IN GENERAL.—The Secretary shall require each State or State designated entity receiving grant amounts in any given year under this section to submit a report, for such year, to the Secretary that—

"(I) describes the activities funded under this section during such year with such grant amounts; and

"(II) the manner in which the State or State designated entity complied during such year with any allocation plan established pursuant to subsection (c).

"(ii) PUBLIC AVAILABILITY.—The Secretary shall make such reports pursuant to this subparagraph publicly available.

"(B) MISUSE OF FUNDS.—If the Secretary determines, after reasonable notice and opportunity for hearing, that a State or State designated entity has failed to comply substantially with any provision of this section, and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

"(i) reduce the amount of assistance under this section to the State or State designated entity by an amount equal to the amount of block grant amounts which were not used in accordance with this section;

"(ii) require the State or State designated entity to repay the Secretary an amount equal to the amount of the amount block grant amounts which were not used in accordance with this section;

"(iii) limit the availability of assistance under this section to the State or State designated entity to activities or recipients not affected by such failure to comply; or

"(iv) terminate any assistance under this section to the State or State designated entity.

"(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) EXTREMELY LOW-INCOME RENTER HOUSEHOLD.—The term 'extremely low-income renter household' means a household whose income is not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

"(2) RECIPIENT.—The term 'recipient' means an individual or entity that receives assistance from a State or State designated entity from amounts made available to the State or State designated entity under this section.

"(3) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means for any State or other geographical area the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Secretary that are occupied by extremely low-income renter households or are vacant for rent; and

"(ii) the number of extremely low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

"(4) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means for any State or other geographical area the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Secretary that are occupied by very low-income renter households or are vacant for rent; and

"(ii) the number of very low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of very low-income households as described in subparagraph (A)(ii), there is no shortage.

"(5) VERY LOW-INCOME FAMILY.—The term 'very low-income family' has the meaning given such term in section 1303, except that such term includes any family that resides in a rural area that has an income that does not exceed the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size involved.

"(6) VERY LOW-INCOME RENTER HOUSEHOLDS.—The term 'very low-income renter households' means a household whose income is in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

"(g) REGULATIONS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development, shall issue regulations to carry out this section.

"(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

"(A) a requirement that the Secretary ensure that the use of block grant amounts under this section by States or State designated entities is audited not less than annually to ensure compliance with this section;

"(B) authority for the Secretary to audit, provide for an audit, or otherwise verify a State or State designated entity's activities to ensure compliance with this section;

"(C) requirements for a process for application to, and selection by, each State or State designated entity for activities meeting the State or State designated entity's priority housing needs to be funded with block grant amounts under this section, which shall provide for priority in funding to be based upon—

"(i) geographic diversity;

"(ii) ability to obligate amounts and undertake activities so funded in a timely manner;

"(iii) in the case of rental housing projects under subsection (c)(7)(A), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families;

"(iv) in the case of rental housing projects under subsection (c)(7)(A), the extent of the duration for which such rents will remain affordable;

"(v) the extent to which the application makes use of other funding sources; and

"(vi) the merits of an applicant's proposed eligible activity;

"(D) requirements to ensure that block grant amounts provided to a State or State designated entity under this section that are used for rental housing under subsection (c)(7)(A) are used only for the benefit of extremely low- and very low-income families; and

"(E) requirements and standards for establishment, by a State or State designated entity, for use of block grant amounts in 2009 and subsequent years of performance goals, benchmarks, and timetables for the production, preservation, and rehabilitation of affordable rental and homeownership housing with such grant amounts.

"(h) AFFORDABLE HOUSING TRUST FUND.—If, after the date of enactment of the Government Sponsored Enterprise Mission Improvement Act, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, and the subsequent year is a year referred to in subsection (c), the Secretary shall in such subsequent year and any remaining years referred to in subsection (c) transfer to such affordable housing trust fund the aggregate amount allocated pursuant to subsection (c) in such year. Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in clauses (i) through (vi) of subsection (c)(9)(D).

"(i) FUNDING ACCOUNTABILITY AND TRANSPARENCY.—Any grant under this section to a grantee by a State or State designated entity, any assistance provided to a recipient by a State or State designated entity, and any grant, award, or other assistance from an affordable housing trust fund referred to in subsection (h) shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note). Upon the request of the Secretary of the Office of Management and Budget, the Secretary shall obtain and provide such information regarding any such grants, assistance, and awards as the Secretary of the Office of Management and Budget considers necessary to comply with the requirements of such Act, as applicable, pursuant to the preceding sentence.

"SEC. 1339. CAPITAL MAGNET FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Capital Magnet Fund, which shall be a special account within the Community Development Financial Institutions Fund.

"(b) DEPOSITS TO TRUST FUND.—The Capital Magnet Fund shall consist of—

"(1) any amounts transferred to the Fund pursuant to section 1337; and

"(2) any amounts as are or may be appropriated, transferred, or credited to such Fund under any other provisions of law.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Capital Magnet Fund shall be available to the Secretary of the Treasury to carry out a competitive grant program to attract private capital for and increase investment in—

"(1) the development, preservation, rehabilitation, and purchase of affordable housing for primarily extremely low-, very low-, and low-income families; and

"(2) economic development activities or community service facilities, such as day care centers, workforce development centers, and health care clinics, which in conjunction with affordable housing activities implement a concerted strategy to stabilize or revitalize a low-income area or underserved rural area.

"(d) FEDERAL ASSISTANCE.—All assistance provided using amounts in the Capital Magnet Fund shall be considered to be Federal financial assistance.

"(e) ELIGIBLE GRANTEES.—A grant under this section may be made, pursuant to such requirements as the Secretary of the Treasury shall establish for experience and success in attracting private financing and carrying out the types of activities proposed under the application of the grantee, only to—

"(1) a community development financial institution; or

"(2) a nonprofit organization having as 1 of its principal purposes the development or management of affordable housing.

"(f) ELIGIBLE USES.—Grant amounts awarded from the Capital Magnet Fund pursuant to this section may be used for the purposes described in paragraphs (1) and (2) of subsection (c), including for the following uses:

"(1) To provide loan loss reserves.

"(2) To capitalize a revolving loan fund.

"(3) To capitalize an affordable housing fund.

"(4) To capitalize a fund to support activities described in subsection (c)(2).

"(5) For risk-sharing loans.

"(g) APPLICATIONS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall provide, in a competitive application process established by regulation, for eligible grantees under subsection (e) to submit applications for Capital Magnet Fund grants to the Secretary at such time and in such manner as the Secretary shall determine.

"(2) CONTENT OF APPLICATION.—The application required under paragraph (1) shall include a detailed description of—

"(A) the types of affordable housing, economic, and community revitalization projects that support or sustain residents of an affordable housing project funded by a grant under this section for which such grant amounts would be used, including the proposed use of eligible grants as authorized under this section;

"(B) the types, sources, and amounts of other funding for such projects; and

"(C) the expected timeframe of any grant used for such project.

"(h) GRANT LIMITATION.—

"(1) IN GENERAL.—Any 1 eligible grantee and its subsidiaries and affiliates may not be awarded more than 15 percent of the aggregate funds available for grants during any year from the Capital Magnet Fund.

"(2) GEOGRAPHIC DIVERSITY.—

"(A) GOAL.—The Secretary of the Treasury shall seek to fund activities in geographically diverse areas of economic distress, including metropolitan and underserved rural areas in every State.

"(B) DIVERSITY DEFINED.—For purposes of this paragraph, geographic diversity includes those areas that meet objective criteria of economic distress developed by the Secretary of the Treasury, which may include—

"(i) the percentage of low-income families or the extent of poverty;

"(ii) the rate of unemployment or underemployment;

"(iii) extent of blight and disinvestment;

"(iv) projects that target extremely low-, very low-, and low-income families in or outside a designated economic distress area; or

"(v) any other criteria designated by the Secretary of the Treasury.

"(3) LEVERAGE OF FUNDS.—Each grant from the Capital Magnet Fund awarded under this section shall be reasonably expected to result in eligible housing, or economic and community development projects that support or sustain an affordable housing project funded by a grant under this section whose aggregate costs total at least 10 times the grant amount.

"(4) COMMITMENT FOR USE DEADLINE.—Amounts made available for grants under this section shall be committed for use within 2 years of the date of such allocation. The Secretary of the Treasury shall recapture into the Capital Magnet Fund any amounts not so used or committed for use and allocate such amounts in the first year after such recapture.

"(5) LOBBYING RESTRICTIONS.—No assistance or amounts made available under this section may be expended by an eligible grantee to pay any person to influence or attempt to influence any agency, elected official, officer or employee of a State or local government in connection with the making, award, extension, continuation, renewal, amendment, or modification of any State or local government contract, grant, loan, or cooperative agreement as such terms are defined in section 1352 of title 31, United States Code.

"(6) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining the compliance of enterprises with the housing goals under this section and the duty to serve underserved markets under section 1335, the Secretary of Housing and Urban Development may not consider any Capital Magnet Fund amounts used under this section for eligible activities under subsection (f). The Secretary of Housing and Urban Development shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from Capital Magnet Fund grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

"(7) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

"(A) TRACKING OF FUNDS.—The Secretary of the Treasury shall—

"(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from the Capital Magnet Fund uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

"(ii) establish minimum requirements for agreements, between the grantee and the Capital Magnet Fund, regarding assistance from the Capital Magnet Fund, which shall include—

"(I) appropriate periodic financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

"(II) any other requirements that the Secretary determines are necessary to ensure appropriate grant administration and compliance.

"(B) MISUSE OF FUNDS.—If the Secretary of the Treasury determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this section and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

"(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount of Capital Magnet Fund grant amounts which were not used in accordance with this section;

"(ii) require the grantee to repay the Secretary an amount equal to the amount of the amount of Capital Magnet Fund grant amounts which were not used in accordance with this section;

"(iii) limit the availability of assistance under this section to the grantee to activities or recipients not affected by such failure to comply; or

"(iv) terminate any assistance under this section to the grantee.

"(i) PERIODIC REPORTS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall submit a report, on a periodic basis, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the activities to be funded under this section.

"(2) REPORTS AVAILABLE TO PUBLIC.—The Secretary of the Treasury shall make the reports required under paragraph (1) publicly available.

"(j) AFFORDABLE HOUSING TRUST FUND.—If, after the date of enactment of the Government Sponsored Enterprise Mission Improvement Act, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, the Secretary of the Treasury shall in such year and any subsequent years transfer to that affordable housing trust fund the aggregate amount allocated pursuant to this section in such year or years. Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in subsection (h)(5).

"(k) REGULATIONS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall issue regulations to carry out this section.

"(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

"(A) authority for the Secretary to audit, provide for an audit, or otherwise verify an enterprise's activities, to ensure compliance with this section;

"(B) a requirement that the Secretary ensure that the allocation of each enterprise is audited not less than annually to ensure compliance with this section; and

"(C) requirements for a process for application to, and selection by, the Secretary for activities to be funded with amounts from the Capital Magnet Fund, which shall provide that—

"(i) funds be fairly distributed to urban, suburban, and rural areas;

"(ii) selection shall be based upon specific criteria, including a prioritization of funding based upon—

"(I) the ability to use such funds to generate additional investments;

"(II) affordable housing need (taking into account the distinct needs of different regions of the country); and

"(III) ability to obligate amounts and undertake activities so funded in a timely manner.".

SEC. 8. ENFORCEMENT.

(a) CEASE-AND-DESIST PROCEEDINGS.—Section 1341 of the Housing and Community Development Act of 1992 (12 U.S.C. 4581) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) GROUNDS FOR ISSUANCE.—The Secretary may issue and serve a notice of charges under this section upon an enterprise if the Secretary determines—

"(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

"(2) the enterprise has failed to submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Secretary;

"(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

"(4) the enterprise has violated any provision of this part or any order, rule, or regulation under this part;

"(5) the enterprise has failed to submit a housing plan that complies with section 1336(c) within the applicable period; or

"(6) the enterprise has failed to comply with a housing plan under section 1336(c).";

(2) in subsection (b)(2), by striking "requiring the enterprise to" and all that follows through the end of the paragraph and inserting the following: "requiring the enterprise to—

"(A) comply with the goal or goals of this subpart;

"(B) submit a report under section 1314;

"(C) comply with any provision of this part or any order, rule, or regulation under such part;

"(D) submit a housing plan in compliance with section 1336(c);

"(E) comply with a housing plan submitted under section 1336(c); or

"(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, as applicable.";

(3) in subsection (c), by inserting "date of the" before "service of the order"; and

(4) by striking subsection (d).

(b) AUTHORITY OF SECRETARY TO ENFORCE NOTICES AND ORDERS.—Section 1344 of the Housing and Community Development Act of 1992 (12 U.S.C. 4584) is amended by striking subsection (a) and inserting the following new subsection:

"(a) ENFORCEMENT.—

"(1) IN COURT.—The Secretary may, in the discretion of the Secretary, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for the enforcement of any effective and outstanding notice or order issued under section 1341 or 1345, or request that the Attorney General of the United States bring such an action.

"(2) COURT AUTHORITY.—A court described under paragraph (1) shall have jurisdiction and power to order and require compliance with any notice or order issued pursuant to paragraph (1).".

(c) CIVIL MONEY PENALTIES.—Section 1345 of the Housing and Community Development Act of 1992 (12 U.S.C. 4585) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) AUTHORITY.—The Secretary may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

"(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

"(2) submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Secretary;

"(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

"(4) comply with any provision of this part or any order, rule, or regulation under this part;

"(5) submit a housing plan pursuant to section 1336(c) within the required period; or

"(6) comply with a housing plan for the enterprise under section 1336(c).

"(b) AMOUNT OF PENALTY.—The amount of a civil money penalty under subsection (a), as determined by the Secretary, may not exceed—

"(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $50,000 for each day that the failure occurs; and

"(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $20,000 for each day that the failure occurs.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "and" after the semicolon at the end;

(ii) in subparagraph (B), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (C); and

(B) in paragraph (2), by inserting after the period at the end the following: "In determining the penalty under subsection (a)(1), the Secretary shall give consideration to the length of time the enterprise should reasonably take to achieve the goal.";

(3) in the first sentence of subsection (d)—

(A) by striking "request the Attorney General of the United States to" and inserting ", in the discretion of the Secretary,"; and

(B) by inserting ", or request that the Attorney General of the United States bring such an action" before the period at the end;

(4) by striking subsection (f); and

(5) by redesignating subsection (g) as subsection (f).

(d) ENFORCEMENT OF SUBPOENAS.—Section 1348(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4588(c)) is amended—

(1) by striking "request the Attorney General of the United States to" and inserting ", in the discretion of the Secretary,"; and

(2) by inserting "or request that the Attorney General of the United States bring such an action," after "District of Columbia,".

(e) CONFORMING AMENDMENT.—The heading for subpart C of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended to read as follows:

"Subpart C—Enforcement".

By Mr. COLEMAN (for himself and Ms. COLLINS):

S. 2394. A bill to amend the Internal Revenue Code of 1986 to simplify, modernize, and improve public notice of and access to tax lien information by providing for a national, Internet accessible, filing system for Federal tax liens, and for other purposes; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I rise today to introduce the Good Government Contractor Act of 2007.

This legislation represents my continuing efforts targeting federal contractors with tax debt. For several years, as Chair and now as Ranking Member of the Permanent Subcommittee on Investigations, I have led a bipartisan Subcommittee effort, with the assistance of the Government Accountability Office, that has uncovered tens of thousands of deadbeat civilian and defense contractors.

What we are dealing with here are not everyday tax delinquents, but rather federal contractors who do not pay their fair share of taxes—despite receiving billions of dollars from American taxpayers each year. So far, since PSI began this effort, we have learned that 27,000 Federal contractors at the Department of Defense owed about $3 billion in unpaid taxes; 33,000 Federal contractors at civilian agencies owed back taxes amounting to $3.3 billion; 3,800 Federal contractors who contract with the General Services Administration owe back taxes amount to $1.4 billion.

These contractors are not just cheating the American taxpayer but in many cases cheating their own employees by using payroll taxes for their business or personal use. The Subcommittee has learned of contractors who have bought luxury cars, boats, and multi-million dollar properties, even though they owed hundreds of thousands of dollars in unpaid taxes.

At the end of the day, these contractors are not only shifting the burden to honest taxpayers but also depriving the Treasury of funds that could be used to address critical priorities from education to health care to the fight against terrorism. Accordingly, as part of my on-going effort to safeguard the interest of the American taxpayer and honest federal contractors, I am introducing legislation to better target tax cheating contractors.

More specifically, my legislation will amend the Federal Acquisition Regulations to consider a responsible contractor as one without any tax debt; require the Department of Defense, GSA and NASA to issue a final rule relating to tax delinquency; establish a national electronic tax lien filing system; create a Federal tax conviction database for the purposes of verifying contractor tax information; and establish as cause for debarment or suspension for knowingly making false statements regarding Federal tax information or prior convictions or civil judgments for Federal tax evasion or other Federal Tax offenses.

My bill will also repeal the indiscriminant 3 percent tax withholding requirement on all contractors, something which the vast majority of responsible, tax-paying government contractors, as well as State and local units of government, will appreciate. Last year, Congress passed into law a well-intentioned but highly problematic measure establishing a 3 percent withholding tax on all government contractors. Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 will impose a 3 percent withholding tax on Federal, State and local payments for goods and services beginning in 2011, except for local governments with annual spending of less than $100 million for goods and services. While this measure will obviously capture the bad apples, it unfortunately will also hit honest contractors—some of whose business livelihoods could well be jeopardized as a result. Another serious side effect will be the administrative burden on State and local governments, which could ultimately heighten the cost of doing business in a much larger sense.

Rather than this broad and cumbersome approach, my Good Government Contractor Act of 2007 will replace the blanket 3 percent withholding requirement with measures focused on just the bad actors. In closing, my bill will protect taxpayers, State and local governments, and law-abiding government contractors by holding deadbeat contractors accountable in a strict but fair way.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Good Government Contractor Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

SEC. 3. FAR CONTRACTOR QUALIFICATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council shall amend the Federal Acquisition Regulation issued under sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) to provide that for a prospective contractor to be determined responsible, such contractor must not have any tax debt.

(b) TAX DEBT.—For purposes of this section, the term "tax debt" means an outstanding debt under the Internal Revenue Code of 1986 which has not been paid within 180 days after an assessment of a tax, penalty, or interest and which is not subject to further appeal or a petition for redetermination under such Code. Such term does not include a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code.

SEC. 4. FINAL RULE PROMULGATION.

Not later than 180 days after the date of the enactment of this Act, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council shall make final the proposed rule FAR Case 2006-011 (Representations and Certifications—Tax Delinquency).

SEC. 5. NATIONAL TAX LIEN FILING SYSTEM.

(a) FILING OF NOTICE OF LIEN.—Subsection (f) of section 6323 (relating to validity and priority against certain persons) is amended to read as follows:

"(f) FILING OF NOTICE; FORM.—

"(1) FILING OF NOTICE.—The notice referred to in subsection (a) shall be filed in the national Federal tax lien registry established under subsection (k). The filing of a notice of lien, or a certificate of release, discharge, subordination, or nonattachment of lien, in the national Federal tax lien registry shall be effective for purposes of determining lien priority regardless of the nature or location of the property interest to which the lien attaches.

"(2) FORM.—The form and content of the notice referred to in subsection (a) shall be prescribed by the Secretary. Such notice shall be valid notwithstanding any other provision of law regarding the form or content of a notice of lien.

"(3) OTHER NATIONAL FILING SYSTEMS.—The filing of a notice of lien shall be governed by this title and shall not be subject to any other Federal law establishing a place or places for the filing of liens or encumbrances under a national filing system.".

(b) REFILING OF NOTICE.—Paragraph (2) of section 6323(g) (relating to refiling of notice) is amended to read as follows:

"(2) REFILING.—A notice of lien may be refiled in the national Federal tax lien registry established under subsection (k).".

(c) RELEASE OF TAX LIENS OR DISCHARGE OF PROPERTY.—

(1) IN GENERAL.—Section 6325(a) (relating to release of lien) is amended by inserting ", and shall cause the certificate of release to be filed in the national Federal tax lien registry established under section 6323(k)," after "internal revenue tax".

(2) RELEASE OF TAX LIENS EXPEDITED FROM 30 TO 10 DAYS.—Section 6325(a) (relating to release of lien) is amended by striking "not later than 30 days" and inserting "not later than 10 days".

(3) DISCHARGE OF PROPERTY FROM LIEN.—Section 6325(b) (relating to discharge of property) is amended—

(A) by inserting ", and shall cause the certificate of discharge to be filed in the national Federal tax lien registry established under section 6323(k)," after "under this chapter" in paragraph (1),

(B) by inserting ", and shall cause the certificate of discharge to be filed in such national Federal tax lien registry," after "property subject to the lien" in paragraph (2),

(C) by inserting ", and shall cause the certificate of discharge to be filed in such national Federal tax lien registry," after "property subject to the lien" in paragraph (3), and

(D) by inserting ", and shall cause the certificate of discharge of property to be filed in such national Federal tax lien registry," after "certificate of discharge of such property" in paragraph (4).

(4) DISCHARGE OF PROPERTY FROM ESTATE OR GIFT TAX LIEN.—Section 6325(c) (relating to estate or gift tax) is amended by inserting ", and shall cause the certificate of discharge to be filed in the national Federal tax lien registry established under section 6323(k)," after "imposed by section 6324".

(5) SUBORDINATION OF LIEN.—Section 6325(d) (relating to subordination of lien) is amended by inserting ", and shall cause the certificate of subordination to be filed in the national Federal tax lien registry established under section 6323(k)," after "subject to such lien".

(6) NONATTACHMENT OF LIEN.—Section 6325(e) (relating to nonattachment of lien) is amended by inserting ", and shall cause the certificate of nonattachment to be filed in the national Federal tax lien registry established under section 6323(k)," after "property of such person".

(7) EFFECT OF CERTIFICATE.—Paragraphs (1) and (2)(B) of section 6325(f) (relating to effect of certificate) are each amended by striking "in the same office as the notice of lien to which it relates is filed (if such notice of lien has been filed)" and inserting "in the national Federal tax lien registry established under section 6323(k)".

(8) RELEASE FOLLOWING ADMINISTRATIVE APPEAL.—Section 6326(b) (relating to certificate of release) is amended—

(A) by striking "and shall include" and insert ", shall include", and

(B) by inserting ", and shall cause the certificate of release to be filed in the national Federal tax lien registry established under section 6323(k)," after "erroneous".

(9) CONFORMING AMENDMENTS.—Section 6325 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(d) NATIONAL FEDERAL TAX LIEN REGISTRY.—

(1) IN GENERAL.—Section 6323 is amended by adding at the end the following new subsection:

"(k) NATIONAL REGISTRY.—The national Federal tax lien registry referred to in subsection (f)(1) shall be established and maintained by the Secretary and shall be accessible to and searchable by the public through the Internet at no cost to access or search. The registry shall identify the taxpayer to whom the Federal tax lien applies and reflect the date and time the notice of lien was filed, and shall be made searchable by, at a minimum, taxpayer name, the State of the taxpayer's address as shown on the notice of lien, the type of tax, and the tax period, and, when the Secretary determines it is feasible, by property. The registry shall also provide for the filing of certificates of release, discharge, subordination, and nonattachment of Federal tax liens, as authorized in sections 6325 and 6326, and may provide for publishing such other documents or information with respect to Federal tax liens as the Secretary may by regulation provide.".

(2) ADMINISTRATIVE ACTION.—The Secretary of the Treasury shall issue regulations or other guidance providing for the maintenance and use of the national Federal tax lien registry established under section 6323(k) of the Internal Revenue Code of 1986. The Secretary of the Treasury shall take appropriate steps to secure and prevent tampering with the data recorded therein. Prior to implementation of such registry, the Secretary of the Treasury shall review the information currently provided in public lien filings and determine whether any such information should be excluded or protected from public viewing in such registry.

(e) TRANSITION RULES.—The Secretary of the Treasury may by regulation prescribe for the continued filing of notices of Federal tax lien in the offices of the States, counties and other governmental subdivisions after December 31, 2008, for an appropriate period to permit an orderly transition to the national Federal tax lien registry established under section 6323(k) of the Internal Revenue Code of 1986.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to notices of lien filed after December 31, 2008. The national Federal tax lien registry (established under section 6323(k) of the Internal Revenue Code of 1986) shall be made operational as of January 1, 2009, whether or not the Secretary of the Treasury has promulgated final regulations establishing such registry.

SEC. 6. FEDERAL TAX CONVICTION DATABASE.

(a) IN GENERAL.—The Attorney General of the United States shall establish and maintain a database containing the names of individuals and entities with convictions for Federal tax offenses under the Internal Revenue Code of 1986. Such database shall be accessible and searchable by the head of any Federal agency for purposes of verifying information provided by prospective contractors.

(b) ADMINISTRATIVE ACTION.—The Attorney General shall issue regulations or other guidance providing for the maintenance and use of the database established under subsection (a). The Attorney General shall take appropriate steps to secure and prevent tampering with the data recorded therein.

SEC. 7. REQUIRED ACCESS TO REGISTRY AND DATABASE.

Not later than 180 days after the date of the enactment of this Act, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council shall amend the Federal Acquisition Regulation issued under sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) to require a contracting officer making a determination of responsibility with respect to any prospective contractor to access the national Federal tax lien registry established under section 6323(k) of the Internal Revenue Code of 1986 and the Federal tax conviction database established under section 6 of this Act.

SEC. 8. CAUSES FOR DEBARMENT AND SUSPENSION.

Not later than 180 days after the date of the enactment of this Act, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council shall amend the Federal Acquisition Regulation issued under sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421)—

(1) to provide as a cause for either contractor debarment or suspension the knowingly making of false statements regarding Federal tax information, including on the Online Representations and Certifications Application or to the Central Contractor Registry, incurring a tax debt (as defined in section 3(b)), or the conviction or imposition of a civil judgment for the commission of Federal tax evasion or any other Federal tax offense, and

(2) to require the debarring official or suspending official to provide a statement of explanation for the nondebarment or non-suspension of any contractor in any determination involving any cause for debarment or suspension described in paragraph (1).

By Mrs. CLINTON (for herself and Mr. ROCKEFELLER):

S. 2395. A bill to establish an adoption process improvement pilot program; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am here today to introduce legislation in honor of National Adoption Day that will address the needs of children waiting to be adopted from our Nation's foster care system. These are children who are unable to return home to their natural parents and are in need of permanent, loving, adoptive homes. In recent years, Congress has acted to implement supports for this population by creating programs that allow states to pursue creative and innovative methods for increasing foster care adoptions. However, today, tens of thousands of children are still waiting for families. There is still more work to be done.

According to current federal estimates, there are 114,000 children in foster care with the goal of adoption. Of these, only 13 percent are living in a pre-adoptive home. Moreover, each year in the public child welfare system, more children are made eligible for adoption than find permanent adoptive homes. For example, in fiscal year 2005—the most recent year for which statistics are available—states finalized 15,000 more terminations of parental rights than adoptions. Taken together, these statistics describe a tremendous pool of children lingering in foster care, waiting for a "forever family." We know the longer children languish in foster care, the more they are at risk for developing a range of psychological, behavioral, and educational problems. Therefore, permanence for these children is essential.

Child welfare professionals across the country lament a lack of adoptive families for children in foster care. However, an untapped resource exists. A recent study conducted by the Evan B. Donaldson Adoption Institute in collaboration with Harvard University and the Urban Institute notes that, in a given year, 240,000 people will call for information about adopting a child from foster care, but only a fraction will see the process through to adoption. This research states that prospective parents are often alienated from the adoption process at an early stage; these individuals experience unpleasant initial contacts and report difficulty in navigating the adoption process. Out of frustration, they abandon their pursuit of bringing a foster child permanently into their home.

Therefore, I am pleased to introduce the Adoption Improvement Act of 2007. This legislation establishes funding for a demonstration project aimed at reducing the attrition of prospective parents from the adoption process. Participating states will implement a rigorous program that strengthens the first contact prospective adopters have when they make that critical, initial inquiry into adopting a child. The bill calls on programs to include a specialized adoption hotline; hire employees who are trained to respond to callers' requests sensitively and efficiently; and incorporate the input of parents who have already adopted children from foster care. In addition, programs will provide explicit information to parents about how to make their way through the various adoption procedures; describe the rewards and challenges of the adoption process; and establish a buddy system that partners prospective parents with those who have already adopted foster children successfully. Finally, all agencies in the demonstration project will participate in a thorough program evaluation.

This month is National Adoption Month, and tomorrow, November 17, 2007, is National Adoption Day—a day to celebrate the families that have already been joined through adoption, and to call attention to the thousands of children still waiting for permanent homes. I am delighted to join Senators LANDRIEU and COLEMAN in their forthcoming resolution acknowledging the importance of National Adoption Month and National Adoption Day. I encourage my colleagues in Congress to take the messages of this resolution and my bill with them, beyond just this November, into the future.

The national data compel us to take action. Too many children in our Nation's foster care system are in desperate need of stable, loving homes, and there are thousands of potential parents out there yearning to provide them. I would like to thank my colleague Senator ROCKEFELLER for joining me in this important effort. Please join me in bringing these groups together so that children in foster care can find the families they deserve.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. LOTT, and Mr. KENNEDY):

S. 2396. A bill to amend title XI of the Social Security Act to modernize the quality improvement organization (QIO) program; to the Committee on Finance.

Mr. HATCH. Mr. President, today I join with Senators ROCKEFELLER, LOTT, and KENNEDY to introduce the Medicare Quality Improvement Modernization Act of 2007, S. 2396.

As background for my colleagues, Medicare's Quality Improvement Organization, QIO, program has been in existence for 35 years. The program's intent has always been to assure that Medicare's beneficiaries receive high quality medical care. The program has undergone a steady evolution. What began as a program that called attention to hospitals and physicians whose care deviated from the norms of medical practice has morphed into one that seeks to help physicians, hospitals, nursing homes and other providers develop systems to improve their quality of care.

The program has changed as the definition of quality changed. When Medicare's peer review program was initiated, high quality care for a Medicare beneficiary was simply not to be among the unfortunate few whose medical care deviated from the norms of local medical practice. Fortunate for them, however, quality today is the routine adherence of providers to nationally accepted standards of care.

The legislative changes we propose for the QIO program reflects an ever-advancing definition of quality medical care and a focus on helping providers obtain it.

The QIO program has three functions. First, the program reviews the medical care of beneficiaries who have complaints about their care and provides the beneficiaries opinions. Second, the program supports intensive work with practitioners, nursing homes, managed care plans and hospitals to develop delivery systems that improve the quality of their care. Third the program publicly reports system-level performance measures.

The bill I introduce today is faithful to the results of a congressionally-mandated review of the QIO program reported in February, 2006. In that review, the IOM concluded "The QIO program provides a potentially valuable nationwide infrastructure dedicated to promoting quality health care." For example, the QIO program is responsible for a substantial part of the National Healthcare Quality Report published by the Agency for Healthcare Research and Quality.

The IOM report called for changes in the QIO program. Its principal findings and recommendations were that the local QIO boards are heavily physician-dominated with little consumer representation. Existing legislation requires specific levels of physician involvement, an outmoded board structure.

Also, the QIO functions should be harmonized with other federal quality initiatives.

It found that the QIOs were ". . . restricted from contracting with health care providers in its state for technical assistance or review services similar to those covered by its core Medicare contract." The IOM committee concluded that QIOs would be able to serve more providers and expand their function beyond Medicare beneficiaries to the entire healthcare system if they could contract for services to supplement their CMS funds.

The Committee also recommended removal of restrictions on public access to the QIO's findings. For instance, beneficiaries have been unable to review the results of investigations that they requested.

The IOM recommended that beneficiary reviews be removed from the local QIOs.

The IOM committee concluded that Congress and the secretary of DHHS and CMS should improve program management by enhancing the contracting process and improving communication with the QIOs.

The legislation I propose seeks to strengthen the QIO's infrastructure to fit with an ever-tightening standard of quality in medicine, believing that doctors and hospitals want to do the right thing but also that patients should have their say.

Many of the changes recommended by the Institute of Medicine's experts and accepted by the experts at CMS do not require statutory change, but some do. Some program modifications are sufficiently critical to Medicare's beneficiaries, that while statutory language may not be required to affect them, a Congressional mandate is needed to assure them.

First, the Quality Improvement Organization Modernization Act of 2007 specifies that the Quality Improvement Organizations offer education, instruction, and technical assistance to providers, practitioners, and Medicare Advantage plans. It incorporates plans and providers in urban, rural, and frontier areas and providers that treat racial and ethnic minorities.

Second, our bill strengthens the review process for individual Medicare beneficiaries. The QIOs must actively educate beneficiaries of their right to bring any concerns to the QIOs. The QIOs must work with providers who are reviewed to correct deficiencies where they exist and to improve communication with patients where they do not.

The bill specifies that the findings of the review must be disclosed to the beneficiary requesting the review but not before giving the provider an opportunity to respond to the findings. The review functions are left with the local QIOs and not delegated to other entities to perform.

The bill specifies that the findings of reviews may not be used in medical malpractice litigation, otherwise the QIOs would serve more to screen cases for litigation than they would to improve the quality of care.

Third, in order to be certain that the QIOs are appropriately judging the severity of the errors they find and appropriately recommending sanctions to the Secretary, the Office of Inspector General will contract for an audit of 10 percent of one year's QIO reviews during each 5-year contract period.

Fourth, program administration is strengthened and its goals focused. The program's scope of work must incorporate the priorities of local stakeholders.

A strategic advisory committee will advise the Secretary on program goals, on program performance, and on harmonization of the QIO's quality functions with other federal and non-federal quality initiatives.

The GAO is instructed to report on implementation of program changes 1 year after the first 5-year contract period following enactment of this legislation. The adequacy of funding allocated to the QIOs for local initiatives has been in dispute among the QIOs. Congress is to receive an independent report about the adequacy of QIO financing before the initiation of each contract period.

The contracting process is strengthened by mandating timely contracting with the QIOs by CMS and by lengthening the contract period from 3 to 5 years. All QIOs must bid competitively every 5 years.

Fifth, local boards have been physician-dominated with little consumer representation. Our bill eliminates the requirement that QIOs must be physician sponsored organizations. Our bill improves local QIO accountability by strengthening the authority of the Secretary over board structure and function. It authorizes the Secretary to ensure that non-physician quality experts and qualified consumers are given appropriate representation on state QIO boards. It authorizes the Secretary to ensure that the board structure is appropriate, that the compensation of board members and executives is market-based and that conflict of interest among board members is mitigated.

Sixth, as the QIOs focus more of their energies on working with providers to improve quality the demand for their services in this endeavor exceed their resources. For example, the number of doctors requesting help from the Utah QIO in selecting information technology for their offices far exceeds the resources available to it from its CMS contract.

Our bill allows a QIO to contract with a provider or organization if it meets one of several requirements. Among them are that the QIO must receive no more than 5 percent of its revenue from a single provider or organization, or if the contracting organization is subject to review by the QIO, conflict of interest must be mitigated by using an out-of-state QIO to perform the reviews that the local QIO would otherwise perform.

The QIO program differs from other Federal health care quality programs in that it does not just measure quality; it works with providers to attain it. The Medicare Quality Improvement Organization Act of 2007 strengthens the rights of beneficiaries, strengthens the administration of the program and the contracting process, provides for more accountability of contractors, and focuses the program on creating quality systems.

I urge my colleagues to join with me in strengthening the QIO program. It is one of the cornerstones of the quality initiative not just for Medicare but for all Americans.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 25. A joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

Mr. LEAHY. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 25

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring because of the expiration of the term of Walter E. Massey of Georgia, is filled by the appointment of John W. McCarter of Illinois, for a term of 6 years, effective on the date of the enactment of this resolution.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 385—HONORING THOSE WHO HAVE VOLUNTEERED TO ASSIST IN THE CLEANUP OF THE NOVEMBER 7, 2007, OIL SPILL IN SAN FRANCISCO BAY

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 385

Whereas the oil spill that occurred on November 7, 2007, in the San Francisco Bay resulted in the discharge of between 53,570 and 58,000 gallons of toxic bunker fuel, causing one of the Bay Area's worse environmental disasters;

Whereas 28 beaches were closed and over 1,300 birds so far have been severely impacted by the spill;

Whereas thousands of individuals throughout the San Francisco Bay Area immediately volunteered to assist with the cleanup;

Whereas Bay Area community non-profit organizations, such as San Francisco Connect, have also rallied to support the response and recovery work by supporting these volunteer efforts;

Whereas Bay Area environmental organizations, such as Baykeeper, Save the Bay, and Bay Institute, have provided invaluable leadership in reporting, assessing, and helping to remediate the damage to the Bay's ecosystem;

Whereas the Pacific Coast Federation of Fishermen's Associations, members of the San Francisco Crab Boat Owners Association, commercial crabbers, and other Bay Area fishermen have all joined the cleanup efforts as well; and

Whereas the city of San Francisco, particularly through its Department of Emergency Management, has significantly contributed to the overall response, bringing considerable resources to bear: Now, therefore, be it

Resolved, That the Senate honors those individuals and organizations who have volunteered to assist in the cleanup of the November 7, 2007, oil spill in one of our Nation's most beloved national treasures, the San Francisco Bay.

SENATE RESOLUTION 386—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF NEBRASKA v. PAMIR J. SAFI

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 386

Whereas, in the case of State of Nebraska v. Pamir J. Safi, No. CR05-87, pending in Nebraska District Court for Lancaster County in Lincoln, Nebraska, testimony has been requested from Dorothy Anderson and Blayne Garth Glissman, Jr., former employees in the office of Senator Chuck Hagel;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved That Dorothy Anderson and Blayne Garth Glissman, Jr. are authorized to testify in the case of State of Nebraska v. Pamir J. Saji, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Dorothy Anderson and Blayne Garth Glissman, Jr. in connection with the testimony authorized in section one of this resolution.

SENATE RESOLUTION 387—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DEGRADATION OF THE JORDAN RIVER AND THE DEAD SEA AND WELCOMING COOPERATION BETWEEN THE PEOPLES OF ISRAEL, JORDAN, AND THE PALESTINIAN AUTHORITY

Mr. LUGAR (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 387

Whereas the Dead Sea and the Jordan River are bodies of water of exceptional historic, religious, cultural, economic, and environmental importance for the Middle East and the world;

Whereas the world's 3 great monotheistic faiths—Christianity, Islam, and Judaism—consider the Jordan River a holy place;

Whereas local governments have diverted more than 90 percent of the Jordan's traditional 1,300,000,000 cubic meters of annual water flow in order to satisfy a growing demand for water in the arid region;

Whereas the Jordan River is the primary tributary of the Dead Sea and the dramatically reduced flow of the Jordan River has been the primary cause of a 20 meter fall in the Dead Sea's water level and a ⅓ decline in the Dead Sea's surface area in less than 50 years;

Whereas the Dead Sea's water level continues to fall about a meter a year;

Whereas the decline in water level of the Dead Sea has resulted in significant environmental damage, including loss of freshwater springs, river bed erosion, and over 1,000 sinkholes;

Whereas mismanagement has resulted in the dumping of sewage, fish pond runoff, and salt water into the Jordan River and has led to the pollution of the Jordan River with agricultural and industrial effluents;

Whereas the World Monuments Fund has listed the Jordan River as one of the world's 100 most endangered sites;

Whereas widespread consensus exists regarding the need to address the degradation of the Jordan River and the Dead Sea;

Whereas the Governments of Jordan and Israel, as well as the Palestinian Authority (the "Beneficiary Parties"), working together in an unusual and welcome spirit of cooperation, have attempted to address the Dead Sea water level crisis by articulating a shared vision of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas Binyamin Ben Eliezar, the Minister of National Infrastructure of Israel, has said, "The Study is an excellent example for cooperation, peace, and conflict reduction. Hopefully it will become the first of many such cooperative endeavors";

Whereas Mohammed Mustafa, the Economic Advisor for the Palestinian Authority, has said, "This cooperation will bring wellbeing for the peoples of the region, particularly Palestine, Jordan, and Israel . . . We pray that this type of cooperation will be a positive experience to deepen the notion of dialogue to reach solutions on all other tracks";

Whereas Zafer al-Alem, the former Water Minister of Jordan, has said, "This project is a unique chance to deepen the meaning of peace in the region and work for the benefit of our peoples";

Whereas the Red Sea-Dead Sea Water Conveyance Concept envisions a 110-mile pipeline from the Red Sea to the Dead Sea that would descend approximately 1,300 feet creating an opportunity for hydroelectric power generation and desalination, as well as the restoration of the Dead Sea;

Whereas some have raised legitimate questions regarding the feasibility and environmental impact of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas the Beneficiary Parties have asked the World Bank to oversee a feasibility study and an environmental and social assessment whose purpose is to conclusively answer these questions;

Whereas the Red Sea-Dead Sea Water Conveyance Concept would not address the degradation of the Jordan River;

Whereas the Beneficiary Parties could address the degradation of the Jordan River by designing a comprehensive strategy that includes tangible steps related to water conservation, desalination, and the management of sewage and agricultural and industrial effluents; and

Whereas Israel and the Palestinian Authority are expected to hold high-level meetings in the Washington area in the winter of 2007 to seek an enduring solution to the Arab-Israeli crisis: Now, therefore, be it

Resolved, That the Senate—

(1) calls the world's attention to the serious and potentially irreversible degradation of the Jordan River and the Dead Sea;

(2) applauds the cooperative manner with which the Governments of Israel and Jordan, as well as the Palestinian Authority (the "Beneficiary Parties"), have worked to address the declining water level and quality of the Dead Sea and other water-related challenges in the region;

(3) supports the Beneficiary Parties' efforts to assess the environmental, social, health, and economic impacts, costs, and feasibility of the Red Sea-Dead Sea Water Conveyance Concept in comparison to alternative proposals, such as those that focus on the restoration of the Jordan River;

(4) encourages the Governments of Israel and Jordan, as well as the Palestinian Authority, to continue to work in a spirit of cooperation as they address the region's serious water challenges;

(5) urges Israel, Jordan, and the Palestinian Authority to develop a comprehensive strategy to rectify the degradation of the Jordan River; and

(6) hopes the spirit of cooperation manifested by the Beneficiary Parties in their search for a solution to the Dead Sea water crisis might serve as a model for addressing the degradation of the Jordan River, as well as a model of peace and cooperation for the upcoming meetings in the Washington area between Israel and the Palestinian Authority as they seek to resolve long-standing disagreements and to develop a durable solution to the Arab-Israeli crisis.

SENATE CONCURRENT RESOLUTION 53—CONDEMNING THE KIDNAPPING AND HOSTAGE-TAKING OF 3 UNITED STATES CITIZENS FOR OVER 4 YEARS BY THE REVOLUTIONARY ARMED FORCES OF COLOMBIA (FARC), AND DEMANDING THEIR IMMEDIATE AND UNCONDITIONAL RELEASE

Mr. NELSON of Florida (for himself and Mr. ISAKSON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 53

Whereas the Revolutionary Armed Forces of Colombia (FARC) is designated as a foreign terrorist organization by the Department of State;

Whereas the FARC utilizes kidnappings for ransom, extortion, and the drug trade to finance its activities;

Whereas the FARC has consistently committed atrocities against citizens of both Colombia and the United States, kidnapped at least 36 United States citizens since 1980, and killed 10 United States citizens;

Whereas an aircraft carrying United States citizens crashed over territory controlled by the FARC on February 13, 2003;

Whereas Keith Stansell, Thomas Howes, and Marc Gonsalves, 3 United States citizens on the aircraft, were taken hostage by the FARC on February 13, 2003;

Whereas the FARC murdered Tom Janis, another United States citizen on the downed aircraft;

Whereas 3 United States citizens on a subsequent search mission also lost their lives;

Whereas the 3 hostages were last shown alive on July 25, 2003, during a taped interview with the CBS news show "60 Minutes";

Whereas a police officer from Colombia who escaped from the FARC in April 2007 claims he saw the 3 United States hostages alive in April 2007;

Whereas at least 50 FARC leaders have been indicted in the United States for drug trafficking; and

Whereas Ricardo Palmera, the most senior FARC leader to be tried in the United States, was convicted of conspiring to take the United States citizens hostage in Colombia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the kidnappings of Keith Stansell, Thomas Howes, and Marc Gonsalves by the Revolutionary Armed Forces of Colombia (FARC) and calls for their immediate and unconditional release;

(2) condemns the FARC for holding these hostages for more than 4 years and demands to know their health and status;

(3) condemns the FARC for the murder of Tom Janis;

(4) condemns the FARC for its use of kidnapping for ransom, extortion, and drug trafficking and for supporting and spreading terror within Colombia;

(5) expresses sympathy to the relatives of the hostages who have been unsure of the fates of their family members for more than 4 years;

(6) reconfirms that the United States Government does not make concessions to terrorists; and

(7) reiterates that the United States Government supports efforts to secure the safe return of the hostages to the United States.

SENATE CONCURRENT RESOLUTION 54—SUPPORTING THE DESIGNATION OF A WEEK AS "NATIONAL CARDIOPULMONARY RESUSCITATION AND AUTOMATED EXTERNAL DEFIBRILLATOR AWARENESS WEEK"

Ms. COLLINS (for herself, Mr. FEINGOLD, and Mr. DORGAN) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 54

Whereas heart disease remains the leading cause of death in the United States;

Whereas heart disease affects men, women, and children of every age and race in the United States, regardless of where they live;

Whereas approximately 325,000 coronary heart disease deaths annually occur out of hospital or in an emergency room;

Whereas approximately 95 percent of sudden cardiac arrest victims die before arriving at the hospital;

Whereas sudden cardiac arrest results from an abnormal heart rhythm in most adults;

Whereas in 27.4 percent of cases of sudden cardiac arrest, the victim is located in a place other than a hospital and receives cardiopulmonary resuscitation by a bystander;

Whereas prompt delivery of cardiopulmonary resuscitation more than doubles the chance of survival from sudden cardiac arrest by helping to maintain vital blood flow to the heart and brain, increasing the amount of time that an electric shock from a defibrillator can be effective;

Whereas an automated external defibrillator, even when used by a bystander, is safe, easy to operate, and highly effective in restoring a normal heart rhythm, significantly increasing the chance of survival for many victims if used immediately after the onset of sudden cardiac arrest;

Whereas death or severe brain injury is likely to occur unless resuscitation measures are started no later than 10 minutes after the onset of sudden cardiac arrest;

Whereas the interval between the 911 call and the arrival of EMS personnel is typically longer than 5 minutes, and achieving high survival rates therefore depends on a public trained in cardiopulmonary resuscitation and automated external defibrillator use; and

Whereas the American Heart Association, the American Red Cross, and the National Safety Council are preparing related public awareness and training campaigns on cardiopulmonary resuscitation and automated external defibrillation to be held during the first week of June each year: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) supports the goals and ideals of a National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week to establish well-organized programs to increase public training in cardiopulmonary resuscitation and automated external defibrillator use and to increase public access to automated external defibrillators; and

(2) calls upon the people of the United States and interested organizations to observe such a week with appropriate ceremonies and activities.

Ms. COLLINS. Mr. President, I am pleased to join my good friend and colleague from Wisconsin, Senator FEINGOLD, in introducing a resolution in support of the designation of a week as National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week.

Heart disease is the leading cause of death in this country. Approximately 325,000 of the 450,000 coronary heart disease deaths that occur annually in the U.S. are due to sudden cardiac arrest suffered outside of the hospital or in hospital emergency departments. About 80 percent of the out-of-hospital cardiac arrests happen at home, so being properly trained in cardiopulmonary resuscitation—or CPR—can mean the difference between life and death for a loved one.

Sudden cardiac arrest in adults is most often caused by an abnormal heart rhythm. While approximately 95 percent of sudden cardiac arrest victims die before reaching the hospital, death from sudden cardiac arrest is not inevitable. Prompt delivery of CPR can more than double an individual's chance of survival by helping to maintain vital blood flow to the heart and brain, increasing the window of opportunity in which an electric shock from an automated external defibrillator—or AED—can be effective.

AEDs are easy-to-use, computerized devices that can shock a heart back into normal rhythm and restore life to a cardiac arrest victim. Even when used by an untrained bystander, AEDs are safe and can be highly effective in restoring a normal heart rhythm. They must, however, be used promptly. For every minute that passes before a victim's normal heart rhythm is restored, his or her chance of survival falls by as much as 10 percent.

In 2000, Senator FEINGOLD and I introduced the Rural AED Act to increase access to AEDs for small towns and rural communities where those first on the scene may not be paramedics or others who would normally have AEDs. The Rural AED Act was subsequently signed into law and, since its passage, has provided rural communities with more than $40 million to purchase AEDs. This has greatly increased access to these life-saving devices.

Now it is time to take another step. Increasing the number of Americans who are trained in CPR and AED use will help us to dramatically improve sudden cardiac arrest survival rates. The designation of a week as National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week will complement the campaigns that the American Heart Association, the American Red Cross, and the National Safety Council are preparing to increase public training in CPR and AED use and to increase public access to AEDs. I therefore urge all of our colleagues to join us as cosponsors of this resolution.

SENATE CONCURRENT RESOLUTION 55—COMMEMORATING THE CENTENNIAL ANNIVERSARY OF THE SAILING OF THE NAVY'S "GREAT WHITE FLEET", LAUNCHED BY PRESIDENT THEODORE ROOSEVELT ON DECEMBER 16, 1907, FROM HAMPTON ROADS, VIRGINIA, AND RETURNING THERE ON FEBRUARY 22, 1909

Mr. WARNER (for himself and Mr. WEBB) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 55

Whereas the launching of the Great White Fleet marked the emergence of the United States as a true global seapower, able to dispatch 16 new battleships on a worldwide deployment for 14 months;

Whereas these battleships were painted entirely white, with gilded scrollwork on their bows, and subsequently came to be known as the "Great White Fleet";

Whereas the 4 squadrons of 4 battleships each, manned by 14,000 sailors, sailed 43,000 miles and made 20 port calls on 6 continents;

Whereas the Fleet, in conducting visits to important nations such as Australia, served to reinforce a friendship and partnership that continues to this day;

Whereas the Fleet, in providing a tangible demonstration of the forward naval presence of the United States in the Pacific, also reinforced the message of how important maritime stability and security are to the United States;

Whereas the Fleet, in response to one of the worst natural disasters in European history, was able to immediately divert to Messina, Sicily, to offer humanitarian aid to the Italian people; and

Whereas the Fleet, in executing a range of missions and returning to the United States after 14 months at sea, displayed to the world a number of core American values, including compassion, showed its flexibility by responding to unforeseen events, and demonstrated the ability of the United States to project maritime power as a stabilizing force: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commemorates the wisdom of President Theodore Roosevelt in developing and launching the Great White Fleet;

(2) supports a one-time designation of a day to celebrate the 100th centennial of the Great White Fleet and the special role the Fleet played in building enduring friendships with important allies and partner nations;

(3) commends efforts by the Department of the Navy to maintain and strengthen our cooperative partnerships with foreign nations and to safeguard our Nation's interests in the maritime domain;

(4) commends efforts by the Department of the Navy in leading the development of a Cooperative Strategy for 21st Century Seapower; and

(5) honors the sacrifices made and services rendered by the servicemembers of the Navy, Marine Corps, and the Coast Guard and the civilians who constitute our maritime services.

SENATE CONCURRENT RESOLUTION 56—ENCOURAGING THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS TO TAKE ACTION TO ENSURE A PEACEFUL TRANSITION TO DEMOCRACY IN BURMA

Mrs. BOXER (for herself, Mr. DODD, and Mr. DURBIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 56

Whereas hundreds of thousands of citizens of Burma have risked their lives in demonstrations to demand a return to democracy and respect for human rights in their country;

Whereas the repressive military Government of Burma has conducted a brutal crackdown against demonstrators, which has resulted in mass numbers of killings, arrests, and detentions;

Whereas Burma has been a member of the Association of Southeast Asian Nations (ASEAN) since 1997;

Whereas foreign ministers of other ASEAN member nations, in reference to Burma, have "demanded that the government immediately desist from the use of violence against demonstrators", expressed "revulsion" over reports that demonstrators were being suppressed by violent and deadly force, and called for "the release of all political detainees including Daw Aung San Suu Kyi";

Whereas the foreign ministers of ASEAN member nations have expressed concern that developments in Burma "had a serious impact on the reputation and credibility of ASEAN";

Whereas Ibrahim Gambari, the United Nations (UN) Special Envoy to Burma, has called on the member nations of ASEAN to take additional steps on the Burma issue, saying, "Not just Thailand but all the countries that I am visiting, India, China, Indonesia, Malaysia and the UN, we could do more";

Whereas the ASEAN Security Community Plan of Action adopted October 7, 2003, at the ASEAN Summit in Bali states that ASEAN members "shall promote political development . . . to achieve peace, stability, democracy, and prosperity in the region", and specifically says that "ASEAN Member Countries shall not condone unconstitutional and undemocratic changes of government";

Whereas the Government of Singapore, as the current Chair of ASEAN, will host ASEAN's regional summit in November 2007 to approve ASEAN's new charter;

Whereas the current Foreign Minister of Singapore, George Yeo, has publicly expressed, "For some time now, we had stopped trying to defend Myanmar internationally because it became no longer credible";

Whereas, according to the chairman of the High Level Task Force charged with drafting the new ASEAN Charter, the Charter "will make ASEAN a more rules-based organization and . . . will put in place a system of compliance monitoring and, most importantly, a system of compulsory dispute settlement for noncompliance that will apply to all ASEAN agreements";

Whereas upon its accession to ASEAN, Burma agreed to subscribe or accede to all ASEAN declarations, treaties, and agreements;

Whereas 2007 marks the 30th anniversary of the relationship and dialogue between the United States and ASEAN;

Whereas the Senate passed legislation in the 109th Congress that would authorize the establishment of the position of United States Ambassador for ASEAN Affairs, and the President announced in 2007 that an Ambassador would be appointed; and

Whereas ASEAN member nations and the United States share common concerns across a broad range of issues, including accelerated economic growth, social progress, cultural development, and peace and stability in the Southeast Asia region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) joins the foreign ministers of member nations of the Association of Southeast Asian Nations (ASEAN) that have expressed concern over the human rights situation in Burma;

(2) encourages ASEAN to take more substantial steps to ensure a peaceful transition to democracy in Burma;

(3) welcomes steps by ASEAN to strengthen its internal governance through the adoption of a formal ASEAN charter;

(4) urges ASEAN to ensure that all member nations live up to their membership obligations and adhere to ASEAN's core principles, including respect for and commitment to human rights; and

(5) would welcome a decision by ASEAN, consistent with its core documents and its new charter, to review Burma's membership in ASEAN and to consider appropriate disciplinary measures, including suspension, until such time as the Government of Burma has demonstrated an improved respect for and commitment to human rights.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3784. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3756 submitted by Mr. ROBERTS and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3785. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3639 submitted by Mr. HARKIN (for himself and Ms. MURKOWSKI) and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3786. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3695 submitted by Mr. DORGAN (for himself and Mr. GRASSLEY) and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3787. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3667 submitted by Mr. HARKIN (for himself, Mr. ENZI, Mr. JOHNSON, Mr. BARRASSO, Mr. DORGAN, Mr. GRASSLEY, Mr. FEINGOLD, and Mr. TESTER) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3788. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3764 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3789. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3765 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3790. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3791. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mr. CASEY, Ms. STABENOW, Mrs. BOXER, Mr. NELSON, of Florida, Mr. BINGAMAN, Mr. CARDIN, and Mr. INOUYE) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3792. Mr. MARTINEZ (for himself, Mr. NELSON, of Florida, Mr. MENENDEZ, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3793. Mr. MARTINEZ (for himself, Mr. NELSON, of Florida, Mr. MENENDEZ, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3794. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3591 submitted by Mr. BOND and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3795. Mr. NELSON, of Florida (for himself, Mr. ENSIGN, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3660 submitted by Mr. BAUCUS (for himself and Mr. CRAPO) and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3796. Mr. NELSON, of Florida (for himself, Mr. ENSIGN, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3668 submitted by Mr. BAUCUS and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3797. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3722 submitted by Mr. DURBIN (for himself and Mrs. DOLE) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3798. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3653 submitted by Mr. COBURN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3799. Mr. BOND submitted an amendment intended to be proposed to amendment

SA 3612 submitted by Mr. BOND and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3800. Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill H.R. 2761, to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

SA 3801. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 274, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3784. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3756 submitted by Mr. ROBERTS and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, strike line 6 and all that follows through page 3, line 25, and insert the following:

"(o) CROP INSURANCE INELIGIBILITY RELATING TO CROP PRODUCTION ON GRASSLAND.—

"(1) DEFINITION OF GRASSLAND.—

"(A) IN GENERAL.—In this subsection, the term 'grassland' means rangeland and native grassland that is not listed as cropland on a map maintained by the Secretary at 1 or more local service centers.

"(B) EXCEPTION.—The term 'grassland' does not include land described in subparagraph (A) if the producer verifies to the satisfaction of the Secretary that the land was in crop production prior to July 1, 2007.

"(2) INELIGIBILITY.—Grassland on which an agricultural commodity is planted for which a policy or plan of insurance is available under this title shall be permanently ineligible for benefits under this title.".

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)) is amended by adding at the end the following:

"(4) PROGRAM INELIGIBILITY RELATING TO CROP PRODUCTION ON GRASSLAND.—

"(A) DEFINITION OF GRASSLAND.—

"(i) IN GENERAL.—In this paragraph, the term 'grassland' means rangeland and native grassland that is not listed as cropland on a map maintained by the Secretary at 1 or more local service centers.

"(ii) EXCEPTION.—The term 'grassland' does not include land described in clause (i) if the producer verifies to the satisfaction of the Secretary that the land was in crop production prior to July 1, 2007.

"(B) INELIGIBILITY.—Native sod acreage on which an agricultural commodity is planted for which a policy or plan of Federal crop insurance is available shall be permanently ineligible for benefits under this section.".

(c) INCREASED FUNDING FOR GRASSLAND RESERVE PROGRAM.—In addition to amounts made available under this Act and amendments made by this Act, the Secretary shall use such additional amounts as are made available as a result of the amendments made by this section to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.).

SA 3785. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3639 submitted by Mr. HARKIN (for himself and Ms. MURKOWSKI) and intended to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 20 of the amendment, after line 9, insert the following:

(c) EFFECT OF SECTION.—Nothing in this section or an amendment made by this section limits the authority of any State to enforce a requirement that is more stringent than the requirements of this section and the amendment made by this section, if the State requirement is in existence on the date of enactment of this Act.

SA 3786. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3695 submitted by Mr. DORGAN (for himself and Mr. GRASSLEY) and intended to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 4 of the amendment, strike lines 8 through 18, and insert the following:

shall not exceed $20,000 (as adjusted under subsection (c)(2)) in the case of corn).";

(3) by striking subsection (c) and inserting the following:

"(c) LIMITATION ON COUNTER-CYCLICAL PAYMENTS.—

"(1) IN GENERAL.—The total amount of counter-cyclical payments that an individual or entity may receive, directly or indirectly, during any crop year under part I or III of subtitle A or C of the Food and Energy Security Act of 2007 for 1 or more covered commodities and peanuts, or average crop revenue payments determined under section 1401(b)(3) of that Act, shall not exceed $30,000 (as adjusted under paragraph (2) in the case of corn).

"(2) SPECIAL RULE FOR CORN.—

"(A) IN GENERAL.—For each crop year, the Secretary shall calculate a per bushel ethanol benefit for corn resulting from Federal incentives for ethanol.

"(B) REDUCTION IN PAYMENTS.—

"(i) REDUCTION OF DIRECT PAYMENT.—The maximum amount of direct payments that an individual legal entity is entitled to receive for a crop year for corn under subsection (b), or average crop revenue payments determined under section 1401(b)(2) of the Food and Energy Security Act of 2007, shall be reduced by an amount equal to the product obtained by multiplying—

"(I) the amount of the ethanol benefit calculated under subparagraph (A); by

"(II) the actual quantity of corn produced by the individual or entity during the preceding crop year.

"(ii) REDUCTION OF COUNTER-CYCLICAL PAYMENTS.—If the amount calculated under subclauses (I) and (II) of clause (i) for an individual or entity exceeds the amount of direct payments the individual or entity would otherwise be entitled to receive under subsection (b) for corn, the maximum amount of counter-cyclical payments for corn that the individual or entity is entitled to receive under paragraph (1), or average crop revenue payments determined under section 1401(b)(3) of the Food and Energy Security Act of 2007, shall be reduced by the excess amount.";

SA 3787. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3667 submitted by Mr. HARKIN (for himself, Mr. ENZI, Mr. JOHNSON, Mr. BARRASSO, Mr. DORGAN, Mr. GRASSLEY, Mr. FEINGOLD, and Mr. TESTER) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 10207. COMPETITIVE INJURY STUDY.

Subtitle A of title II of the Packers and Stockyards Act, 1921 (7 U.S.C. 191 et seq.) is amended by adding at the end the following:

"SEC. 208. COMPETITIVE INJURY STUDY.

"Not later than January 1, 2009, the Secretary, in consultation with the Attorney General of the United States, shall conduct, and submit to Congress a report describing the results of, a review of—

"(1) the means by which the competitive injury standard has affected parties to civil actions filed pursuant to this Act;

"(2) whether the standard of review applicable to anticompetitive cases regarding the agricultural industry is consistent with the standard of review applicable to anticompetitive cases regarding other industries;

"(3) the potential impact on agricultural markets of eliminating the competitive injury requirement from laws (including regulations) applicable to agricultural markets; and

"(4) the impact on agricultural and nonagricultural industries, trade, and prices paid by consumers of eliminating the competitive injury standard.".

SA 3788. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3764 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, strike line 9 and all that follows through page 4, line 5, and insert the following:

"(1) COMMODITY AND CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds—

"(A) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

"(B) $750,000.

"(2) COVERED BENEFITS.—Paragraph (1) applies with respect to the following:

"(A) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(B) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(C) An average crop revenue payment under subtitle B of title I of the Food and Energy Security Act of 2007.

"(D) Title XII of this Act.

"(E) Title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 116 Stat. 223).

"(F) Title II of the Food and Energy Security Act of 2007.

SA 3789. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3765 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2 of the amendment, strike line 1 and all that follows through page 4, line 5, and insert the following:

"(1) COMMODITY AND CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds—

"(A) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

"(B) $750,000.

"(2) COVERED BENEFITS.—Paragraph (1) applies with respect to the following:

"(A) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(B) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

"(C) An average crop revenue payment under subtitle B of title I of the Food and Energy Security Act of 2007.

"(D) Title XII of this Act.

"(E) Title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 116 Stat. 223).

"(F) Title II of the Food and Energy Security Act of 2007.

SA 3790. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agriculture programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 563, between lines 15 and 16, insert the following:

SEC. 3205. QUALITY REQUIREMENTS FOR CLEMENTINES.

Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the matter preceding the first proviso in the first sentence by inserting "clementines," after "nectarines,".

SA 3791. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mr. CASEY, Ms. STABENOW, Mrs. BOXER, Mr. NELSON of Florida, Mr. BINGAMAN, Mr. CARDIN, and Mr. INOUYE) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle A of title XI, insert the following:

SEC. 1103_. RESTORATION OF IMPORT AND ENTRY AGRICULTURAL INSPECTION FUNCTIONS TO DEPARTMENT OF AGRICULTURE.

(a) REPEAL OF TRANSFER OF FUNCTIONS.—Sections 310 and 421 of the Homeland Security Act of 2002 (6 U.S.C. 190, 231) are repealed.

(b) CONFORMING AMENDMENT TO FUNCTION OF SECRETARY OF HOMELAND SECURITY.—Section 402 of the Homeland Security Act of 2002 (6 U.S.C. 202) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(c) TRANSFER AGREEMENT.—

(1) IN GENERAL.—Not later than the effective date described in subsection (g), the Secretary and the Secretary of Homeland Security shall enter into an agreement to effectuate the return of functions required by the amendments made by this section.

(2) USE OF CERTAIN EMPLOYEES.—The agreement may include authority for the Secretary to use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(d) RESTORATION OF DEPARTMENT OF AGRICULTURE EMPLOYEES.—Not later than the effective date described in subsection (g), all full-time equivalent positions of the Department of Agriculture transferred to the Department of Homeland Security under section 310 or 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 190, 231(g)) (as in effect on the day before the effective date described in subsection (g)) shall be restored to the Department of Agriculture.

(e) AUTHORITY OF APHIS.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish within the Animal and Plant Health Inspection Service a program, to be known as the "International Agricultural Inspection Program", under which the Administrator of the Animal and Plant Health Inspection Service (referred to in this subsection as the "Administrator") shall carry out import and entry agricultural inspections.

(2) INFORMATION GATHERING AND INSPECTIONS.—In carrying out the program under paragraph (1), the Administrator shall have full access to—

(A) each secure area of any terminal for screening passengers or cargo under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of carrying out inspections and gathering information; and

(B) each database (including any database relating to cargo manifests or employee and business records) under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of gathering information.

(3) INSPECTION ALERTS.—The Administrator may issue inspection alerts, including by indicating cargo to be held for immediate inspection.

(4) INSPECTION USER FEES.—The Administrator may, as applicable—

(A) continue to collect any agricultural quarantine inspection user fee; and

(B) administer any reserve account for the fees.

(5) CAREER TRACK PROGRAM.—

(A) IN GENERAL.—The Administrator shall establish a program, to be known as the "import and entry agriculture inspector career track program", to support the development of long-term career professionals with expertise in import and entry agriculture inspection.

(B) STRATEGIC PLAN AND TRAINING.—In carrying out the program under this paragraph, the Administrator, in coordination with the Secretary, shall—

(i) develop a strategic plan to incorporate import and entry agricultural inspectors into the infrastructure protecting food, fiber, forests, bioenergy, and the environment of the United States from animal and plant pests, diseases, and noxious weeds; and

(ii) as part of the plan under clause (i), provide training for import and entry agricultural inspectors participating in the program not less frequently than once each year to improve inspection skills

(f) DUTIES OF SECRETARY.—

(1) IN GENERAL.—The Secretary shall—

(A) develop standard operating procedures for inspection, monitoring, and auditing relating to import and entry agricultural inspections, in accordance with recommendations from the Comptroller General of the United States and reports of interagency advisory groups, as applicable; and

(B) ensure that the Animal and Plant Health Inspection Service has a national electronic system with real-time tracking capability for monitoring, tracking, and reporting inspection activities of the Service.

(2) FEDERAL AND STATE COOPERATION.—

(A) COMMUNICATION SYSTEM.—The Secretary shall develop and maintain an integrated, real-time communication system with respect to import and entry agricultural inspections to alert State departments of agriculture of significant inspection findings of the Animal and Plant Health Inspection Service.

(B) ADVISORY COMMITTEE.—

(i) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the "International Trade Inspection Advisory Committee" (referred to in this subparagraph as the "committee"), to advise the Secretary on policies and other issues relating to import and entry agricultural inspection.

(ii) MODEL.—In establishing the committee, the Secretary shall use as a model the Agricultural Trade Advisory Committee.

(iii) MEMBERSHIP.—The committee shall be composed of members representing—

(I) State departments of agriculture;

(II) directors of ports and airports in the United States;

(III) the transportation industry;

(IV) the public; and

(V) such other entities as the Secretary determines to be appropriate.

(3) REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report containing an assessment of—

(A) the resource needs for import and entry agricultural inspection, including the number of inspectors required;

(B) the adequacy of—

(i) inspection and monitoring procedures and facilities in the United States; and

(ii) the strategic plan developed under subsection (e)(5)(B)(i); and

(C) new and potential technologies and practices, including recommendations regarding the technologies and practices, to improve import and entry agricultural inspection.

(4) FUNDING.—The Secretary shall pay the costs of each import and entry agricultural inspector employed by the Animal and Plant Health Inspection Service from amounts made available to the Department of Agriculture for the applicable fiscal year.

(g) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

SA 3792. Mr. MARTINEZ (for himself, Mr. NELSON of Florida, Mr. MENENDEZ, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3___. SENSE OF THE SENATE.

The Senate—

(1) finds that—

(A) since 1982, the Department of State has consistently added Cuba to the list of State sponsors of terrorism;

(B) the Cuban regime continues to repress political dissent in Cuba;

(C) the Cuban regime continues to arbitrarily imprison and violate the civil rights of the citizens of Cuba; and

(D) the Cuban regime continues the practice of "tourism apartheid" by restricting the access of the citizens of Cuba to hospitals, restaurants, and food stores that are reserved only for foreigners;

(2) condemns the anti-democratic and repressive actions by the Cuban Regime;

(3) supports the people of Cuba in the quest to achieve a truly democratic form of government; and

(4) calls on the international community to condemn the antidemocratic actions of the repressive Cuban regime.

SA 3793. Mr. MARTINEZ (for himself, Mr. NELSON of Florida, Mr. MENENDEZ, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 3____. APPLICABILITY.

Nothing in the preceding sections relating to Cuba (including any amendment to the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.)) applies to, or may be used for purposes of any transaction with, any foreign country that is identified by the Secretary of State as a "State Sponsor of Terror".

SA 3794. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3591 submitted by Mr. BOND and intended to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

Subtitle C—Agricultural Regulatory Flexibility

SEC. 11081. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term "agency" has the meaning given the term in section 551(1) of title 5, United States Code.

(2) AGRICULTURAL ENTITY.—The term "agricultural entity" means any person or entity that has income derived from—

(A) farming, ranching, or forestry operations;

(B) the production of crops, livestock, or unfinished raw forestry products;

(C) the sale, including the sale of easements and development rights, of farm, ranch, forestry, water, or hunting rights;

(D) the sale of equipment to conduct farm, ranch, or forestry operations;

(E) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

(F) the provision of production inputs and services to farmers, ranchers, and foresters;

(G) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities;

(H) the sale of land that has been used for agriculture; or

(I) payments or other income attributable to benefits received under any program authorized under title I or II.

(3) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The term "collection of information" means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public of facts or opinions by or for an agency, regardless of form or format, calling for—

(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, 10 or more persons, other than agencies, instrumentalities, or employees of the United States; or

(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States that are to be used for general statistical purposes.

(B) EXCLUSION.—The term "collection of information" does not include collection of information described in section 3518(c)(1) of title 44, United States Code.

(4) RECORDKEEPING REQUIREMENT.—The term "recordkeeping requirement" means a requirement imposed by an agency on persons to maintain specified records.

(5) RULE.—

(A) IN GENERAL.—The term "rule" means any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of title 5, United States Code, or any other law, including any rule of general applicability governing Federal grants to State and local governments for which the agency provides an opportunity for notice and public comment.

(B) EXCLUSION.—The term "rule" does not include a rule of particular applicability relating to—

(i) rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor; or

(ii) valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances.

SEC. 11082. AGRICULTURAL REGULATORY FLEXIBILITY AGENDA.

(a) IN GENERAL.—During the months of October and April of each year, each agency shall publish in the Federal Register an agricultural regulatory flexibility agenda that contains—

(1) a brief description of the subject area of any rule that the agency expects to propose or promulgate that is likely to have a significant economic impact on a substantial number of agricultural entities;

(2) a summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) the name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

(b) CHIEF COUNSELS.—Each agricultural regulatory flexibility agenda shall be transmitted to the Chief Counsel for Advocacy of the Department of Agriculture for comment, if any.

(c) NOTICE.—Each agency shall—

(1) attempt to provide notice of each agricultural regulatory flexibility agenda to agricultural entities (or representatives thereof) through direct notification or publication of the agenda in publications likely to be obtained by the agricultural entities; and

(2) invite comments on each subject area on the agenda.

(d) EFFECT OF SECTION.—Nothing in this section—

(1) precludes an agency from considering or acting on any matter not included in an agricultural regulatory flexibility agenda; or

(2) requires an agency to consider or act on any matter listed in the agenda.

SEC. 11083. INITIAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.

(a) ANALYSIS.—

(1) REQUIREMENT.—In any case in which an agency is required by section 553 of title 5, United States Code, or any other law, to publish general notice of proposed rulemaking for any proposed rule, or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, the agency shall prepare and make available for public comment an initial agricultural regulatory flexibility

analysis. Such analysis shall describe the impact of the proposed rule on agricultural entities.

(2) PUBLICATION.—The initial agricultural regulatory flexibility analysis or a summary shall be published in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule.

(3) CHIEF COUNSELS.—The agency shall transmit a copy of the initial agricultural regulatory flexibility analysis to the Chief Counsel for Advocacy of the Department of Agriculture.

(4) APPLICABILITY.—In the case of an interpretative rule involving the internal revenue laws of the United States, the requirements of this section apply to interpretative rules published in the Federal Register for codification in the Code of Federal Regulations only to the extent that the interpretative rule imposes on agricultural entities a collection of information requirement.

(b) CONTENTS.—Each initial agricultural regulatory flexibility analysis required under this section shall contain—

(1) a description of the reasons why action by the agency is being considered;

(2) a succinct statement of the objectives of, and legal basis for, the proposed rule;

(3) a description of and, if feasible, an estimate of the number of agricultural entities to which the proposed rule will apply;

(4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of agricultural entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

(5) an identification, to the maximum extent practicable, of all relevant Federal rules that may duplicate, overlap, or conflict with the proposed rule.

(c) ALTERNATIVES.—

(1) IN GENERAL.—Each initial agricultural regulatory flexibility analysis shall also contain a description of any significant alternatives to the proposed rule that—

(A) accomplish the stated objectives of applicable laws (including regulations); and

(B) minimize any significant economic impact of the proposed rule on agricultural entities.

(2) DESCRIPTION.—In accordance with the stated objectives of applicable laws (including regulations), the analysis shall include a description of significant alternatives, such as—

(A) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to agricultural entities;

(B) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for the agricultural entities;

(C) the use of performance rather than design standards; and

(D) an exemption from coverage of the rule, or any part thereof, for such agricultural entities.

SEC. 11084. FINAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.

(a) FINAL ANALYSIS.—

(1) IN GENERAL.—In any case in which an agency promulgates a final rule under section 553 of title 5, United States Code, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States as described in section 11083(a), the agency shall prepare a final agricultural regulatory flexibility analysis.

(2) CONTENTS.—Each final agricultural regulatory flexibility analysis shall contain—

(A) a succinct statement of the need for, and objectives of, the rule;

(B) a summary of the significant issues raised by the public comments in response to the initial agricultural regulatory flexibility analysis, a summary of the assessment of the agency of those issues, and a statement of any changes made in the proposed rule as a result of the comments;

(C) a description of and an estimate of the number of agricultural entities to which the rule will apply or an explanation of why no such estimate is available;

(D) a description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of agricultural entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

(E) a description of measures the agency has carried out to minimize the significant economic impact on agricultural entities consistent with the stated objectives of applicable statutes, including a statement of—

(i) the factual, policy, and legal reasons for selecting the alternative adopted in the final rule; and

(ii) why each of the other significant alternatives to the rule considered by the agency that affect the impact on agricultural entities was rejected.

(b) PUBLICATION.—The agency shall—

(1) make copies of the final agricultural regulatory flexibility analysis available to members of the public; and

(2) publish in the Federal Register the analysis or a summary thereof.

SEC. 11085. AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALYSIS.

(a) IN GENERAL.—Any Federal agency may perform the analyses required by sections 11082, 11083, and 11084 in conjunction with, or as a part of, any other agenda or analysis required by any other law if the other analysis satisfies the requirements of those sections.

(b) CERTIFICATION BY AGENCY HEAD.—

(1) IN GENERAL.—Sections 11083 and 11084 shall not apply to any proposed or final rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of agricultural entities.

(2) PUBLICATION.—If the head of the agency makes a certification under paragraph (1), the agency head shall publish the certification (together with a statement providing the factual basis for the certification) in the Federal Register—

(A) at the time of publication of general notice of proposed rulemaking for the rule; or

(B) at the time of publication of the final rule.

(3) CHIEF COUNSEL.—The agency shall provide each certification and statement described in paragraph (2) to the Chief Counsel for Advocacy of the Department of Agriculture.

(c) CLOSELY RELATED RULES.—To avoid duplicative action, an agency may consider a series of closely related rules as 1 rule for the purposes of sections 11082, 11083, 11084 and 11090.

SEC. 11086. EFFECT ON OTHER LAW.

The requirements of sections 11083 and 11084 do not alter in any manner standards otherwise applicable by law to agency action.

SEC. 11087. PREPARATION OF ANALYSES.

In complying with sections 11083 and 11084, an agency may provide—

(1) a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule; or

(2) more general descriptive statements, if quantification is not practicable or reliable.

SEC. 11088. PROCEDURE FOR WAIVER OR DELAY OF COMPLETION.

(a) EMERGENCY SITUATIONS.—An agency head may waive or delay the completion of some or all of the requirements of section 11083 by publishing in the Federal Register, not later than the date of publication of the final rule, a written finding, with reasons therefor, that the final rule is being promulgated in response to an emergency that makes compliance or timely compliance with the requirements impracticable.

(b) LIMITATION.—

(1) IN GENERAL.—Except as provided in section 11085(b), an agency head may not waive the requirements of section 11084.

(2) DELAYS.—An agency head may delay the completion of the requirements of section 11084 for a period of not more than 180 days after the date of publication in the Federal Register of a final rule by publishing in the Federal Register, not later than that date of publication, a written finding, with reasons therefor, that the final rule is being promulgated in response to an emergency that makes timely compliance with section 11084 impracticable.

(3) FAILURE TO PREPARE ANALYSIS.—If the agency has not prepared a final agricultural regulatory analysis pursuant to section 11084 by not later than 180 days after the date of publication of the final rule, the rule—

(A) shall lapse and have no effect; and

(B) shall not be repromulgated until a final regulatory flexibility analysis has been completed by the agency.

SEC. 11089. PROCEDURES FOR GATHERING COMMENTS.

(a) DEFINITION OF COVERED AGENCY.—In this section, the term "covered agency" means the Environmental Protection Agency and the Department of the Interior and its agencies.

(b) PARTICIPATION.—In any case in which a rule is promulgated that will have a significant economic impact on a substantial number of agricultural entities, the head of the agency promulgating the rule or the official of the agency with statutory responsibility for the promulgation of the rule shall assure that agricultural entities have been given an opportunity to participate in the rulemaking for the rule through the rational use of techniques, such as—

(1) the inclusion in an advanced notice of proposed rulemaking, if issued, of a statement that the proposed rule may have a significant economic effect on a substantial number of agricultural entities;

(2) the publication of general notice of proposed rulemaking in publications likely to be obtained by agricultural entities;

(3) the direct notification of interested agricultural entities;

(4) the conduct of open conferences or public hearings concerning the rule for agricultural entities including soliciting and receiving comments over computer networks; and

(5) the adoption or modification of agency procedural rules to reduce the cost or complexity of participation in the rulemaking by agricultural entities.

(c) INITIAL REQUIREMENTS.—Before the date of publication of an initial agricultural regulatory flexibility analysis required under this subtitle—

(1) a covered agency shall—

(A) notify the Chief Counsel for Advocacy of the Department of Agriculture; and

(B) provide the Chief Counsel with information on the potential impacts of the proposed rule on agricultural entities that might be affected;

(2) not later than 15 days after the date of receipt of the materials described in paragraph (1), the Chief Counsel shall identify individuals representative of affected agricultural entities for the purpose of obtaining advice and recommendations from those individuals about the potential impacts of the proposed rule;

(3) the agency shall convene a review panel for the rule consisting entirely of—

(A) full-time Federal employees of the office within the agency responsible for carrying out the proposed rule;

(B) the Office of Information and Regulatory Affairs within the Office of Management and Budget; and

(C) the Chief Counsel;

(4) the panel shall—

(A) review any material the agency has prepared in connection with this subtitle, including any draft proposed rule; and

(B) collect advice and recommendations of each individual agricultural entity representative identified by the agency, after consultation with the Chief Counsel, on issues relating to paragraphs (3) and (4) of subsection (b), and subsection (c), of section 11083;

(5) not later than 60 days after the date a covered agency convenes a review panel pursuant to paragraph (3), the review panel shall report on the comments of the agricultural entity representatives and its findings as to issues relating to paragraphs (3) and (4) of subsection (b), and subsection (c), of section 11083, subject to the requirement that the report shall be made public as part of the rulemaking record; and

(6) as appropriate, the agency shall modify the proposed rule, the initial agricultural flexibility analysis or the decision on whether an initial flexibility analysis is required.

(d) APPLICABILITY.—An agency may, at the discretion of the agency head, apply subsection (c) to rules that the agency intends to certify under section 11085(b), but the agency believes may have a greater than de minimis impact on a substantial number of agricultural entities.

(e) WAIVERS.—

(1) IN GENERAL.—The Chief Counsel for Advocacy, in consultation with the individuals identified under subsection (c)(2), and with the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, may waive the requirements of paragraphs (3) through (5) of subsection (c) by including in the rulemaking record a written finding, with reasons therefor, that those requirements would not advance the effective participation of agricultural entities in the rulemaking process.

(2) FACTORS FOR CONSIDERATION.—For purposes of paragraph (1), the factors to be considered in making a finding described in that paragraph are the following:

(A) In developing a proposed rule, the extent to which the covered agency consulted with individuals representative of affected agricultural entities with respect to the potential impacts of the rule and took those concerns into consideration.

(B) Special circumstances requiring prompt issuance of the rule.

(C) Whether the requirements of subsection (c) would provide the individuals identified in subsection (c)(2) with a competitive advantage relative to other agricultural entities.

SEC. 11090. PERIODIC REVIEW OF RULES.

(a) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, each agency shall publish in the Federal Register a plan for the periodic review of the rules issued by the agency that have or will have a significant economic impact on a substantial number of agricultural entities.

(2) AMENDMENTS.—The plan may be amended by the agency at any time by publishing the revision in the Federal Register.

(3) REVIEWS.—The purpose of a review under the plan shall be to determine whether the rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable laws (including regulations), to minimize any significant economic impact of the rules on a substantial number of agricultural entities.

(4) REQUIREMENTS.—The plan shall provide for—

(A) the review of all such agency rules in existence on the date of enactment of this Act by not later than 10 years after that date; and

(B) the review of any rules adopted after that date of enactment by not later than 10 years after the publication of those rules as final rules.

(5) EXTENSIONS.—If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the agency head—

(A) shall provide a certification of the determination in a statement published in the Federal Register; and

(B) may extend the completion date by 1 year at a time for a total of not more than 5 years.

(b) FACTORS FOR CONSIDERATION.—In reviewing rules to minimize any significant economic impact of the rule on a substantial number of agricultural entities in a manner consistent with the stated objectives of applicable laws and regulations, the agency shall take into consideration—

(1) the continued need for the rule;

(2) the nature of complaints or comments received concerning the rule from the public;

(3) the complexity of the rule;

(4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

(5) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

(c) LISTS.—

(1) IN GENERAL.—For each calendar year, each agency shall publish in the Federal Register a list of the rules that have a significant economic impact on a substantial number of agricultural entities that are to be reviewed pursuant to this section during the following calendar year.

(2) INCLUSIONS.—The list shall include—

(A) a brief description of each rule; and

(B) the need for and legal basis of the rule.

(3) PUBLIC COMMENT.—The list shall invite public comment on each rule included on the list.

SEC. 11091. JUDICIAL REVIEW.

(a) REVIEW.—

(1) IN GENERAL.—For any rule subject to this subtitle, a agricultural entity that is adversely affected or aggrieved by final agency action is entitled to judicial review of agency compliance with the requirements of sections 11081, 11084, 11085(b), 11088(b), and 11090 in accordance with chapter 7 of title 5, United States Code.

(2) CERTAIN SECTIONS.—Agency compliance with sections 11087 and 11089(a) shall be judicially reviewable in connection with judicial review of section 11084.

(3) JURISDICTION.—

(A) IN GENERAL.—Each court having jurisdiction to review a rule for compliance with section 553, or under any other provision of law, shall have jurisdiction to review any claims of noncompliance with sections 11081, 11084, 11085(b), 11088(b), and 11090 in accordance with chapter 7 of title 5, United States Code.

(B) CERTAIN SECTIONS.—Agency compliance with sections 11087 and 11089(a) shall be judicially reviewable in connection with judicial review of section 11084.

(4) TIME PERIOD.—

(A) IN GENERAL.—An agricultural entity may seek review under this subsection during the 1-year period beginning on the date of final agency action, except that if a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, the lesser period shall apply to an action for judicial review under this section.

(B) DELAYS.—In any case in which an agency delays the issuance of a final agricultural flexibility analysis pursuant to section 11088(b), an action for judicial review under this section shall be filed not later than—

(i) 1 year after the date on which the analysis is made available to the public, or

(ii) if a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1-year period, the number of days specified in the provision of law that is after the date the analysis is made available to the public.

(5) RELIEF.—In granting any relief in an action under this section, the court shall order the agency to take corrective action consistent with this subtitle and chapter 7 of title 5 United States Code, including—

(A) remanding the rule to the agency; and

(B) deferring the enforcement of the rule against agricultural entities unless the court finds that continued enforcement of the rule is in the public interest.

(6) EFFECT OF SUBSECTION.—Nothing in this subsection limits the authority of any court—

(A) to stay the effective date of any rule or provision thereof under any other provision of law; or

(B) to grant any other relief in addition to the requirements of this section.

(b) ANALYSES.—In an action for the judicial review of a rule, the agricultural flexibility analysis for the rule, including an analysis prepared or corrected pursuant to subsection (a)(4), shall constitute part of the entire record of agency action in connection with the review.

(c) REQUIREMENT.—Compliance or noncompliance by an agency with the provisions of this subtitle shall be subject to judicial review only in accordance with this section.

(d) EFFECT OF SECTION.—Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of the statement or analysis is otherwise permitted by law.

SEC. 11092. REPORTS AND INTERVENTION RIGHTS.

(a) MONITORING.—The Chief Counsel for Advocacy of the Department of Agriculture shall—

(1) monitor agency compliance with this subtitle; and

(2) submit reports at least annually on that compliance to—

(A) the President;

(B) the Committee on Agriculture of the House of Representatives; and

(C) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) AMICUS CURIAE.—

(1) IN GENERAL.—The Chief Counsel for Advocacy of the Department of Agriculture may appear as amicus curiae in any action brought in a court of the United States to review a rule.

(2) In any action described in paragraph (1), the Chief Counsel may present the views of the Chief Counsel with respect to—

(A) compliance with this subtitle;

(B) the adequacy of the rulemaking record with respect to agricultural entities; and

(C) the effect of the rule on agricultural entities.

(3) ACTION BY COURTS.—A court of the United States shall grant the application of the Chief Counsel for Advocacy of the Department of Agriculture to appear in any such action for the purposes described in this subsection.

SEC. 11093. ESTABLISHMENT OF OFFICE OF ADVOCACY WITHIN THE DEPARTMENT OF AGRICULTURE; CHIEF COUNSEL FOR AGRICULTURAL ADVOCACY.

(a) ESTABLISHMENT.—There is established within the Department of Agriculture an Office of Advocacy.

(b) MANAGEMENT.—The management of the Office shall be vested in a Chief Counsel for Advocacy, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

SEC. 11094. PRIMARY FUNCTIONS OF OFFICE OF ADVOCACY.

The primary functions of the Office of Advocacy shall be—

(1) to measure the direct costs and other effects of government regulation on agricultural entities; and make legislative and nonlegislative proposals for eliminating excessive or unnecessary regulations of agricultural entities;

(2) to study the ability of financial markets and institutions to meet agricultural entity credit needs and determine the impact of government demands for credit on agricultural entities;

(3)(A) to recommend specific measures for creating an environment in which all agricultural entities will have the opportunity to compete effectively and expand to full potential; and

(B) to ascertain the common reasons, if any, for agricultural entity successes and failures;

(4)(A) to evaluate the efforts of each Federal department and agency, and of private industry, to assist agricultural entities owned and controlled by veterans, and agricultural entities concerns owned and controlled by serviced-disabled veterans;

(B) to provide statistical information on the use of those programs by those agricultural entities; and

(C) to make appropriate recommendations to the Secretary and Congress to promote the establishment and growth of those agricultural entities.

SEC. 11095. ADDITIONAL DUTIES OF OFFICE OF ADVOCACY.

The Office of Advocacy shall also perform the following duties on a continuing basis:

(1) Serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning the policies and activities of the President and any other Federal agency that affects agricultural entities.

(2) Counsel agricultural entities on methods to resolve questions and problems concerning the relationship of the agricultural entity to the Federal Government.

(3) Develop proposals for changes in the policies and activities of any agency of the Federal Government that will better fulfill the purposes of agricultural entities and communicate the proposals to the appropriate Federal agencies.

(4) Represent the views and interests of agricultural entities before other Federal agencies the policies and activities of which may affect agricultural entities.

(5) Enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about—

(A) the programs and services provided by the Federal Government that are of benefit to agricultural entities; and

(B) the means by which agricultural entities can participate in or make use of those programs and services.

SA 3795. Mr. NELSON of Florida (for himself, Mr. ENSIGN, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3660 submitted by Mr. BAUCUS (for himself and Mr. CRAPO) and intended to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 3____. EFFECTIVE DATE.

(a) IN GENERAL.—The preceding sections relating to Cuba (including any amendment to the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.)) shall not take effect until the date on which the President submits to Congress a certification described in subsection (b).

(b) CONDITIONS FOR CERTIFICATION.—A certification referred to in subsection (a) is a certification submitted by the President that—

(1) Cuba has—

(A) ended discrimination in the Cuban tourist industry, known as "tourism apartheid"; and

(B) provided to the citizens of Cuba access to tourist hotels, beaches, and other tourist locations;

(2) Cuba is providing equal employment opportunities for Afro-Cubans in the Cuban tourist industry, including in hotels;

(3) Cuban employers are making direct payments to Cuban hotel workers; and

(4) any foodstuffs imported to Cuba from the United States are made available for purchase in stores accessible to all Cubans.

SA 3796. Mr. NELSON of Florida (for himself, Mr. ENSIGN, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3668 submitted by Mr. BAUCUS and intended to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 3____. EFFECTIVE DATE.

(a) IN GENERAL.—The preceding sections relating to Cuba (including any amendment to the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.)) shall not take effect until the date on which the President submits to Congress a certification described in subsection (b).

(b) CONDITIONS FOR CERTIFICATION.—A certification referred to in subsection (a) is a certification submitted by the President that—

(1) Cuba has—

(A) ended discrimination in the Cuban tourist industry, known as "tourism apartheid"; and

(B) provided to the citizens of Cuba access to tourist hotels, beaches, and other tourist locations;

(2) Cuba is providing equal employment opportunities for Afro-Cubans in the Cuban tourist industry, including in hotels;

(3) Cuban employers are making direct payments to Cuban hotel workers; and

(4) any foodstuffs imported to Cuba from the United States are made available for purchase in stores accessible to all Cubans.

SA 3797. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3722 submitted by Mr. DURBIN (for himself and Mrs. DOLE) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, strike line 6 and all that follows through the end of the amendment and insert the following:

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the President shall use to carry out this section $100,000,000 for each of fiscal years 2009 through 2012."; and

(B) in paragraph (2), by striking "such sums" and all that follows through "2007" and inserting "$300,000,000 for each of fiscal years 2008 through 2012".

SEC. 3109. OFFSET.

Section 901(b)(4)(A) of the Trade Act of 1974 (as added by section 12101(a)) is amended by striking clause (ii) and inserting the following:

"(ii) 35 percent of the amount of any direct payments made to the producer under section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) or section 1103 of the Food and Energy Security Act of 2007 or of any fixed direct payments made at the election of the producer in lieu of that section or a subsequent section;".

SA 3798. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3653 submitted by Mr. COBURN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 10___. ELIGIBILITY FOR DEPARTMENT PROGRAMS.

Section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)) is amended by striking subparagraph (A) and inserting the following:

"(A) In general.—

"(i) Requirement to purchase crop insurance.—Effective for the spring-planted 2008 and subsequent crops (and fall-planted 2008 crops at the option of the Secretary) of each agricultural commodity or commercial crop (other than dairy or livestock), to be eligible for any benefit described in clause (ii), a person shall—

"(I) in the case of an agricultural commodity for which insurance is available under this title, obtain at least the catastrophic level of insurance for each crop of economic significance in which the person has an interest; or

"(II) in the case of an eligible crop for which payments are available under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), provides a level of coverage that is comparable to the coverage described in subclause (I), as determined by the Secretary.

"(ii) Covered benefits.—Benefits referred to in clause (i) are—

"(I) any type of price support, payment, loan, or other benefit, as determined by the Secretary, under—

"(aa) title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.);

"(bb) title I of the Food and Energy Security Act of 2007;

"(cc) the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.);

"(dd) any law providing agricultural disaster assistance; or

"(ee) any other similar Act administered by the Secretary, as determined by the Secretary; or

"(II) any benefit described in section 371(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008f(b)).

"(iii) Waiver.—To be eligible for any benefit described in clause (ii), a person that elects not to obtain coverage described in subclause (I) or (II) of clause (i) for an agricultural commodity or commercial crop shall submit to the Secretary a written waiver to waive any eligibility for emergency crop loss assistance for that agricultural commodity or commercial crop.".

SA 3799. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3612 submitted by Mr. Bond and intended to be proposed to the amendment SA 3500 proposed by Mr. Harkin (for himself, Mr. Chambliss, Mr. Baucus, and Mr. Grassley) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 973, strike lines 21 through 24 and inset the following:

(a) Funding.—

(1) Mandatory funding.—

(A) In general.—Section 401(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(b)) is amended by striking paragraph (1) and inserting the following:

"(1) In general.—Not later than 30 days after the date of enactment of the Food and Energy Security Act of 2007, on October 1, 2008, and each October 1 thereafter through October 1, 2011, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Account the amount that the Secretary estimates will be made available for the applicable fiscal year as a result of the enactment of section 7201(a)(1)(B) of that Act.".

(B) Offset.—Notwithstanding title I or any amendment made by title I, a person or legal entity shall not be eligible for, and the Secretary shall not make to any person or legal entity, any individual payment under subtitles A through E of title I or an amendment made by those titles in an amount that is less than $50.

(2) Discretionary funding.—Section 401(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(b)) is amended by striking paragraph (3) and inserting the following:

SA 3800. Mr. REID (for Mr. Dodd (for himself and Mr. Shelby)) proposed an amendment to the bill H.R. 2761, to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Terrorism Risk Insurance Program Reauthorization Act of 2007".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of act of terrorism.
Sec. 3. Reauthorization of the Program.
Sec. 4. Annual liability cap.
Sec. 5. Enhanced reports to Congress.

SEC. 2. DEFINITION OF ACT OF TERRORISM.

Section 102(1)(A)(iv) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking "acting on behalf of any foreign person or foreign interest".

SEC. 3. REAUTHORIZATION OF THE PROGRAM.

(a) Termination Date.—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking "2007" and inserting "2014".

(b) Additional Program Years.—Section 102(11) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

"(G) Additional program years.—Except when used as provided in subparagraphs (B) through (F), the term 'Program Year' means, as the context requires, any of Program Year 1, Program Year 2, Program Year 3, Program Year 4, Program Year 5, or any of calendar years 2008 through 2014.".

(c) Conforming Amendments.—The Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in section 102(7)(F)—

(A) by inserting "and each Program Year thereafter" before ", the value"; and

(B) by striking "preceding Program Year 5" and inserting "preceding that Program Year";

(2) in section 103(e)(1)(A), by inserting "and each Program Year thereafter" after "Year 5";

(3) in section 103(e)(1)(B)(ii), by inserting before the period at the end "and any Program Year thereafter";

(4) in section 103(e)(2)(A), by striking "of Program Years 2 through 5" and inserting "Program Year thereafter";

(5) in section 103(e)(3), by striking "of Program Years 2 through 5," and inserting "other Program Year"; and

(6) in section 103(e)(6)(E), by inserting "and any Program Year thereafter" after "Year 5".

SEC. 4. ANNUAL LIABILITY CAP.

(a) In General.—Section 103(e)(2) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in subparagraph (A)—

(A) by striking "(until such time as the Congress may act otherwise with respect to such losses)"; and

(B) in clause (ii), by striking "that amount" and inserting "the amount of such losses"; and

(2) in subparagraph (B), by inserting before the period at the end ", except that, notwithstanding paragraph (1) or any other provision of Federal or State law, no insurer may be required to make any payment for insured losses in excess of its deductible under section 102(7) combined with its share of insured losses under paragraph (1)(A) of this subsection".

(b) Notice to Congress.—Section 103(e)(3) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by adding at the end the following: "The Secretary shall provide an initial notice to Congress not later than 15 days after the date of an act of terrorism, stating whether the Secretary estimates that aggregate insured losses will exceed $100,000,000,000."; and

(2) by striking "and the Congress shall" and all that follows through the end of the paragraph and inserting a period.

(c) Regulations for Pro Rata Payments; Report to Congress.—Section 103(e)(2)(B) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by striking "For purposes" and inserting the following:

"(i) In general.—For purposes"; and

(2) by adding at the end the following:

"(ii) Regulations.—Not later than 240 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Secretary shall issue final regulations for determining the pro rata share of insured losses under the Program when insured losses exceed $100,000,000,000, in accordance with clause (i).

"(iii) Report to congress.—Not later than 120 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Secretary shall provide a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the process to be used by the Secretary for determining the allocation of pro rata payments for insured losses under the Program when such losses exceed $100,000,000,000.".

(d) Disclosure.—Section 103(b) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) in the case of any policy that is issued after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the insurer provides clear and conspicuous disclosure to the policyholder of the existence of the $100,000,000,000 cap under subsection (e)(2), at the time of offer, purchase, and renewal of the policy;".

(e) Surcharges.—Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in paragraph (7)—

(A) in subparagraph (C), by inserting “133 percent of” before “any mandatory recoupment”; and

(B) by adding at the end the following:

“(E) TIMING OF MANDATORY RECOUPMENT.—

“(i) IN GENERAL.—If the Secretary is required to collect terrorism loss risk-spreading premiums under subparagraph (C)—

“(I) for any act of terrorism that occurs on or before December 31, 2010, the Secretary shall collect all required premiums by September 30, 2012;

“(II) for any act of terrorism that occurs between January 1 and December 31, 2011, the Secretary shall collect 35 percent of any required premiums by September 30, 2012, and the remainder by September 30, 2017; and

“(III) for any act of terrorism that occurs on or after January 1, 2012, the Secretary shall collect all required premiums by September 30, 2017.

“(ii) REGULATIONS REQUIRED.—Not later than 180 days after the date of enactment of this subparagraph, the Secretary shall issue regulations describing the procedures to be used for collecting the required premiums in the time periods referred to in clause (i).

“(F) NOTICE OF ESTIMATED LOSSES.—Not later than 90 days after the date of an act of terrorism, the Secretary shall publish an estimate of aggregate insured losses, which shall be used as the basis for determining whether mandatory recoupment will be required under this paragraph. Such estimate shall be updated as appropriate, and at least annually.”; and

(2) in paragraph (8)—

(A) in subparagraph (C)—

(i) by striking “(including any additional amount included in such premium” and inserting “collected”; and

(ii) by striking “(D))” and inserting “(D)”; and

(B) in subparagraph (D)(ii), by inserting before the period at the end “, in accordance with the timing requirements of paragraph (7)(E)”.

SEC. 5. ENHANCED REPORTS TO CONGRESS.

(a) STUDY AND REPORT ON INSURANCE FOR NUCLEAR, BIOLOGICAL, CHEMICAL, AND RADIOLOGICAL TERRORIST EVENTS.—Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

“(f) INSURANCE FOR NUCLEAR, BIOLOGICAL, CHEMICAL, AND RADIOLOGICAL TERRORIST EVENTS.—

“(1) STUDY.—The Comptroller General of the United States shall examine—

“(A) the availability and affordability of insurance coverage for losses caused by terrorist attacks involving nuclear, biological, chemical, or radiological materials;

“(B) the outlook for such coverage in the future; and

“(C) the capacity of private insurers and State workers compensation funds to manage risk associated with nuclear, biological, chemical, and radiological terrorist events.

“(2) REPORT.—Not later than 1 year after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing a detailed statement of the findings under paragraph (1), and recommendations for any legislative, regulatory, administrative, or other actions at the Federal, State, or local levels that the Comptroller General considers appropriate to expand the availability and affordability of insurance for nuclear, biological, chemical, or radiological terrorist events.”.

(b) STUDY AND REPORT ON AVAILABILITY AND AFFORDABILITY OF TERRORISM INSURANCE IN SPECIFIC MARKETS.—Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

“(g) AVAILABILITY AND AFFORDABILITY OF TERRORISM INSURANCE IN SPECIFIC MARKETS.—

“(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine whether there are specific markets in the United States where there are unique capacity constraints on the amount of terrorism risk insurance available.

“(2) ELEMENTS OF STUDY.—The study required by paragraph (1) shall contain—

“(A) an analysis of both insurance and reinsurance capacity in specific markets, including pricing and coverage limits in existing policies;

“(B) an assessment of the factors contributing to any capacity constraints that are identified; and

“(C) recommendations for addressing those capacity constraints.

“(3) REPORT.—Not later than 180 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Comptroller General shall submit a report on the study required by paragraph (1) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.”.

(c) ONGOING REPORTS.—Section 108(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in paragraph (1)—

(A) by inserting “ongoing” before “analysis”; and

(B) by striking “, including” and all that follows through the end of the paragraph, and inserting a period; and

(2) in paragraph (2)—

(A) by inserting “and thereafter in 2010 and 2013,” after “2006,”; and

(B) by striking “subsection (a)” and inserting “paragraph (1)”.

SA 3801. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 274, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; which was ordered to lie on the table; as follows:

After subsection (n), insert the following:

(o) REPORTING REQUIREMENTS.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE.—

(A) IN GENERAL.—Not later than 40 months after the date of enactment of this Act, the Government Accountability Office shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this Act.

(B) CONTENTS.—The report under this paragraph shall include—

(i) an analysis of any changes in the number of cases filed with the United States Merit Systems Protection Board alleging violations of section 2302(b)(8) or (9) of title 5, United States Code, since the effective date of the Act;

(ii) the outcome of the cases described under clause (i), including whether or not the United States Merit Systems Protection Board, the Federal Circuit Court of Appeals, or any other court determined the allegations to be frivolous or malicious; and

(iii) any other matter as determined by the Government Accountability Office.

(2) MERIT SYSTEMS PROTECTION BOARD.—

(A) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(i) Information relating to the outcome of cases decided during the applicable year of the report in which violations of section 2302(b)(8) or (9) of title 5, United States Code, were alleged.

(ii) The number of such cases filed in the regional and field offices, the number of petitions for review filed in such cases, and the outcomes of such cases.

(B) FIRST REPORT.—The first report described under subparagraph (A) submitted after the date of enactment of this Act shall include an addendum required under that subparagraph that covers the period beginning on January 1, 2008 through the end of the fiscal year 2008.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDUCUARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate and continue an executive business meeting on Friday, November 16, 2007, at 9:45 a.m. in room S–216, of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Friday, November 16, 2007. The Committee will meet off the Senate Floor in the Reception Room to consider the nomination of Michael W. Hager to be an Assistant Secretary of Veterans Affairs for Human Resources and Management after the first floor vote that occurs on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that my research director, Ron Hindle, be given floor privileges for the remainder of the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

PROTOCOL AMENDING TAX CONVENTION WITH DENMARK

PROTOCOL AMENDING TAX CONVENTION WITH FINLAND

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 3 and 4 en bloc, the Protocol Amending Tax Convention with Denmark and the Protocol Amending Tax Convention with Finland; that the protocols be advanced through their various parliamentary stages up to and including the presentation of the resolutions of ratification, and that there now be a division vote on the resolutions en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

A division has been requested.

Senators in favor of the resolutions of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

Resolved, (two-thirds of the Senators present concurring therein),

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes, signed at Berlin on June 1, 2006 and an Exchange of Notes dated August 17, 2006 (EC–2046) (Treaty Doc. 109–20).

Resolved, (two-thirds of the Senators present concurring therein),

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the Government of the United States of America and the Government of the Republic of Finland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital, signed at Helsinki on May 31, 2006 (Treaty Doc. 109–18).

Mr. WEBB. Mr. President, I ask unanimous consent that the motions to reconsider be laid on the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 378 through 391, the nomination of Michael Hager to be an Assistant Secretary of Veterans Affairs, reported out earlier today by the Veterans' Affairs Committee, and all nominations on the Security's desk; that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Mark D. Gearan, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 1, 2010.

Julie Fisher Cummings, of Michigan, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring September 14, 2011.

Donna N. Williams, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2009.

Tom Osborne, of Nebraska, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2012.

Alan D. Solomont, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2009.

DEPARTMENT OF DEFENSE

Douglas A. Brook, of California, to be an Assistant Secretary of the Navy.

John J. Young, Jr., of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

DEPARTMENT OF ENERGY

Robert L. Smolen, of Pennsylvania, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Carroll H. Chandler, 9115

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Donald L. Rutherford, 5430

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

To be brigadier general

Colonel Joseph Caravalho, Jr., 7925
Colonel Rhonda L. S. Cornum, 2574
Colonel Keith W. Gallagher, 5366

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Thomas F. Metz, 5686

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Jeffrey A. Sorenson, 3510

THE JUDICIARY

Reed Charles O'Connor, of Texas, to be United States District Judge for the Northern District of Texas.

DEPARTMENT OF VETERANS AFFAIRS

Michael W. Hager, of Virginia, to be an Assistant Secretary of Veterans Affairs.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1017 AIR FORCE nomination of Michael V. Siebert, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1018 AIR FORCE nominations (3) beginning BRIAN D. ONEIL, and ending FRANK R. VIDAL, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2007.

IN THE ARMY

PN1019 ARMY nomination of Anthony Barber, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1020 ARMY nomination of Tim C. Lawson, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1021 ARMY nomination of Richard D. Fox II, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1022 ARMY nomination of John G. Goulet, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1023 ARMY nomination of David L. Patten, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1024 ARMY nominations (51) beginning MARK J. BENEDICT, and ending GUSTAV D. WATERHOUSE, of which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2007.

IN THE MARINE CORPS

PN1025 MARINE CORPS nomination of Melvin L. Chattman, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1026 MARINE CORPS nominations (7) beginning DANA R. BROWN, and lending MARK R. REID, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2007.

IN THE NAVY

PN1027 NAVY nominations (60) beginning JULIAN D. ARELLANO, and ending JARED W. WYRICK, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2007.

PUBLIC HEALTH SERVICE

PN983 PUBLIC HEALTH SERVICE nominations (118) beginning Harry J. Brown, and ending Elaine C. Wolff, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2007.

Mr. LEAHY. Mr. President, I am pleased that we can take a break from the tired, partisan sniping from the other side of the aisle. With the consideration of this nomination the Senate continues making progress confirming judicial nominations. The complaints we hear more and more loudly as we approach an election year ring hollow.

The Judiciary Committee has now reached a milestone by agreeing to report 40 nominations for lifetime appointments to the Federal bench this year. That exceeds the totals reported in each of the previous 2 years, when a Republican-led Judiciary Committee was considering this President's nominees.

Today we consider one of the nominations reported this week. Reed Charles O'Connor has been nominated to fill a vacancy in the Northern District of Texas. Reed is well known to many of us on the Judiciary Committee as he has been on detail for the last two years to serve as Senator Cornyn's counsel on the committee and before that with the Republican staff of the committee. Before that, Reed spent a year on detail with the general counsel's office of the Executive Office of United States Attorneys. With his confirmation, Reed will return home to Texas, where he previously served as an Assistant U.S. Attorney for the Northern District of Texas and before that as an Assistant District Attorney in Tarrant County District Attorney's Office in Fort Worth. Born in Houston, Reed graduated from the University of Houston in 1986 and the South Texas College of Law in 1989.

I thank Senator CORNYN and Senator HUTCHISON for their consideration of this nomination and Senator WHITEHOUSE for chairing his confirmation hearing.

When we confirm the nomination we consider today, the Senate will have confirmed 36 nominations for lifetime appointments to the Federal bench this session alone. That is more than the total number of judicial nominations that a Republican-led Senate confirmed in all of 1997, 1999, 2004, 2005 or 2006. It is 19 more confirmations than were achieved during the entire 1996 session, more than double that session's total of 17, when Republicans stalled consideration of President Clinton's nominations.

When this nomination is confirmed, the Senate will have confirmed 136 total Federal judicial nominees in my tenure as Judiciary chairman. During the Bush Presidency, more circuit judges, more district judges—more total judges—were confirmed in the first 24 months that I served as Judiciary chairman than during the 2-year tenures of either of the two Republican chairmen working with Republican Senate majorities.

The Administrative Office of the U.S. Courts will list 46 judicial vacancies and 14 circuit court vacancies after today's confirmation. Compare that to the numbers at the end of the 109th Congress, when the total vacancies under a Republican controlled Judiciary Committee were 51 judicial vacancies and 15 circuit court vacancies. That means that despite the additional vacancies that arose at the beginning of the 110th Congress and throughout the year, the current vacancy totals under my chairmanship of the Judiciary Committee are below where they were under a Republican led-Judiciary Committee. They are about half what they were at the end of President Clinton's term, when Republican pocket filibusters allowed judicial vacancies to rise to top 100 before being left at 80, 26 of them for circuit courts.

This week, while the White House was complaining about nominations, I was sending a letter to the President urging him to work with me, Senator SPECTER, and home State Senators to send us more well-qualified, consensus nominations. Now is the time for him to send us more nominations that could be considered and confirmed as his presidency approaches its last year, before the Thurmond Rule kicks in.

As I noted in that letter, I have been concerned that several recent nominations seem to be part of an effort to pick political fights rather than judges to fill vacancies. For example, President Bush nominated Duncan Getchell to one of Virginia's Fourth Circuit vacancies over the objections of Senator WEBB, a Democrat, and Senator WARNER, a Republican. They had submitted a list of five recommended nominations, and specifically warned the White House not to nominate Mr. Getchell.

When the President consults and sends well-qualified, consensus nominations, we can work together and continue to make progress as we are today.

I congratulate Reed and his family on his confirmation today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. WEBB. Mr. President, I ask unanimous consent that during the recess or adjournment of the Senate, the Senate committees may file committee-reported legislative and Executive Calendar business on Tuesday, November 27, 2007, during the hours of 10 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT AUTHORITY

Mr. WEBB. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent act of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATION ACT OF 2007

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 322, H.R. 50.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 50) to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994.

There being no objection, the Senate proceeded to consider the bill.

Mr. WEBB. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 50) was ordered to a third reading, was read the third time, and passed.

ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 2007

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 323, H.R. 465.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 465) to reauthorize the Asian Elephant Conservation Act of 1997.

There being no objection, the Senate proceeded to consider the bill.

Mr. WEBB. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 465) was ordered to a third reading, was read the third time, and passed.

THE CALENDAR

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the consideration of the following Calendar items: Nos. 491, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, and 506.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. WEBB. Mr. President, I ask unanimous consent that the bills be read the third time, passed, and that the motions to reconsider be laid upon the table en bloc; that consideration of these items be printed separately in the RECORD, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

LARRY S. PIERCE POST OFFICE

The bill (S. 2110) to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LARRY S. PIERCE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 427 North Street in Taft, California, shall be known and designated as the "Larry S. Pierce Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Larry S. Pierce Post Office".

PAUL E. GILLMOR POST OFFICE BUILDING

The bill (S. 2174) to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the "Paul E. Gillmor Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAUL E. GILLMOR POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, shall be known and designated as the "Paul E. Gillmor Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Paul E. Gillmor Post Office Building".

BEATRICE E. WATSON POST OFFICE BUILDING

The bill (S. 2290) to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the "Beatrice E. Watson Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BEATRICE E. WATSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, shall be known and designated as the "Beatrice E. Watson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Beatrice E. Watson Post Office Building".

LOUISIANA ARMED SERVICES VETERANS POST OFFICE

The bill (H.R. 2089) to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Services Veterans Post Office," was considered, ordered to a third reading, read the third time, and passed.

CORPORAL CHRISTOPHER E. ESCKELSON POST OFFICE BUILDING

The bill (H.R. 2276) to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

NATE DETAMPLE POST OFFICE BUILDING

The bill (H.R. 3297) to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the "Nate DeTample Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

DENNIS P. COLLINS POST OFFICE BUILDING

The bill (H.R. 3307) to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the "Dennis P. Collins Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

CHARLES H. HENDRIX POST OFFICE BUILDING

The bill (H.R. 3518) to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the "Charles H. Hendrix Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

CHIEF WARRANT OFFICER AARON WEAVER POST OFFICE BUILDING

The bill (H.R. 3530) to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the "Chief Warrant Officer Aaron Weaver Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

LANCE CORPORAL DAVID K. FRIBLEY POST OFFICE

The bill (H.R. 3308) to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the "Lance Corporal David K. Fribley Post Office," was considered, ordered to a third reading, read the third time, and passed.

CORPORAL STEPHEN R. BIXLER POST OFFICE

The bill (H.R. 3325) to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office," was considered, ordered to a third reading, read the third time, and passed.

PHILIP A. BADDOUR, SR. POST OFFICE

The bill (H.R. 3382) to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the "Philip A. Baddour, Sr. Post Office," was considered, ordered to a third reading, read the third time, and passed.

MICHAEL W. SCHRAGG POST OFFICE BUILDING

The bill (H.R. 3446) to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the "Michael W. Schragg Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

WALLACE S. HARTSFIELD POST OFFICE BUILDING

The bill (H.R. 3572) to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the "Wallace S. Hartsfield Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

THE JOHN "MARTY" THIELS SOUTHPARK STATION

The bill (S. 2272) to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John "Marty" Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN "MARTY" THIELS SOUTHPARK STATION.

(a) DESIGNATION.—The facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, shall be known and designated as the "John 'Marty' Thiels Southpark Station".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John 'Marty' Thiels Southpark Station".

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the following calendar items: Calendar Nos. 509 and 510.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I ask unanimous consent that the resolutions be agreed to; that the preambles be agreed to; that the motions to reconsider be laid upon the table, en bloc; that the consideration of these items appear separately in the Record; and that any statements relating to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL METHAMPHETAMINE AWARENESS MONTH

The resolution (S. Res. 366) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 366

Designating November 2007 as "National Methamphetamine Awareness Month", to increase awareness of methamphetamine abuse.

Whereas methamphetamine, an easily manufactured drug of the amphetamine group, is a powerful and addictive central nervous system stimulant with long-lasting effects;

Whereas the National Association of Counties found that methamphetamine is the number 1 illegal drug problem for 47 percent of the counties in the United States, a higher percentage than that of any other drug;

Whereas 4 out of 5 county sheriffs report that, while local methamphetamine production is down, methamphetamine abuse is not (½ of the Nation's sheriffs report abuse of the drug has stayed the same and nearly ⅓ say that it has increased);

Whereas the highest rates of methamphetamine use among all ethnic groups occur within Native American communities;

Whereas the consequence of methamphetamine use by many young adults in the Native American community has been death, including methamphetamine-related suicides;

Whereas crime related to methamphetamine abuse continues to increase, with 55 percent of sheriffs reporting increases in robberies and burglaries during the last year;

Whereas most illegal methamphetamine available in the United States is produced in large clandestine laboratories in Mexico and smuggled into this country;

Whereas methamphetamine labs are costly to clean up in that every pound of methamphetamine produced can yield up to 5 pounds of toxic waste, representing a public danger to adults and children;

Whereas the profile of methamphetamine users is changing, as ⅗ of the Nation's sheriffs report increased methamphetamine use by women and ½ of the Nation's sheriffs report increased use by teens;

Whereas, in surveys on the abuse of methamphetamine among teens, many of the respondents said that the drug was easy to get and believed there is little risk in trying it;

Whereas other National Association of Counties surveys have shown that methamphetamine also places significant burdens on local social service and health care resources, increasing out-of-home placements for children, sending more people to public hospital emergency rooms than any other drug, and producing an ever-growing need for methamphetamine treatment programs; and

Whereas the establishment of a National Methamphetamine Awareness month would increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the Federal, State, and local levels: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2007 as "National Methamphetamine Awareness Month" to increase awareness of methamphetamine abuse; and

(2) encourages the people of the United States and interested groups to observe National Methamphetamine Awareness Month with appropriate educational programs and outreach activities.

COMMEMORATING SOVIET JEWISH FREEDOM

The resolution (S. Res. 367) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 367

Whereas Jews living in the former Soviet Union were an oppressed cultural minority who faced systematic, state-sponsored discrimination and difficulties in exercising their religion and culture, including the study of the Hebrew language;

Whereas, in 1964, the American Jewish Conference on Soviet Jewry (AJCSJ) was founded to spearhead a national campaign on behalf of Soviet Jewry;

Whereas, in 1964, the Student Struggle for Soviet Jewry was founded to demand freedom for Soviet Jewry;

Whereas, in 1964, thousands of college students rallied on behalf of Soviet Jewry in front of the United Nations;

Whereas Israel's victory in the 1967 Six-Day War inspired Soviet Jews to intensify their efforts to win the right to emigrate;

Whereas, in 1967, the Soviet Union began an anti-Zionist propaganda campaign in the state-controlled mass media and a crackdown on Jewish autonomy, galvanizing a mass advocacy movement in the United States;

Whereas the Union of Councils for Soviet Jewry was founded in 1970 as a coalition of local grassroots "action" councils supporting freedom for the Jews of the Soviet Union;

Whereas, in 1971, the severe sentences, including death, meted out to 9 Jews from Leningrad who attempted to hijack a plane to flee the Soviet Union spurred worldwide protests;

Whereas, in 1971, the National Conference on Soviet Jewry (NCSJ) succeeded the AJCSJ;

Whereas, in 1971, mass emigration of Jews from the Soviet Union began;

Whereas, in 1974, Senator Henry "Scoop" Jackson and Congressman Charles Vanik successfully attached an amendment to the Trade Act of 1974 linking trade benefits, now known as Normal Trade Relations, to the emigration and human rights practices of Communist countries, including the Soviet Union;

Whereas, in 1975, President Gerald R. Ford signed into law the Jackson-Vanik amendment to the Trade Act of 1974, after both houses of Congress unanimously backed it;

Whereas, in 1978, the Congressional Wives for Soviet Jewry was founded;

Whereas, in 1982, President Ronald Reagan signed into law House Joint Resolution 373 (subsequently Public Law 97–157), expressing the sense of the Congress that the Soviet Union should cease its repressive actions against those who seek the freedom to emigrate or to practice their religious or cultural traditions, drawing special attention to the hardships and discrimination imposed upon the Jewish community in the Soviet Union;

Whereas, in 1983, the bipartisan Congressional Human Rights Caucus was founded to advance the cause of human rights;

Whereas, in 1984, the Congressional Coalition for Soviet Jews was founded;

Whereas, on December 6, 1987, an estimated 250,000 people demonstrated on the National Mall in Washington, DC, in support of freedom for Soviet Jews, in advance of a summit between Mikhail Gorbachev and President Reagan;

Whereas, in 1989, the former Soviet Union opened its doors to allow the millions of Soviet Jews who had been held as virtual prisoners within their own country to leave the country;

Whereas, in 1991, the Supreme Soviet passed a law that codified the right of every citizen of the Soviet Union to emigrate, precipitating massive emigration by Jews, primarily to Israel and the United States;

Whereas, since 1975, more than 500,000 refugees from areas of the former Soviet Union—many of them Jews, evangelical Christians, and Catholics—have resettled in the United States;

Whereas the Soviet Jewish community in the United States today numbers between 750,000 and 1,000,000, though some estimates are twice as high;

Whereas Jewish immigrants from the former Soviet Union have greatly enriched the United States in areas as diverse as business, professional sports, the arts, politics, and philanthropy;

Whereas, in 1992, Congress passed the Freedom Support Act, making aid for the 15 independent states of the former Soviet Union contingent on progress toward democratic self-government and respect for human rights;

Whereas, since 2000, more than 400 independent Jewish cultural organizations and 30 Jewish day schools have been established in the independent states of the former Soviet Union; and

Whereas the National Conference on Soviet Jewry and its partner organizations continue to work to promote the safety and human rights of Jews in the independent states of the former Soviet Union: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significant contributions of American citizens of Jewish descent who emigrated from the Soviet Union;

(2) commemorates the 40th anniversary of the mass movement for freedom by and on behalf of Soviet Jewry;

(3) commemorates the 20th anniversary of the December 6, 1987, Freedom Sunday rally, a major landmark of Jewish activism in the United States; and

(4) condemns incidents of anti-Semitism, xenophobia, and religious persecution wherever they may occur in the independent states of the former Soviet Union and encourages the development and deepening of democracy, religious freedom, rule of law, and human rights in those states.

HONORING SAN FRANCISCO OIL SPILL VOLUNTEERS

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 385, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 385) honoring those who have volunteered to assist in the cleanup of the November 7, 2007, oil spill in San Francisco Bay.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WEBB. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motions to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 385) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 385

Whereas the oil spill that occurred on November 7, 2007, in the San Francisco Bay resulted in the discharge of between 53,570 and 58,000 gallons of toxic bunker fuel, causing one of the Bay Area's worse environmental disasters;

Whereas 28 beaches were closed and over 1,300 birds so far have been severely impacted by the spill;

Whereas thousands of individuals throughout the San Francisco Bay Area immediately volunteered to assist with the cleanup;

Whereas Bay Area community non-profit organizations, such as San Francisco Connect, have also rallied to support the response and recovery work by supporting these volunteer efforts;

Whereas Bay Area environmental organizations, such as Baykeeper, Save the Bay, and Bay Institute, have provided invaluable leadership in reporting, assessing, and helping to remediate the damage to the Bay's ecosystem;

Whereas the Pacific Coast Federation of Fishermen's Associations, members of the San Francisco Crab Boat Owners Association, commercial crabbers, and other Bay Area fishermen have all joined the cleanup efforts as well; and

Whereas the city of San Francisco, particularly through its Department of Emergency Management, has significantly contributed to the overall response, bringing considerable resources to bear: Now, therefore, be it

Resolved, That the Senate honors those individuals and organizations who have volunteered to assist in the cleanup of the November 7, 2007, oil spill in one of our Nation's most beloved national treasures, the San Francisco Bay.

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 386, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 386) to authorize testimony and legal representation in State of Nebraska v. Pamir J. Safi.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony in a criminal action in Nebraska District Court for Lancaster County in Lincoln, in which the victim was, at the time of the alleged crime, an intern in Senator HAGEL's office. Two other former staff members from Senator HAGEL's office are being subpoenaed to provide testimony in depositions regarding their knowledge of the events at issue and their interactions with the victim. Senator HAGEL wishes to cooperate with this judicial process by providing the requested testimony from these two former members of his staff. This resolution would authorize those staff members to testify in this action, with representation by the Senate legal counsel.

Mr. WEBB. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motions to reconsider be laid upon the table, en bloc; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 386) as agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 386

Whereas, in the case of State of Nebraska v. Pamir J. Safi, No. CR05-87, pending in Nebraska District Court for Lancaster County in Lincoln, Nebraska, testimony has been requested from Dorothy Anderson and Blayne Garth Glissman, Jr., former employees in the office of Senator Chuck Hagel;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §288b(a) and §288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved That Dorothy Anderson and Blayne Garth Glissman, Jr. are authorized to testify in the case of State of Nebraska v. Pamir J. Safi, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Dorothy Anderson and Blayne Garth Glissman, Jr. in connection with the testimony authorized in section one of this resolution.

REGARDING DEGRADATION OF THE JORDAN RIVER AND THE DEAD SEA

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 387, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 387) expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan, and the Palestinian Authority.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WEBB. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The resolution (S. Res. 387) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 387

Expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan, and the Palestinian Authority.

Whereas the Dead Sea and the Jordan River are bodies of water of exceptional historic, religious, cultural, economic, and environmental importance for the Middle East and the world;

Whereas the world's 3 great monotheistic faiths—Christianity, Islam, and Judaism—consider the Jordan River a holy place;

Whereas local governments have diverted more than 90 percent of the Jordan's traditional 1,300,000,000 cubic meters of annual water flow in order to satisfy a growing demand for water in the arid region;

Whereas the Jordan River is the primary tributary of the Dead Sea and the dramatically reduced flow of the Jordan River has been the primary cause of a 20 meter fall in the Dead Sea's water level and a ⅓ decline in the Dead Sea's surface area in less than 50 years;

Whereas the Dead Sea's water level continues to fall about a meter a year;

Whereas the decline in water level of the Dead Sea has resulted in significant environmental damage, including loss of freshwater springs, river bed erosion, and over 1,000 sinkholes;

Whereas mismanagement has resulted in the dumping of sewage, fish pond runoff, and salt water into the Jordan River and has led to the pollution of the Jordan River with agricultural and industrial effluents;

Whereas the World Monuments Fund has listed the Jordan River as one of the world's 100 most endangered sites;

Whereas widespread consensus exists regarding the need to address the degradation of the Jordan River and the Dead Sea;

Whereas the Governments of Jordan and Israel, as well as the Palestinian Authority (the "Beneficiary Parties"), working together in an unusual and welcome spirit of cooperation, have attempted to address the Dead Sea water level crisis by articulating a shared vision of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas Binyamin Ben Eliezar, the Minister of National Infrastructure of Israel, has said, "The Study is an excellent example for cooperation, peace, and conflict reduction. Hopefully it will become the first of many such cooperative endeavors";

Whereas Mohammed Mustafa, the Economic Advisor for the Palestinian Authority, has said, "This cooperation will bring wellbeing for the peoples of the region, particularly Palestine, Jordan, and Israel . . . We pray that this type of cooperation will be a positive experience to deepen the notion of dialogue to reach solutions on all other tracks";

Whereas Zafer al-Alem, the former Water Minister of Jordan, has said, "This project is a unique chance to deepen the meaning of peace in the region and work for the benefit of our peoples";

Whereas the Red Sea-Dead Sea Water Conveyance Concept envisions a 110-mile pipeline from the Red Sea to the Dead Sea that would descend approximately 1,300 feet creating an opportunity for hydroelectric power generation and desalination, as well as the restoration of the Dead Sea;

Whereas some have raised legitimate questions regarding the feasibility and environmental impact of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas the Beneficiary Parties have asked the World Bank to oversee a feasibility study and an environmental and social assessment whose purpose is to conclusively answer these questions;

Whereas the Red Sea-Dead Sea Water Conveyance Concept would not address the degradation of the Jordan River;

Whereas the Beneficiary Parties could address the degradation of the Jordan River by designing a comprehensive strategy that includes tangible steps related to water conservation, desalination, and the management of sewage and agricultural and industrial effluents; and

Whereas Israel and the Palestinian Authority are expected to hold high-level meetings in the Washington area in the winter of 2007 to seek an enduring solution to the Arab-Israeli crisis: Now, therefore, be it

Resolved, That the Senate—

(1) calls the world's attention to the serious and potentially irreversible degradation of the Jordan River and the Dead Sea;

(2) applauds the cooperative manner with which the Governments of Israel and Jordan, as well as the Palestinian Authority (the "Beneficiary Parties"), have worked to address the declining water level and quality of the Dead Sea and other water-related challenges in the region;

(3) supports the Beneficiary Parties' efforts to assess the environmental, social, health, and economic impacts, costs, and feasibility of the Red Sea-Dead Sea Water Conveyance Concept in comparison to alternative proposals, such as those that focus on the restoration of the Jordan River;

(4) encourages the Governments of Israel and Jordan, as well as the Palestinian Authority, to continue to work in a spirit of cooperation as they address the region's serious water challenges;

(5) urges Israel, Jordan, and the Palestinian Authority to develop a comprehensive strategy to rectify the degradation of the Jordan River; and

(6) hopes the spirit of cooperation manifested by the Beneficiary Parties in their search for a solution to the Dead Sea water crisis might serve as a model for addressing the degradation of the Jordan River, as well as a model of peace and cooperation for the upcoming meetings in the Washington area between Israel and the Palestinian Authority as they seek to resolve long-standing disagreements and to develop a durable solution to the Arab-Israeli crisis.

COMMEMORATING CENTENNIAL ANNIVERSARY OF NAVY'S "GREAT WHITE FLEET"

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 55, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 55) commemorating the centennial anniversary of the sailing of the Navy's "Great White Fleet," launched by President Theodore Roosevelt on December 16, 1907, from Hampton Roads, Virginia, and returning there on February 22, 1909.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WARNER. Mr. President, I join with my colleague in the Senate from Virginia, Senator JIM WEBB. I am also pleased to note that Representative THELMA DRAKE from Virginia is the champion and author of this resolution in the House of Representatives.

Our resolution is introduced for the purpose of commemorating the centennial anniversary of the sailing of the Navy's "Great White Fleet," launched by President Theodore Roosevelt on December 16, 1907, from Hampton Roads, Virginia, and returning there on February 22, 1909.

This major historical event will be commemorated in a Navy ceremony onboard the aircraft carrier U.S.S. *Theodore Roosevelt*, at Naval Station Norfolk, Virginia on December 15, 2007.

The launching of the Great White Fleet marked the emergence of the United States as a true global seapower, able to dispatch 16 new battleships on a worldwide deployment for 14 months. The battleships, which were painted entirely white, were manned by 14,000 sailors and conducted visits across the world to reinforce friendships and partnerships with other nations. At the same time, the Great White Fleet demonstrated the naval presence of the United States.

This resolution commemorates the wisdom of President Theodore Roosevelt in developing and launching the Great White Fleet, and the resolution indicates that the Congress supports a one-time designation of a day to celebrate the 100th centennial of the Fleet and the special role it played in building enduring friendships with important allies and partner nations.

The resolution also commends efforts by the Department of the Navy to maintain and strengthen our cooperative partnerships with foreign nations and safeguard our Nation's interests in the maritime domain; commends efforts by the Department of the Navy in leading the development of a Cooperative Strategy for 21st Century Seapower; and honors the sacrifices made and services rendered by the servicemembers of the Navy, Marine Corps, and the Coast Guard and the civilians who constitute our maritime services.

I urge my colleagues to support this resolution.

Mr. WEBB. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The concurrent resolution (S. Con. Res. 55) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 55

Whereas the launching of the Great White Fleet marked the emergence of the United

States as a true global seapower, able to dispatch 16 new battleships on a worldwide deployment for 14 months;

Whereas these battleships were painted entirely white, with gilded scrollwork on their bows, and subsequently came to be known as the "Great White Fleet";

Whereas the 4 squadrons of 4 battleships each, manned by 14,000 sailors, sailed 43,000 miles and made 20 port calls on 6 continents;

Whereas the Fleet, in conducting visits to important nations such as Australia, served to reinforce a friendship and partnership that continues to this day;

Whereas the Fleet, in providing a tangible demonstration of the forward naval presence of the United States in the Pacific, also reinforced the message of how important maritime stability and security are to the United States;

Whereas the Fleet, in response to one of the worst natural disasters in European history, was able to immediately divert to Messina, Sicily, to offer humanitarian aid to the Italian people; and

Whereas the Fleet, in executing a range of missions and returning to the United States after 14 months at sea, displayed to the world a number of core American values, including compassion, showed its flexibility by responding to unforeseen events, and demonstrated the ability of the United States to project maritime power as a stabilizing force: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commemorates the wisdom of President Theodore Roosevelt in developing and launching the Great White Fleet;

(2) supports a one-time designation of a day to celebrate the 100th centennial of the Great White Fleet and the special role the Fleet played in building enduring friendships with important allies and partner nations;

(3) commends efforts by the Department of the Navy to maintain and strengthen our cooperative partnerships with foreign nations and to safeguard our Nation's interests in the maritime domain;

(4) commends efforts by the Department of the Navy in leading the development of a Cooperative Strategy for 21st Century Seapower; and

(5) honors the sacrifices made and services rendered by the servicemembers of the Navy, Marine Corps, and the Coast Guard and the civilians who constitute our maritime services.

ENCOURAGING PEACEFUL TRANSITION TO DEMOCRACY IN BURMA

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 56, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 56) encouraging the Association of Southeast Asian Nations to take action to ensure a peaceful transition to democracy in Burma.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WEBB. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 56) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 56

Whereas hundreds of thousands of citizens of Burma have risked their lives in demonstrations to demand a return to democracy and respect for human rights in their country;

Whereas the repressive military Government of Burma has conducted a brutal crackdown against demonstrators, which has resulted in mass numbers of killings, arrests, and detentions;

Whereas Burma has been a member of the Association of Southeast Asian Nations (ASEAN) since 1997;

Whereas foreign ministers of other ASEAN member nations, in reference to Burma, have "demanded that the government immediately desist from the use of violence against demonstrators", expressed "revulsion" over reports that demonstrators were being suppressed by violent and deadly force, and called for "the release of all political detainees including Daw Aung San Suu Kyi";

Whereas the foreign ministers of ASEAN member nations have expressed concern that developments in Burma "had a serious impact on the reputation and credibility of ASEAN";

Whereas Ibrahim Gambari, the United Nations (UN) Special Envoy to Burma, has called on the member nations of ASEAN to take additional steps on the Burma issue, saying, "Not just Thailand but all the countries that I am visiting, India, China, Indonesia, Malaysia and the UN, we could do more";

Whereas the ASEAN Security Community Plan of Action adopted October 7, 2003, at the ASEAN Summit in Bali states that ASEAN members "shall promote political development . . . to achieve peace, stability, democracy, and prosperity in the region", and specifically says that "ASEAN Member Countries shall not condone unconstitutional and undemocratic changes of government";

Whereas the Government of Singapore, as the current Chair of ASEAN, will host ASEAN's regional summit in November 2007 to approve ASEAN's new charter;

Whereas the current Foreign Minister of Singapore, George Yeo, has publicly expressed, "For some time now, we had stopped trying to defend Myanmar internationally because it became no longer credible";

Whereas, according to the chairman of the High Level Task Force charged with drafting the new ASEAN Charter, the Charter "will make ASEAN a more rules-based organization and . . . will put in place a system of compliance monitoring and, most importantly, a system of compulsory dispute settlement for noncompliance that will apply to all ASEAN agreements";

Whereas upon its accession to ASEAN, Burma agreed to subscribe or accede to all ASEAN declarations, treaties, and agreements;

Whereas 2007 marks the 30th anniversary of the relationship and dialogue between the United States and ASEAN;

Whereas the Senate passed legislation in the 109th Congress that would authorize the establishment of the position of United States Ambassador for ASEAN Affairs, and the President announced in 2007 that an Ambassador would be appointed; and

Whereas ASEAN member nations and the United States share common concerns across a broad range of issues, including accelerated economic growth, social progress, cultural development, and peace and stability in the Southeast Asia region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) joins the foreign ministers of member nations of the Association of Southeast Asian Nations (ASEAN) that have expressed concern over the human rights situation in Burma;

(2) encourages ASEAN to take more substantial steps to ensure a peaceful transition to democracy in Burma;

(3) welcomes steps by ASEAN to strengthen its internal governance through the adoption of a formal ASEAN charter;

(4) urges ASEAN to ensure that all member nations live up to their membership obligations and adhere to ASEAN's core principles, including respect for and commitment to human rights; and

(5) would welcome a decision by ASEAN, consistent with its core documents and its new charter, to review Burma's membership in ASEAN and to consider appropriate disciplinary measures, including suspension, until such time as the Government of Burma has demonstrated an improved respect for and commitment to human rights.

MEASURES READ THE FIRST TIME—H.R. 3703, H.R. 3997

Mr. WEBB. Mr. President, I understand that there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The assistant legislative clerk read as follows:

A bill, (H.R. 3703), to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

A bill (H.R. 3997) to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes.

Mr. WEBB. Mr. President, I now ask for a second reading en bloc, and I object to my requests en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR RECESS OR ADJOURNMENT

Mr. WEBB. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Tuesday, November 20; that on Tuesday the Senate conduct a pro forma session only, with no business conducted; that at the close of the pro forma session the Senate convene pro forma on the following days and times with no business conducted: Friday, November 23, at 10 a.m.; Tuesday, November 27, at 9 a.m.; Thursday, November 29, at 9:30 a.m.; that when the Senate adjourns on Thursday, November 29, it stand adjourned until 2 p.m. Monday, December 3; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TUESDAY, NOVEMBER 20, 2007

Mr. WEBB. Mr. President, if there is no further business today, I now ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 1:54 p.m., recessed until Tuesday, November 20, 2007, at 9 a.m.

NOMINATIONS

Executive nomination received by the Senate:

UNITED STATES TRADE AND DEVELOPMENT AGENCY

LARRY WOODROW WALTHER, OF ARKANSAS, TO BE DIRECTOR OF THE TRADE AND DEVELOPMENT AGENCY, VICE THELMA J. ASKEY, RESIGNED.

CONFIRMATIONS

Executive nominations Confirmed by the Senate Friday, November 16, 2007:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARK D. GEARAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 1, 2010.

JULIE FISHER CUMMINGS, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2011.

DONNA N. WILLIAMS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2009.

TOM OSBORNE, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2012.

ALAN D. SOLOMONT, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2009.

DEPARTMENT OF DEFENSE

DOUGLAS A. BROOK, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

JOHN J. YOUNG, JR., OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

DEPARTMENT OF ENERGY

ROBERT L. SMOLEN, OF PENNSYLVANIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

DEPARTMENT OF VETERANS AFFAIRS

MICHAEL W. HAGER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES AND MANAGEMENT).

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CARROL H. CHANDLER, 9115

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DONALD L. RUTHERFORD, 5430

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COLONEL JOSEPH CARAVALHO, JR., 7925
COLONEL RHONDA L. S. CORNUM, 2574
COLONEL KEITH W. GALLAGHER, 5366

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS F. METZ, 5686

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JEFFREY A. SORENSON, 3510

THE JUDICIARY

REED CHARLES O'CONNOR, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS.

IN THE AIR FORCE

AIR FORCE NOMINATION OF MICHAEL V. SIEBERT, 6633, TO BE CAPTAIN.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN D. ONEIL AND ENDING WITH FRANK R. VIDAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2007.

IN THE ARMY

ARMY NOMINATION OF ANTHONY BARBER, 5447, TO BE COLONEL.

ARMY NOMINATION OF TIM C. LAWSON, 5165, TO BE COLONEL.

ARMY NOMINATION OF RICHARD D. FOX II, 3613, TO BE COLONEL.

ARMY NOMINATION OF JOHN G. GOULET, 3964, TO BE COLONEL.

ARMY NOMINATION OF DAVID L. PATTEN, 9398, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MARK J. BENEDICT AND ENDING WITH GUSTAV D. WATERHOUSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2007.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF MELVIN L. CHATTMAN, 5718, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH DANA R. BROWN AND ENDING WITH MARK R. REID, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2007.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH JULIAN D. ARELLANO AND ENDING WITH JARED W. WYRICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2007.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH HARRY J. BROWN AND ENDING WITH ELAINE C. WOLFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2007.

EXTENSIONS OF REMARKS

TRIBUTE TO THE 140TH ANNIVERSARY OF BETHEL AFRICAN METHODIST EPISCOPAL CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. KILDEE. Madam Speaker, I rise today to recognize Bethel African Methodist Episcopal Church as it commemorates its 140th anniversary. The church will hold a celebration on Sunday, December 2 in Saginaw, Michigan.

In 1867 Mr. and Mrs. Allen Ford, Mr. and Mrs. William Countee, Mrs. Martha Campbell, Mr. and Mrs. William Peterson, Mrs. Ellen Foote, Mrs. Ganns, Mr. and Mrs. Henry VanDyke, Mrs. Martha Brown, Mrs. Debora Johnson, and Mr. William Augustus organized the Bethel African Methodist Episcopal Church. The first church services were held at the Ford home but as the congregation grew, the members looked to find a larger place to hold worship services. Over the next 10 years the congregation moved from place to place until in 1877 a building was purchased and renovated to give the church a permanent home. During the following years the congregation continued to grow, and the church relocated several times until it broke ground in October 1966 on the current sanctuary. After the church was dedicated in 1967, the congregation built a lounge, kitchen, fellowship hall, and classrooms. In 1978 construction on a conference room, mall, credit union, day care, communion room, mini chapel, and offices for the pastor and secretary was completed. The strength and influence of Bethel AME continued to grow, and a second center was opened at Crossings Apartment Complex in 1997.

Reverend P. David Saunders was assigned as pastor in June 1997. The church has active senior citizens and retirees programs, a missionary department and a youth department. The Bible study program attracts persons from throughout Saginaw County. Under Reverend Saunders's leadership the church is moving forward and looking to provide housing for the elderly and handicapped.

Madam Speaker, I ask the House of Representatives to join me in congratulating Bethel AME Church for 140 years of worship, prayer and service to the Saginaw community. The church's motto is "Love Conquers All" and the clergy, staff and congregation strive daily to live these words. May they continue to spread the good news of Jesus Christ for many, many more years.

RECOGNIZING NORWALK, IOWA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize the excellence of the education system in Norwalk, Iowa and to specifically congratulate two outstanding teachers from the area who recently received awards in recognition of their important contributions.

Andy Mogie, the Norwalk High School family and consumer sciences teacher, was named Iowa Teacher of the Year by the Iowa Department of Education. He is one of the few male teachers in Iowa who teach family and consumer sciences, and has been doing so for 8 years. Norwalk High School Principal Dale Barnhill nominated Andy for his success in building the family and consumer science program into one of the highest enrolled curriculums in the school. Andy has incorporated the program of study in his classroom into his students' daily lives and motivates them by raising their expectations to the same professional expectations he has set for himself.

Jodie Irlmeier, the Norwalk seventh- and eighth-grade computer teacher, was awarded the Iowa Technology Educator of the Year award by the Iowa Technology and Education Connection. Jodie is currently in her eighth year teaching in Warren County. She is known as an exceptionally conscientious and caring teacher, as evidenced by her crediting her coworkers for her achievement. Jodie's team oriented mentality has produced optimum results for herself, her co-workers and most importantly, her students. Jodie's colleague, Sandi Lathrum recommended her for the award after seeing her develop a solid curriculum that has engaged her middle school students.

I consider it a great honor to represent Andy Mogie, Jodie Irlmeier and all of the teachers and staff of the Norwalk Community School System in the United States Congress. I wish Andy and Jodie the best and look forward to hearing more great stories about the positive impact they have as role models and educators for the children they serve.

TRIBUTE TO LESLIE A. LEWIS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. CLYBURN. Madam Speaker, I rise today to recognize and pay tribute to Leslie A. Lewis. Mr. Lewis is being honored at a testimonial banquet on Saturday, November 17, 2007, for the many contributions that he has made to the Masonic Family, the Commonwealth of Massachusetts, and the city of Boston.

Mr. Lewis served our great Nation with honor and distinction as a member of the United States Air Force for 4 years before being honorably discharged in 1968. Since 1972, this great public servant has worked as a law enforcement official with the Trial Courts of the Commonwealth of Massachusetts.

In conjunction with his numerous civic duties, Mr. Lewis has played an active and vital role with the Prince Hall Free and Accepted Masons. In 1991, he was elevated to the last degree in Masonry and is the president of the Levi H. Morris Class. On December 11, 2005, Mr. Lewis was elected as the Most Worshipful Grand Master of the Jurisdiction of Massachusetts.

Integrity, honor, and trustworthiness are but a few of the many illustrious words that have been used to describe the outstanding character of Leslie A. Lewis.

Today, I ask my colleagues to join me in honoring Mr. Lewis for his selfless community service and gracious contributions to the Commonwealth of Massachusetts.

COMMENDING THE CITY OF PORT ST. LUCIE ON BECOMING THE RECIPIENT OF THE 2007 BEST PLACE TO WORK AWARD

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. MAHONEY of Florida. Madam Speaker, I rise today to commend the City of Port St. Lucie on becoming the recipient of the 2007 Best Place to Work Award. For five consecutive years, the City has earned the award from the St. Lucie County Human Resources Association, which has said that, the City of Port St. Lucie provides a top-notch work environment for city employees.

The award is given to local employers whose personnel practices are considered to be the best in the County. Employers are evaluated based on the number of employees, and with more than 1,100 workers, Port St. Lucie is considered a leader in establishing a professional working environment. Furthermore, the Best Place to Work Award Program is considered a model on how to get a community interested in workplace issues and practices.

By earning this award, the City of Port St. Lucie demonstrates its commitment to the community it serves. By bringing together exceptional personnel who are dedicated to serving the residents of the City, Port St. Lucie, is ensuring that its citizens are provided with quality services and proves that Port St. Lucie truly is a "treasure" nestled on Florida's coast.

I am honored to be able to recognize this exceptional city. I commend the City government of Port St. Lucie for their dedication to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

people of the City, and I wish the City success as it continues to work to serve its citizens.

STATIA AMERICA DAY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. BURTON of Indiana. Madam Speaker, I rise tonight to recognize an often overlooked chapter in American history. The tiny island of Sint (St.) Eustatius, known locally as "Statia", is a quiet and peaceful island with pristine coral reefs located in the Dutch Antilles, which is part of the Leeward Islands of the Caribbean. As the story goes, on November 16, 1776, the American Brigantine "Andrew Doria", under the command of Captain Isaiah Robinson sailed into the harbor of Statia—at the time a Dutch Colony—on a mission to obtain a cargo of munitions and military supplies. Nearing Fort Oranje, the Andrew Doria fired off a 13-gun salute. The cannons of Fort Oranje under the command of Governor Johannes de Graaff answered with an 11-gun volley. This volley is regarded as the first salute to an American flag on board an American warship in a foreign port. Or more simply put, the first recognition of America's newly declared independence from Great Britain by a foreign power.

It is unfortunate that down through the years the importance of St. Eustatius to the American Revolution has faded into relative obscurity. The truth, however, is that a good part of the weapons, ammunition and ordinary supplies needed by the Continental Army was imported via St. Eustatius. In addition, because of its geographic location and vibrant shipping industry, St. Eustatius provided the fastest and, more importantly, the safest connection between the Continental Congress and America's political supporters overseas. It has been said that Benjamin Franklin in particular was known for shipping his mail to Europe through St. Eustatius. And John Adams held the commercial connection between the fledgling United States and St. Eustatius is such high regard that it formed the foundation for his argument that the United States should enter into diplomatic relations with the Netherlands.

Regrettably, it was the impending American-Dutch commercial treaty that finally compelled the British to act against St. Eustatius. In February 1781, British Admiral George Rodney attacked and captured the island, sacking the storehouse and homes in the process. For a time after the island surrender the British continued to fly the Dutch flag; a ruse which successfully lured many American and other enemy ships into captivity. Despite their island being reduced to ruins the people of St. Eustatius never lost their love and affection for the people of America. And today, November 16th is a national holiday on the Island of Sint Eustatius known as Statia America Day. As St. Eustatius prepares to celebrate the 231st anniversary of the salute to the Andrew Doria, I ask all of my colleagues to join me in recognizing and saluting the people of St. Eustatius and the important role their tiny island played in the fight to win our independence.

REGARDING DEAN AGUILLEN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. ORTIZ. Madam Speaker, I rise to bid farewell to a member of the Hispanic family in the House of Representatives; Dean Aguillen of the Speaker's office is leaving the Hill this week, and he will be greatly missed by me and many other members of the House.

We labor together, we fight together, and we plot together . . . as a party, as a Caucus . . . and we get close to the staff with whom we work.

Dean Aguillen is a San Antonio native and he has seen the House run by Republicans . . . and leaves us with the knowledge that a Democratic Majority is a better deal for the nation.

Dean has been a magnificent ambassador for Speaker PELOSI for the Texans and for the Hispanic Caucus. He is always available for us, always works to ensure our needs are met, and answers our questions fully and in a timely way.

Dean told me today that he was inspired to get into politics by his local member of Congress when he was a little kid. Henry B. Gonzalez, an icon of Texas politics, had a Saturday morning talk show that Dean never missed.

That molded his thinking and motivated him to find his way to Washington. He leaves this place as a much-loved staff member; and he leaves with many, many friends.

Dean, we'll miss you man. I know Speaker PELOSI will miss you. Thank you for all your work and your dedication over the years. Vaya con Dios.

A TRIBUTE TO DR. JAMES SLATER OF LOMA LINDA UNIVERSITY MEDICAL CENTER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LEWIS of California. Madam Speaker, I rise today to pay tribute to one of the most outstanding individuals I have come to know in my 30 years in Congress, Dr. James Slater of Loma Linda University Medical Center, who pioneered the development of the proton beam cancer therapy.

When Loma Linda University Medical Center in my district recruited Dr. James Slater to develop a radiation oncology program in 1970, they gained a unique expert in the field of radiation therapy. Before he became a physician, Dr. Slater's main interest was physics. With a profound understanding of the way radiation works on the human body, Dr. Slater set out to find a way to gain more control of the process and reduce the toll this therapy takes on patients.

He became convinced after nearly 15 years of research that the best way to accomplish this was through proton beams, which had been tested in research laboratories but never developed as a permanent medical therapy. After meeting with scientists and physicians from around the world, Dr. Slater began looking for a partner to develop the technology for a proton-beam treatment center. When private industry declined to take the challenge, he turned to Fermi National Accelerator Laboratory (Fermilab) near Chicago, which had been actively involved in research on the potential for medical technology. In 1986, the medical center and Fermilab—backed by the Department of Energy—agreed to build a proton-beam treatment center at Loma Linda.

One of the most marvelous experiences I've had as a member of Congress came in 1987, when Dr. Slater and his team came to my office to lay out the plan for a new way of treating cancer tumors. I was quickly convinced that his idea was fabulous, and his ability to bring together the medical, technical and operational experts was superb. During a hearing before the House Energy Appropriations Subcommittee, my colleagues agreed. Many members had family or close friends who had been afflicted with cancer, and they were eager to help find a new treatment plan. Major funding was approved and the center opened in 1990.

Thanks to the dedication of the medical center and the support of Congress and Department of Energy, Dr. Slater's vision has become a reality in the past 20 years. More than 11,500 patients have received treatment for prostate cancer, brain tumors, and other forms of cancer. A research program is promising new ways to treat breast cancer early and possibly avoid mastectomies in many cases. Another program has helped the National Aeronautics and Space Administration research the effects of space radiation and design better equipment for astronauts. Since 2003, four more proton-beam treatment centers have opened in other areas of the country.

Madam Speaker, I am delighted to tell my colleagues that Loma Linda University Medical Center has decided to honor this pioneering medical scientist by naming the proton beam treatment center in his honor. There is no doubt that this honor is richly deserved, and memorializes a true visionary and benefactor for thousands of cancer patients in the future. Please join me in congratulating Dr. Slater on receiving this honor, and thanking him for his dedication to opening new horizons in the fight against cancer.

TRIBUTE TO SERGEANT FIRST CLASS DAVID A. HARTMAN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to one of America's fallen heroes, Sergeant First Class David A. Hartman. Sergeant Hartman will be honored on December 1 by the Bay City United States Army Reserves. They will dedicate the Drill Hall at the Bay City Michigan Reserve Center in his memory.

David Hartman is remembered by his family and friends as loving, fair-minded, honest, fun-loving, family-oriented, and job-oriented. He worked hard, and was not afraid to step in and help out. He followed his father's example and signed up for the military when he graduated from high school. He was a 21-year veteran of the military. David served in the first Gulf War and came home with Gulf War Syndrome. He was eligible for a medical discharge but he decided to stay in the military to continue serving his country. Sergeant Hartman stated that he wanted to join the people going to fight and lead by example. On July 17, 2004, at the age of 41, David Hartman was asked to make the ultimate sacrifice for his country when the vehicle he was driving was struck by an improvised explosive device in Bayji Iraq. Sergeant Hartman was serving in Iraq with the Army Reserves 401st Transportation Company from Battle Creek, MI. He is survived by his wife, Robbin, son, Benjamin, and daughter, Heather.

Madam Speaker, when Sergeant Hartman volunteered to put his life on the line for his country, it was with the hope that he would never be required to make that ultimate sacrifice. But it was God's will that his life be cut short on that road in Iraq. We as a Nation need to remember SFC David Hartman and all the brave individuals who have died for our freedom. I ask the House of Representatives to join me and keep their memory in our hearts and prayers.

COMMENDING THE EMPLOYEES OF PORT ST. LUCIE'S FINANCE DEPARTMENT

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. MAHONEY of Florida. Madam Speaker, I rise today to commend the hardworking employees of the City of Port St. Lucie's Finance Department. For the 16th consecutive year, the city's Finance Department has been recognized for excellence and professionalism in the way they account for public money. The Government Finance Officers Association, a professional association of State and local finance officers in the United States and Canada, recognized the department with their Excellence Award because of the high quality of their 2006 comprehensive annual financial report.

The 16,000 member Government Finance Officer's Association said "the certificate of achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management." It is my honor to commend the city of Port St. Lucie's finance director, Marcia Dedert and her staff for their dedication in assuring that all public funds are accounted for and transparent to the residents of the city.

The Finance Department of Port St. Lucie has truly exemplified their own mission statement to accurately maintain the financial records of the city pursuant to all legal requirements and to safeguard the City's financial assets. After 16 consecutive years of winning such a prestigious award, Port St. Lucie has clearly established themselves as one of the leading finance departments in the Nation, and I am proud to have the opportunity to represent such an outstanding city.

THANKING DEAN AGUILLEN FOR HIS SERVICE TO THIS CONGRESS

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GRIJALVA. Madam Speaker, I rise to thank Dean Aguillen for the service he has provided to this Congress and the American people.

Dean's final day with us is today; however, I believe that a friendship and working relationship will continue for years to come.

During my first term in Congress, Dean was a great assistance to my office and me. He helped with the transition and acclimation from being a local county supervisor to Congress.

Dean has accomplished quite a bit in his career within the Capital, but I want to take time to thank him for the way in which he became successful.

Dean is an extremely hardworker and he does the multiple jobs and responsibilities with a smile, patience, respect, and understanding. He has taken care of all of the Democratic members, but I have also seen him take time to recruit and help young staff learn the ropes so they too can be successful.

Dean has made a great impact on many Members and staff.

I wish him the best of luck and know that success will continue to be a part of his life.

Thank you Dean for your patience, kindness, and commitment to this country and to our community.

THE ARAPAHO/ROOSEVELT NATIONAL FORESTS LAND EXCHANGE ACT OF 2007

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a bill that will help the Forest Service better manage an area near St. Mary's Glacier and Alice Township in Clear Creek County, Colorado and will also allow an appropriate new use of adjoining private lands.

The area dealt with in the bill is currently latticed with various mining claims interspersed with Forest Service land, which creates management difficulties. It is also an area proposed for a ski area terrain park, called Eclipse Snow Park. By facilitating a land exchange between the Forest Service and the developers of this terrain park, the bill would resolve issues for the Forest Service, the terrain park and the surrounding communities.

This legislation provides for the exchange of approximately 119 acres of National Forest System land with approximately 74 acres of private property (plus any necessary cash adjustment from private parties to the United States Treasury necessary to equalize the value of the parcels), contiguous to existing National Forest System land.

Currently, the boundary lines between the National Forest System land and the privately owned property are extremely irregular, making much of this mountainous land inaccessible and burdensome to the public. These jagged boundaries also make managing the National Forest System land difficult, if not impossible, for the agency.

This legislation simplifies the boundaries and consolidates National Forest System lands adjacent to Alice and the St. Mary's Glacier, in turn enhancing water quality protection opportunities for the St. Mary's Glacier watershed. In addition, this land exchange eliminates land-locked National Forest System lands and makes contiguous certain privately owned property, thus enabling efficient use of a decades old tradition of family-scaled commercial skiing in this basin.

In addition, the land exchange authorized by this bill would help provide access to the nearby James Peak Wilderness Area. Public access to this area from the Alice Township community is currently unavailable. Frequent trespassing, the lack of adequate parking and no public access to the St. Mary's glacier area are major concerns for surrounding residents, the community, and the Forest Service. With the valley's close proximity to Denver, the presence and uniqueness of the glacier has become an attraction for hikers, backcountry skiers, and sight-seers. The frequency of visitors, especially during the summer, creates a parking, access, and trailhead sanitation dilemma. This land exchange provides a solution to these problems by providing needed parking areas and creating a public access trailhead, at no expense to taxpayers.

Although efforts have been made with the Forest Service to seek an administrative solution, the Forest Service estimates this process would take a minimum of 5 years—a delay that withholds the above-described benefits to the public. Therefore, legislation is needed to accomplish this important land exchange.

Commercial skiing has taken place in the Anchor Gulch basin, in which the current proposed Eclipse Snow Park is located, since the 1930s. That ski area has gone through many different names and ownership groups including Silver Mountain Resort, St. Mary's Ski Area, and Silver Lake Resort. It most recently operated in 1986 with 2 ski lifts. The ski area pre-dates major zoning concerns in the county, and operated almost exclusively on a collection of mining claims as well as illegally on some National Forest System land.

In 2001, the Clear Creek County Commissioners unanimously passed a resolution recognizing the ski area at St. Mary's as a "legal non-conforming use" affirming the County's desire to see the property used for skiing again. In late 2006 and early 2007, through a process which included months of public hearings, the Clear Creek County Commissioners approved the rezoning of all the property in the Anchor Gulch basin proposed by Eclipse Snow Park to a "Commercial Outdoor Recreation" designation which allows for commercial skiing and limited associated recreation amenities.

Eclipse Snow Park aims to become a small family-owned and operated ski area which harkens back to the days when skiing began in Colorado. The Vision for Eclipse will provide a predominantly natural un-groomed more natural Alpine Skiing experience. With a specific focus on gladed skiing, as opposed to traditional cleared trails, Eclipse will provide a unique, environmentally sensitive and increasingly sought recreation experience. Additionally, the vision will create a small-scale, organic ski area which fulfills a "back-to-the-basics" response to why people love to ski, with fewer commercialized aspects that many large scale resorts implement. Eclipse Snow Park will welcome skiers and snowboarders alike who are interested in a unique skiing and riding experience, at a more affordable price, with a far shorter travel distance than most Front-Range skiers are currently experiencing.

Eclipse Snow Park representatives have been in numerous discussions with the Forest Service, who have expressed interest in this land exchange but citing resource constraints, have stated a preference for legislative action. The Forest Service on several occasions over the past two summer field seasons has sent interdisciplinary teams of biologists, botanists, and ecologists into the Anchor Gulch basin to inventory surrounding resources and evaluate the project proposal for potential environmental impacts and opportunities to apply state-of-the-art mitigating techniques.

Similarly, throughout the course of 2006 and 2007, Eclipse Snow Park has also been extensively reviewed by specialty contracting biologists, botanists, geotechnical engineers, wetlands scientists, hydrologists, and archeological investigators. Additionally, an in-depth assessment of ambient and projected vehicular traffic patterns has been completed by a professional traffic engineer. In summary, these studies conclude that the project will not create any significant impacts to surrounding resources and the community further demonstrating the public benefits of this exchange.

Under the bill, the Forest Service will determine the value of the lands to be exchanged, in accordance with the relevant normal appraisal standards, and will have authority to take appropriate steps to make sure the federal government—the taxpayers—will receive fully equal value for the lands to be transferred out of federal ownership. The private landowner—not the taxpayers—will bear the costs of the appraisals and all necessary surveys. And the legislation requires the private landowner to provide unimpeded access to St. Mary's Glacier, on the adjacent National Forest lands.

Madam Speaker, this is a modest but important bill and I think it deserves the support of all our colleagues.

HONORING MR. ARAM BASSENIAN

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. CAMPBELL of California. Madam Speaker, I rise to congratulate and pay tribute to Mr. Aram Bassenian. Mr. Bassenian is a constituent from Laguna Beach, CA and is an outstanding citizen who is a shining example of the American Dream. He participates in many charitable and civic activities, including his active involvement with the Armenian EyeCare Project (AECP). The Armenian EyeCare Project, which does magnificent humanitarian work in Armenia, has honored Mr. Bassenian with the 2007 AECP "Lifetime Humanitarian Award".

The Armenian EyeCare Project is a non-profit organization dedicated to the elimination of preventable blindness in Armenia. It was established in 1992 and sponsors programs in direct patient care; medical education and training; public education; and research.

Madam Speaker, Aram Bassenian is a man with a contagious passion for life and helping others. He is proud of his accomplishments, yet humble enough to be grateful for what he has. He is an ardent advocate for the Armenian community both in the United States and around the world. If his plate wasn't full enough already, Aram is one of the top architects in the United States.

I know Mr. Bassenian's wife Terez, daughter Taleene, and son Gregory are extremely proud of his accomplishments. He is a true inspiration to all Americans. He advises young people to "Focus, specialize, and do not be afraid of hard work. Work creates rhythm in one's life by establishing a health routine. For those who pay their dues, the opportunities that America provides are limitless."

Madam Speaker, I am proud to honor Aram Bassenian today as the AECP Humanitarian of the Year. Thank you very much.

REGARDING OKLAHOMA'S STATEHOOD DAY AND CENTENNIAL CELEBRATION

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. BOREN. Madam Speaker, I rise today to recognize November 16, 2007—Oklahoma's Statehood Day and Centennial Celebration. From east to west, north to south, Oklahoma boasts a variety of cultures, landscapes, and opportunities that Oklahomans and visitors enjoy every day. The diversity represented in the State has long been a source of pride for and attraction to Oklahoma. Many Native American tribes were relocated to Oklahoma under force, but have grown to be a vital source of pride and diversity for the State's heritage and future. Furthermore, the land-runs that began in 1889 showed our Nation the power and promise that the lands of Oklahoma held for its inhabitants in the early days as a territory. It was just a short while later, in 1907, that the Federal Government and the other States of the Union fully recognized this and made Oklahoma a State. Those same feelings still ring true today as we honor our State's centennial celebration.

As an Oklahoman, I share a heritage built on the values of faith, family, hard work, and personal responsibility. In Oklahoma, people are our greatest asset. There is warmth in our people that you won't find anywhere else. Throughout many years of hardship, our communities endured because of our "pioneer spirit." The same strength and spirit that enabled generations before me to survive the Great Depression and 2 world wars, is still alive today. For all of these reasons, I am happy to highlight the Centennial Celebration of Oklahoma.

MRS. JULIA AGNES WASHINGTON BOND

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LEWIS of Georgia. Madam Speaker, I'd like to take a moment to honor the life of Mrs. Julia Washington Bond, a gracious daughter of the South who contributed significantly to the cultural and academic life of metropolitan Atlanta. Mrs. Bond is perhaps best known today as the mother of Julian Bond, the Chairman of the National Association for the Advancement of Colored People (NAACP), my former colleague in the Student Non-Violent Coordinating Committee, and a stalwart advocate for civil rights and social justice in America.

For decades, Mrs. Bond helped form the center of cultural life in Atlanta. She was born in Nashville, Tennessee on June 20, 1908, and attended Fisk University, like her parents before her. There she met and eventually married a young instructor who would become one of the foremost educators of his time, Horace Mann Bond. Dr. Bond led several prominent institutions of higher education as their president—Fort Valley State College in Georgia and Lincoln University in Pennsylvania, and served as the first dean at Dillard University. In 1957, he was named the Dean of the School of Education of Atlanta University, and he and his wife became pillars of the Atlanta community.

In the 1950's and 60's, African Americans, regardless of their prominence, could not stay in hotels or motels in the South. So, when they traveled to Atlanta, they had to stay in homes around the city. As the first lady of many universities and the wife of a leading educator, Mrs. Bond hosted some of the greatest artists and thinkers of the Harlem Renaissance—W.E.B. DuBois, Arna Bontemps, Langston Hughes, W.C. Handy, Jacob Lawrence, Romare Bearden, Duke Ellington and a host of others. Her elegant style and manner offered a unique, intimate atmosphere for students and educators to engage these celebrities and help knit their bond to Atlanta society. She was kind almost to a fault, in the most genteel Southern tradition, and her beauty inspired an iconic painting by a principal artist of that period, Aaron Douglass.

In 1964, she returned to college and received a degree in library science from Atlanta University. During her tenure, she assisted hundreds and thousands of students. She worked in the university library system there until she retired in 2000. The people of the 5th District mourn the passing of Mrs. Julia Bond. She died at the age of 99 on November 2d. She raised 3 successful children—Jane Bond Moore, Horace Julian Bond, and James Bond. She also had 8 grandchildren. She will be deeply missed.

A TRIBUTE TO W. CODY ANDERSON

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to recognize W. Cody Anderson, who has been a strong voice on the radio airwaves for decades. He holds the belief that everyone deserves to be heard, and he has worked hard to make that a reality for people from all walks of life.

He began his career in radio as vice president and general manager of WDAS radio in Philadelphia. He continued on to purchase and operate WHAT radio, and then started a public relations firm with his two sons. Mr. Anderson also worked with Dr. and Mrs. Walter Lomax to make 900 AM WURD radio accessible to the African American community in the Philadelphia area.

Mr. Anderson has also taken the time to travel to several prisons to speak with inmates who have been separated from their families and give them a chance to tell their stories. He is an extremely compassionate individual who has respect for everyone from the top celebrities and politicians to the everyday working man. He and his wife have taken this respect south to New Orleans to help Katrina victims, and across the ocean to Africa, where he was honored by being enstooled as a chief in Senegal.

W. Cody Anderson's friendly and engaging personality and his love of communication have made him one of the most sought after speakers in the Tri-State area and a constant member of Philadelphia's Top Ten Most Influential African-Americans. I am honored to have the opportunity to recognize him today.

CONGRATULATING STAFF AND FACULTY OF INGLEMOOR HIGH BEING AWARDED THE BLUE RIBBON AWARD

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. INSLEE. Madam Speaker, this week, I was honored in my DC office by a visit from hard-working faculty and teachers from the Northshore School District. The U.S. Department of Education has awarded Inglemoor High School with the prestigious Blue Ribbon Award. Principal Vicki Sherwood led the school to this merit by ensuring that students had a high, consistent performance in reading and math.

Inglemoor has been successful in providing a range of educational programs to fit a variety of students' needs. From offering rigorous international curriculum to delivering educational services for students with special needs, the staff is willing to provide creative educational support.

I grew up in a family of educators where my father and four members of my immediate family were teachers. My son followed their footsteps and earned his teaching degree. As a parent, I know what it is like to seek for your kids the best education possible and this passion inspired my public service. It takes a great deal of commitment to provide a quality education. Let us today honor the staff and faculty of the Northshore School District and applaud them because reaching the Blue Ribbon-level of achievement is no easy task.

SENATE—*Tuesday, November 20, 2007*

(Legislative day of Friday, November 16, 2007)

The Senate met at 9:00 and 7 seconds a.m., on the expiration of the recess, and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 20, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the Chair as Acting President pro tempore.

RECESS UNTIL 10 A.M., FRIDAY, NOVEMBER 23, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Friday, November 23, 2007, at 10 a.m.

Thereupon, the Senate, at 9:00 and 37 seconds a.m. recessed until Friday, November 23, 2007, at 10 a.m.

SENATE—*Friday, November 23, 2007*

(Legislative day of Friday, November 16, 2007)

The Senate met at 10 a.m. and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 23, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL TUESDAY, NOVEMBER 27, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Tuesday, November 27, 2007, at 9 a.m.

Thereupon, the Senate, at 10:00:32 a.m., recessed until Tuesday, November 27, 2007, at 9 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Tuesday, November 27, 2007*

(Legislative day of Friday, November 16, 2007)

The Senate met at 9 o'clock and 9 seconds a.m., on the expiration of the recess, and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 27, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 9:30 A.M., THURSDAY, NOVEMBER 29, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Thursday, November 29, 2007, at 9:30 a.m.

Thereupon, the Senate, at 9 o'clock and 36 seconds a.m., recessed until Thursday, November 29, 2007, at 9:30 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Thursday, November 29, 2007*

(Legislative day of Friday, November 16, 2007)

The Senate met at 9:30 and 15 seconds a.m. on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. REED).

ADJOURNMENT UNTIL 2 P.M., MONDAY, DECEMBER 3, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Monday, December 3, 2007, at 2 p.m.

Thereupon, the Senate, at 9:30 and 23 seconds a.m., adjourned until Monday, December 3, 2007, at 2 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Monday, December 3, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, heavenly Father, open our hearts to Your movement in our midst. As we trust Your providence and cling to Your promises, give us wisdom and spiritual eyes to see You at work.

Keep our lawmakers from being intimidated by the challenges they face, as you protect them by ordering their steps. Clothe them with the armor of integrity, shield them with Your truth, and guide them with Your power. Help our Senators to please You by living blameless, holy, and peaceful lives. Lord, give them a hunger for Your words and a desire to apply Your knowledge in their daily walk. We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 3, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURES PLACED ON THE CALENDAR—H.R. 3703 AND H.R. 3997

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 3703) to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.
>
> A bill (H.R. 3997) to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business with Senators having 10 minutes each to speak. Shortly I will propose an agreement with respect to the Peru Trade Promotion Agreement. That agreement will provide for a period of debate today with a concluding vote tomorrow at the completion of our weekly caucuses. There will be no rollcall votes today.

SENATE RECORD

Mr. REID. President Bush spoke from the Rose Garden this morning. It is hard to comprehend his words, the President of the United States going to the Rose Garden today, saying he wanted us to use the time left in this congressional year to "support our troops, and to protect our citizens, prevent harmful tax increases. . . ." He also indicated, in that same brief statement, that we as a Congress had little to show for our having been in a year.

We passed a budget, the first one in 3 years. It was a balanced budget we passed. We implemented—even though they were years and years overdue—the 9/11 Commission recommendations. We passed Homeland Security funding. We passed a pay raise for our troops—we have consistently equipped our troops with programs and materials that the President did not ask for but we believe the troops needed, and time has proven they were needed. We provided health care for wounded soldiers and veterans. We set benchmarks for Iraq. We focused on the neglected National Guard, and I am glad we did that. We passed ethics and lobbying reform. We passed a CR that has funded the Government and will to the end of this year. We shortly will be doing an energy bill. We passed one here, but we hope to have one that will be a bipartisan bill that we will pass here by the end of the year. We completed a minimum wage bill that was 10 years past due. We passed the American Competitiveness Act. We passed a higher education bill, the most significant piece of legislation since the GI bill of rights, dealing with higher education. We also passed the Elementary and Secondary Education Funding Act, which was long past due. We funded Head Start, stem cell research—the President vetoed that but we passed it; very important legislation. We passed SCHIP, the children's health insurance program. The President vetoed that. We passed FDA reauthorization, Coast Guard revitalization, the Corps of Engineers reform, which was long overdue, disaster assistance for small businesses. We have certainly done good work regarding disaster assistance for farmers, which was also long overdue—3 years past due. With the scandal that occurred in the Attorney General's Office, we were able to focus on the U.S. attorneys and change the law in that regard.

These are just a few of the things we have done, but we feel good that we have done them. The President should not demean what we have done here. These are pieces of legislation, some of which he signed. We want to work with the President and we have tried to work with the President, but the end of this administration, the Bush administration, is fast approaching. Frankly, if he wants to talk about accomplishments, for 1 year of the Democratic-led Congress compared to his 7 years of the Republican-led Presidency, the comparison is quite stark. He has, to show for what he has done, an endless war that we have been involved in, which soon will be in its sixth year, an ever shrinking middle class, and a budget gone from record surpluses to record deficits.

President Bush calls on Congress to "support our troops," and we have done that. But it is the President who has stretched our military nearly to its breaking point. Editorials in today's newspapers certainly indicate how we are failing in supplying our military with materials they need, the equipment they need to maintain their readiness. It is this President who has kept our troops abroad for two, three, and four tours of duty. Some have served five tours of duty. A war, I repeat, soon to be in its sixth year, a war that General Petraeus has said cannot be won militarily, and we are getting no help

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

from the Iraqis to get their house in order politically.

It is the President who has sent our troops into battle without proper protection and neglected our veterans' care when they returned home. I repeat, it was this Democratic Congress that provided funds for body armor, voted for a troop pay increase, provided funds to fix the neglect at Walter Reed and other military health facilities so our troops can get the care they need when they return from combat.

President Bush calls on Congress to "protect our citizens," but it is President Bush who has failed to capture bin Laden, who taunts us with new videos and new threats often. It is this President who allowed al-Qaida to regroup and become stronger than ever. It is this President who has consistently underfunded the homeland security priorities that keep us safer in our cities and towns. And it was this Congress that finally implemented the recommendations of the 9/11 Commission, so long ignored by the President and his Republican enablers, which helped secure our most at-risk cities, gives our first responders the communications tools they need in an emergency, and improves oversight of our intelligence and homeland security systems.

President Bush calls on Congress to "prevent harmful tax increases and responsibly to fund our Government," but it is President Bush's reckless fiscal irresponsibility which is growing the national debt at an astounding rate of $1 million per minute, for a total increase of more than $3 trillion on his watch.

President Clinton was actually paying down the debt by a half trillion dollars. In the last 3 years he was in office, we were spending less money than we were taking in. But it is this President who has increased our debt to foreign governments by more than all former Presidents combined. In the 230 years we have been a country, all the Presidents combined did not increase the debt like this President has done. He has increased our debt to foreign governments by more than all former Presidents combined, but it is this President who has stuck this bill for his failed policies squarely on the shoulders of our children and grandchildren. Every person in this country—a baby of 1 day, a person of 100 years old—owes $30,000 to make up this almost $10 trillion debt that is fast approaching.

It is this Democratic Congress that has put working families first, with the first increase in minimum wage in a decade to give hard-working but least paid Americans a little more to help ends meet. Remember, the minimum wage affects a lot of people. It is not kids flipping hamburgers at McDonald's. For 60 percent of the people who draw minimum wage, that is the only money they get for their families. The vast majority of people on minimum wage are women who work.

It is this Democratic Congress which provided health insurance to millions of more low-income children with the Children's Health Insurance Program. The President vetoed this. President Bush's veto will cut 5.5 million children off the ability to go to the doctor when they are sick—5.5 million. We wound up with 10. Even if we extend the present bill, we will lose 5.5 million children and wind up with 4.5 instead of 10.

It is this Democratic Congress that made investments in Head Start and student financial aid so that all children, regardless of the wealth of their parents, can get started on the right track and have an opportunity to go to college.

Unlike Bush, we paid for our priorities in a responsible way. We have a pay-go system. If we increase a program, change a program in a way that costs money, we pay for it.

This President and his allies in Congress have led the American people down a very dark path. This Democratic Congress, in its first year, has made America stronger, safer, and more prosperous. But with President Bush and the Republicans fighting us, a record number of filibusters—57—with empty rhetoric, obstruction and vetoes, we still have a lot of work to do—and that is an understatement. In this final work period of the year, our plate is full. We have to return our focus to finally ending the war in Iraq that has cost our troops and country so dearly.

Here I wish to cite a statement from a Republican running for President. Here is what he said: Everything is much worse if we stay in Iraq. Right now they are very content to bleed us in Iraq, bleed us financially and by killing Americans. We lose lives. If we spend money we don't have, it furthers our financial crisis. The longer we are there, the stronger al-Qaida gets. Our being there is the greatest incentive conceivable to help Osama bin Laden. The evidence is very clear that there is more al-Qaida than before, which means we are in greater danger of being hit by terrorists than before. Besides, who are all these people telling us there will be a problem if we leave? The same ones who said it would be a cakewalk. What kind of credibility do they have?

I repeat, this is a Republican, not a Democrat.

We want to take up the House-passed bill that provides $50 billion in emergency funds to our troops and requires the President to transition the mission from combat operations to security, training, and antiterrorism.

Over the Thanksgiving holiday, we began to hear the rumblings of what is sure to be an outrageous line of attack from the Bush White House. The week we left here, Secretary Gates told us that the Army had enough money—with the $460 billion bill we just passed—had enough money to fund them until the 1st of March; the Marines until the middle of March. That is what Secretary Gates told us. But the spin machine of the White House is trying to overrule what the Secretary of Defense told us, saying we are going to have to lay people off, there is not enough money for mine detection equipment and things of that nature.

That is totally contrary to what the Secretary of Defense said. This Secretary of Defense has credibility compared to his predecessor

Secretary Gates has credibility. That is what he told us: The Army is OK until the first of March; the Marines are OK until the middle of March.

But over Thanksgiving, we get rumblings from the spin machine at the White House. The President is saying: We are not sending money to the troops. This is not true. It is cynical politics at its worst. The American people are too smart to fall for this. Facts are clear. We just passed nearly a half-trillion-dollar Defense appropriations bill. The Department of Defense is fully funded.

Before the holiday we offered another $50 billion funding package on top of the $460 billion to support our troops in combat, provided he heed the call of the American people and change course. The President and his supporters in Congress, which are all Republicans with rare exception, rejected that package.

The President said no to funding his own war unless he is given a blank check to continue his failed policies. Nevadans and the American people know the current course has not brought the political reconciliation the President promised.

They realize it makes no sense for President Bush to blame Democrats because he rejected the funding package that we offered. This week we will try again to give the President the opportunity to accept troop funding. We will try to return to the House-passed bill. We will give our Republican colleagues another opportunity to stand on the side of our troops in battle by passing legislation that contains additional funding and provides a strategy to bring the war to a responsible end.

Iraq is just one of the many funding priorities we must pass in the weeks ahead. We have to deal with the appropriations bills, in large part because the President has been stubborn and unreasonable. Rather than work with us to resolve the differences that amount to less than 1 percent of our budget, the President threatened to veto every appropriations bill before it was even written.

We have offered to compromise with President Bush to split the difference.

No. So far it does not appear the President is ready to do the right thing for the American people by accepting compromise.

But I hope Senate Republicans will act more responsibly. We have to do something about the AMT. According to the Joint Committee on Taxation, 19 million American families and 150,000 Nevadans will be forced to pay the AMT next spring if we do not take action before the year is out.

Before Thanksgiving, the House passed AMT relief. After their vote, I offered a consent agreement to hold three votes: one on the House AMT relief bill, one on Senator LOTT's amendment to repeal the AMT, and one on an amendment by Senator BAUCUS to fund it. Unfortunately, our Republican colleagues blocked these three votes. Despite the President's warning to them that we must move quickly on AMT, they chose to follow obstructionism. I cannot emphasize enough how important it is to move forward on this legislation. I hope the Republicans will end their obstruction on this vital tax relief so we can move to a vote. If they do not, I will have no choice but to file cloture so we can move to vote on the House bill. That is exactly what I will do.

In the coming days, we will have to turn to FISA, the Foreign Intelligence Surveillance Act. Earlier this year, the President signed a flawed temporary law on this subject that will expire in early February. Both the Intelligence and Judiciary Committees have reported a bill that improves current law. The House has passed its own version. The full Senate must debate this matter in December to allow sufficient time for negotiations with the House before the February deadline.

We need to give our intelligence professionals all the necessary tools, while at the same time protecting the privacy of law-abiding Americans and following our Constitution. Vigorous intelligence gathering should be accompanied by meaningful judicial review and strong congressional oversight. FISA struck a balance well for 30 years, and now we can make it even more effective. Both of these Senate committees have worked together in a bipartisan manner. Chairman ROCKEFELLER and Ranking Member BOND, along with Chairman LEAHY and Ranking Member SPECTER, are sorting through differences in the work of their two committees. I hope under the leadership of those four Senators we will pass a bill that strikes the right balance and makes our country safer.

Later this work period, we will move to finish work on the Energy bill. In June, this Senate overwhelmingly passed a landmark Energy bill to improve fuel efficiency and invest in renewable fuel technology. This bill would save Americans lots and lots of money at the gas pump and on their heating bills.

Unfortunately, Republicans would not allow us to go to conference on this bill. We continue to work toward a bipartisan resolution so we can send a strong Energy bill to the President's desk before the year is up.

We will also attempt to turn again to the farm bill. Prior to the holiday, we were unable to complete action on the farm bill because of the overwhelming number of amendments filed, many of which had nothing to do with farming. Senator McCONNELL and I are working through these amendments to come up with a reasonable list.

While we have been on the Thanksgiving Day break, staff has been working, and I think we are at a point where we should be able to do a farm bill by unanimous consent.

I have outlined seven major legislative initiatives that we must address before the 2007 legislative calendar draws to a close. We need to do this for the American people. It is reasonable and necessary. We began this year with great success. We have restored integrity to Congress. We put working families first. We put teeth behind homeland security and veterans care. But a funny and unfortunate thing happened next. The President and his Republican supporters in the Senate determined that while bipartisanship made good policy, obstruction made better politics.

For the past many months, we have seen an unprecedented level of obstructionism. That is not rhetoric, it is fact. We have sought more than 40 votes to change the course in Iraq. More often than not, a bipartisan majority of the House and Senate supported these votes. Nevertheless, again and again, the Republican leadership blocked these votes from taking place.

Most recently, Republicans blocked the Transportation/HUD appropriations bill, which invests in our crumbling roads, bridges, dams, tunnels, and our infrastructure. They blocked progress on the Energy bill which would reduce the ever-increasing costs the American people pay to heat their homes and fill their gas tanks.

They blocked the farm bill, which would stabilize the Nation's food supply and improve the nutrition of our children. They blocked the FHA Modernization Act, which would have helped families heat their homes in the face of the ongoing mortgage crisis.

In all, Republicans have now blocked the priorities of Americans by forcing 56 cloture votes, fast approaching the all-time record of 61, that took a full 2-year session. That was too many. But 56, not even halfway through, is significantly headed in the wrong direction. They have already neared an all-time, 2-year obstruction record in less than a year. That would be like a ball player hitting 73 home runs by the All-Star break. That is not good. This is not normal obstruction. This is obstruction on steroids.

It is not too late for the Republicans to change course and work with us. I find it hard to believe that Republicans truly oppose the AMT fix, FHA reform, infrastructure investments, and childhood nutrition. I hope my friends on the other side of the aisle believe they stand to gain politically by getting the most done for our country, not the least done for our country.

But I hope in what little time we have left this year, with so much left to accomplish, the march toward the obstructionism record can be cast aside. And when we recess for the year in a few weeks, I hope we can add meaningfully to the bipartisan change that we have begun to deliver this year. This can only happen if the Republicans decide to work with us for the American people.

Mr. President, I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNFINISHED BUSINESS

Mr. McCONNELL. Mr. President, we are now in the final days of this session, and congressional Democrats have left an enormous amount of work undone. As we move into the final stretch, let's take stock of the unfinished business. On spending, we are 2 full months into fiscal 2008, and our friends across the aisle are still staring at 11 unfinished spending bills out of the 12 they were supposed to do. We need to work together to get those overdue spending bills signed into law.

On troop funding, thousands of American families will have sons and daughters fighting overseas this Christmas, and under the Constitution that falls on us to provide for them. We may disagree about the mission, but no one should disagree about getting those courageous men and women everything they need while they are fighting in the field. Congressional Democrats need to get serious about the troops and get them the funds they need without any more games and without any further delay.

We have heard some remarkable reports from Iraq in recent weeks. Sunni tribes and other militants who turned against al-Qaida are now working with coalition forces to secure Iraqi neighborhoods and towns. Refugees are returning to Iraq in droves. Shops are reopening, curfews are being relaxed. Al-Qaida in Iraq, we are told, has been pushed to the brink.

Americans like what they have heard, and even some congressional

Democrats have acknowledged the positive reports. Congressman MURTHA, a hero of the antiwar left, says the new strategy is a success. Congressman DICKS talked about a new feeling of normalcy in Iraq. Thanks to the increase in U.S. forces and a smart new strategy, we have seen a stunning reversal.

Unfortunately, talk of congratulations is scarce among the antiwar left. Rather than stop for a minute to acknowledge what we are hearing from the field, our friends on the other side now seem to be looking around for something that is not going well so they can blame that on Republicans.

According to press reports, they have settled on gas prices. And we do need to do something to lower energy costs. But the bill our Democratic friends are reportedly about to bring to the floor will not do that. In fact, the bill they are discussing would actually increase gas prices at the pump and electricity bills in States that do not have an abundance of windmills. An energy bill that raises the cost of energy is not what we need today.

Frankly, I am baffled by the congressional Democrats' position on the whole troop funding debate. Earlier in the year, they said sending more troops to Iraq would lead to failure. Then they approved the funds anyway. Now they say things are going well, and they want to cut off the funds that are needed to finish the job. So they funded the war when they thought it would fail, and now they want to defund it when they think it is succeeding.

Does this make any sense at all? Reasonable people could be able to agree that now is not the time to talk about walking away from our troops in Iraq. Yet this is exactly what Democrats are planning to do.

The senior Senator from Massachusetts has said he thinks the Democrats have an obligation, an obligation to cut off funds for the war. And now they are apparently following through with it. Just in time for the holidays, they are forcing the Pentagon to prepare pink slips for more than 250,000 employees as a way of getting around the threat.

I would urge the majority to rethink its position, to keep its word, and to send our troops the funds they need to finish their mission and return home in success. We have a solemn obligation to assure America's military families that their sons and daughters will get whatever they need. Let's not break that trust at this moment of optimism and hope and good news from the field at a time when even Congressman MURTHA says the surge is working.

Congressional Democrats need to get serious about security at home too. It is no accident that we have not been hit here since 9/11. We passed the PATRIOT Act, set up the Department of Homeland Security, and made sure intelligence agents would have the tools they need to do their jobs.

One of those tools is the Protect America Act that we passed in August and expires on February 1. This essential terror-fighting tool recognizes that we need to be able to monitor terrorists overseas. And however the Senate deals with its expiration, we must protect its core strengths. But Democrats on the Judiciary Committee seem to disagree. They just voted for a revised version of this law that weakens it in dangerous ways. The experts tell us that under this new version, the Judiciary Committee version, U.S. commanders could be blocked from gathering critical intelligence on foreign targets.

Imagine: An American commander prepares to attack a city such as Fallujah. He gives orders for a blanket surveillance of the city to pinpoint terrorist activity. Then the lawyers step in and say: Sir, you cannot do that. You need to go to the FISA Court first.

Well, this is one vision of how to fight the war on terror. Republicans have a different view. We think we need to stop foreign terrorists who want to kill innocent Americans, not be paralyzed into inaction over their search and seizure rights.

Republicans are ready to support the bipartisan, commonsense Senate Intelligence Committee bill. In addition to allowing our commanders greater freedoms in the field, this version recognizes that telecom companies should not be sued for doing their patriotic duty in helping intelligence officials to protect American lives.

It also recognizes if these companies are exposed to lawsuits, taxpayers should not have to foot the bill, which is exactly what Democrats on the Judiciary Committee are proposing. They want to make sure the trial lawyers are happy one way or another. We need to protect the telecom companies that did their duty and the taxpayers, not the trial lawyers, who want to bring these lawsuits.

Congressional Democrats have neglected their duty on the 12 spending bills. They are threatening to neglect their duty to the troops in the field and to our security at home. Now they are about to slap millions of Americans with a middle-class tax hike better known as the AMT.

Well, the American people have a right to know how Democrats found the time for 63 Iraq votes over the course of the past year, some of them at midnight, but somehow couldn't find an afternoon to fix a mistake in the Tax Code that is about to hit 50 million households. It is not as if they didn't see it coming. They have known about the problem all year. Treasury Secretary Paulson reminded us of its urgency in October. He sent us a letter, dated October 23, reminding us that the problem was before us. He warned that if Congress didn't act by early last month, about 25 million households would get mistakenly whacked with a major tax hike. He said if we didn't act by the middle of this month, 50 million would face delays in getting their refunds. Even if we acted today, millions of tax returns will still be delayed. We have already inconvenienced millions of American taxpayers by inaction.

The IRS oversight chairman reminded us about the problem again last month, saying the longer we wait, the longer the refund delays would be. Here is a letter from the IRS, dated November 26. This is a tax none of these people were ever intended to pay. Originally targeted at fewer than 200 families, it was never indexed for inflation. It is a mistake that has never been permanently fixed, and Republicans are not about to let Democrats impose a new tax on a lot of other taxpayers to pay for its correction. Americans don't need to be giving Government an interest-free loan in April by letting the IRS hold on to their refunds. They need to get their refunds when they expect them. We need to fix the AMT without new taxes, and we need to do it now. The number of families affected is staggering: Democratic foot dragging on the AMT threatens 1.6 million taxpayers in New Jersey, more than 3 million in New York, and nearly 4.5 million in California. That is more people in California alone than we have in my State. We need to block this giant middle-class tax hike now before voters get stuck with it in April.

Senate Democrats need to act on executive nominations, including nominees to head the Department of Veterans Affairs and the Department of Agriculture. The Judiciary Committee needs to do a much better job processing circuit court nominations. Christmas will be here before we know it, and we have only had one hearing—one—on one circuit court nomination since the summer recess. We have only had five hearings for five circuit court nominees the entire year of 2007. During a comparable period in President Clinton's last Congress, the Republican-controlled Senate held hearings on 10 of President Clinton's circuit court nominees, including five after the August recess.

We have had qualified circuit court nominees up here for months who satisfy the supposed criteria of the Democratic majority. There is no good reason for the Judiciary Committee to bring progress on circuit court nominations to a standstill. It is time our colleagues on the other side acted on nominations and on the other legislative duties I have listed.

They have spent nearly a year now focusing on politics rather than essentials. Now they are trying to distract the public by shifting the focus at the finish line. We need to pass the bills that keep the Government functioning.

We need to stop taxes from being raised on the middle class. We need to strengthen the laws that help us catch terrorists before they strike, and we need to fund the troops in the field.

It is now December, the last month of the year. Senate Democrats have more to do in these last few weeks than they have already done all year. It is time to stop the political show. It is time to focus for once on the fundamentals.

Mr. LEAHY. Mr. President, as the Senate begins its final work period of the year, I wish to thank those members of the Judiciary Committee who have been cooperative and who have worked so hard throughout this year. Much has been accomplished. But much can still be done. We reported and the Senate passed an important privacy measure, the Identity Theft Enforcement and Restitution Act, S. 2168, just before the Thanksgiving recess. I urge the House to adopt it without delay. In addition, the Senate again passed our copyright bill to protect vessel hull designs, S. 1640, which I hope will also be adopted by the House.

Months ago we reported and passed an important court security bill, S. 378, and Freedom of Information Act reform legislation, S. 849. I believe that we have resolved differences raised by the House and should be able in the short time remaining to us this year to have the Senate reconsider these measures in slightly modified form, pass them by unanimous consent, and have the House endorse them, as well.

I would like to see us consider and pass important matters the House has passed and sent to us. The Free Flow of Information Act, H.R. 2102, is on the Senate calendar. It would provide protection to first amendment values by establishing a Federal privilege and procedure for considering claims of press protection. For the first time, this year the Judiciary Committee reported a similar bill, S. 2035, and we did so on a bipartisan basis. We should proceed to enact this legislation into law.

Another important matter sent to us from the House that I would hope we could enact before adjourning this year is one on which we have worked for some time, the Employment Non-Discrimination Act, H.R. 3685. We also have before us a House-passed version of the Second Chance Act, H.R. 1593. While it does not include every provision I would have liked to incorporate, we should nonetheless proceed to enact this legislation.

I urge the Republican Senator who has a hold on the bill to extend temporary judgeships around the country, S. 1327, to remove this hold so that we can provide the relief needed in our Federal judiciary in Kansas, Ohio, Nebraska, California, and Hawaii. Enacting court security legislation will likewise require the relinquishing of a Republican hold. Another matter stalled since this summer by a Republican hold has been the Emmett Till Unsolved Civil Rights Crime Act, S. 535. I have made statements to the Senate about these consensus measures before. I hope that with the year rapidly ending, the Republican Senator holding up these worthwhile matters will reconsider the opposition and allow bills supported by an overwhelming, bipartisan majority of the Senate to pass.

A number of other measures reported by the Judiciary Committee have been delayed by Republican holds too. If it is not possible to move these measures this month, I urge the Senate to take up and pass these bills when it begins its second session in January. One such bill is the War Profiteering Prevention Act, S. 119, which was reported by the committee in April. It would provide a significant new tool for Federal law enforcement to combat the scourge of war profiteering, and it is needed now more than ever, given the ongoing reports of rampant fraud, waste, and abuse in Iraq. Another is the School Safety and Law Enforcement Improvements Act, S. 2084, which we developed in response to the tragedy at Virginia Tech.

When we return next year, we will have the opportunity to consider and enact patent reform legislation, the Leahy-Hatch Patent Reform Act of 2007, S. 1145. I hope that we will also make time to consider our comprehensive bipartisan data privacy bill, the Leahy-Specter Data Privacy and Security Act, S. 495, which we reported in May.

Next spring I hope we can turn to the Deceptive Practices and Voter Intimidation Prevention Act, S. 453, which the committee reported this fall, and our bipartisan Leahy-Cornyn Public Corruption Prosecution Improvements Act, S. 1946, that adds teeth to our ethics reforms.

These are just some of the matters on which the Judiciary Committee has been hard at work this year. We could not have accomplished what we have without the contributions of our members. I want, in particular, to commend our newest members, Senators CARDIN and WHITEHOUSE, for their exceptional work. They have initiated legislative efforts, chaired important hearings, and been full partners in the work of the committee.

I would also like to thank and commend Senator DURBIN for chairing our newest subcommittee, the Subcommittee on Human Rights and the Law, and for making it one of the most active and productive subcommittees we have. Senator DURBIN has originated genocide accountability and child soldier accountability legislation, trafficking in persons legislation, and war crimes legislation, all in rapid succession. He has made the Human Rights Subcommittee into what we hoped it would be, a vehicle to focus our attention on fundamental aspects of what makes us all Americans. We all owe him a debt of gratitude.

Of course, we would not be nearly as far along in our work without the help of our Republican members, led by Senator SPECTER. We have proceeded with significant bipartisan legislation on privacy, press shield, patents, FOIA, public corruption, and crime. Currently we are working together to improve the FISA legislation about to be considered by the Senate by exploring whether we can adopt an amendment that will increase accountability through the procedural device of substitution, rather than a blanket grant of retroactive immunity for the warrantless wiretapping of Americans that took place from 2001 through 2007. Senator SPECTER and I joined to seek to restore the great writ of habeas corpus but, despite support by a majority of the Senate, we were stymied by a Republican filibuster. Likewise, we have joined to achieve majority support for voting rights for the District of Columbia only to be blocked this year by another Republican filibuster.

I hope that as we enter these last few weeks of the year, we are allowed to make progress on the matters I have outlined here today and that the obstruction that has stalled our further progress will not be continued. Let us move forward together in the best interest of the American people. Any Senator can prevent action on an item in these waning days of the session. There is no secret or magic about that. The question for Senators this month is whether they are willing to put aside minor differences and partisan agendas to join with us in making progress and moving forward.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Massachusetts is recognized.

ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, I ask unanimous consent that following my statement, the Senator from Colorado be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ

Mr. KENNEDY. Mr. President, I listened with interest to my friend from Kentucky comment about my statement on Iraq and the importance of disengagement with the withdrawal of American troops. I don't intend to restate my positions on the war this afternoon. I came to the floor to address another issue. But I will point out that one of the best votes I have cast in the Senate was in opposition to the resolution, supported by the Senator from Kentucky, that took us into Iraq, where American forces have been fighting for a longer time than all of World War II and where we see the continued loss of American lives—some 37 American lives lost last month—and billions in taxpayer dollars flooding into the sands of Iraq. Still, there is not the reconciliation by the Iraqi political leadership to develop some kind of Government that could be the basis for independence in the future. As our brave men and women are fighting gallantly and with great valor there, they are entitled to a policy that is worthy of their valor. Today they are effectively being held hostage by Iraqi politicians who refuse to negotiate among themselves and form a government. That might be satisfactory to the Senator from Kentucky but not to the Senator from Massachusetts. Evidently, the Senator from Kentucky wants to give a blank check to the Iraqi politicians: Continue your squabbles over there, while we continue to see the loss of American lives and blood.

Not the Senator from Massachusetts. They have had their time. What is going to convince the Iraqi politicians we are serious? What will send the message is when we demonstrate that we are starting to withdraw American troops. Then they are going to make political judgments for their survival.

But not today. If the Senator from Kentucky wants to continue an open-ended commitment with American lives and American treasure, that is his position. It is not mine. I don't think that is where the American people are.

How long is it going to take for the Iraqi politicians to get together? They are not doing it now. They didn't do it yesterday. They don't appear to be willing to do it tomorrow, even though we have had assurances from the administration that success was around the corner.

This is a matter of enormous importance and consequence. We will continue the debate. That is why I am a strong supporter of what our leader pointed out earlier today, talking about a proposal that has been put forward in terms of what is called bridge funding.

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THE ECONOMY

Mr. KENNEDY. Mr. President, I rise to take a few moments to talk about the state of our economy. I do so because during the break, I had the opportunity to talk with a lot of people in my own State of Massachusetts. Our State is not greatly different from many other States, certainly in the northeastern and central part of the Nation, older industrial States. The conclusion of working families and the middle class is pretty consistent across the country, that the state of our economy has given working families a good deal of fear.

Let me review quickly what our current situation is. The vast majority of Americans are anxious about the economy. This is from the latest poll in November of 2007: 78 percent say the economy is getting worse, the most negative outlook in the past 16 years. We have to ask ourselves: Is this a Democratic, Independent or Republican view? Let's look across the spectrum: 89 percent of Democrats feel that way, and these are representatives of working families; Independents are 78 percent. Even among Republicans, 65 percent believe the economy is getting worse.

This sense of anxiety about a growing economy has been there for some time. Look where it was in January of 2001. Fifty-six percent of Americans were concerned about the economy. Now look at November of 2007. It has gone from 56 percent to 78 percent who are concerned about the economy.

Let's look at how working families view the future for the next generation, their children. Working families feel insecure about their children's economic future. This is a current assessment of how working families view what is going to happen to their children: 23 percent believe their children will be better off than they are today; 30 percent believe their children will have the same future as they have; and 42 percent believe their children will be worse off than today. This is a defining aspect of what our country is about. It is about the American dream. It is about hope and opportunity, not only for themselves but for their children and their children's children. When you lose that hope, you begin to lose working families' views about the American dream.

This chart shows an explanation of why this has happened. We are growing further apart in terms of wages and productivity for middle-income families. From 1947 to 1962, as we came out of World War II, as productivity increased, wages increased, and the economy went along together, all of the different quintiles of the American economy went along together. We all grew together. There was a sense of optimism and hope because we had a shared economy, a shared future. But look at what has happened in terms of real wages and productivity. Productivity has escalated 205 percent. Wages have effectively gone up about 5 percent over the last 7 years in terms of real dollars and the rest of that productivity has gone to the wealthiest individuals.

One of the principle reasons is because wages have effectively remained stagnant. We have seen what has happened to the price of gasoline. It is up 66 percent. Health care is up 38 percent. Education is up 43 percent. Home ownership is up nearly 40 percent, and effectively wages are stagnant at 5 percent. These are the things that families are concerned about, how they are going to get to work. How they are going to be able to afford health care, to send their children to school? Are they going to have a home?

This is what all of us have seen in many of the colder regions of the country. As the temperature drops, home heating oil prices have gone through the roof: $1.83 a gallon in 2001; in 2007, $3.29. It has gone up 33 percent in real terms since last year. So homes have gotten more expensive. Education is more expensive. Fuel is more expensive. Health care is more expensive. Heating oil is more expensive. This has all contributed to the growth of insecurity.

The price of food has risen faster than the rate of inflation. Whether it is a pound of beef or whether it is eggs, prices are rising up to 50 percent faster than the rate of inflation. Even milk is higher than the rate of inflation.

All of this has been happening while working families have been working longer and harder than those in any other industrial nation of the world.

Here, as shown on this chart, we have nearly 40 million Americans—28 percent of the American workforce—who work more than 40 hours a week. Also, 1 in 10 workers works more than 50 hours a week. So almost 30 percent work more than 40 hours a week. Mr. President, 7.9 million Americans are working two or more jobs. American working hours are the second highest of any of the developed countries.

This chart is a good indicator. Americans' work has increased more than any other industrialized country of the world. Here it is: 20 percent from 1970 to 2002. Here, as shown on this chart, is the United States. Workers are working longer. They are working harder. Many of them are getting two jobs. And the essential elements that are necessary for their livelihood have far exceeded their wages and, therefore, they find increasing apprehension about their own future and about the future of their country.

This chart is an indicator about where we are in terms of savings. Credit card debt has exploded, bringing cash available for an average family down to $1,600. The credit card debt has gone absolutely up through the roof. This chart shows that Americans now owe $900 billion in credit card debt. This is the escalation: People are borrowing this money, relying more and more on the credit card; and the fees that are being charged are extraordinary. But Americans will have to pay them because they cannot see any other way.

This chart is an indicator of where the savings have been going over the period of the last 40 years. The red line indicates that the savings have gone right down. We are talking about working families with virtually no savings. There is an extraordinary escalation in terms of the cost, and all of this is happening at the same time.

This chart shows that millions of American families are facing losing their homes. Foreclosures are rising dramatically—177 percent from 2005. Pick up any newspaper in the country today and you will see that kind of pressure that is on working families. With all the apprehension they have, can they afford the mortgage, particularly at this time of the year, Christmastime? Can they afford the mortgage? And can they afford to try to celebrate Christmas with their children?

These are the mortgage woes that are creating a "subprime" Christmas for consumers in stores. This is the Harriman family who normally spends about $500 on holiday gifts. This season they have a wrenching choice: celebrate Christmas or keep their home out of foreclosure. Many families have gone into that situation.

There is an increasing number of bankruptcies. This chart shows the escalation now in terms of the number of bankruptcies that are taking place among working families in this country—escalating, escalating, escalating. As shown on this chart, this is by quarters. This is 2007: The first quarter, the second quarter, the third quarter—and it is continuing to escalate and grow and grow. Houses are being lost. Bankruptcies are taking place.

This is one of the very distressing charts. This couple and child represent a middle-class family, middle-income family from the last generation, which would be 40 years ago. This is the current situation for the last generation's children.

You will see that 19 percent rise to the top of the economic ladder; 17 percent fall to the bottom. Look what the total is: 36 percent of the children of middle-income families rose somewhat, and 41 percent of the children fell—fell slightly or fell to the bottom. These are the children of middle-income families, the backbone of this country, our society, and this is what has happened to them. These are the latest figures, and families know that.

It is bad enough for the average family, but it has been particularly damaging in terms of a number of the minority groups. In this case, African Americans born to middle-class parents have fallen out of the middle class. In the last 20 years, in middle-income families, 69 percent of the children—effectively 70 percent—have fallen into lower economic standing. This has probably been true in terms of other minority groups as well.

We are growing farther and farther apart, increasing inequality, increasing uncertainty, at a time when the safety nets are effectively disappearing—disappearing in terms of pensions, disappearing in terms of health care costs, disappearing in terms of unemployment compensation. All of those safety nets have been put in tatters at a time when working families and their children are in the greatest need.

This chart shows the number of uninsured Americans. We are familiar with the figures. They are used daily. Now the number is close to 47 million. This is even in spite of the fact that the CHIP program was implemented during this period of time and has actually provided health care for up to 7 million children.

This chart is interesting because we have too many working Americans lacking insurance. Look at this: More than 80 million adults and children—1 out of every 3 nonelderly individuals—have spent some part of the last 2 years without health insurance. Without insurance: 80 million—80 million in a country of 300 million people. So 80 million people have spent some time over the last 2 years without health insurance. And 85 percent of them were working adults. These are working men and women. These are men and women who are working, in many instances, 2 jobs—working longer and harder than at any other time in the history of our country, and they are still facing this situation.

This chart shows that half of American workers do not have any form of retirement savings at work. They effectively have no pension savings. That is half of all the workers in this country. It is a rather important shift and change in recent times. Now it is going in the absolutely wrong direction. Mr. President, 4 million fewer Americans have pensions than 7 years ago. In 2000, 46 million workers had one. Now it is 42 million workers, and these numbers are going right on down. They are not going in the right direction. They are going in the wrong direction.

This chart is another way of saying that only one in five workers now has a defined benefit pension which will give the workers some assurance there will be benefits there. Others have the 401(k)s that may be going up or may be going down, and we have seen a period where they were going down, and they have lost their security in terms of their future. That has been happening over the period of the last 16 years, where increasing numbers have lost their security.

American workers lack access to the needed paid sick days. What is happening in the middle class is there are increasing numbers of children who need focus and attention because two members of the family are working and their child is sick. Also, because parents are living longer, working families have more responsibilities to provide care for needy members of their family. But only 48 percent have paid sick days, and 70 percent do not have paid days to care for sick children. So it is a very small number of parents who have that. They are caught in the situation where they have a sick child, and they let the sick child go to school, where the child gets sicker and, chances are, contaminates other children as well.

Unemployment has risen under President Bush and his failed economic policies. Unemployment has increased by 1.2 million people from January 2001 to October 2007. But long-term unemployment has gone up 59 percent. This is long-term employment. These are people who have lost their jobs and are unable to get a job. They effectively were participants in the job market. This figure is unusually high and it's been high for an unusually long period of time.

There are a final few points I want to mention. The majority of the unemployed workers do not receive benefits. We used to think if you were unemployed, you were going to get unemployment insurance. Not anymore. Sixty-four percent of unemployed workers receive nothing at all from unemployment insurance. For those who do now collect benefits, they are often inadequate. Average unemployment insurance checks are down to 28 percent of income. This is an antiquated system. Now workers who actually pay into it are ineligible to get it for a variety of different kinds of technical reasons. We are trying to work with the Finance Committee, with Senator BAUCUS and others to address this issue. These are workers who have paid in or are otherwise eligible for unemployment compensation and are unable to collect it.

Effectively, as shown, this is the inadequacy in terms of childcare. Only 14 percent of eligible children have access to Government-assisted childcare.

These charts give you some idea why the working families of America have such apprehension in terms of the future and in terms of their own lives. We need the programs to be able to deal with this situation. We have a number of recommendations, and I will mention them very quickly this afternoon and will put in additional kinds of information.

First, we need to safeguard working families from the turbulence of the modern economy by providing stronger and better support for families in crisis. Our country is going through profound economic shifts, and too many workers are losing their jobs in the wake of these changes.

I have introduced bipartisan legislation, the Unemployment Insurance

Modernization Act, to make sure those who have worked hard and paid into the system get the benefits they deserve. I hope we will see progress on the bill soon so that much more that needs to be done will be done to help Americans who are struggling to find a job.

We also need an aggressive agenda to help families facing a health care crisis. We must make more progress toward a universal, comprehensive program that is going to be there and be available and accessible to all Americans.

In the meantime, we can follow the examples of my own State, Massachusetts, which has taken the lead in providing our residents access to quality health care. It is absolutely essential, as these charts pointed out, that we address this problem.

Strengthening the safety net alone is not enough. We need to redouble our efforts to restore economic opportunity for families. Americans are working harder than ever, and they need the additional kinds of training. In my State now we have 145,000 unemployed. We have 75,000 job openings. They are good jobs. Yet, we have seen a continuing reduction in terms of training programs. Those people could get the jobs and be taxpayers and be committed and productive members of society. But we have seen over the period of the recent years, including with this last budget request, a continued reduction in terms of training programs by this administration.

We know workers have to have a continuing, ongoing upgrading of their skills in order to be able to deal with these jobs. I think we need labor law reforms, such as the Employee Free Choice Act, to protect the right to organize so employees can stand up and fight for what is fair.

I think we need to address again the earned income tax credit to help those at the bottom of the economic ladder who have worked hard and played by the rules. We have to continue, I think, the progress we have made in the increase in the minimum wage so we do not fall back in terms of providing working families with a decent income.

The late Barbara Jordan once said:

> What the [American] people want is very simple. They want an America as good as its promise.

The promise of America is that it is truly a land of opportunity, where every working family can share in the Nation's prosperity, where we all rise together, and we can be confident that our children have a bright future. For decades we enjoyed that vision of shared prosperity. I am confident we can make that promise a reality for American families again. We owe it to all the workers who have seen their bills go up, while their paychecks go down. We owe it to all the parents who cannot sleep at night because they are worried about their children's future. We owe it to all the families who are struggling and need a reason to celebrate this holiday season. We owe the American people our best efforts, and I look forward to working with my colleagues on both sides of the aisle in the weeks and months ahead to put working families back on track.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3688

Mr. SALAZAR. Mr. President, I ask unanimous consent that following my remarks in morning business for about 15 minutes, the Senate proceed to the consideration of Calendar No. 480, H.R. 3688, the United States-Peru Trade Promotion Agreement; that the statutory time be reduced to 10 hours, equally divided as provided for under the statute; that when the Senate resumes the measure on Tuesday, December 4, there be 90 minutes remaining for debate equally divided; that upon the use or yielding back of time, the measure be set aside until 2:15 p.m. and, without further intervening action or debate, the Senate proceed to vote on passage of H.R. 3688 at 2:15 p.m. on Tuesday.

This unanimous consent agreement has been cleared by both sides.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

THE FARM BILL

Mr. SALAZAR. Mr. President, I rise this afternoon to speak in connection with the 2007 farm bill which was being debated on the floor of the Senate over the last several weeks prior to the time of Thanksgiving. As I rise to speak about the farm bill, I wish to say thank you to my colleague and good friend from Massachusetts, Senator KENNEDY, for again bringing to the attention of the American public the importance of what is happening economically across the spectrum of America today, which is that there is a great sense of concern and instability and nervousness among the American public about what is happening in their own economic lives and whether their children will have access to higher education, whether they will be able to afford health care and health care insurance, whether gas prices are going to essentially force them to not be able to afford the essentials of life.

I think within all of that, one of the things Senator KENNEDY so eloquently speaks to is this covenant of America, that somehow we are all here as Americans in a common mission to try to create a better world for our children and for our grandchildren and for the rest of humanity. The one thing we cannot afford to do is to allow that covenant to be broken. We in this Chamber of the U.S. Senate, working in a bipartisan way, have an obligation to ensure that the covenant of America is something we honor, something we give dignity to in our efforts through our work.

As part of that work, one of the things I think is very critical is that we not forget those parts of America which, in many ways, have been the forgotten America, and those are the communities of rural America. Those are communities like the towns and the counties where I come from and the county of Conejos County, which is one of the poorest counties in the United States of America, which, no matter how well the rest of America is doing, seems to be struggling on the vine.

So it is important for us in the Senate, in the weeks and days ahead, to do everything we can to make sure we pass the farm bill because it is a farm bill that is good for America. It is a farm bill that is good for nutrition. As my good friend KENT CONRAD and my good friend Senator HARKIN have kept reminding the people of America, 67 percent of the bill we are working on is for nutrition. That aspect of our legislation is invented to provide assistance to those who are most in need. So I am hopeful that as we move forward this week and next week, we as the Senate will come together on a bipartisan basis to move forward with a farm bill that is so essential to the food security of the Nation.

I wish to thank Chairman HARKIN and Senator CHAMBLISS for their hard work on this farm bill we have put so much time on for the last 2½ years. I also thank Chairman BAUCUS and Ranking Member GRASSLEY for their work on the Finance Committee because their contribution to this farm bill has been so essential to get us to a point where we have a forward-thinking and balanced bill on the floor. I know that as I speak this afternoon, there are negotiations underway with respect to whether we can narrow the number of amendments to be considered on the floor so that we can move forward to consideration and hopefully final passage of this bill.

A lot of folks in this country are looking to us in the Senate this week and next to see whether we have the courage to pass a farm bill. In my view, we must pass this farm bill. It is a bill that helps the 50 million Americans living in rural communities. It is a bill that helps kids who deserve fresh fruits and vegetables with their lunches. It is a bill that helps put healthy and safe food on the tables of the people of this country. It helps us reduce our dependence on foreign oil and build a clean energy economy for the 21st century, and in my view that clean energy economy will be the signature domestic and foreign policy issue of our future here in America.

A few days ago, I was in the San Luis Valley with my family at our ranch. Our land, which we have ranched on for five generations, is just a few miles north of the New Mexico-Colorado border in a county that reflects many of the challenges that are facing rural America. Almost a quarter of the residents in my home county of Conejos—that is one in four—live below the poverty line, with a median household income of around $27,000 a year. In the neighboring county, Costilla County, household income is about half the median in the United States.

It is an inescapable fact of America that rural communities across the country are struggling. Median income in rural counties nationwide is $11,000 lower than the national median. If you live in a rural community, that means you are going to be making a lot less money than if you live in a nonrural community. Jobs and population are disappearing in these counties.

I wish to point out this map. It is a map of what has happened just in the last 5 years here in the United States of America. The counties that are in red on this map are counties that have lost population. These are part of the rural America we are trying to address in this bill by opening a whole new chapter of opportunity that will give the farmers and ranchers and residents of these rural counties and States and communities for the good way of life, the way the rest of America has that good way of life. All of the counties on this map that are either red or yellow are counties that are losing population and are falling behind the national average. Many of those counties are counties such as the ones in my State. There you will find schools with declining enrollments, you will find hospitals and health clinics across those counties that are closing, and you will find stores on Main Streets that are getting boarded up.

Here is a picture of downtown Brush, CO. Mr. President, you know these towns and communities in Virginia the way I do in my State of Colorado. I can go across the eastern plains or the southern part of my State, and in town after town out in the rural areas of my State, these Main Streets of America are being boarded up and are for sale because of the declining economic vitality in those communities. These are places where the tractor dealerships, the hardware stores, and the feed stores are closing down. You know from all of the signs you see out there that farmers and ranchers are struggling.

This has certainly been the case in Colorado. We have had a severe drought in my State now for the last 8 years, and we are now just pulling out of that drought. In 2002, we lost 30 percent of our wheat on account of the drought. The acres that were harvested had an average yield of 23 bushels per acre—not enough to cover the operating and overhead costs of producing those 23 bushels per acre. In 2004, it happened again, and we lost 600,000 acres of wheat production in my State of Colorado. In 2006, again, our wheat losses amounted to around $95 million. But it is not just wheat and corn; it is also what has happened with respect to disasters in my State. This is a picture taken in Washington County, named after George Washington, right outside of Akron, CO, where you see the results of drought which essentially have annihilated this field from any kind of yield or production on the eastern plains.

Over the last few weeks, I have heard people, both in this Chamber and especially in the media, paint a rosy picture of our rural economies. They say corn and soy and wheat prices are up, and they argue, therefore, that farmers are doing well and perhaps a farm bill is not needed. They use this as a ground for attacking and blocking the bill that is before us—this bill, which is a bipartisan product. But it is no secret that the commodity prices in the business section aren't a very good indication of how farmers and ranchers are actually doing. If corn prices are up, that doesn't necessarily mean farms and ranches in Baca County or Yuma County, CO, are doing much better. I can tell you that the cattle business, for one—the cattle business, which I know well—gets a whole lot more difficult when feed prices are high.

Where has Washington been while our farmers and ranchers have been fighting to stay afloat? For years, in my view, Washington has turned a blind eye to the problems in rural America, perhaps because we in rural America don't have the clout people in urban America have because of their votes. It is a neglect that is surfacing yet again among those who hold this legislation from going forward.

This neglect is disheartening when you know just how much possibility and promise there is in the rural communities of America. With modest investments, rural America can be the engine of our clean energy economy, fueling an alternative energy revolution that capitalizes on the hard work, the productivity, and the entrepreneurship of our farmers and ranchers across our great land. It can continue to provide us safe and healthy food, and it can continue to protect millions of acres of land and waterways that we value.

Here is a picture of one of the educational programs in my State called EQIP which is addressed in this farm bill. This picture shows the farm bill at work, helping to protect our land and our water while keeping our farmers the most productive in the world. These are some of our farmers from the Saint Vrain and Boulder Creek watersheds learning some new practices that reduce tillage and increase the yields from our farms.

The field day which is shown in this picture was part of a 3-year EQIP conservation innovation grant that was done in partnership with the local conservation district, with the local farmers, seed companies, and farm equipment dealers. At the end of the day, these farmers went home with a few ways to boost their bottom line while protecting the land and water of Colorado and America.

The farm bill has an enormous impact on this Nation's land and water. We think about America the beautiful, this great land. Well, non-Federal agricultural and forest lands occupy about 70 percent of the lands in the lower 48 States. So 70 percent of the lands in the 48 States is what is at the heart of this farm bill. Seven out of 10 acres in the contiguous United States are affected by the farm bill. These lands provide the habitat and corridors that support healthy wildlife populations, filter groundwater supplies, regulate surface water flows, sequester carbon, and provide the open space and vistas we all love. As I learned growing up on our ranch in southern Colorado, farmers and ranchers are some of the best stewards of these resources. They want to take care of their land because they know that taking care of their land and water is essential for their livelihood.

Our farmers also want to be very much a part of a clean energy future for America. This is a picture of an ethanol plant, which is new, in Sterling, CO. This ethanol plant produces about 42 million gallons of fuel a year. This is only 1 of 3 plants in our State that have come on line just in the last 2 years and partly as a result of the work that was done in this Chamber in the 2005 Energy Policy Act. It is part of the renewable energy revolution that is taking place across America. Title 9 of the farm bill addresses this renewable energy future for our country. A fourth ethanol plant just like this one has come on line in Colorado just in the last week.

But it goes beyond biofuels, which is a central part of this section of the farm bill. It goes to other kinds of renewable energy.

It goes to programs such as wind. Here is a wind farm in Prowers County in the eastern plains of Colorado, out in that part of the "forgotten America." It is that part that is so red in my State because we know that is part of the area that was part of the great Dust Bowl, which, even at this point in time, in 2007, is a place that is so sparsely populated but has so much potential for our future. This wind farm in Prowers County is part of an effort in our State whereby, at the end of 2008, we project we will be producing over 1,000 megawatts of power from wind in Colorado. That is the equivalent of the amount of electricity produced by three coal-fired powerplants, and we have been able to do that in a period of 2 years.

We planted the seeds for these kinds of projects in the 2005 Energy Policy Act and in the Energy bills we passed earlier this year, which I hope we get to refurbish and pass again in the next several days. But the farm bill is also part of that.

The 2007 farm bill takes the next step by helping farmers and ranchers deploy the renewable energy technologies that have been developed in lots of places around our country, including the National Renewable Energy Lab in Golden, CO.

With the $1.3 billion that this bill devotes to energy programs, farmers will be able to apply for grants to develop biorefineries and to improve the handling, harvest, transport, and storage of feedstocks for biofuels. The bill includes tax credits for small wind turbines and cellulosic biofuel production. And it stimulates research into the methods and technologies that will allow the most productive lands in the world to provide more and more of our energy. The farm bill, in title IX, shows us how rural America will help us grow our way to energy independence.

Reducing our dependence upon foreign oil will be the central national security, environmental security, and economic security challenge for all of us in the coming decades. It is also a tremendous opportunity.

The country that successfully replaces its imports of foreign oil with clean home-grown energy will reap competitive and technological advantages that will keep it out front in the world for decades to come.

Mr. President, it is time to put the interests of rural America before the politics of obstructionism. I urge my colleagues, Democrats and Republicans, to find a way forward in which we can narrow the number of amendments that have been filed on this legislation, so that under the leadership of Senator HARKIN and Senator CHAMBLISS we can have an opportunity to vote on a final farm bill as part of the Christmas present that we should be delivering to the American people. It is my hope that, as we move forward on the farm bill, we move forward with equal fervor in having the Energy bill concluded, which is now on its way to passage in the House of Representatives.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

UNITED STATES-PERU TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 3688, which the clerk will report.

The bill clerk read as follows:

> A bill (H.R. 3688) to implement the United States-Peru Trade Promotion Agreement.

Mr. SALAZAR. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is the business of the Senate at this point the Peruvian Free Trade Agreement?

The ACTING PRESIDENT pro tempore. Yes.

Mr. DORGAN. Mr. President, I am going to speak about that subject, and I will confess, as I start, that the old admonition never argue with someone who buys ink by the barrel is something I should have learned long ago. I take issue with a company that buys ink by the tanker truck: the Washington Post.

Speaking of trade, the Washington Post described, I think, why there is not so much of a thoughtful debate about trade as there is a thoughtless debate about it. In this editorial, they say this about trade in an attempt to criticize some of those who are running for President and are distancing themselves from the brand of free trade. What the Washington Post says is that a candidate said the following quote:

> NAFTA was a mistake to the extent that it did not deliver what we had hoped it would, and that is why I call for a trade time out.

One candidate said NAFTA was a mistake, and they quoted the candidate saying it. The Washington Post says:

> Such demagoguery.

So it is now demagoguery for a candidate for President to allege that a trade agreement was a mistake. That is demagoguery? I don't quite understand the Washington Post. The Washington Post says that NAFTA didn't cause the current U.S. trade deficit with Mexico. Really? That is an interesting conclusion, with no facts to support it. There are no facts to support that conclusion.

I think I will show a chart that shows what has happened to our trade with Mexico since the North American Free Trade Agreement, NAFTA, was signed. The evidence is pretty substantial about what happened with our trade between the United States and Mexico: Just prior to negotiating a free trade agreement with Mexico, we had a very small surplus with the country of Mexico of $1.5 billion. Now, last year, it went from a very small surplus to a $65 billion deficit. The Washington Post says—about a candidate that said NAFTA was a mistake—that is demagoguery. Give us a break. It is not demagoguery to suggest that something doesn't work when we have gone from a $1.5 billion trade surplus to a $65 billion deficit.

The Washington Post also says that the agreements contributed marginally to the shifting of workers from some less competitive sectors to others. That is arcane language to describe what happened. After NAFTA, the three largest imports from Mexico to the United States are automobiles, automobile parts, and electronics. The contention was made by those who supported NAFTA that this would only mean the migration of low-skill, low-income work to Mexico. It didn't happen quite that way. Automobiles, automobile parts, and electronics represent the products of high-skill labor in this country, and those jobs have been lost.

I only wished to point out that the Washington Post described for us today why this debate about trade has largely been thoughtless. Yes, it is a global economy, I understand that. There are many faces to the global economy—some very attractive and some not so attractive. I will try to describe them both today. The global economy has galloped forward at a very aggressive pace, but the rules have not kept pace. So the result is we have some very significant problems and dislocations. We are drowning in trade debt in this country, and I will describe that.

What is before us is another free trade agreement, the free trade agreement with Peru. Let me say that I can count votes. I understand what will happen in this Chamber. The Senate will support and vote for the free trade agreement with Peru.

I maintain again today that I am not going to vote for additional free trade agreements until benchmarks are attached and there is accountability for those benchmarks. Had we had benchmarks in the NAFTA, we would not have gone from a $1.5 billion surplus to a $65 billion deficit. We would have, at some point, said, wait a second, something is happening that is not right for our country.

First of all, I don't think we should be signing new trade agreements until we fix some of the fundamental problems in the old agreements. Two, I believe that the Peru agreement represents an expansion of a failed model. It has failed before and will fail again. And, No. 3, I don't think it contains—I know it doesn't contain any benchmarks or accountability or a mechanism for withdrawal should the trade agreement fail at least relative to what we expect the trade agreement to accomplish.

So I don't intend to support this trade agreement, not because I don't support trade. I support trade, and plenty of it. I believe, however, it ought to be fair. And the failed model brought to us time and time again I will demonstrate today has failed this country. It has not failed everybody, but it has failed this country, and it is not in this country's best interest. This is language I assume the Washington Post would call demagoguery. If they suggest that it is demagoguery for a candidate for President to say NAFTA was a mistake, when all of the evidence demonstrates it was a mistake, I assume they may want to turn off their television sets when I am speaking at this point because they will certainly consider that demagoguery. It is rather, however, not a thoughtless debate. It is a thoughtful debate from the standpoint of those of us who come to the floor of the Senate who say we want trade, we support trade, we believe expanded trade is helpful to this country, but we insist for a change that the model of a trade agreement be a model that is mutually beneficial and stands up for the interests of both sides to that agreement.

The agreement with Peru by itself will not do damage to this country. That is not what I allege today. Let me describe our trade: With China, $343 billion; Mexico, $332 billion; Japan, $120 billion; Peru, $9 billion. I don't allege that trade with Peru, which is about three-tenths of 1 percent of our trade, is going to be a serious problem because of the passage of a failed model. We have very large trade deficits with China, Japan, Mexico, the European Union, and Canada, all of whom are major trading partners. Instead of doing something about those significant and growing problems—China, Japan, Canada, the European Union, and Mexico—instead of doing something about that, we bring the same failed model to the floor of the Senate.

I recognize and admit that this model with respect to Peru has labor standards in it that did not exist and environmental standards that did not exist in some other trade agreements. I will talk about that in a moment, especially with respect to Jordan. But the fact is, the foundation of this agreement is the same failed model that we have seen in the past.

I want to talk about that failed model. I want to talk about the issue of China, especially because when we talk about trade—and we must talk about trade, we have to talk about the 500-pound gorilla with respect to our trade problems. This chart represents what our trade with China looks like since 1995 through last year, 2006. Success? No. These red lines going down represent huge trade deficits. Does anybody think that is a success? I think it is a huge failure for our country to be so fundamentally out of balance in our trade relationship with China. It just continues and continues and continues.

The question is: What will we do about that? Some of the cheerleaders for the free-trade movement and the cheerleaders who would look at this would say: You need to understand something. And, obviously, they would say: Senator DORGAN does not understand it. Here is what it is. They say: We have increased our annual exports to China by $39 billion from 2000 to 2006. That is what they would say. They would say: Look at this, we have increased our exports by $39 billion in just 5½ years. They just will not tell you the rest of the story, as Paul Harvey would suggest. The rest of the story is, yes, we did increase our exports to China by $39 billion, but we increased our imports from China by $188 billion. Isn't it interesting the picture you get that is very different if you have both sides of the equation? What will happen is those who support the free-trade model who think it works, who want to bury their head in the sand with respect to anything that represents something we should fix in our trade circumstance, they would only show you this $39 billion, only tell you that. They will strut around, thumbing their suspenders, puffing on their cigars saying: Look at all this; isn't this wonderful? We had a $40 billion increase in exports to the country of China in the last 6 years. What do you think about that? Do you think that is not successful? We are dramatically increasing our exports to China. How on Earth can you suggest that is not in this country's best interest? They would stop the story right there.

But if you pick up the story where it should be picked up, you would say: Yes, that is true we had almost a $40 billion increase in exports, and good for us. The problem is, it was more than four times that amount in increased imports to this country, which means we had a net reduction in our trade relationship—that is, a net increase in our deficit—with China of over $140 billion. That is the rest of the story.

So for every $6 of merchandise we buy from China, the Chinese buy $1 of merchandise from us. That is not mutually beneficial trade. There are a lot of reasons for this surging trade deficit with China.

If I might show the bar chart that shows the surging deficits, there are many reasons for this surge, but among them is that we have a pretty bankrupt trade agreement with China. China is rampant with what is called intellectual property theft. Walk down a street in China and buy a brand-new American movie, a CD. Piracy, they manipulate their currency, they have unfair barriers against U.S. exports, they have an unfair relationship in which U.S. jobs go to China because of, in many cases—not all cases but in many cases—sweatshop conditions in China. And so we have these circumstances with China that contribute to this dramatic increase in the U.S. trade deficit with China.

China has increasingly become a platform for manufacturing that used to occur in this country. Why? Because they are better manufacturers? No. It is because you can get products manufactured for a fraction of the price of manufacturing them in this country.

I indicated earlier the situation with Mexico. I described the situation with China. The trade deficit increased dramatically with China, and the trade deficit increased dramatically with Mexico. The same is true with Canada. With Japan, it hasn't increased dramatically. It has always been large and never changed because that is the way Japan wants it.

In the Wall Street Journal on October 4 of this year, there was a very interesting story. It said in the headline: "Republicans Grow Skeptical of Free Trade." And the story described a poll—understand, this is in the Wall Street Journal—that by a 2-to-1 margin, Republican voters believe free-trade deals have been bad for our country's economy. I suppose the Washington Post would also suggest that is demagoguery. Again, by a 2-to-1 margin, Republican voters believe free-trade deals have been bad for our economy.

The poll found that 59 percent of polled Republican voters agreed with the following statement:

> Foreign trade has been bad for the U.S. economy because imports from abroad have reduced demand for American-made goods, cost jobs here at home, and produced potentially unsafe products.

Only 32 percent of the polled Republican voters agreed with the following statement:

> Foreign trade has been good for the U.S. economy because demand for U.S. products abroad has resulted in economic growth and jobs for Americans here at home and provided more choices for consumers.

This poll in the Wall Street Journal suggests, I think, a dramatic change in the way Americans view this free-trade movement.

In December 1999, the Wall Street Journal did a poll that found that only 31 percent of Republican voters thought free-trade agreements hurt our country. But in this past month's poll, they found the number of Republican voters went from 31 percent to 59 percent. These are Republican voters. That is where the substantial support has come from for these free-trade agreements. Clearly, the American people have seen the results of the free-trade agreements. They understand these red lines, these giant trade deficits are not just red lines. This isn't just some red ink. It represents lost jobs, lost dreams. It represents somebody coming home at night to their family saying: Honey, I lost my job, not because I am a bad worker but because I can't compete with 20-cent-an-hour labor in Shen-chen, China.

When NAFTA was debated in Congress in the early 1990s, its proponents argued, as I indicated earlier with respect to the U.S. deficit with Mexico, the proponents argued this would result in the creation of a couple hundred thousand new jobs in the United States. But it is widely acknowledged by any economist who knows anything that this did not lead to the increased promise of U.S. jobs. The 200,000 jobs created annually, that was from a study by Mr. Hufbauer and Mr. Schott, a couple of economists.

I have indicated that I previously taught economics in college, but I was able to overcome that experience. Hufbauer and Schott gave us this best economists' analysis we can find, I guess. They said this will be a couple hundred thousand new jobs, 170,000 new jobs by 1995, and they rounded that up to 200,000 when it was sold to the Congress. We now know at least 412,000 jobs have been certified as lost due to NAFTA under just one program at the U.S. Department of Labor.

Ten years after NAFTA had been approved, I commissioned a study from the Congressional Research Service which identified the top 100 companies that laid off U.S. workers as a result of NAFTA between 1994 and 2002. When I asked the question of the Congressional Research Service: Tell us how many Americans have lost their jobs due to NAFTA—they went to the Department of Labor, which has a program called trade adjustment assistance. It is a program that gives temporary benefits to those who are laid off as a result of NAFTA. This program requires companies to actually certify that they intended to eliminate U.S. jobs specifically because of NAFTA.

The question of whether we have lost jobs due to NAFTA is on this chart coming from the Congressional Research Service that got the data from the U.S. Department of Labor. It tells us where these jobs came from, where they were lost. Vanity Fair, 16,000 jobs; Levi Strauss, 15,676 jobs. These are certifications by the companies that they intend to lay off or did layoff these employees because of NAFTA. You can just go down the list. This isn't me saying it, these are the certifications these companies have made to the Department of Labor that these jobs are gone because of NAFTA, and they want trade adjustment assistance for the workers who lost their jobs.

Sara Lee, Lucent, Fruit of the Loom, Texas. Fruit of the Loom underwear left. It is not that people stopped needing or wearing underwear. It is just they stopped making them in America. So Fruit of the Loom is gone; 5,352 people who made underwear in this country lost their jobs. That is certified by Fruit of the Loom to the Labor Department saying: We laid them off.

This is not a question of whether there has been a loss of jobs as a result of NAFTA. Just the top 100 companies have certified to that, the top 100 companies laid off 201,000 U.S. jobs due to NAFTA. And if we look at all U.S. companies, the total number of U.S. jobs certified as lost to NAFTA are 412,000, and that is just under this one program, trade adjustment assistance.

I wanted to focus on the top 100 companies, but we could have done all of them. This is sufficient, however, to show what has happened with respect to NAFTA.

Some familiar products: Levi Strauss. I don't know that there is anything more American than wearing a pair of Levis, right? So we all buy Levis, except they don't make one pair of Levis in America, not one. Is it because we don't make good pockets, can't sew good seats? No, not all. It is just that all those jobs migrated out of this country in search of cheap labor.

There is a company called Nabisco. Do you know what it stands for? National Biscuit Company. Nabisco is short for National Biscuit Company. Presumably "national" is in this country, except that the National Biscuit Company now belongs outside this country when it comes to making cookies. So Fig Newton cookies moved from America to Mexico. The National Biscuit Company Fig Newton cookies migrated to Mexico. Is it because they can't shovel fig paste as effectively in New Jersey as they can in Mexico? No. Shoveling fig paste is the same all over the world. It is just you can get somebody to shovel fig paste a whole lot less expensively in Mexico than in this country, if you use low-wage labor that is not protected by the kinds of basic labor protections we have in this country. So the National Biscuit Company is no longer national, at least with respect to Fig Newton cookies.

I mentioned Fruit of the Loom, Mattel. We hear a lot about Mattel these days, of toys from China. They closed their last factory in the United States, a western Kentucky plant, that produced toys—Barbie playhouses and so on, battery-powered pickup trucks—for 30 years. They shipped production from the 980-person plant in Kentucky to factories in Mexico.

John Deere, 1,150 workers, on this chart—made lawn mowers, chainsaws—gone to Mexico.

Well, we understand the Peru trade agreement is an agreement that is not going to threaten the economic interests of this country. I don't assert that is the case. I do assert, however, that it is a failed model, and we have seen plenty of it. I have been on the floor of the Senate on many occasions saying why don't we fix that which is wrong in previous agreements before we bring new agreements to the floor of the Senate. But we never do that. We just keep bringing new agreements to the Senate.

The Peru trade deal does include some labor protections. That is true. And that is a welcomed development. But labor protections in a trade agreement don't mean very much if there is not the political will to enforce them. Under the Peru deal, the only party that can seek enforcement of labor violations is the administration. And the Bush administration has, apparently, I am told, given assurances to the U.S. Chamber of Commerce these labor provisions are not going to be vigorously enforced. When the deal was announced on May 2007, the U.S. Chamber issued a statement saying it had received assurances that the labor provisions could not be enforced. Let me quote:

> We are encouraged by assurances that the labor provisions cannot be read to require compliance with ILO Conventions.

That is from the president of the U.S. Chamber of Commerce. He was saying: I am comfortable because these aren't going to work. He was referring specifically to a promise made by the U.S. Trade Representatives that the Peru agreement wouldn't require that U.S. workers be assured the minimal labor rights guaranteed by the ILO.

Mr. President, if the Chamber had been assured the agreement will not be enforced with respect to the rights for U.S. workers, you can bet the labor provisions would not be enforced at all.

Even during the negotiations for the Peru agreement, the administration made it very plain it has no interest in having labor protections in the trade deal.

In fact, in 2005, the President of Peru offered to include in the text of the original agreement a commitment to comply with the International Labor Organization's standards for basic labor rights. That came from the President of Peru, saying: We will do this. In fact, the U.S. trade ambassador's office quickly rejected it. They quickly said no. They vowed not to include a commitment to labor standards in the free-trade agreement. It was only after the 2006 elections, in which a number of very interesting people were elected to this body on these very issues—standing up for American interests, for the American economy, and for the rights of American workers—only then did the U.S. Trade Representative, realizing these trade agreements would not move forward, only then did they decide to budge.

But I think the true colors were demonstrated the year previous when the administration turned down the request or the offer by the President of Peru. It is clear to me there is no interest in enforcing these labor provisions, and I have just suggested the evidence of that.

It is interesting, the only other previous trade agreement that included labor provisions was Jordan, and in the Jordan agreement—and I give the previous administration some credit, again, for including a labor provision in the Jordan trade agreement. Those provisions have not been adequately enforced, and the result has been the proliferation of sweatshops in the country of Jordan—the only country with whom we have a free-trade agreement that includes labor provisions.

Now, our trade balance, when we signed the trade agreement with Jordan, we had a trade surplus of about $243 million. That disappeared very quickly, which is the case with all our trade agreements. That surplus disappeared by 2002, and by 2005, that $200-plus million surplus had turned to a $600-plus million deficit, and our balance with Jordan has gotten worse every year since the agreement was signed. Let me say that again. Our trade balance with Jordan has deteriorated every single year since the trade agreement was signed.

In May of this year, the New York Times exposed how the free-trade agreement with the country of Jordan has been used to create sweatshops all over Jordan. It turns out that when the agreement was signed in 1999—this is the story in the New York Times, titled "An Ugly Side of Free Trade: Sweatshops in Jordan"—there began to be imported into Jordan guest workers—guest workers from Bangladesh, from Sri Lanka, and elsewhere—to work in factories and in plants in sweatshop conditions.

Have you ever heard of a 40-hour work shift? No, I am not talking about a 40-hour week. I am talking about a 40-hour shift. Well, it is happening in some of these plants. Have you heard of people working 100 to 110 hours a week every single week, 7 days a week, with 1 day off every 3 or 4 months? Have you heard of people working for a month, a second month, a third month, and never getting paid; and when asked to be paid, getting beaten? Have you heard of people who spend 3 minutes making a colorful bikini for a lingerie shop in this country that is going to be sold for $14 and they receive just a pittance, working in sweatshop conditions? A story from the National Labor Committee just described such a circumstance with a widely known American company.

Mr. President, despite the fact labor provisions existed in the Jordan Free Trade Agreement, no one has sought to enforce those requirements, those labor provisions.

Now, the other reason I do not support moving ahead with additional free-trade agreements is, there are no benchmarks. It seems to me, and it seems to a number of my colleagues who have introduced legislation with me, that we ought to have benchmarks. Whether it is with agreements with China, agreements with Canada, or Mexico, or Japan, we ought to have benchmarks to decide what is the result of what we have just done. It doesn't matter to people in this Chamber, apparently, that we are drowning in trade debt that gets worse and worse and worse, and yet the worse the trade debt becomes, the more they come to the floor of the Senate crowing about how wonderful it is. I mean, I don't understand it.

Mr. President, we have proposals to have free-trade agreements coming behind the Peru agreement. One is with Panama, one is with Colombia, and one is with South Korea. All of them, by the way, are negotiated under something called fast track, where the legislative branch generously decided it would wear a straitjacket and promise if an administration, any administration, negotiated trade agreements in secret, behind closed doors, where others weren't allowed to venture, and they were brought back after an agreement was reached to this Chamber, the folks in this Chamber who supported that would agree they would prevent the offering of any amendments.

So before the action started, they said: We will agree to wear a straitjacket once you have told us what you have done.

It is the most unbelievably antidemocratic action, and also an action, I think, that undermines the very essence of what the Senate should be about. Nonetheless, that is the method by which these have been negotiated.

Now, fortunately, we will not have additional agreements negotiated under those circumstances because the fast-track authority ran out June 30, and it will not be restored. But these agreements were negotiated under fast track.

Now, let me describe to you, if I might—and I can do this with 2 dozen or 100 products, but I will do it this way because it demonstrates the complete incompetence of our negotiators and the complete incompetence of our negotiated product. This chart represents automobiles from Korea. And with respect to our trade with Korea in automobiles, it is worth about $9 billion a year. So we have a lot going on with respect to Korean automobiles. If you drive down the streets of this country, you will find automobiles that come from Korea. In fact, in 2005, 740,000 Korean-made cars were put on boats and shipped across the ocean to be sold in the United States—740,000 Korean-made cars were shipped to the United States to be sold.

Well, guess how many U.S. cars we were able to ship to Korea to sell in Korea. Not 740,000 but 4,500.

So here is the way our trade with Korea looks. All of this white represents Korean cars put on boats to be sold in America. And this little car down here? That is the number of cars we were able to sell in Korea. In fact, 99 percent of the cars driven on the streets of Korea are Korean-made cars, and that is the way they want it. They do not want foreign-made cars in their country. But they want to ship their cars to America, even as they keep American cars out of their marketplace.

We just negotiated a free-trade agreement. Do you think this administration, negotiating in secret, behind closed doors, said to the Koreans: You can't do this. It is not fair trade. You are protecting your jobs in Korea and injuring our jobs in the United States, and we will not allow you to do it. Do you think this is corrected? Absolutely not. Not a word. Just fine. Keep doing it. Doesn't matter. This is about high finance. This is about the free-trade model. It works just fine.

I guess it does if you wear a blue suit and take a shower at the start of the day. But if you are working in a plant someplace making a car and taking a shower at the end of the day because you worked hard, it sure doesn't work well for you because you are the one who loses your job down here.

Let me describe one other thing. We negotiated an agreement with China that is even more incompetent than this. This is incompetent, and I don't know who negotiated it, but this is gross incompetence, in my judgment. In China, we have a bilateral agreement on automobiles. Let me tell you what it is. As I do, I was in a foreign country the other day, and I drove down the street and I saw Chinese cars advertised now to be sold in that country. Well, the Chinese cars are coming to this country. The Chinese are ramping up a very large, very significant automobile export industry, and they are coming, and coming soon—small cars, cost very little, presumably efficient, but they are coming. Here is what our country said to the country of China, with whom we have a very large trade deficit: We will make a deal. It is true we have a big deficit with you, but we will allow you to ship Chinese cars into the American marketplace, and we will charge a 2.5-percent tariff on each of your cars. And we agree with you, if we send American cars to be sold in China, you may charge a 25-percent tariff on our cars sold in your marketplace. A country with whom we have a $230 billion trade deficit, we said: It is OK if you charge a tariff that is ten times higher than our tariff on mutual automobile trade.

Incompetent? Sure. Ignorant? You bet. Certainly ignorant of our economic interests. I would like to find one person to stand on the floor of the Senate and say they support that; that is absolutely fair. I want just one. I don't need two or three to stand up and say that; I want just one who has the courage to say with respect to bilateral automobile trade with China, bilateral automobile trade with South Korea, I think this is just dandy. I think it makes a lot of sense.

I use this only to say I could do this in a dozen instances, but I do it with respect to automobiles. We don't produce automobiles in North Dakota, but I do it to say this is a big job-creating industry. Automobile production is a job-creating industry. We traded a lot of that to Mexico in NAFTA, so now the largest import from Mexico is automobiles. But just look at what we are doing with South Korea, and we have just negotiated a new agreement with them and have done nothing to solve the problem.

Look at what we are doing with China in bilateral trade, and we will see the results of that, even as we now have the largest trade deficit in human history with China. Even as that exists, it is going to get worse because we are going to have a substantial avalanche of imports of Chinese automobiles into this country in circumstances of trade that are fundamentally unfair to this country and to this country's workers.

Now, let me come back to the point at which I started, and it is a Washington Post editorial of today. I don't know how the Washington Post editorial writers would view this. I assume they would ignore it because you certainly can't defend it. That which is not defensible, those who choose to try, do ignore it. But let me end as I started today by saying the editorial in today's newspaper which states a candidate saying "NAFTA was a mistake" is engaged in demagoguery really is a thoughtless way to engage in a discussion about international trade.

I come from a State that needs to trade a lot, and we need to find a foreign home for a substantial amount of our agricultural production. I support trade. But I do not support what has happened in recent years, and for that I am considered, I suppose by some, as somebody who doesn't get it.

If you are not part of a "free trade" crowd, you are someone who is some sort of a xenophobic isolationist stooge who can't see over the horizon.

The problem is, the American people now understand. Look at the Wall Street Journal poll I referenced. The American people, and not just the American people but the subgroup of Republicans, are opposing these free trade models that have resulted in mass trade deficits. They are opposing them by a 2-to-1 margin. I think it would do well for people to pay heed to that, including people who are serving in public office. It is not that the American people are behind the politicians. The political system is far behind the American people in being enlightened about what this trade does to our standard of living.

I know my colleagues wish to speak, but I will make a couple of other points. We fought for 100 years to raise standards in this country. We fought long and we fought hard. People lost their lives because of it. We raised standards. We lifted people up. We said there must be a minimum wage, there must be child labor laws, there must be a safe workplace, there must be the right to organize. We did all those things and we expanded and built a middle class that was nearly unbelievable. Our country became strong—a country in which you can get a job that paid well and you had job security; you likely had a retirement program and health care; you were proud of what you did and often you went to work for a company and you expected to spend a career working for that company.

Things have changed. All too often these days workers are like wrenches, considered to be a tool: use them up, throw them away. Don't worry too much about them. That is not an ethic that works well in the traditions of this country.

For 100 years, we fought to raise standards in this country and now people say to us our standards somehow do not match standards around the world and so, inevitably, we have to find a way to fit in. Fitting in means diminished standards, pushing them down, competing with someone in a toy factory in Chenghai, China, making 30 cents an hour, 20 cents an hour. That is not "fitting in" in a way that works to this country's best interests.

The Presiding Officer is from Chicago. In Chicago, there was a wonderful immigrant man who decided to build red wagons and he named them "Radio Flyer." Everyone has ridden in them. The reason he named them Radio Flyers is he loved Marconi. This immigrant who came to this country and wanted to build something, he loved Marconi and he loved airplanes so decided to build his little red wagon in Chicago and he named it Radio Flyer, little red wagon. For 110 years, it was made in Illinois. But it is not anymore. All those little red wagons that are pulling those little tykes around this country are made in China. It is not just the little red wagon, I could go on forever. Etch-a-sketch, from Bryan, OH, Huffy bicycle, they are all gone. Everyone who worked for all those companies, their jobs are gone.

Why? Because some have decided to say we should be able to compete with 20-cents-an-hour, 7 days a week, 12 to 14 hours a day. That is not what represents the best of the standards we created over the last century and should not be what we accept.

I am in favor of bringing to the floor of the Senate a debate about trade and the conditions under which trade represents mutually beneficial conditions for those with whom we trade and for us as well. But I will not continue to vote on trade agreements and cast my vote in an affirmative way on trade agreements that do not have benchmarks and accountability, that represent what we believe to be the best interests of our country and our workers.

We shall and we will and we are participating in the global economy. But we have a right as a nation to decide the conditions under which we will participate in that. Those conditions ought to be to pull others up, not push us down. That is why I believe the American workers—judging by that Wall Street Journal poll and I think judging by the last election—American workers and the American voters understand what is at stake. It is not about standing up and saying I support this mantra, this slogan of free trade. It is about saying America wants to be a leader in trade and that leadership should lead in the direction of supporting workers, of supporting the standards we have built.

It is interesting now in recent months, and somewhat disconcerting, that we are now seeing the product of globalization. It has many faces, some wonderful and some not too good. One of those faces comes from a toy shelf in which a wonderful looking toy that is to be sold for a young child's Christmas present this Christmas season turns out to be poison. It comes from a plant, I assume, produced by a contracting company in China. They all say—whoops, sorry, excuse me.

Would that have happened in Ohio or Michigan? Would they have been able to use those standards that produce unsafe toys? I don't think so. Why? Because we have regulations and standards and we have enforcement. That is the difference.

I believe when we talk about trade agreements—whether it is Peru, China, NAFTA, CAFTA—I think we ought to be talking about benchmarks and standards and we ought to be talking about things that represent the best interests of this country.

Let me finish, again, by saying I support trade and plenty of it, but I demand and insist it be fair trade and I demand and insist that this administration and others begin fixing some of the problems they have created in past agreements that I think undermine this country's economic interests.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, when the Senator from the Dakotas was telling us about the little red wagon, the American Flyer from Chicago, of course what immediately hit my mind was that little Red Flyer produced there today may well be painted with lead paint.

As the Senator from Illinois, who is presiding, and I and the Senator from North Dakota have gotten into this issue of the tainted toys, here we are, approaching the holiday season and people are out buying these Christmas presents; they want to make their children happy, but they are, indeed, now having to go an extra measure to beware of all the toys because of what we have seen, that the Chinese industry simply will not police itself. The Chinese Government will not insist on the industry policing itself.

If we are going to protect the American consumer, we ought to be able to rely on our Consumer Product Safety Commission when, in fact, the Consumer Product Safety Commission is nonfunctional. It has a workbench about the size of two of these desks with all of the products stacked on it, and that is their research facility to determine if those products, in fact, are lethal to the children of this country.

The acting chairman of that commission will come in front of the Senate and say she does not want any more money for the Consumer Product Safety Commission to hire additional staff to change what is a discombobulated card table, with all the products on top of it, into an efficient laboratory that can actually check as to whether these products are safe.

The Senator from North Dakota has made a lot of points with regard to automobiles. He has made a lot points with regard to products and how America, in these trade negotiations, gets fleeced, taken advantage of. This Senator does not believe that is the case with this particular agreement that we are going to vote on tomorrow. That is so for this reason: The United States has already opened its markets to most imports from Peru through trade preference legislation, meaning that 98 percent of all the imports from Peru already enter our country duty free. But do the flip side of this. What Senator DORGAN was talking about is equal trade, but the fact is now, without this agreement, U.S. exporters do not have the same access to Peruvian markets that the Peruvian exporters have to the U.S. markets market. U.S. products entering Peru face tariffs that average 10 percent. In order for there to be free trade, it has to be a two-way street. We both have to benefit from a duty-free environment. In fact, after the implementation of this agreement, most of the tariffs on U.S. exports to Peru will be eliminated. That is my bottom line. That is why I am going to support this trade agreement. That is my American hat.

Let me put on my Florida hat. This is certainly going to be of benefit to Florida. We have already seen the benefits of free trade—for example, in a trade agreement that we have with Chile. Florida's exports after the trade agreement, exports to Chile, have grown by 70 percent. Take, for example, Jordan. After we enacted the Jordan Free Trade Agreement—that was about 5 or 6 years ago—Florida's exports to Jordan have increased 1,100 percent.

Like those, I believe this Peru trade agreement will open new markets for Florida businesses. It is going to lead to increased exports to Peru from Florida through Florida's ports.

Let me give some examples. Florida's exports of transportation and manufacturing equipment will benefit from this trade agreement. In 2006, Florida companies exported $42 million in transportation equipment and $180 million in machinery manufacturers to Peru. The elimination in this agreement of those Peruvian tariffs on those kind of high-value pieces of equipment is going to provide a competitive boost to Florida exporters who will no longer be facing tariffs that are as high as 12 percent. With the passage of this agreement, Florida companies will have a chance to take full advantage of Peru's growing demand for their equipment.

Support for free trade doesn't mean we need to go out and compromise on other things, some of which the Senator from North Dakota has mentioned, or that we would compromise on our support for human rights or the environment. That is why this particular Peruvian agreement includes numerous environmental and labor protections.

For these reasons, I am going to support this free trade agreement.

Mr. President, while I am here, I wish to say a couple other things about a couple other matters that have to do with Latin America. There was a very significant vote in Venezuela yesterday. Basically, President Hugo Chavez wanted to amend their country's Constitution to allow him to become President for life. In a very narrow vote, the people rose up and they said no. He is in office until 2012, under the current Constitution, so Hugo Chavez will continue his brand of leadership. There are people in this Chamber who have reached out to President Chavez to take a more moderate, conciliatory roll, a roll where the two countries, the United States and Venezuela, could work together. In almost all cases, he has rejected those overtures.

This Senator is one of those who has reached out to him. He has charted his course and he wanted to be President for life and the Venezuelan people, albeit by a very narrow margin, said no. If that is a signal to the President of Venezuela that there ought to be a different way that he ought to approach other countries, particularly the United States, then hopefully that is a message President Chavez might consider.

I want to say another thing about Latin America. Last Friday we saw the first evidence in 4 years that three American hostages held by the FARC in Colombia are alive. These images give us hope. They also remind us that securing their safe release and the return to their families must be a top priority. And it is. Without making speeches, this Senator from Florida is constantly speaking in private conversations to the Government of the United States, and to Latin American leaders, about helping in securing the release of these Americans and of a French citizen, a former Senator in the Colombian Government.

There are other hostages as well. It is my understanding they are Colombian. But, of course, our responsibility is to our own Americans. So there is hope. Because this was the first time, to the outside world, that we have seen the visual images that they are alive. Let us have that as a constant reminder to keep pressing the FARC that it is in their interest and in humanity's interest to release these Americans.

I will conclude on a completely different topic. I must say with absolute frankness that I was saddened when I heard that the Senator from Mississippi, Mr. LOTT, was going to resign. I think he is one of the most delightful of all the Members of this body, in a legislative body of some exceptionally talented and engaging people. We have seen Senator LOTT use his legislative prowess, often in a bipartisan way, to bring about the consensus in order to get things done and to move the legislative process along, which is so necessary and, as the good book says: For us to come and reason together.

He has been a legislative master who got along so well as the majority leader with Senator Daschle, the minority leader, and then, because of the turn of events in 2001, for Senator LOTT, the minority leader, to get along with Senator Daschle, the majority leader, so they could move the business of the Senate along.

He is a personal friend. I have had the privilege of going to the University of Mississippi to speak on a forum at the Trent Lott Institute at that great university. And for this Senator, he will be very much missed in the Senate. We wish him and Tricia and all his family God speed.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, this day is long overdue. But the fact that this day has arrived for the consideration of the Peru Trade Promotion Agreement Implementation Act is still a good day to have happen, even though it should have happened several months ago. In fact, I would say it should have happened last year.

But the same problems that kept it from coming up this year were in place last year. I strongly support this bill. I urge my colleagues to do the same. Over the past 7 years, Congress has passed implementing bills for trade agreements with 12 countries. Of these 12, 7 are located in Latin America.

The implementation of those agreements demonstrated our commitment to strengthening our relations with our neighbors in Latin America. We now have an opportunity to build on that commitment by implementing our trade agreement with the country of Peru.

At the same time, these agreements serve to advance our national interest. Too often we talk in terms of the economic interests of the United States when it comes to trade. We ought to be looking at things beyond the economics of trade. I say these agreements advance more than our economic interests; they advance a broader national interest because they foster transparency and increased respect for the rule of law in international business transactions.

I think it goes beyond the business transactions, because with every business transaction, there are millions of people involved. And even though we in the political world or our diplomats feel we are more important than anybody else in bringing about peaceful relations, our work is kind of a spit in the ocean compared to what millions of business people every day do for America and for other countries interacting among each other, breaking down barriers that often lead to misunderstandings and an enhanced understanding between people. They have an awful lot to do with the promotion of international peace.

I think it goes even further, and I don't remember who I quote when I say this because I have been quoting it for so many years, but it is something such as: Nations that trade together do not war, or something of that nature. That is a paraphrasing of that concept. But I believe that That is why I believe in breaking down trade barriers, as this Peru bill does. It enhances international understanding and peace as well as enhancing our economic interests.

This bill then creates more opportunities for increased economic growth and prosperity in neighboring economies which help to foster political stability which is important within those borders. But political stability within a country's borders also enhances international stability.

That is particularly important in the Western Hemisphere and the South American Continent, as well as the part of the Western Hemisphere we call Central America. Because we need meaningful alternatives to combat the production and trade of elicit narcotics, another factor that maybe applies to these countries more than a lot of countries we trade with.

Perhaps most importantly, these trade agreements level the playing field for U.S. producers and exporters. I had a chance, before speaking, to hear Senator NELSON of Florida speak. To hear this from the Democratic side of the aisle is very important because it is a fact: This bill levels the playing field to give our exporters and producers access to Peru the same way Peru has had access to our markets and our people for decades under trade preference.

During my time in the Senate, I have heard some of my colleagues complain that the global trade situation reflects an uneven playing field. Now, to some extent, I agree. That is why I am a promoter of more free trade agreements. The Doha round of the World Trade Organization negotiations is leveling this playing field.

So right now it is uneven. It is not as level for American exporters as it ought to be. But if you looked at the last 50 years when this process started, soon after World War II, under the General Agreement on Tariffs and Trade, you would find it was much more—or a lot less level than it is right now.

So we have made considerable progress and we need to build on what is a success, very much a success. Because in too many cases, the duties that our trading partners impose on U.S. exports are much higher than the duties we impose on theirs. As I have said, that is certainly the situation with Peru. Right now, some 97 percent of imports from Peru enter the United States duty free.

I do not know whether Senator NELSON used that specific percentage that I gave, but he was speaking of the fact that Peru had preference to coming into the United States. This bill gives our producers and exporters the same preference there. Our exports to Peru face duties that range from 12 to 25 percent. Specific examples: Peru's tariff on U.S. pork exports to that country, and this is a major product of my State of Iowa, is as high as 25 percent, while Peru's exports to the United States are duty free.

Now, that is what I call a one-way street. This unbalanced situation is largely the result of unilateral trade benefits that we extended to Peru under what I called the preference situation. But this is specifically under what we call the Andean Trade Preferences Act.

This trade agreement before the Senate today will restore balance to our trade relationships with Peru. I do not want you to take my word for it. The impartial U.S. International Trade Commission analyzed our trade agreement with Peru. The Agency found, and I quote:

> Given the sub-stantially larger tariffs faced by U.S. exporters to Peru, than Peruvian exporters to the United States, the trade agreement is likely to result in a much larger increase in U.S. exports than U.S. imports.

The International Trade Commission of our U.S. Government goes on to state that:

> The agreement will likely increase U.S. exports to Peru by 25 percent, while Peruvian exports to the United States will grow by 8 percent.

Now, that is a win-win situation for U.S. producers and exporters. And why anybody would vote against an agreement like that I could not understand, and I am not anticipating that people will vote against it, but I do know, in the months of this year that we have discussed trade, I have heard a lot of negative attitude toward trade, how harmful it is to the U.S. economy. But if any Member who has said those things during the course of this year would look at the bill that is before the Senate right now, that is going to increase U.S. exports to Peru by 25 percent while Peruvian exports to the United States will grow by 8 percent, then if they vote against this, they are not addressing the concerns they are giving speeches about all this year. The benefits of this trade agreement are going to spread across all major sectors of the economy. I say that because I quoted agricultural benefits. But besides U.S. agricultural producers, manufacturers and service providers all stand to gain from this agreement. The ITC—the International Trade Commission—predicts the agreement will have a "substantial, positive" effect on U.S. exports to Peru of the major U.S. commodities of pork, beef, corn, wheat, and rice. The American Farm Bureau Federation predicts that U.S. farm sales to Peru could increase by more than $700 million with full implementation of the trade agreement. U.S. rice exports to Peru will grow tenfold to fifteenfold as a result of this agreement, while U.S. exports of corn will double.

The National Pork Producers Council says that the Peru trade agreement is a "state-of-the-art agreement for pork producers to which all future trade agreements will be compared." Our manufacturers will enjoy significant benefits as well. For example, Whirlpool Corporation—this is a Michigan corporation which recently bought Maytag in Newton, IA, and closed that plant down, but they still have a massive manufacturing plant in Amana, IA—appeared before the Finance Committee to testify on behalf of this trade agreement. Whirlpool exports refrigerators, ranges, and clothes washers to Peru. It manufactures those products in several States besides Iowa, including Arkansas, Indiana, Ohio, and Tennessee. Whirlpool told the Finance Committee that the Peru agreement will eliminate the 15- to 20-percent tariffs Peru imposes on Whirlpool products. In part because of this agreement, Whirlpool expects its U.S. exports to Peru to increase 400 percent within the next 2 years. In Whirlpool's view, the elimination of Peru's tariffs on its products will allow Whirlpool to maintain jobs in the United States rather than relocating or expanding operations abroad.

Here again, how many times have we heard on this floor the legitimate concern—I am not finding fault—about outsourcing of manufacturing jobs to other countries? You can imagine why that might happen if we have a 10- to 12-percent tariff going into Peru. But people who say those things in this body ought to vote for this bill if it is going to level the playing field for Whirlpool workers so we can maintain those jobs in the States I cited.

U.S. service providers will also gain from this agreement because Peru has agreed to exceed the commitments it made on services, even in the World Trade Organization. So we get something better than we have under WTO rules right now when we have a free-trade agreement with Peru. Peru, thus, has agreed to accord substantial market access across the entire service regime, with very few exceptions, using the so-called negative list approach.

So to those of my colleagues who complain that the current world trade situation is unfair, here is a chance to improve that situation. By implementing this agreement, Congress will level the playing field for U.S. farmers, U.S. manufacturers, and U.S. service providers in this important market. The agreement will boost U.S. exports, creating jobs, keeping existing jobs in the United States. There have been studies, various studies, but the one I always quote says that jobs in the United States—that those products or services that are exported, those jobs are jobs that pay 15 percent above the national average. So they are not only jobs, they are good-paying jobs.

I understand there is a rising sense of protectionism in the Congress. I alluded to that in my remarks today. But I would like to have Members look at the facts. Take, for example, the Central American Free Trade Agreement, otherwise known as CAFTA. CAFTA entered into force for four of our trading partners last year. It is already possible to see the results of bringing their tariffs in line with ours. Guess what. As you might expect, leveling the playing field has brought positive results.

I wish to use the U.S. Department of Commerce as a source. They say our exports to the four countries increased 18 percent in 2006, while our imports were up 3 percent. I don't know how many Members voted against that last year, but I would imagine it was close to 40, give or take a few. I would like to have those 40 Members who probably voted against this, saying that free-trade agreements are not good, look at the facts. So far, our exports have increased 18 percent, while our imports from those countries of Central America were up 3 percent. Leveling the playing field helps American farmers, manufacturers, and service providers. Then maybe you would think it was wrong to vote against CAFTA last year. As a result of this increase of our exports by 18 percent, our trade balance swung from a $1.2 billion deficit in 2005 to a $1 billion surplus in 2006.

How many times on the Senate floor have we heard one of the examples of something that is bad about free-trade agreements is because of our terrible trade deficit? Our trade deficit is too high. If American consumers would quit spending on imports and if they would save some of their money, we wouldn't have as much of a trade deficit as we have. But the American consumer, including probably this consumer, lives too much for today and forgets about tomorrow. CHUCK GRASSLEY may be too materialistic for the good of our trade deficit. If we spend a little less money and save a little bit more, invest in Treasury bonds instead of letting foreign countries buy them up, we would be better off. But for those Senators who have made speeches against how terrible our trade deficit is and then use that as an excuse to vote against CAFTA, don't they feel they were wrong by voting against a bill that finally passed that brought us from a $1.2 billion trade deficit with these countries to a $1 billion surplus in just 1 year? That is what happens when you level the playing field.

We are not the only ones who stand to benefit from our agreement with Peru. Peruvians will benefit significantly as well. They have already benefited from the goodness of the U.S. people by letting them have trade preferences for all these decades. But even beyond what they have already had, a bill that is significantly much more benefit to the United States than it is to Peru, Peru is still going to benefit. The agreement will increase opportunities for continued economic growth in Peru and help Peru further develop and modernize its economy. By entering into the agreement, Peru has demonstrated its intention to strengthen its ties with the United States and lock in economic reform—economic reforms that they are going to benefit from, not us—and it is going to enhance their transparency and respect for the rule of law.

Agreements such as this are what the rule of law is all about. The rule of law in international trade is just as important as the rule of law for domestic America because within our own rule of law, everything is predictable. It has credibility and predictability. When you put the same regime in international trade, you have predictability and credibility. You enhance opportunities for people to work closer because they know what the other side is going to do, if you have equal respect for the law. All of this will serve to increase investor confidence in Peru and its economy.

These are critically important objectives. We live in a challenging time. There is a growing division in Latin America today. Venezuela's President is using oil wealth to lure allies to his socialist vision. He has announced plans to turn Venezuela into a socialist republic. He has nationalized Venezuela's telecom and electricity companies and wrested the oil industry from private companies. He has demonstrated once again that those who withdraw economic rights often seek to withdraw political rights. Those who centralize economic power tend to also centralize political power. For example, he pulled the broadcasting license of one of Venezuela's oldest television broadcasters, which also happens to be one of his major critics. He assumed new powers that allow him to rule by decree, and he pushed for a new constitution that would abolish Presidential term limits, allowing him to stay in power indefinitely. His former Defense Minister has called the plan "fraudulent" and akin to a coup. I don't know whether the final results are in, but he may have lost that referendum yesterday. At lease for my part, I hope that is what the final results show. But he is still going to be the dictator and the authoritarian that he has been for the last 9 years.

Chavez has said that this rejection, if it happens by the voters, is not a defeat, and he plans to proceed on whatever his goals are. His former Defense Minister has cautioned that he may seek to impose these changes through a different route than constitutional reform. So you lose an election, and you find some other way to accomplish the same thing.

I have talked about Venezuela and the environment of the Peru trade agreement because our relationships with Latin America will be enhanced through free-trade agreements. We ought to help countries like Peru that are not going in the direction of Venezuela as much as we should, particularly in light of the fact that two other countries in the region—Bolivia and Ecuador—are also trending in a similar direction.

Bolivia's President Morales nationalized the hydrocarbon sector by executive decree. As a result, investors were forced to sign new contracts that guarantee a greater percentage of revenue for the Government. He also seized a foreign-owned tin smelter without compensation. Instead of a free-trade agreement with the United States, President Morales joined President Chavez's so-called Bolivarian alternative for the Americas. He strengthened ties, at the same time, with Cuba and Iran.

President Correa of Ecuador has also reached out to Iran. He has called the United States "the most protectionist country in history." He also said that free trade is "dangerous" for countries like Ecuador.

I hope Correa, the President of Ecuador, will remember these statements he has made about the United States, saying the United States is "the most protectionist country in history." He also said that free trade is "dangerous" for countries like his.

I hope he remembers those things when he comes around to the Congress in about 2 or 3 months wanting an extension of the Andean trade pact, where he wants preferences from our taxpayers so he can say these dastardly things about our country, which obviously are not true, but they are good for the propaganda purposes that he makes them, because he said these things even though we give imports from Ecuador duty-free access to our markets under our unilateral preference programs.

Now, the difference between Peru and Ecuador is this: Ecuador and Peru have had the same trade preferences with our country to get their products in here duty free for the last several decades, but Ecuador stops negotiating with the United States on a free-trade agreement and Peru goes ahead and negotiates with us. Yet Ecuador is going to be coming to us in a couple months saying to us we ought to continue the trade preferences with them, when they say these things about us: They feel more comfortable with Chavez and the Cuban and Iranian dictators than they do with us Americans. I have questioned why we should continue providing such duty-free access to our markets, but that is an issue we will deal with in 2 or 3 months.

The point is, there is a growing divide in Latin America. On the other side of the divide you find countries such as Peru and Colombia, allies of the United States whose Governments have gone out on a limb to strengthen bilateral relations with us. It is imperative we respond in kind and not turn our backs on these important allies. I expect we will soon approve our trade agreement with Peru. After that, we should move as quickly as possible to implement our trade agreements with Colombia and Panama, for the same reasons we ought to be approving this Peruvian agreement. That is what I envisioned when the bipartisan compromise on trade was reached May 10. I will return to that point in just a moment.

I am not alone in calling for approval and implementation of the Peruvian agreement. Just last month, the New York Times called for passage of our trade agreement with Peru. They editorialized that "it would be a folly for the United States to turn its back on trade." The paper also noted that all eight living former Secretaries of State have urged Congress to approve the Peru agreement.

In October, the Agriculture Coalition for Latin American Trade, which is comprised of 50 different agricultural organizations, called for congressional approval of the Peru trade agreement. This agreement is also supported by the National Association of Manufacturers and the Coalition of Service Industries, among other business groups.

In sum, there is widespread recognition of the benefits of this trade agreement for the United States.

Before concluding, I would like to address three other issues that have arisen with respect to free-trade agreements even beyond the Peruvian agreement. The first is the claim by some that these agreements undermine our food safety laws. The second is the charge that we are not enforcing our existing trade agreements. And the third is the May 10 bipartisan compromise on trade between the administration and the new congressional leadership that took over on the Hill in January.

In recent days, some of my Senate colleagues have criticized the passage of the Peru agreement in the House. One Senator went so far as to say the agreement "will result in more unsafe food in our kitchens and consumer products in our children's bedrooms." Now, let's just think about that for a minute. That is quite an accusation. How could Congress possibly support such an agreement? The answer is simple: We are not supporting that position by voting for this agreement because the accusation is false. If you do not believe me, then just look at the text of the agreement. Chapter 6 of the agreement addresses the types of "sanitary" laws related to food safety. There is absolutely nothing in the chapter that would lead to a lowering of our food safety standards. In fact, one of the explicit objectives of the chapter is to "protect human, animal, or plant life or health in the Parties' territories." "[T]he Parties' territories" means the United States and Peru. In addition, this chapter is not even subject to dispute settlement. So there is no way Peru could use the chapter to challenge our food safety laws, even if the chapter provided a basis to do so; and the agreement does not.

For over 20 years, opponents of our trade agreements have argued they would undermine our food and product safety laws. Yet, in those 20 years, there has not been a single challenge to any one of these laws—not a single challenge. That is because these complaints have no foundation. If people want to criticize our trade agreements, they are certainly free to do that. That is their right. But they should base their criticisms on facts, not on scare tactics.

I have also heard colleagues say that we should not enter into any trade agreements until the administration does a better job of enforcing existing agreements. In my view, the administration is doing a pretty good job of enforcing our trade agreements. But I suppose that even CHUCK GRASSLEY will look at specific problems we have. Maybe we ought to be doing more. But there are some examples that I think you ought to give the administration credit for.

The administration is challenging Europe's subsidies to Airbus, and up until last week it was pursuing at least four different cases against China in the World Trade Organization. So you might say: What has changed? Well, our U.S. Trade Representative, Ambassador Schwab, announced we had concluded an agreement by which China agreed to terminate eight subsidies we were challenging under World Trade Organization rules. This was just last Friday. The termination of those subsidies will bring significant relief to our manufacturers and exporters who have been confronting unfairly subsidized competition from the Chinese. In this case, we achieved our objectives without having to resort to that lengthy WTO process of litigation. That is a complete success story, in my book. As for the other three pending cases, we will continue to pursue our rights in the World Trade Organization.

If you ask me, the problem is not a shortage of enforcement. The bigger problem is that people are complaining about foreign government actions that are not yet subject to agreed-upon rules. In other words, the problem is not the failure to enforce the rules; it is that there are no rules to enforce in certain areas. If you want to solve problems that are not currently subject to rules, we should be negotiating more trade agreements, not fewer. Get the rules in place, and then get those rules violated—if that is what is going to happen, and you hope that does not happen—and then enforce them. But you cannot enforce a rule that is not there. For example, the administration recently announced it is negotiating a new anticounterfeiting trade agreement. That is a step in the right direction. Such an agreement would help get at problems such as the counterfeiting of the Underwriters Laboratories logo. That is an important safety issue.

If we are serious about wanting to get at these types of problems, we should give the President a new grant of trade promotion authority and send our negotiators out to solve those problems. If we turn our back on new agreements, our trading partners will continue negotiating among themselves, leaving us behind. That is what happened the last time Congress denied President Clinton trade promotion authority, I think in 1995. It was not reinstated until 2002. During that period of time, our trading partners concluded over 130 preferential trade agreements. We had only two.

So do you folks in this body who say we should not give the President trade promotion authority want to go back to the regime of other countries doing what they want to do? They will do it anyway, but we do not have an opportunity to keep up if we do not give our President that authority. Do you want to have the United States have an unlevel playing field in the case of the history of those 130 preferential trade agreements that were negotiated while our President did not have authority to do it, while we did, too, or do you think maybe our President ought to be negotiating the same number, to level the same playing field for the workers in America that other governments are giving their workers for an opportunity to have a level playing field? That cannot happen if the President does not have trade promotion authority.

We have only managed to regain some lost ground in the last 5 years. These agreements before the Senate—Peru and the 14 over the last few years—are examples. So the President needs to have trade promotion authority so he can continue to keep negotiating so we can create more jobs in America and export more and have a level playing field where we do not have that level playing field.

Finally, I want to mention the bipartisan May 10 agreement on trade that made it possible for us to move forward with this Peru agreement and, hopefully, makes it possible to move forward in the case of Panama and Colombia.

This year, the Democratic majorities in the House and Senate demanded additional provisions in our trade agreements before they would agree to implement them. That is the result of the last election. When people give their will to a different majority in this Congress, we have to respect that. I think the Democrats were fair and responsible in the agreements that were reached. I am willing to go along with them. Those are not necessarily things I would have agreed to if we had still been in a majority and probably would not have had to negotiate. But the Democrats won the last election.

So after lengthy negotiations, the administration agreed to a compromise that the House Democratic leadership announced with great fanfare on May 10, 2007. The Democratic leadership described the deal as a "historic breakthrough" and a "fundamental shift in U.S. trade policy" that achieved results they have been seeking for years. As a result of this compromise, the administration negotiated conforming changes in the labor and environment chapters and the provisions on Government procurement, investment, and intellectual property. For example, in the wake of the agreement, disputes arising under the labor and environment chapters are subject to the same dispute settlement procedures as every other obligation of the agreement. Now, we can debate whether that change was actually a good idea, but it satisfied a longstanding demand of the Democrats who have opposed our trade agreements in the past. The same goes for the other changes encompassed in the May 10 compromise.

The administration followed through by negotiating the necessary changes to incorporate the May 10 compromise into each of our pending trade agreements with Peru, Colombia, Panama, and South Korea. Now we are moving on Peru. But since the administration has carried out its responsibilities under the May 10 compromise with the Democrats and it is good enough to get Peru passed, it ought to be good enough to get Colombia and Panama passed real quickly and South Korea after some kinks are worked out in the South Korean negotiations.

Unfortunately, we have very little to show for those efforts other than Peru right now. It has been almost 7 months. We still have not implemented a single pending trade agreement. We will soon change that with our vote on the Peru trade agreement. But there is no sign of movement on the horizon for the next pending trade agreements, and our druthers there are to go with the agreement with Colombia first. The fact there is not movement in these other areas troubles me greatly.

I hope to see most of my Democratic colleagues join me in voting to implement this trade agreement with Peru. After we have done so, I very much hope they will join me again in supporting implementation of our trade agreement with Colombia as soon as possible in this Congress. Our agriculture producers, manufacturers, and our service providers are counting on us. Our allies are counting on us. It is in our economic interest, and it is in our national interest. It is in the interest of greater opportunities for international peace. We cannot let those opportunities embodied in these trade agreements slip by us.

One final, concluding remark, and it is repeating the same thing several times, and that is that Peru has had opportunities to come and bring their products to the United States without tariffs for decades. We have had to pay duties to get our products into Peru. This gives our manufacturers, our farmers, and our service providers the opportunity to finally get our products into Peru duty free.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Madam President, I rise this evening in strong opposition to the Peru Free Trade Agreement. It seems to me that most Americans understand that our current trade policies are failing. They see this every day when they go shopping and they buy products that are made in China—made all over the world—but that it is increasingly difficult to find a product manufactured in the United States of America. They understand our trade policies are failing when they note our trade deficit is huge and growing larger every single year. It seems to me that before we go forward again in pursuit of a failing trade agenda, we might want to sit back, take a moratorium, understand why our trade policies are failing, and then put together trade agreements that work for the working people and the middle class of this country, rather than just the CEOs of large multinational corporations. That is what I think we should be doing; not rushing helter skelter along the direction of failed trade policies.

One of the major reasons that the middle class in the United States is shrinking, poverty is increasing, and the gap between the rich and the poor is growing wider is, in fact, due to our disastrous, unfettered free trade policies. In my opinion, the last thing we should be doing now is passing another job-destroying, NAFTA-style free trade agreement.

Before we vote on this piece of legislation, I think it is terribly important that we as a Senate take a hard look at the current state of our economy. Now, if our economy is doing well for the middle class, if our trade policies are creating good-paying jobs, if our trade policies are moving toward eliminating poverty, if our trade policies are making us a more egalitarian society, let's go forward; but, in fact, if our trade policies are moving in exactly the wrong direction for the middle class, I think we should take a deep breath and not go forward in that direction.

Let's take a look at in fact what is happening in our economy today since President Bush has been in office.

Nearly 5 million Americans have slipped out of the middle class and into poverty. In fact, today, the United States has the highest rate of poverty of any major country on Earth. Madam President, 8.6 million Americans have lost their health insurance, and some 47 million Americans now have health insurance. Median household income for working-age families has gone down by nearly $2,500 since President Bush has been in office. Over 3 million good-paying manufacturing jobs have been lost. Three million American workers have lost their pensions. Wages and salaries are now at their lowest share of GDP since 1929. The United States has the largest gap between the rich and the poor of any major developed country on Earth. Incredibly, in 2005, the top 1 percent earned more income than the bottom 50 percent. According to Forbes Magazine, the collective net worth of the wealthiest 400 Americans increased by $120 billion last year to $1.25 trillion.

Now, is our current trade policy responsible for all of these economic trends? The answer, obviously, is no.

Our current trade policies are not the sole cause for the decline of the middle class and the increase in poverty. But has unfettered free trade significantly contributed to the shrinking of the middle class and the increase in income inequality? The answer is absolutely, it has.

So the point I am making this evening is if you like the way the economy is going, with a shrinking middle class and an increase in poverty and a growing gap between the very rich and everybody else, I guess we should go forward on these trade policies. But if you don't like the direction of the economy of the United States—and the overwhelming majority of people in this country do not like where the economy is going—I think we need a new direction in our trade policies.

According to the Institute for International Economics, 39 percent of the increase in income inequality in our country is due to our unfettered free trade policy. According to the Center for Economic and Policy Research, unfettered free trade has caused the wages of American workers without a college degree to be slashed by over 12 percent. When we talk about economics, we often look at the problem from a general sense, but if we focus on what is happening, especially to those people who are high school graduates, what we are seeing is a severe decline in wages for that subset of the American population. Those people are struggling very hard to keep their heads above water economically.

We now have a record-breaking $765 billion trade deficit, including a $232 billion trade deficit with China, and a $64 billion trade deficit with Mexico. Today, we now have the fewest manufacturing jobs than at any time since Dwight David Eisenhower was President of our country.

If the United States is to remain a major industrial power, producing real products and creating good-paying jobs, we must develop a new set of trade policies which work for the middle class of this country and not just for the CEOs of large corporations. As the Presiding Officer well knows, coming from the great State of Michigan, it was not so many years ago that General Motors was the largest employer in the United States. By and large, those people who worked for General Motors had good wages, good benefits, and a strong union to represent them. Today, the largest employer in the United States is Wal-Mart—low wages, vehemently antiunion, and minimum benefits. That is the transformation of the American economy, and that is a metaphor for why the middle class in America today is shrinking.

Unfortunately, the Peru Free Trade Agreement is another failed trade policy among many other failed trade policies. In fact, in large part, this Free Trade Agreement, the Peru agreement, was modeled after the North American Free Trade Agreement—NAFTA. So I guess the bottom line here is, if you like NAFTA, you will like the Peru Free Trade Agreement. Most people in this country do not like NAFTA.

Has NAFTA been a success? Well, we have some information. We have some figures. Let's take a look. Supporters of unfettered free trade told us over and over again that NAFTA would increase jobs in the United States. I was a Member of the House of Representatives during that debate. I remember it like it was yesterday: NAFTA is going to create all kinds of new jobs. Unfortunately, according to the Economic Policy Institute, NAFTA has led to the elimination of over 1 million American jobs. Well, NAFTA cost us 1 million American jobs. Do we want to go down that road with other trade agreements that will also lead to the loss of jobs and the lowering of wages? I think not.

Supporters of unfettered free trade told us during that debate that NAFTA would significantly reduce the flow of illegal immigration into this country because the standard of living in Mexico would increase.

Well, that issue need not be discussed for too long because nobody believes that has happened. Sadly, as we all know, as a result of NAFTA, severe poverty in Mexico has increased; 1.3 million small farmers in Mexico have lost their farms. They have been displaced and real wages for the majority of Mexicans have gone down. All of this—the loss of farms, the decline in wages, and the increase in extreme poverty in Mexico—is directly opposite of what they told us NAFTA would do, and it has led to a 60-percent annual increase in illegal immigration from Mexico during the first 6 years of NAFTA alone.

So they told us NAFTA would create more jobs in America. Wrong. We lost jobs. They told us NAFTA would increase the standard of living of people in Mexico and stop illegal immigration. Wrong. Extreme poverty in Mexico has gone up; over a million people lost their farms, and illegal immigration to the U.S. has increased. Wrong, wrong, wrong. Yet people say we were wrong, wrong, wrong, and I guess we should continue to go down that same path. That doesn't make a lot of sense to me.

One of the interesting aspects of unfettered free trade in the United States, and all over the world, is that it results in very large increases in income inequality. That is true in the United States, and it is also true in Mexico, where the gap between the rich and poor in that country has skyrocketed.

You would be interested to know that one man in Mexico—we all have to admit that at least one guy in Mexico has significantly benefited from NAFTA, and that is the telecommunications mogul, Carlos Slim. He has done very well by NAFTA. He recently surpassed Bill Gates as the wealthiest person in the world, and he—from Mexico—is worth over $60 billion. He is the richest guy in the world and is from a poor country. Amazingly, Mr. Slim is worth more than the bottom 45 percent of the people of Mexico. One man has more wealth than the bottom 45 percent of the people in Mexico. Frankly, that is obscene.

That is obscene, but that is one of the manifestations of unfettered free trade. In that case, it is in a very extreme way. In fact, while NAFTA helped make Mr. Slim the wealthiest person in the world, about half of the Mexican population lives on less than $5 a day. How about that. One guy is worth $60 billion, and half of the population there lives on $5 a day. That is a manifestation of unfettered free trade. The Slim family fortune is equivalent to 8 percent of Mexico's gross domestic product. So, in Mexico, you have one man who is worth $60 billion, while extreme poverty in that country has increased and small farmers have been driven off the land.

That has been the result of NAFTA in Mexico. I am afraid that, if we continue to move down that road, this will be the same in terms of the Peru Free Trade Agreement.

In addition, before we vote on this unfettered free trade agreement, I think we need to closely examine our unfettered free trade policy with China because China is the 600-pound gorilla in the whole issue. Supporters of unfettered free trade told us that PNTR with China would lead to the creation of hundreds of thousands of American jobs. That is what they said. Well, unfortunately, they were wrong again. Instead, as a result of PNTR with China, nearly 2 million decent-paying American jobs have been displaced.

As we speak, there are millions of men, women, and kids in this country who are going out Christmas shopping. This is the time of year people do that. When people go to stores—whether they are large department stores or small stores—and they buy stuff, they find that almost everything that they are buying—whether it is footwear, telephones, clothing, computers, you name the product—is manufactured in China. They are not manufactured in the United States of America.

I recently held a series of town meetings, and I asked people in my State—and we are a small State. Unlike Michigan, we are not a major manufacturing center. Yet in the last 6 years, in Vermont, we have lost 25 percent of our manufacturing jobs. What kind of a country are we going to be if we are not producing the products people consume? Do you think we can be a great economy simply by flipping hamburgers? I don't think so.

I will tell you, there are people who worry about the military future of our country, our national security, when we are not even producing the products that our military needs. Since PNTR with China, our trade deficit with that country has nearly tripled to $232 billion, and that is a huge and growing trade deficit.

Today, over 80 percent of the toys sold in the United States are made in China. About 90 percent, for example, of the vitamin C—I take vitamin C—is made in China; 80 percent of all shoes we purchase in the United States are made in China; 90 percent of U.S. furniture production has moved to China; 85 percent of bicycles sold in the United States are made in China; half of all the apple juice imported to the United States comes from China; the United States imports more advanced technologies from China than any other country. We are not just talking about stuffed teddy bears or sneakers, we are now talking about highly advanced technology that is developing in China.

I have a simple question: Why is it that, in Vermont, Michigan, and all over this country corporations are shutting down and moving abroad? Wouldn't it be a nice idea that if these guys wanted Americans to buy their products—which they do—how about manufacturing some of them in the United States of America?

As I mentioned, I did a series of town meetings and I talked to the people in my State. I said: When was the last major manufacturing plant built in the State of Vermont? People can't quite remember, but it was a very fine plant built by a company called Husky. They are good jobs and it is a good plant. That was a long time ago. Nobody can remember any new plants being built in Vermont. By the way, I think that is true for most locations in America. Yet I was in China 5 years ago and I saw a lot of American companies building new plants in China—not in the United States of America. I think this is an issue we have to get a handle on.

The irony is that a few years ago when I was in the House, in honor of 9/11, we had a ceremony to commemorate and memorialize the people murdered that day, and they distributed American flags to us. Those flags were made in China. Since September 11, 2001, over 100 million American flags sold in this country were made in China. We are not even making American flags in the United States of America.

Before we pass yet another unfettered free trade agreement—this time with Peru—we have to fundamentally fix the broken trade policies we have with China and Mexico. That is not just Senator BERNIE SANDERS talking; this is the view of the overwhelming majority of Republicans, Democrats, and Independents.

Let me refer you to a recent Wall Street Journal-NBC News poll. In that poll—maybe 2 months ago—it indicated that 59 percent of Republicans and 54 percent of Democrats believed that unfettered free trade has been bad for the U.S. economy. Probably the only room full of people we could find in America who think that unfettered free trade is a good idea is this room right here. I think Republicans understand it is not working, Democrats and Independents understand it is not working, and maybe the Senate should start listening to the American people who are experiencing the tragedy of unfettered free trade.

We have been told this particular trade agreement with Peru is different than the other trade agreements. We have been told this agreement has strong labor and environmental standards. If that is true, then why is it that not one major group representing the interests of labor, the environment, consumers, family farmers, religious organizations or Latino civil rights organizations supports this agreement? To the best of my knowledge, not one does.

In fact, the Peru Free Trade Agreement is being opposed by the Teamsters, the International Association of Machinists, the International Brotherhood of Electrical Workers, UNITE-HERE, the League of United Latin American Citizens, Oxfam, Public Citizen, and numerous religious organizations in our country.

In Peru, this unfettered free trade agreement is opposed by both of Peru's labor federations, and a prominent archbishop, among others. Even more troubling is the fact that the U.S. Chamber of Commerce, which strongly supports this trade agreement and all trade agreements, has said they have been "encouraged by assurances that the labor provisions cannot be read to require compliance with ILO conventions."

In other words, the labor standards in this agreement may not be worth the paper they are written on—or at least that is the view of the U.S. Chamber of Commerce.

According to a recent report by Columbia law professor Mark Barenberg, the so-called labor standards included in this legislation are "even worse than existing law" and "in no respect do the agreement's labor provisions mark a significant improvement."

Perhaps most important is this fact: The minimum wage in Peru is about 91 cents an hour. So what we are saying to workers in this country is that there is your competition. You are going to be competing against people who make 91 cents an hour. I think that is wrong. I do not think that America should be forced to compete against people in Peru, or any other country on Earth, where people earn such little money.

In industry after industry, corporate America is shipping our manufacturing plants, our good-paying jobs, overseas, where desperate people are forced to work for pennies an hour.

That bottom line is what unfettered free trade is about. The largest corporations in this country have pushed unfettered free trade for years. They have succeeded and they have gotten what they want. They want to pay people in China 50 cents an hour; in Peru, a dollar an hour, rather than paying American workers a living wage here, respecting the environment here and free independent trade unions here.

Our corporate friends have won this debate, and the result of that is that the middle class is shrinking, poverty is increasing, and the wealthiest people in this country have never had it so good.

At a time when the poorest people in this country are seeing unprecedented desperation, when the gap between the people on top and everybody else is growing wider and wider and most of the new jobs projected for the future are low-wage jobs with minimal benefits, that is the future.

The great economic struggle of our time is whether the middle class of our Nation can be saved. That is what it is about. What the American dream was about—and this was true in my household—is my parents started with very little and they worked hard, with the hope that their kids would do better than they did. That is the American dream, and it has taken place here for such a long time.

Right now, if we don't begin to deal with our current economic policies, including disastrous trade policies, there is a strong likelihood that our children—the young generation of today—will, for the first time in the modern history of this country, have the dubious distinction of having a lower standard of living than their parents. That is a reality that we have to prevent. I don't want to see us participating in the race to the bottom. I don't want to see our kids being poorer than their parents. There are a number of factors for that happening. Anyone who does not think that unfettered free trade is one of the reasons for the decline of the middle class I think is dead wrong.

The word has got to go out loudly and clearly to companies such as Wal-Mart, General Electric, General Motors, IBM, Microsoft, Boeing, and hundreds of other corporations that they cannot keep sending America's future to low-wage countries.

Trade is a good thing, and let me reiterate that point. I believe trade is a good thing, but it must be based on principles that are fair to American workers. The U.S. Congress can no longer allow corporate America to sell out the middle class of our country and move our economy abroad.

A number of years ago, I think speaking for virtually all of corporate America, Jeff Immelt, who is the CEO of General Electric, one of the largest corporations in America, said:

> When I am talking to GE managers, I talk China, China, China, China, China. You need to be there. I'm a nut on China. Outsourcing to China is going to grow to 5 billion.

That is what corporate America is saying. That is what unfettered free trade is all about, and it is time we told Mr. Immelt and the other CEOs of large corporations that if they want to sell their products in this country, they are going to have to start producing their products in this country.

It is not acceptable that Thomas Donohue, the CEO of the U.S. Chamber of Commerce, "urges" American companies to send jobs abroad. They actually think this is good.

It is not acceptable that Bill Gates, who has many wonderful qualities, tells us that Communist, authoritarian China has created a "brand new form of capitalism, and as a consumer it is the best thing that ever happened." With all due respect to Mr. Gates, I disagree.

We must tell these corporate leaders to stop outsourcing our jobs overseas and stop outsourcing the future of our country. We must demand they start investing in the United States of America and create good-paying jobs here. We must rebuild our manufacturing base. Then we can talk about passing trade agreements that work for the middle class of this country while at the same time lifting standards throughout the world.

I want a race that takes all people up, not a race to the bottom. And that, among many other reasons, is why we should reject the Peru free-trade agreement.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I ask unanimous consent that following my remarks, if Senator DOMENICI is on the Senate floor, he be the next to speak, and if he is not, Senator SALAZAR be the next to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, first I thank you for your words regarding what we need to be doing on trade and what has happened regarding unfettered trade. Coming from the great State of Michigan, the manufacturing hub of this country and of the world over decades and decades, I could not agree more with what is happening in terms of jobs going overseas. I see it in the eyes of thousands, in fact, hundreds of thousands of people; 250,000 people in my State who have lost their jobs just since this President has taken office, people working hard every day who just want to make a living for their kids and know the pension they paid into is going to be there and health care and that they can send their kids to college and have all the things they wanted for their children, have the great American dream. They have watched that dream slip away for themselves and their families.

I thank you for your words.

I go another step in terms of what I think we need to be doing to support manufacturing here and a level playing field because, in addition to what has been said about Peru as one more trade agreement—and I agree with that statement, "one more trade agreement"—that is on the books without other provisions in place, there are certainly things that we can and need to be doing to support and encourage those manufacturing jobs in America.

As I noted in the Finance Committee, as a member of the Finance Committee, the Peru free-trade agreement is a tough one for me in a sense that I know colleagues have worked very hard to bring in new language. My friend and colleague in the House, Congressman RANGEL, and Senator LEVIN, certainly our chairman of the Finance Committee and the ranking member, have been working to have this agreement reflect our country's values when it comes to labor and environmental standards.

The truth is, I wish we had had these kinds of standards in previous agreements. Getting the right words on paper is important, but unfortunately it is not enough to get them on paper. They are on paper in these agreements, but that is not enough when it comes to the families of my State and the people of America who want to make sure the American dream is available to them and their families.

I would like to believe these words will translate into action. It is hard to be convinced we are going to enforce our trade laws when we just start from the basis that we have the smallest trade enforcement office of any industrialized country in the world. That gives an indication of the priority of enforcing trade laws compared to what is happening in other countries.

We have more than 230 trade agreements on the books to enforce, and we have the smallest trade enforcement agency of any country in the industrialized world. It should be no surprise that there has been a huge increase in dangerous products coming across our borders and that more and more countries are testing the resolve of our trade laws and are, in fact, cheating on those trade laws.

The administration has simply lost credibility with the American people. No one believes this administration will enforce current trade agreements. No one believes currency manipulation will stop and certainly that the administration will take any action. This is something I have been focused on now since coming to the Senate, and every year—every 6 months, in fact—we get a report from the Treasury Secretary: No action. Currency manipulation is not really happening or they don't mean it or they will do better in China if we trust them, and more and more jobs are going overseas because of that trade policy.

No one believes unsafe imported products will be kept away from our children. No one believes at this time that this agreement will end up leveling the playing field on trade. No one believes that point because, unfortunately, based on past actions, it is not true. We have too many businesses that have faced patent violations and unfair pricing. We have seen small businesses in my State, as well as large, that make a product and have had a Chinese company come in and steal everything about that product, not only the patents, but the packaging, the directions on the package, and make the product for a small fraction of what it cost to actually make it.

I have small businesses in my State that have stopped making products because they cannot afford the cost to fight the Chinese Government to stop the trade infringement.

Those unfortunate incidents have meant people in my State have lost their jobs. I have one small business owner who makes hand trucks used to carry boxes and products, to move them around, who created one type of hand truck. It was stolen and produced by a Chinese company. This person could not afford to take action.

He said to me: Where is my Government stepping in to help me? But he could not afford the $10,000 a month retainer of an attorney to try to figure out how to stop them, so he stopped making the product and 50 people in the northern Michigan town of Cadillac lost their jobs—50 people. For that town, that is a lot of people. In fact, anywhere, if you are 1 of those 50, that is a lot of people.

We have too many dangerous products that have put our families and children in harm's way because foreign countries are not following the rules and our own country does not hold them accountable.

We have too many American families sitting on waiting lists for training that they were promised by this Government, the Federal Government of America, that they would receive if they lost their job because of trade.

We have a whole range of things that are not happening that have been promised.

This is what the people of my State see, and I believe the American people see. They see unsafe products. They see illegal trade practices. They see lost jobs devastating communities, lowering the standard of living, loss of the middle class that has resulted from previous trade agreements that were not enforced and that were not fair. That is what they see.

I simply cannot support another trade agreement until we get this right. I cannot support a trade agreement ahead of enforcing our trade laws, improving product safety, keeping our promises to working Americans, and ensuring a level playing field for businesses and workers, all of which are achievable if we make American businesses and American workers our priority. If we make that our priority, we can make the changes necessary so that trade works for us, rather than having it be a situation where instead of exporting our products, we are exporting our jobs. That is why the right words on paper just are not enough. We have to have the right trade agenda—a trade agenda that helps working families adjust and be able to thrive in a global economy because we are making more products and selling more products and creating more jobs here, one that is based on a sense of credible trade enforcement so other countries know we are serious about jobs and businesses in our country, and one, frankly, that lets other countries know we are serious about protecting our people as it relates to safety, which is also very important.

In 2006, 1 year ago, 37,000 people in Michigan lost their jobs specifically and directly because of trade—37,000—but only 4,100 received any kind of trade adjustment help—training, the ability to go back to school to be able to get some assistance to be able to start a new career. That means 90 percent of the people who were affected, who lost their jobs, are not receiving funds that were promised under trade adjustment assistance because of various caps or the fact that we have not authorized that critical program.

And just extending it is not enough. How do I tell 33,000 people who were told that the Federal Government would help them through this adjustment period, through training and increased investments and new jobs, how do I tell them that, in fact, 90 percent of the people in their same situation got no help whatsoever?

Communities also need assistance. In Michigan, many communities have been devastated by the loss of a large plant or industrial facility. I will give one example, and this is very much about the race to the bottom, Mr. President. You spoke about it, and I speak about it all the time. When Electrolux, which makes refrigerators in Greenville, MI—a city of 8,000 people, with almost 3,000 of those people employed at this one plant—when they decided to pick up and go to Mexico where they could pay $1.57 an hour, with no health benefits, there was a huge effort that came about to be able to work with them to stay. The Governor came in, the mayor came in, and others, saying: We will help you refinance a plant. We will give you tax incentives. Tell us how we can help you to be able to be competitive, to be able to stay in Greenville, MI. I met with them on many occasions, asking: What can we do to partner with you to support you. The end analysis was that the State essentially said no taxes at all. We offered to help them build new plants, and none of it was enough because they said: You can't compete with $1.57 an hour and no health benefits.

So this really is about whether we are going to compete down to a lower standard of living and lose the middle class and lose the American dream, or whether we are going to compete up. I believe if we compete up with a different trade agenda, a different broadly held agenda that will strengthen America, that we, in fact, can keep our jobs. But one piece of that is to make sure that when 2,700-plus people in Greenville, MI, or when a whole community is devastated by their largest employer leaving, that there is some assistance not only for the workers but the small businesses and for others there to help during the transition.

In fact, we need to make sure we have a broader agenda that not only levels the playing field on trade, enforcing trade laws, having the right kind of trade policy, but that we are also addressing health care costs in this country, the largest cost for our businesses, and changing the way we fund health care, getting it off the back of business, and addressing other costs that are noncompetitive that we can address. Then we need to race like crazy on education and innovation. That is the race up, which we, the new majority, understand, as evidenced by our passing the largest financial aid package for college since the GI bill, by focusing and refocusing our efforts on math and science and technology investments.

So there is a way to make this a race up. But it is not just passing one more trade bill, one more trade law, one more agreement, without addressing all of these other issues. One of the other big issues for us is currency manipulation. This is something I am pleased to say the Finance Committee has begun to address with a bill that has come out of committee. We have not had the opportunity to have that on the floor yet, to bring that up, but right now we are in a situation where, again, because of governmental policies, because of China specifically, where they can peg the value of their money, their currency, in a way so that when their products come into us, on top of paying 60 cents or a dollar an hour and not having health care costs and all the other things, they can undercut us and get up to a 40-percent discount on that product coming in.

So when the President talked about Wal-Mart, when you look at the number of Chinese products and why they are lower, they also get a 40-percent discount on their price just from currency manipulation, which is illegal. So before we pass another trade agreement, why don't we fix that? Why don't we make sure we have the toughest possible policies that will stop the loss of jobs because of currency manipulation?

We have also, among trade enforcement, the need to beef up our trade office. And I am very pleased Senator LINDSEY GRAHAM and I have been working on this now for some time to create a trade enforcement division, headed by a trade enforcement officer, an independent trade enforcement officer—we have called it a U.S. trade prosecutor—to be able to truly beef up our enforcement.

I am pleased Senator BAUCUS and Senator GRASSLEY, our leaders on finance, have put together a broader enforcement bill, which I support, and include many of our provisions and aspects of our bill in their bill. That needs to get done. And I know the chairman is committed to having that happen, and I am anxious to join him in moving that through so that we can truly have credibility in the world, with other countries; that we mean it when we say there is a trade agreement and we expect other people to follow the rules.

But what do we see from the administration? There have been a couple of efforts, and I appreciate the few times they have moved forward to try to do something. There is an effort going on in auto parts now, but it is very little and it is very late, as we watch more and more jobs leaving this country. And I am very concerned, very disappointed when I see that this administration has not moved forward at all on any real action on currency manipulation or any number of trade enforcement issues. In fact, last week, the administration claimed victory for developing a voluntary agreement with China on illegal subsidies, an agreement that requires a great deal of trust with China. It is hard to understand they would continue to trust on a voluntary basis a country that has broken agreements and international policies over and over and over.

Furthermore, haven't we learned our lesson with voluntary agreements? Like the one completed with South Korea that was intended to, in fact, allow us to open up more opportunities to make automobiles here and be able to sell them to South Korea. Two agreements, not one, two voluntary agreements, and the exact opposite happened with 700,000 vehicles now coming in from South Korea, and we are barely able to get 5,000 back in to them. So voluntary agreements in the past have not worked. And given how many jobs we are losing, today is not the time for another voluntary agreement. We need, in fact, to put our muscle behind tough enforcement processes. We are quickly losing our standard of living and our middle class in this country. There is a need for urgency that has not been there and is not there today with the administration.

As a result of the trade policies we have in place now, we have an exploding trade deficit, which has increased from $380 billion in 2000 to $758 billion just last year. Since this administration has been in office, the trade deficit has more than doubled, and with it the number of dangerous products coming in, the number of layoffs, the number of waiting lists for people who need retraining, the number of businesses losing their patents, losing their products, and their ability to sell their products because of currency manipulation. That is the legacy of this administration.

I don't believe it is a time to reward them with another trade agreement. Before we go any further in passing trade agreements, Mr. President, we have to get our trade policy right. Regardless of the specifics of the trade agreement, regardless of the words on paper, we better be able to back them up, and today we cannot. We haven't backed up words on paper. We can no longer say pass a trade agreement, we will fix it later, we will enforce it later, we will change it later, or we will help people later. We have to do these things now so we have credibility with the American people who are counting on us to fight for them and to understand that in the greatest country in the world, it is time to stand up for the middle class in this country, get our trade policy right, and stand up for the people who have worked hard to make this country great.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Colorado.

Mr. SALAZAR. Madam President, I rise today to speak in favor of the United States-Peru Trade Promotion Agreement, which I intend to support tomorrow morning with my vote.

First, I thank Senator BAUCUS and Senator GRASSLEY for their efforts in shepherding the Peru Free Trade Agreement through the Finance Committee, where it passed with very strong bipartisan support. I congratulate them for bringing the agreement to the Senate floor today, and I thank our majority leader, Senator REID, for giving us the opportunity to have the free-trade agreement debated on the Senate floor today.

At the outset, Madam President, I put this in historical context for me. It was almost 409 years ago that my family founded the city of Santa Fe, NM. And in the four centuries since, you see a very unique and positive relationship between the United States and the nations to the south of the United States. It is a relationship which is bound together in history and in culture and in the landscape of the Western Hemisphere. It is a future which I hope we can work on together in the United States with our colleague nations to the south in order to develop an even stronger hemisphere.

It was in that vein of thinking that Senator John Kennedy, at the outset of his administration, spoke fervently about the future of the Alliance For Progress with the Western Hemisphere. It is in that same vein that I was honored to be a part of a codel that was led by our own majority leader, Senator REID, before he was sworn in to be majority leader, when he took six Senators to Bolivia and to Peru and to Ecuador, trying to make a statement to South America that they were not to be a forgotten continent.

It was in that same vein that in my very first meeting with President George W. Bush, I spoke to him about the importance of not having every ounce of his foreign policy agenda consumed by what was happening in Iraq, but to make sure that he was looking at events and relationships throughout the world, and that one of those most important of relationships is the relationship we have with the nations in Latin America, with both Central and South America.

It is in that vein that this legislation, the Peru Free Trade Agreement, is important for us as we move forward in trying to establish the right kind of relationships between the United States and the rest of the Western Hemisphere. I believe in the benefits of free and fair trade. I believe that by working to lower trade barriers and to expand access to foreign markets we can strengthen the U.S. economy in a way that benefits both businesses and workers and enhances our relationship with friends and allies in important parts of the world.

The Peru Free Trade Agreement is the first of four FTAs that are currently pending in Congress, three of which are with countries in South America and Central America. As such, the Peru FTA represents an important step forward in an effort to strengthen our ties, both economic and diplomatic, with our neighbors in this hemisphere.

Earlier this year, as I said, I traveled with Senators HARRY REID, DICK DURBIN, BOB BENNETT, JUDD GREGG, and KENT CONRAD to South America. The last stop on our trip was the nation of Peru. I came away from that visit with a strong sense of how important it is for us to bolster our economic and diplomatic ties with Peru and countries such as Peru. Doing so will be critical to our economic and our national security and to the effort to restore America's standing in the world community.

The trade agreement we are discussing today is largely possible because of changes that have taken place in Peru in the last decade. Annual exports over the last 15 years have increased from $3.4 billion to $23 billion; annual per capita income for the people of Peru has doubled, from $1,500 to $3,200. That is a significant economic set of changes within Peru and within our trade relationship with the country of Peru.

In the meantime, coca production, a major concern of ours with respect to Peru, has decreased dramatically, thanks in large part to the eradication, interdiction, and other efforts to develop economic opportunities for the Peruvian people.

Perhaps most important, incidents of terrorism have decreased from nearly 3,000 in 1991 to less than 100 in 2006. Let me say that again. Incidents of terrorism, violent militancy in Peru, have decreased from nearly 3,000 in 1991—that wasn't so long ago—to now less than 100 in the year 2006.

The United States has been a strong partner in helping to keep Peru on this promising path. As a result, along with countries such as Colombia and Brazil, Peru helps to form an oasis of favorable sentiments toward the United States in a region where our standing has taken major negative hits in recent years.

When our delegation, led by Senator REID, met with President Alan Garcia in Peru, we had an opportunity to discuss how the relationship between our two nations has developed over the course of the past several decades, beginning with the key role Peru played in World War II when it provided the United States with the military bases we so much needed from which we monitored the activities of our military and our Navy in the Pacific.

At that meeting with President Garcia, we also discussed President Kennedy's Alliance for Progress, President Kennedy's initiative to strengthen ties between North and South America at the beginning of the Cold War. When President Kennedy outlined the goals of the alliance in 1961, he proposed—and I quote from his historic statement:

> . . . to build a hemisphere where all men can hope for a suitable standard of living and all can live out their lives in dignity and in freedom. . . . Let us once again transform the American Continent into a vast crucible of revolutionary ideas and efforts, a tribute to the power of the creative energies of free men and women, an example to all the world that liberty and progress walk hand in hand.

That was President Kennedy's effort to try to shine the spotlight of a new relationship between the United States and the countries to the south in Latin America.

The Alliance for Progress is not a perfect alliance, but it certainly gave a message which has been missing throughout much of the history of the

United States and certainly missing the last 6 years, that the relationship between the United States and South America is important from a strategic point of view for national security because these are the countries located in this hemisphere, that border us to the south, and also because of the economic relationship between the United States and Latin America.

Passing this free-trade agreement will help us build on the trade relationship that already exists between the United States and Peru and, in my view, will help us move in the right direction.

I wish to speak briefly about why the Peru Free Trade Agreement is important.

First, from my point of view, the Peru Free Trade Agreement is important for America's economic security. It will benefit both businesses and workers in the long run. In an increasingly global economy, America is facing growing competition on a number of different fronts. In order to preserve our standing as the world economic leader and to ensure that American businesses continue to set the standard for the world community, we must expand economic opportunities in foreign markets. If foreign countries face obstacles to trade with the United States, they will take their business elsewhere.

It is worth pointing out that many Peruvian businesses already have unfettered access to the U.S. market as a result of Andean Trade Preference Agreement, which we have supported here on the floor of this Chamber. U.S. businesses, including the farmers and ranchers of my State, deserve to have that same access to the Peruvian market.

Second, the Peru FTA and others like it are important for America's national security interests around the world. In a part of the world where negative feelings toward the United States have grown and grown in recent years and as we strive to restore America's standing around the world, it is vitally important to recognize those friendships we do have and to do whatever we can to strengthen those friendships. Peru is a prominent example of an ally that has stood by us year after year. It would be a mistake not to return the favor here today and tomorrow by helping Peru continue its impressive progress of the past 15 years.

Additionally, a growing Peruvian economy with increased ties to the United States will help Peru continue to make progress on human rights and serve as an effective buffer against terrorist groups that have claimed more than 35,000 lives in Peru over the last 30 years.

Finally, I am proud of the historic relationship between the United States and Latin America, but it is a relationship that we, candidly, must work on to strengthen into the 21st century and beyond. Of course, free-trade policies, as the Presiding Officer has pointed out often on the floor of the Senate, have consequences that we cannot overlook and that must be addressed.

As the U.S. economy evolves to meet the demands of the 21st century and adjusts to handle increased competition from foreign businesses here in America, we all know there are winners and there are losers. That is why we need to ensure that the playing field is a fair playing field by doing our best to hold our trading partners to the same environmental and labor standards American businesses must meet. The bipartisan May 10 agreement of this year, which has been incorporated into the Peru FTA, is an important part of that effort. All of us—Democrats and Republicans, businesses, workers, and the environmental community—need to work to build on that progress to ensure our trade policies can strengthen our economic security and our national security in a way that is fair and that does not hurt workers and does not hurt the environment.

We also need to act as soon as possible to reauthorize and strengthen the Trade Adjustment Assistance Program so that American workers, businesses, and farmers who are adversely affected by our trade policies can receive the assistance they need as they strive to be part of the 21st century global economy.

I believe we can move forward on trade in a way that addresses these legitimate concerns without preventing us from expanding opportunities for American businesses in foreign markets. I believe the Peru Free Trade Agreement does an excellent job of meeting both objectives. For all the reasons I have outlined today, I supported the free-trade agreement when it was in the Finance Committee, and I will support it on the floor of the Senate. I urge my colleagues to do the same.

MORNING BUSINESS

Mr. SALAZAR. Mr. President, I ask unanimous consent that there be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

NOMINATIONS

Mr. LEAHY. Mr. President, as the Senate begins its final work period of the year, I want to thank those members of the Judiciary Committee who have been working so hard throughout this year in helping us fulfill our duties with respect to nominations.

Given the work of the Senators serving on the Judiciary Committee, the Senate is in position to confirm 40 judicial nominees for lifetime appointments to the Federal bench this year, including 6 more of this President's circuit court nominees.

The Senate has already acted to confirm 36 lifetime judicial appointments. Remaining on the Senate Executive calendar are the nominations of John Daniel Tinder to the Court of Appeals for the Seventh Circuit, Amul R. Thapar to the Eastern District of Kentucky, Joseph Normand Laplante to the District of New Hampshire, and Thomas D. Schroeder to the Middle District of North Carolina. When they are confirmed, and with the cooperation of Senators they can be confirmed this month, we will have exceeded the yearly total in each of the last 3 years when a Republican majority managed the Senate and the consideration of this Republican President's nominations. Indeed, we are proceeding on vacancies before they arise in some cases.

When we conclude our work on judicial nominations this year, we will have exceeded the totals in 2004, 2005, or 2006 when a Republican-led Senate was considering this President's nominees. We are exceeding the totals confirmed in 1996, 1997, 1999 and 2000, when a Republican-led Senate was considering President Clinton's nominees. We are even exceeding the totals in 1989 and 1993 when a Democratic-led Senate was considering President Clinton's nominees. This year's total will be almost two dozen more confirmations than were achieved during the 1996 session when Republicans refused to proceed to confirm any of President Clinton's circuit court nominations.

We continue to make progress on circuit court nominations. The six circuit court nominees confirmed this year matches the total circuit court confirmations for 2001. We will have exceeded the circuit court totals achieved in 2004 when a Republican-led Senate was considering this President's circuit nominees; in 1983, when a Republican-led Senate was considering President Reagan's nominees; in 1993, when a Democratic-led Senate was considering President Clinton's nominees; and, of course, the 1996 session during which a Republican-led Senate did not confirm a single one of President Clinton's circuit nominees the entire session.

It is a little known fact that during the Bush Presidency, more circuit judges, more district judges—more total judges—were confirmed in the first 24 months that I served as Judiciary chairman than during the 2-year tenures of either of the two Republican chairmen working with Republican Senate majorities.

I continue to try to find ways to make progress. Last month, I sent the President a letter urging him to work with me, Senator SPECTER, and home State Senators to send us more well-qualified, consensus nominations. To reward me for reaching out again and extending the olive branch to him, this President responded not by replying to my letter but by a much ballyhooed partisan speech before the Federal Society annual dinner.

I have been concerned that several recent nominations seem to be part of an effort to pick political fights rather than judges to fill vacancies. For example, President Bush nominated Duncan Getchell to one of Virginia's Fourth Circuit vacancies over the objections of both respected Virginia Senators, one a Republican and one a Democrat. They had submitted a list of five recommended nominations, and specifically warned the White House not to nominate Mr. Getchell.

In addition, we have succeeded in dramatically lowering vacancies and, in particular, circuit vacancies. We have helped cut the circuit vacancies from a high water mark of 32 in the early days of this administration to as low as 13 this year. Contrast that with the Republican-led Senate's lack of action on President Clinton's moderate and qualified nominees that resulted in increasing circuit vacancies during the Clinton years from 17 when he was inaugurated to 26 at the end of his term. During those years, the Republican-led Senate engaged in strenuous and successful efforts under the radar to keep circuit judgeships vacant in anticipation of a Republican President. More than 60 percent of current circuit court judges were appointed by Republican Presidents, with the current President having appointed more than 30 percent of the active circuit judges already.

Of the remaining vacancies, 20—more than one-third—have no nominee. Of the 17 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 8, nearly half of them. Of the 14 circuit court vacancies, 4—about one-third—are without a nominee. If the President would work with the Senators from Michigan, Rhode Island, Maryland, California, New Jersey, and Virginia, we could be in position to make even more progress.

Of the vacancies without any nominee, the President has violated the timeline he set for himself at least 12 times—12 have been vacant without so much as a nominee for more than 180 days. The number of violations may in fact be much higher since the President said he would nominate within 180 days of receiving notice that there would be a vacancy or intended retirement rather than from the vacancy itself. We conservatively estimate that he also violated his own rule 13 times in connection with the nominations he has made. That would mean that with respect to approximately 46 vacancies, the President is out of compliance with his own rule more than half of the time.

So I thank the members of the Judiciary Committee for their hard work considering these important nominations. I thank especially those Senators who have given generously of their time to chair confirmation hearings throughout the year.

ROADRUNNER COMPUTER

Mr. DOMENICI. Mr. President, today's Washington Post Science section contains an excellent summary on the work America is doing to develop the fastest computers in the world and the benefits to all of us from such computers.

The headline on the story, "Faster Computers Accelerate Pace of Discovery," captures today and hints at tomorrow for science, using computers that have processing speeds of more than a thousand trillion calculations per second. That speed is known as a petaflop, in computer science speak.

I am proud that the first petaflop computer in the world is likely to be at Los Alamos National Laboratory in my home State of New Mexico. Working in conjunction with IBM, LANL's "Roadrunner" computer holds out the promise of immense advances in almost every aspect of scientific inquiry.

In the area of nuclear weapons, for example, computing power increases are critical. Two decades ago, this Nation decided to stop underground testing of nuclear weapons. Yet the necessity of certifying the reliability and performance of our nuclear stockpile remains. How could we do away with underground testing and still have the three weapons lab directors certify to the President that our weapons were safe and reliable. We decided to adopt a program called Science-Based Stockpile Stewardship. Essentially, we decided to simulate a nuclear weapons explosion using computer power. Clearly, America needed more computing power when we made this decision. "Roadrunner" is an important step toward making sure that our nuclear stockpile will work if ever needed.

One of the most interesting uses of this enormous computer power is modeling climate change. It is ironic that many of those who oppose additional funding for the national laboratories want a more aggressive stance on the question of climate change and ways to ameliorate it, are the same people who support a House-passed Energy and Water Appropriations bill that would reject more funding for "Roadrunner."

Mr. President, we are in the middle of negotiations on the Energy and Water appropriations bill right now. Adoption of the House-passed bill will not only set back our work on computing power and climate change but will be a disaster for certification of the reliability of our nuclear weapons. I hope that all Members of Congress will read today's article in the Washington Post to get an idea of what is at stake as we set policy in the future.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 3, 2007]

FASTER COMPUTERS ACCELERATE PACE OF DISCOVERY

(By Christopher Lee)

Sometime next year, developers will boot up the next generation of supercomputers, machines whose vast increases in processing power will accelerate the transformation of the scientific method, experts say.

The first "petascale" supercomputer will be capable of 1,000 trillion calculations per second. That's about twice as powerful as today's dominant model, a basketball-court-size beast known as BlueGene/L, at the Energy Department's Lawrence Livermore National Laboratory in California that performs a peak of 596 trillion calculations per second.

The computing muscle of the new petascale machines will be akin to that of more than 100,000 desktop computers combined, experts say. A computation that would take a lifetime for a home PC and that can be completed in about five hours on today's supercomputers will be doable in as little as two hours.

"The difficulty in building the machines is tremendous, and the amount of power these machines require is pretty mind-boggling," said Mark Seager, assistant department head for advanced computing technology at Lawrence Livermore. "But the scientific results that we can get out of them are also mind-boggling and worth every penny and every megawatt it takes to build them."

A leading candidate to become the first petascale machine, the "Roadrunner" supercomputer being developed by IBM in partnership with the Energy Department's Los Alamos National Laboratory, will require about 4 megawatts of power—enough to illuminate 10,000 light bulbs, said John Hopson, program director for advanced simulation and computing at Los Alamos in New Mexico.

But scientists say Roadrunner and its cousins will make possible dramatically improved computer simulations. That will help shed new light on subjects such as climate change, geology, new drug development, dark matter and other secrets of the universe, as well as other fields in which direct experimental observation is time-consuming, costly, dangerous or impossible.

In fact, supercomputers and their simulations are becoming so powerful that they essentially have introduced a new step in the time-honored scientific method that moves from theory to hypothesis to experimental confirmation, some experts contend.

"They are a tool that really helps stimulate the imagination of scientists and engineers in ways that previously weren't possible," said David Turek, vice president of supercomputing at IBM. "You had theory and hypothesis and experimentation. Well, now scientists are admitting that computation is an important part of this, as well."

"Nature is the final arbiter of truth," said Seager, the Lawrence Livermore computer scientist, but "rather than doing experiments, a lot of times now we're actually simulating those experiments and getting the data that way.

"We can now do as much scientific discovery with computational science as we could do before with observational science or theoretical science."

A particularly fruitful area of computer modeling has been the study of global climate change. Ten years ago, experts agreed that humans probably were contributing to global warming. Now, in part because of a 10,000-fold increase computing power and better accuracy in climate simulations, scientists are sure of it.

One result is that computer climate models can now simulate atmospheric and oceanic conditions and, crucially, how changes in each affect the other, experts said. Now the worry is not that computing power is inadequate but that the aging of NASA's weather satellites will lead to a shortage of input data before long, Seager and others said.

Petascale computers also will make it possible to predict, say, the effect of an earthquake on every building in downtown Los Angeles, experts said. Current models cannot yield predictions for areas smaller than a square mile or two. The increased detail could help shape building codes and be a valuable tool in evacuation planning and disaster preparedness.

Computer simulations also help assess the reliability, safety, security and performance of weapons in the U.S. nuclear stockpile, years removed from any real-life nuclear tests. "Nuclear weapons are the quintessential example of something you can't really test anymore, so a lot of it has to be done computationally," said Hopson, the Los Alamos scientist.

Other potential uses of petascale computers include better simulations of what happens when stars explode into supernovas and die, and new and more refined analyses of experimental drugs and their effects on disease and interactions with other medications, experts said.

Still another is the modeling of the bird flu virus and how it might evolve to become more communicable and lethal—knowledge that could help scientists develop a vaccine in time to use it and to inform public health planning. Petascale computers are also expected to lead to more potent models for Wall Street to calculate risk and predict the fate of financial instruments, as well as more advanced digital prototypes of automobiles and jet aircraft, further reducing the need for physical mock-ups.

The remarkable advances in computing power of recent decades are frequently attributed to the tenet known as Moore's Law, named for Intel co-founder Gordon E. Moore, which says that progress in building chips doubles the power of microprocessors about every 18 months. But that alone does not explain the leaps in supercomputing, scientists said.

Today's supercomputers rely not only on better "compute nodes" (made up of faster chips and more memory), but also on scientists' ability to "gang" hundreds of thousands of those nodes together in a single machine and to devise better ways of having them communicate with one another and divide up the work of complex problem solving.

"If you ran today's code on yesterday's computers, they would be much faster," said Raymond Bair, director of the Argonne Leadership Computing Facility at the Energy Department's Argonne National Laboratory near Chicago. "People have figured out how to solve the problems faster."

Even before a petascale computer is a reality, scientists are anticipating the next big milestone, the exascale machine—a thousand times more powerful still, and capable of 1 million trillion calculations per second. But they'll have to wait. That one isn't expected until about 2018.

HONORING OUR ARMED FORCES

NATHAN GOOD IRON

Mr. DORGAN. Mr. President, I wish to offer a brief statement in tribute to Nathan Good Iron.

Nathan J. Good Iron was a high school basketball star, a college student, a new father. This young man of promise died in an enemy attack in Afghanistan a year ago while serving with a unit of the North Dakota National Guard, the 188th Air Defense Artillery. His family learned the terrible news on Thanksgiving Day of 2006.

Nathan was a Hidatsa Indian, a member of the Three Affiliated Tribes of Mandan, Hidatsa and Arikara of the Fort Berthold Reservation. For more than a thousand years, the Hidatsa people have lived in just a single place, along the banks of the Missouri River in North Dakota. Always a pastoral people, they resided in sizeable cities, cultivating extensive, lush gardens along the river, hunting buffalo and other game in the prairies around them. When white adventurers and traders began showing up, the Hidatsa were welcoming and friendly. Their villages, and those of their nearby allies—the Mandan and Arikara—were centers of trade and exploration.

But when it was necessary, when enemies invaded their homeland, the Hidatsa proved themselves strong and valiant warriors, establishing a long, epic history of courage and valor on the battlefield.

Such traits are not easily lost by a civilization. They persist through the generations. And the Hidatsa now have a new symbol of bravery, Nathan Good Iron.

Nathan was recently honored by a 3-day powwow in his memory. Powwows, which have long and rich traditions, are always events of high pageantry and symbolism. Soldiers and veterans receive special recognition at these powerful exhibitions and so it is appropriate that Nathan was honored with this noteworthy memorial powwow.

That powwow was an occasion for remembrance and joy for Nathan's 25 years of life, a proud memorial for his youthful sacrifice, and recognition of his patriotism, his championship of democracy, and his courageous willingness to put himself in harm's way when America called.

Please allow me, on behalf of the American people, to send my most respectful and admiring salute.

RETIREMENT OF SANDRA COOK

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to Sandra Cook who retired last week from the Department of Education. For almost 20 years, Sandra has worked in the Office of Legislative and Congressional Affairs at the Department, providing invaluable and dedicated service. She will be missed by all who worked with her, both at the Department and in Congress.

Improving education for each and every child in this country is one of the most important priorities for our Nation, and Sandra has been committed to that priority throughout her dedicated service. Her commitment to education began in the classroom in Indiana as a teacher of history and language arts. She came to Washington to work in Congress and then moved to the Department of Education. From there she has provided constant guidance and support to us as we work to improve Federal education policy. She has been an indispensable part of the past two reauthorizations of the Elementary and Secondary Education Act—the Improving America's Schools Act and the No Child Left Behind Act, as well as many other Federal education bills.

We all owe Sandra an immense debt of gratitude for her outstanding work. She knows the education laws inside and out, and she always goes the extra mile. She has always been able to work in a truly bipartisan way with Members of both parties. She doesn't just get the job done—she gets it done well, and with grace. We have been fortunate to have her.

As Sandra retires to Illinois, I know her colleagues at the Department of Education will miss her. Her knowledge and skills will be difficult to replace. Certainly, all of us in Congress and our staffs who have had the privilege of working with her will miss her assistance and support. I wish her a long and happy and healthy retirement. She has certainly earned it.

IN MEMORIAM: AUGUSTUS HAWKINS

Mrs. BOXER. Mr. President, I am honored to remember former Member of the House of Representatives Augustus Hawkins, who passed away on November 10, 2007, at the age of 100.

Augustus Freeman Hawkins was the first African American from California to be elected to Congress. He was a champion of workers, fair housing, and civil rights, and Hawkins represented south Los Angeles, first in the State legislature and then in Congress, for more than half a century.

Augustus was born in Shreveport, LA, on Aug. 31, 1907, the youngest of five children of Nyanza and Hattie Helena Hawkins. His family arrived in Los Angeles soon after World War I when Hawkins was 11. He attended Jefferson High School and earned a degree from UCLA in 1931.

He began his public service career in an era that was far less congenial to minority politicians, serving as a State assemblyman from 1935 until 1962, when he won election to the U.S. House of Representatives, as the civil rights movement was taking center stage. He served in the House from 1963 to 1991, and I was proud to serve with him.

While soft-spoken, Hawkins was fiery in defense of his constituents. At the time of the 1965 Watts riots in his district, he declared that police had been "abusive and arrogant and have attempted to control things by force, not by more modern methods of control."

When Hawkins retired at 83, he was widely praised for his unflagging legislative efforts to help bring those who had been left out of the system into the mainstream.

His legislative legacy includes a key role in shaping Federal statutes, most importantly as sponsor of the section of the landmark 1964 Civil Rights Act that created the Equal Employment Opportunity Commission. Hawkins fought with President after President for minimum-wage increases and, with Senator Hubert Humphrey, wrote the Humphrey-Hawkins Act of 1978 that was designed to reduce unemployment and inflation.

He is survived by two stepdaughters, Barbara A. Hammond and Brenda L. Stevenson; a stepson, Michael A. Taylor; two grandchildren; and one great-grandchild.

Our Nation lost an amazing public servant and mentor with the passing of Augustus Freeman Hawkins, but his legacy to the people of south Los Angeles, the State of California, and all of America should be remembered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

RUSSIAN PARLIAMENTARY ELECTIONS

• Mr. OBAMA. Mr. President, I commend Russian citizens for turning out in large numbers to vote in yesterday's parliamentary elections. For 16 years, Russia's citizens have exercised their right to vote, which is so essential to democracy.

Unfortunately, Russia's leaders have been working to make that vote more and more meaningless by creating an imitation democracy instead of a real one.

Well before the campaign even began, several Russian political parties and politicians were banned from participating in the election. During the campaign, President Putin and his party, United Russia, enjoyed virtually unlimited positive television air-time on Kremlin-controlled networks, while opposition parties had their ads removed and their campaign materials confiscated. The Russian authorities have prevented opposition parties from campaigning fairly, imprisoning opposition leaders, intimidating activists, and preventing them from making their case to Russia's voters. Russian voters have reported that they have been pressured to vote for the Kremlin's party, United Russia, by employers and local officials. In Chechnya, 99.2 percent of voters allegedly turned out to vote and 99.3 percent of these voters allegedly cast their ballot for United Russia. Several other regions have reported similar results for Putin's party, making a mockery of this vote as a free and fair election. Yesterday's elections were the least free and fair in the 16 years of Russia's modern history as an independent country.

We have to work with the Russian leadership in the coming years to deal with vital foreign policy issues, including securing nuclear materials and preventing Iran from acquiring nuclear weapons. Nuclear weapons security is a high priority, and the United States and Russia need to work together to prevent proliferation of nuclear weapons or materials.

But in doing so, we do not have to turn a blind eye to the erosion of Russian democracy. We must be clear-eyed on Russia's political direction, which in the long run is not favorable for Russia's own political stability or economic prosperity. By engaging Russia honestly, we will remain friends of the Russian people as they continue to try to build for themselves a better country and future.•

ADDITIONAL STATEMENTS

HONORING PATROL OFFICER JOHN PAUL MILLER

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated public servant, Officer John Paul Miller of the California Highway Patrol. On the evening of November 16, 2007, while searching for a reported reckless drunk driver, Officer Miller's life was tragically cut short in the line of duty when his patrol vehicle struck a tree on a rural road near Livermore.

Officer Miller graduated from the California Highway Patrol Academy in March 2007 and joined the Dublin CHP office soon afterward. Officer Miller dutifully served the citizens and communities of Contra Costa County. Although his time in the uniform was all too short, Officer Miller demonstrated a passion for law enforcement and commitment to helping others, qualities that enabled him to become a respected member of the California Highway Patrol. Officer Miller's colleagues shall always remember him for his gregarious nature and devotion to serving the public.

Officer Miller is survived by his wife Stephanie and children, Chandler and Reese. When he was not on duty or spending time with his beloved family, Officer Miller was an avid sportsman who enjoyed playing basketball, football, and golf. Officer John Paul Miller served the State of California with honor and distinction and fulfilled his oath as an officer of the law. His contributions to law enforcement and the many lives that he touched will serve as a shining example of his legacy.

We shall always be grateful for Officer Miller's service and the sacrifices he made while serving and protecting the people of California.•

100TH ANNIVERSARY OF THE ROSEVILLE FIRE DEPARTMENT

• Mrs. BOXER. Mr. President, I am pleased to recognize the 100th anniversary of the Roseville Fire Department in Roseville, CA.

In November 1907, a group of downtown merchants in the railroad community of Roseville came together and formed the Citizens Volunteer Fire Department after devastating fires destroyed and threatened many of their businesses. The department opened under the leadership of fire chief W.B. Musson, who was joined by assistant fire chief W.T. Butler and 16 volunteer firefighters to protect the town of approximately 6,000 residents.

When the city of Roseville was incorporated in 1909, the department was officially named the "Roseville Fire Department" and for over 50 years worked out of two fire stations and added a third in 1961. In 1947, after 40 years as a volunteer fire department, the Roseville Fire Department hired a full-time firefighting team to protect the rapidly growing city.

Today, the Roseville Fire Department has 130 employees serving over 100,000 residents with 8 fire stations, a 3-acre training facility, a technical rescue team, a hazardous materials team and emergency medical technicians at every fire station.

As the firefighters and community celebrate the Roseville Fire Department's centennial anniversary, I would like to congratulate and thank all of the brave men and women of the Roseville Fire Department who have proudly served their community over the past 100 years.•

REMEMBERING KENNETH THOMAS NOVEL

• Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Kenneth Thomas Novel. Kenneth passed away after a battle with liver cancer on November 14 at his home in Gaithersburg, MD. He was 60 years of age.

Kenneth was born in New York City, NY, on January 30, 1947. He was a Vietnam veteran who served with the "Screaming Eagles" of the U.S. Army's 101st Airborne Division in Vietnam in 1968. On November 20, Kenneth Novel was buried with full military honors at the Columbarium in Arlington National Cemetery.

Kenneth was an owner of O Salon in Georgetown along with his brother, Robert. His career spanned more than 38 years between Washington, DC and Aspen, CO.

Kenneth Novel was a devoted family man. He is survived by his loving wife Theresa; three children, Lisa Hackett, Simone and Anthony; two grandchildren, Jake and Luke; and two brothers, Gene and Robert Novel.

Lilibet and I, and all of Kenneth's friends, offer our prayers to Theresa and the Novel family. Kenneth was an American patriot who believed in his country and fought for his country. America owes him our thanks for his contributions and sacrifice. He will be missed by many of us.•

TRIBUTE TO DR. HIRAM WARD

• Mrs. LINCOLN. Mr. President, this Friday, on December 7 in Murfreesboro, AR, the citizens of Pike County will gather together to honor Dr. Hiram Ward as the "2007 Country Doctor of the Year." He is receiving the award for coming out of retirement and saving the Pike County Memorial Hospital from closure. The award is sponsored by Staff Care, a medical staffing firm in Irving, TX, and is presented annually "to physicians who best exemplify the spirit, skill, and dedication of America's medical practitioners."

Since 1953, Dr. Ward has served the citizens of Murfreesboro and Pike County as a devoted physician and caregiver. Nearly 9 years ago, Dr. Ward, who just recently turned 82, went into "semi-retirement," only seeing patients occasionally.

However, when Pike County Memorial Hospital faced closure due to the loss of its staff physicians, Dr. Ward came out of retirement and resumed work full time to keep the hospital open. For the last 11 months, Dr. Ward has served as the chief of staff for Pike County Memorial and has been on call 24 hours a day, 7 days a week. His work has kept the hospital, which is the second largest employer in town employing 55 people, from permanent closure.

For the people of southwest Arkansas, Dr. Ward has been a constant both at birth and death. He has delivered babies for most of the families in the area and also sat at the bedsides of many people's parents and grandparents at the hour of their passing. His handiwork as a physician is visible on the countless individuals that he "stitched up" over the course of his career. He has set limbs, removed gall stones, and simply improved the condition of his patients by just talking to them. He has also saved many lives in Pike County.

He has been the family doctor for my State director, Donna Kay Yeargan, nearly all of her life. She told me that Dr. Ward saved the life of her father, Jetty Steel, many times over beginning in 1963 when Mr. Steel suffered injuries from a serious car accident. Dr. Ward treated him in the emergency room before he was transported to another area hospital in Texarkana, AR. Years later, he discovered a heart problem in Mr. Steel and insisted that he receive a new heart valve.

In the years after Donna Kay's mother died, Dr. Ward would travel 20 miles down an old country road to Nashville, AR, every Saturday night to visit with Jetty and give him a quick medical check. But it was at the end of Mr. Steel's life that Dr. Ward showed how much he cared about his patients. During the 3 weeks Mr. Steel was in the hospital before his death in March 2006, Dr. Ward came to the hospital at least twice a day to just sit and visit with him.

He is a quiet and thoughtful man of few words, but he maintains a commonsense approach to health and medicine that has made him among the most trusted men in the region. His patients are not just patients, they are his neighbors, his friends, his extended family. It is obvious that he does more than attend to their medical needs; he cares for them and loves them like family.

Dr. Ward's life is medicine and keeping people healthy and active. He has always understood the value of treating the whole person. He gives each patient his undivided attention no matter how busy he is. There is a big difference between "medical attention" and "medical care." Perhaps the key to Dr. Ward's long and valuable service is that he understands that difference and that he really does care.

Most people would say that Dr. Ward has gone above and beyond the call of duty, but his friends doubt that he believes that.

Already this year, he has been featured in the July 2007 edition of "Reader's Digest" in the Grassroots column for his dedication to the people of Pike County and for coming out of retirement to keep the hospital open.

So, Mr. President, I congratulate Dr. Ward. The State of Arkansas is very proud of his achievements and happy that Dr. Ward is receiving this well-deserved recognition. Although Dr. Ward will take this in stride and quietly accept the accolades, his true reward comes from the work he has done and continues to do for his community.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, a withdrawal, and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING RECESS

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on November 20, 2007, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 50. An act to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 465. An act to reauthorize the Asian Elephant Conservation Act of 1997.

H.R. 2089. An act to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Services Veterans Post Office".

H.R. 2276. An act to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building" .

H.R. 3297. An act to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the "Nate DeTample Post Office Building" .

H.R. 3307. An act to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the "Dennis P. Collins Post Office Building".

H.R. 3308. An act to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the "Lance Corporal David K. Fribley Post Office".

H.R. 3325. An act to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office".

H.R. 3382. An act to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the "Philip A. Baddour, Sr. Post Office".

H.R. 3446. An act to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the "Michael W. Schragg Post Office Building".

H.R. 3518. An act to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the "Charles H. Hendrix Post Office Building".

H.R. 3530. An act to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the "Chief Warrant Officer Aaron Weaver Post Office Building".

H.R. 3572. An act to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the "Wallace S. Hartsfield Post Office Building".

Under authority of the order of the Senate of January 4, 2007, the enrolled bills were signed on November 20, 2007, during the recess of the Senate, by the President pro tempore (Mr. BYRD).

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3773. An act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

H.R. 3915. An act to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes.

H.R. 4136. An act to amend title 18 of the United States Code to clarify the scope of the child pornography laws, and for other purposes.

The message also announced that the House of Representatives having proceeded to reconsider the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3915. An act to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4136. An act to amend title 18 of the United States Code to clarify the scope of the child pornography laws, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 3703. An act to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

H.R. 3997. An act to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3773. An act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

REPORTS OF COMMITTEES DURING RECESS

Under the authority of the order of the Senate of November 16, 2007, the following reports of committees were submitted on November 27, 2007:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1661. A bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad (Rept. No. 110–233).

EXECUTIVE REPORTS OF COMMITTEES RECEIVED DURING RECESS

Under the authority of the order of the Senate of November 16, 2007, the following executive reports of committees were submitted on November 27, 2007:

By Mr. LEAHY for the Committee on the Judiciary:

Joseph N. Laplante, of New Hampshire, to be United States District Judge for the District of New Hampshire.

Thomas D. Schroeder, of North Carolina, to be United States District Judge for the Middle District of North Carolina.

By Mr. BIDEN, from the Committee on Foreign Relations:

Treaty Doc. 109–12: Patent Law Treaty and Regulations Under Patent Law Treaty with one reservation (Ex. Rept. 110–6);

Treaty Doc. 109–21: Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs with nine declarations (Ex. Rept. 110–7); and

Treaty Doc. 110–2: Singapore Treaty on the Law of Trademarks with one condition (Ex. Rept. 110–8)

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

109–12: Patent Law Treaty and Regulations Under Patent Law Treaty.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Reservation

The Senate advises and consents to the ratification of the Patent Law Treaty and Regulations under the Patent Law Treaty, done at Geneva on June 1, 2000 (Treaty Doc. 109–12), subject to the reservation of section 2.

Section 2. Reservation

The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the United States instrument of ratification:

Pursuant to Article 23, the United States of America declares that Article 6(1) shall not apply to any requirement relating to unity of invention applicable under the Patent Cooperation Treaty to an international application.

109–21: Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Declarations

The Senate advises and consents to the ratification of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (the "Agreement"), adopted in Geneva on July 2, 1999, and signed by the United States of America on July 6, 1999 (Treaty Doc. 109–21), subject to the declarations of section 2.

Section 2. Declarations

The advice and consent of the Senate under section 1 is subject to the following declarations, which shall be included in the United States instrument of ratification:

(1) Pursuant to Article 5(2)(a) and Rule 11(3) of the Agreement, the United States of America declares that its Office is an Examining Office under the Agreement whose law requires that an application for the grant of protection to an industrial design contain: (i) indications concerning the identity of the creator of the industrial design that is the subject of the application; (ii) a brief description of the reproduction or of the characteristic features of the industrial design that is the subject of the application; and (iii) a claim. The specific wording of the claim shall be in formal terms to the ornamental design for the article (specifying name of article) as shown, or as shown and described.

(2) Pursuant to Article 7(2) and Rule 12(3) of the Agreement, the United States of America declares that, as an Examining Office under the Agreement, the prescribed designation fee referred to in Article 7(1) of the Agreement shall be replaced by an individual designation fee, that is payable in a first part at filing and a second part payable upon allowance of the application. The current amount of the designation fee is US$1,230, payable in a first part of US$430 at filing and a second part of US$800 upon allowance of the application. However, for those entities that qualify for "small entity" status within the meaning of section 41(h) of title 35 of the United States Code and section 3 of the Small Business Act, the amount of the individual designation fee is US$615, payable in a first part of US$215 and a second part of US$400. In addition, these amounts are subject to future changes upon which notification to the Director General will be made in future declarations as authorized in Article 7(2) of the Agreement.

(3) Pursuant to Article 11(1)(b) of the Agreement, the United States of America declares that the law of the United States of America does not provide for the deferment of the publication of an industrial design.

(4) Pursuant to Article 13(1) of the Agreement, the United States of America declares that its laws require that only one independent and distinct design may be claimed in a single application.

(5) Pursuant to Article 16(2) of the Agreement, the United States of America declares that a recording by the International Bureau under Article 16(1)(i) of the Agreement shall not have effect in the United States of America until the United States Patent and Trademark Office has received the statements or documents recorded thereby.

(6) Pursuant to Article 17(3)(c) of the Agreement, the United States of America declares that the maximum duration of protection for designs provided for by its law is 15 years from grant.

(7) Pursuant to Rule 8(1) of the Agreement, the United States of America declares that the law of the United States of America requires that an application for protection of an industrial design be filed in the name of the creator of the industrial design. The specific form and mandatory contents of a statement required for the purposes of Rule 8(2) of the Agreement are contained in section 1.63 of title 37 of the Code of Federal Regulations of the United States.

(8) Pursuant to Rule 13(4) of the Agreement, the United States of America declares that the period of one month referred to in Rule 13(3) of the Agreement shall be replaced by a period of six months as to the United States of America in light of the security clearance required by United States law.

(9) Pursuant to Rule 18(1)(b), the United States of America declares that the period of 6 months referred to in Rule 18(1)(a) of the Agreement shall be replaced by a period of 12 months with respect to the United States of America, as the Office of the United States of America is an Examining Office under the Agreement.

110–2: Singapore Treaty on the Law of Trademarks.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Condition

The Senate advises and consents to the ratification of the Singapore Treaty on the Law of Trademarks adopted in Singapore on March 27, 2006 and signed by the United States at Singapore on March 28, 2006 (Treaty Doc. 110–2), subject to the condition of section 2.

Section 2. Condition

The advice and consent of the Senate under section 1 is subject to the following condition:

Report on Amendments to the Regulations. Not later than 60 days after the Assembly has agreed to an amendment to the Regulations pursuant to Article 22 and Article 23 of the Treaty, the Secretary of State shall transmit the text of the amendment to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SESSIONS (for himself, Mrs. CLINTON, Mr. MCCAIN, Mr. CASEY, Mr. MARTINEZ, Mr. SANDERS, Mr. LAUTENBERG, Mr. DORGAN, and Mr. WEBB):

S. 2400. A bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes; to the Committee on Armed Services.

By Ms. CANTWELL (for herself, Mr. ALLARD, Mr. ISAKSON, Mr. SALAZAR, and Mr. BROWNBACK):

S. 2401. A bill to amend the Internal Revenue Code of 1986 to allow a refund of motor fuel excise taxes for the actual off-highway use of certain mobile machinery vehicles; to the Committee on Finance.

By Mr. SPECTER:

S. 2402. A bill to provide for the substitution of the United States in certain civil actions; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. WEBB):

S. 2403. A bill to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse"; to the Committee on Environment and Public Works.

By Mr. SCHUMER:

S. 2404. A bill to amend title XVIII of the Social Security Act to improve payments under the Medicare clinical laboratory fee schedule; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS:

S. Con. Res. 57. A concurrent resolution honoring professional surveyors and recognizing their contributions to society; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 310

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 310, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 329, supra.

S. 399

At the request of Mr. BUNNING, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 442

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 548

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 588

At the request of Mr. NELSON of Florida, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 588, a bill to amend title XVIII of the Social Security Act to increase the Medicare caps on graduate medical education positions for States with a shortage of residents.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 721

At the request of Mr. ENZI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 1015

At the request of Mr. COCHRAN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1015, a bill to reauthorize the National Writing Project.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1170

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1170, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Basin and Range Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1390

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1390, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1556

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1581

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Alaska (Mr. STEVENS), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1581, a bill to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration.

S. 1616

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1616, a bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1708

At the request of Mr. DODD, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Mr. OBAMA) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1750

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1750, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 1812

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1812, a bill to amend the Elementary and Secondary Education Act of 1965 to strengthen mentoring programs, and for other purposes.

S. 1823

At the request of Mr. BOND, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1823, a bill to set the United States on track to ensure children are ready to learn when they begin kindergarten.

S. 1858

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1914

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1914, a bill to require a comprehensive nuclear posture review, and for other purposes.

S. 1920

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1920, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 1951

At the request of Mr. BAUCUS, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Illinois (Mr. OBAMA) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2058

At the request of Mr. LEVIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2067

At the request of Mr. MARTINEZ, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2071

At the request of Mrs. FEINSTEIN, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL), the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arkansas (Mr. PRYOR) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2088

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2088, a bill to place reasonable limitations on the use of National Security Letters, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Delaware (Mr. CARPER) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2141

At the request of Mr. JOHNSON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2141, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 2147

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 2147, a bill to require accountability for contractors and contract personnel under Federal contracts, and for other purposes.

S. 2160

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2160, a bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes.

S. 2162

At the request of Mr. AKAKA, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2166

At the request of Mr. CASEY, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2181

At the request of Ms. COLLINS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2238

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2238, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 2270

At the request of Ms. STABENOW, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2270, a bill to include health centers in the list of entities eligible for mortgage insurance under the National Housing Act.

S. 2307

At the request of Mr. KERRY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2307, a bill to amend the Global Change Research Act of 1990, and for other purposes.

S. 2320

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 2332

At the request of Mr. DORGAN, the names of the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. SANDERS), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from California (Mrs. BOXER), the Senator from Idaho (Mr. CRAIG) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2341

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2341, a bill to provide Individual Development Accounts to support foster youths who are transitioning from the foster care system.

S. 2347

At the request of Mr. OBAMA, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Delaware (Mr. CARPER), the Senator from Vermont (Mr. SANDERS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2348

At the request of Mr. CORNYN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2348, a bill to ensure control over the United States border and to strengthen enforcement of the immigration laws.

S. 2351

At the request of Mr. SCHUMER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2351, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for medical research related to developing qualified infectious disease products.

S. 2355

At the request of Ms. CANTWELL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2355, a bill to amend the National Climate Program Act to enhance the ability of the United States to develop and implement climate change adaptation programs and policies, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2378

At the request of Mr. ROBERTS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2378, a bill to authorize the voluntary purchase of certain properties in Treece, Kansas, endangered by the Cherokee County National Priorities List Site, and for other purposes.

S.J. RES. 22

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

S. RES. 273

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease.

AMENDMENT NO. 3769

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 3769 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3770

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 3770 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself, Mrs. CLINTON, Mr. MCCAIN, Mr. CASEY, Mr. MARTINEZ, Mr. SANDERS, Mr. LAUTENBERG, Mr. DORGAN, and Mr. WEBB):

S. 2400. A bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes; to the Committee on Armed Services.

Mr. SESSIONS. Mr. President, I am pleased today to offer a bipartisan bill to fix a serious loophole in the law that has prevented some of our wounded warriors from Iraq and Afghanistan from receiving their full enlistment bonuses when they are discharged as the result of wounds they receive in combat. The Wounded Warrior Bonus Equity Act reflects the hard work of several Members of Congress, who put partisanship aside to address this serious matter. The men and women of our magnificent armed forces serve with incredible courage and bravery. In return, the U.S. makes a commitment to them, and the Government must fulfill its end of the bargain.

By Mr. SPECTER:

S. 2402. A bill to provide for the substitution of the United States in certain civil actions; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition to introduce The Foreign Intelligence Surveillance Substitution Act of 2007, to substitute the Federal Government for the telephone companies in litigation challenging the so-called Terrorist Surveillance Program. This is a very complex issue, and I have been discussing it at length with my colleagues on the Judiciary Committee. It does raise some very important questions, and I begin my analysis by acknowledging the good citizenship of the telephone companies for whatever it is that they have done. We still don't know all of what that is. But I do not believe that it is appropriate to grant what is called "retroactive immunity" because of what has occurred here.

The legislation substitutes the U.S. in place of any electronic communication service company which provided communications in connection with an intelligence activity that was authorized by the President between September 11, 2001, and January 17, 2007, and designed to detect or prevent a terrorist attack against the U.S.

In order for substitution to apply, the electronic communications service provider must have received a written request from the Attorney General or the head of an element of the intelligence community indicating that the activity was authorized by the President and determined to be lawful. If the provider assisted the Government beyond what was requested in writing, this legislation will leave the provider on the hook for any surplus assistance. On the other hand, the Government will be substituted if the Attorney General certifies that the electronic communications service provider did only what the Government asked. Once substitution occurs, Federal and State courts are directed to dismiss the providers from the action.

This legislation provides that plaintiffs in these cases may continue to send third-party discovery requests such as Rule 45 subpoenas to the electronic communications service providers after they have been dismissed. Moreover, the bill provides that plaintiffs may also deem provider admissions as Government admissions in their case against the Government. My legislation provides that the Government will not have sovereign immunity in the 40 or so cases currently pending in the California Multi-District Litigation.

This bill provides authority for the U.S. to remove actions from State court to Federal court. Notably, the legislation is intended to ensure that the Government can only assert those defenses the electronic communications companies may assert under current law. On the other hand, nothing in the bill is designed to increase or diminish the ability of the Government to assert the States Secret privilege. The legislation is carefully crafted so as not to disturb plaintiffs' standing to bring their claims against the Government.

Now, recognizing the telephone companies are good citizens, I am prepared to see their involvement held to the minimum. We hear concerns about them being involved in litigation. Well, I don't know if there's much litigation for them to be involved in once the Federal Government is substituted. Some express dismay over the continued burden of discovery. I am not convinced there will be much further discovery here. Some have expressed a reticence to having their service technicians, in-house counsel, and other employees called as witnesses. Yet, I don't know that they are necessarily going to be witnesses. We can't judge that now.

I believe there are very important—perhaps even constitutional—privacy issues here that ought to be subjected to judicial review. We know that important litigation in the Federal court in San Francisco, Judge Walker has declined to dismiss a challenge to the Terrorist Surveillance Program on State secrets grounds.

I don't think Congress can stand by, and in the face of what has happened, give carte blanche, a free ticket, grant retroactive immunity to suggest to future administrations that they can ignore separation of powers and they can ignore Congressional oversight and just run roughshod over the entire process without being held accountable. The better practice is to allow judicial proceedings to take their course and let the courts make their own determinations.

I strongly encourage all of my colleagues, Republicans and Democrats alike, to carefully consider this bill as we begin to debate the related FISA Amendments Act of 2007.

By Mr. WARNER (for himself and Mr. WEBB):

S. 2403. A bill to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse"; to the Committee on Environment and Public Works.

Mr. WARNER. Mr. President, I rise today to offer a bill to name the new Richmond courthouse for two distinguished Virginia jurists, Judge Spottswood W. Robinson III and Judge Robert Merhige, Jr.

Since the selection of the College of William and Mary as the site for the Nation's first law school, Virginia's contribution to the field of law is arguably without equal. Virginia practitioners such as George Wythe, Thomas Jefferson, John Marshall, James Monroe and Henry Clay have all profoundly shaped and molded our country's legal traditions.

Continuing in that rich tradition, Judge Spottswood W. Robinson, III, and Judge Robert Merhige, Jr. were lawyers who throughout their careers adhered to the principles of "equal justice under law."

Spottswood William Robinson, III was born in Richmond, Virginia on July 26, 1916. He attended Virginia Union University and then Howard University School of Law, graduating first in his class in 1939 and serving as member of the faculty until 1947.

Judge Robinson was one of the core attorneys of the NAACP Legal Defense and Educational Fund from 1948 to 1960, achieving national prominence in the legal community with his representation of the Virginia plaintiffs in the 1954 landmark U.S. Supreme Court case Brown v. Board of Education that declared "separate but equal" schools unconstitutional.

In 1964, Judge Robinson became the first African-American to be appointed to the United States District Court for the District of Columbia. In 1966, President Johnson appointed Judge Robinson the first African-American to the United States Court of Appeals for the District of Columbia Circuit. On May 7, 1981, Judge Robinson became the first African-American to serve as Chief Judge of the District of Columbia Circuit.

Judge Merhige was born in New York in 1919 and attended High Point College in North Carolina. Later, he earned his law degree from T.C. Williams School of Law at the University of Richmond, from which he graduated at the top of his class in 1942.

From 1942 to 1945, Judge Merhige served in the United States Air Force and then practiced law in Richmond from 1945 until 1967. While practicing in Richmond, Judge Merhige established himself as a formidable trial lawyer representing a wide variety of clients. In August of 1967, Judge Merhige was appointed U.S. District Court Judge for the Eastern District of Virginia, Richmond Division by President Lyndon B. Johnson, where he served for over 30 years.

While on the Federal bench, Judge Merhige presided over some of the most important and complicated litigation in U.S. history. In 1970, he ordered the University of Virginia to admit women, and 2 years later he ordered the desegregation of dozens of Virginia school districts. As evidence of Judge Merhige's groundbreaking decisions, he was given 24-hour protection by Federal marshals, due to repeated threats of violence against him and his family. His courage in the face of the significant opposition of the times is a testimony to his dedication to the rule of law.

I have been down to Richmond to see the new courthouse, and I can tell you it is a magnificent structure, and as such, I carefully took this responsibility in naming the U.S. Federal courthouse in Richmond. No name is more fitting for this important structure than naming it after two legal giants—both jurists—the Robinson-Merhige Federal Courthouse.

I thank the Senate for the consideration of this bill and look forward to working with my colleagues seeking its passage.

Mr. WEBB. Mr. President, I am honored to speak on behalf of a bill I have cosponsored with my distinguished colleague, the senior senator from Virginia.

It is altogether appropriate that the new Federal courthouse in Richmond, our Commonwealth's capital and a city that played a pivotal role in our Nation's civil rights debate, be named in honor of two of Virginia's most distinguished citizens, Judge Spottswood Robinson, III, and Judge Robert Merhige, Jr. Both of these men are considered consummate Federal jurists, and both will be remembered as fierce defenders of the Constitution and the rule of law.

Judge Robinson was born in Richmond on July 26, 1916 and passed away at his home in Virginia on October 11, 1998. Judge Robinson attended Virginia Union University and achieved a number of "firsts." He graduated first in his class from Howard University's School of Law. He was the first African-American to be appointed to the U.S. District Court for the District of Columbia. Also, he was the first African-American to be appointed to the Circuit Court of Appeals for the District of Columbia and the first African-American to serve as chief justice of that court. Judge Robinson served on the U.S. Commission on Civil Rights and as dean of Howard University Law School. Of his long and distinguished career, one of his most notable accomplishments was serving as counsel for the NAACP Legal Defense and Educational Fund, and acting as one of the principal attorneys in Brown v. The Board of Education, arguably the most important civil rights case of the twentieth century.

Professor Jack Greenberg of Columbia University Law School, an authority on civil rights law stated, "[Judge Robinson] was an exceptionally capable lawyer. He was good with judges and juries. He knew the law. He knew some of the esoteric, technical, sort of obscure parts of legal history." Considering Judge Robinson's arguments before the Supreme Court, Professor Greenberg said, "He was very calm and just absolutely brimming with facts and information and legal doctrine."

Judge Merhige was born February 5, 1919, in New York, and after 31 years on the bench, passed away in Richmond on February 18, 2005. Judge Merhige presided over the U.S. District Court for the Eastern District of Virginia from 1967 until 1998. Judge Merhige received his law degree from the University of Richmond's T.C. Williams School of Law. In 1972, Judge Merhige courageously ordered the desegregation of dozens of Virginia school districts. Despite numerous threats and receiving 24-hour protection by Federal authorities, Judge Merhige remained faithful to the Constitution and the rule of law. Judge Merhige ordered the University of Virginia to admit women in 1970 and rejected appeals by defendants in the Watergate case.

A friend of many years, Governor Gerald Baliles, once stated Judge Merhige was, "a man of civility and courage, a gentle but vibrant force of the legal realm. . . . [Judge Merhige] was a master of wit and could puncture the pomposity of lawyers as well as engage in acts of self-deprecation."

These two men were bold enough to recognize and fight to ensure that the rights guaranteed under the U.S. Constitution are enjoyed by everyone, and not just the privileged or members of a certain race, religion, or socio-economic group.

The names of Judge Robinson and Judge Merhige will be etched on the walls of this courthouse. I am committed to ensuring that their legacy of equality and fundamental fairness persists in the hearts of all Virginians.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 57—HONORING PROFESSIONAL SURVEYORS AND RECOGNIZING THEIR CONTRIBUTIONS TO SOCIETY

Mr. STEVENS submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 57

Whereas there are over 45,000 professional surveyors in the United States;

Whereas the nature of surveying has changed dramatically since 1785, as it is no longer limited to the description and location of land boundaries;

Whereas hydrographic surveys are important to the use of all bodies of water;

Whereas engineering surveys are utilized in the study and selection of sites and methods for engineering and construction projects;

Whereas geodetic surveys determine precise global positioning for such activities as aircraft and missile navigation;

Whereas cartographic surveys are used for mapping and charting, as well as photogrammetry, the science of using aerial photographs for measurement and map production;

Whereas many services are provided through the use of sophisticated surveying equipment and techniques, including satellite-borne remote sensing devices and automated positioning, measuring, recording, and plotting equipment;

Whereas the role of the surveyor has been, and remains, of vital importance in the development of the United States;

Whereas, since the colonial days of this Nation, surveyors have been leaders in the community, statesmen, influential citizens, and shapers of cultural standards;

Whereas former surveyors include George Washington, Thomas Jefferson, and Abraham Lincoln;

Whereas it was the work of the surveyor that determined the boundaries of land, the greatest economic asset in the colonies that became the United States;

Whereas Thomas Jefferson chaired a committee in 1784 to devise a plan for disposing of lands west of the 13 original colonies;

Whereas Thomas Jefferson argued that surveying before sale was necessary to prevent overlapping claims and to simplify deeds and registers;

Whereas Thomas Jefferson reportedly wrote a plan, which was debated in Congress and in modified form was adopted as the Land Ordinance of May 20, 1785, establishing the Public Land Survey System ("PLSS"), the rectangular system that continues today in 30 midwestern and western States; and

Whereas the establishment of the 3rd week of March as "National Surveyors Week" would be a fitting tribute to all surveyors: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recommends the establishment of National Surveyors Week;

(2) requests that the President issue a proclamation calling on the people of the United States to observe National Surveyors Week each year with appropriate ceremonies and activities paying tribute to professional surveyors and their contribution to society; and

(3) invites the people of the United States to look back at the historic contributions of surveying and look ahead to the new technologies which are constantly modernizing this honored and learned profession.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3802. Mr. SALAZAR (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill H.R. 238, to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

TEXT OF AMENDMENTS

SA 3802. Mr. SALAZAR (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill H.R. 238, to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California; as follows:

At the end of the bill, add the following:

SEC. 2. URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading, by striking "2007" and inserting "2009";

(2) in subparagraph (A), by striking "2007" and inserting "2009"; and

(3) by adding at the end the following:

"(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

"(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

"(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

"(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on December 11, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 2156 (SECURE Water Act), a bill to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water-related data to assess the long-term availability of water resources for irrigation, hydroelectric power, municipal, and environmental uses, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, December 13, 2007, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on Reform of the Mining Law of 1872.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Senate Committee on Energy and Natural Resources.

The hearing will be held on Thursday, December 13, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony regarding forest restoration and hazardous fuels reduction efforts in the forests of Oregon and Washington.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland

Security and Governmental Affairs will hold a hearing entitled, "Credit Card Practices: Unfair Interest Rate Increases." The Subcommittee hearing will examine the circumstances under which credit card issuers may increase the interest rates of cardholders who are in compliance with the terms of their credit cards. This hearing will be a followup to the Subcommittee's March 2007 hearing, which examined practices related to credit card grace periods, interest charges assessed against debt that was paid on time, and excessive fees. Witnesses for the upcoming hearing will include a panel of cardholders who experienced interest rate increases, as well as representatives from credit card companies.

The Subcommittee hearing is scheduled for Tuesday, December 4, 2007, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON ENERGY

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a joint hearing has been scheduled before the Subcommittee on Energy of the Committee on Energy and Natural Resources and the Permanent Subcommittee on Investigations of the Committee on Homeland Security. The hearing will be held on Tuesday, December 11, 2007, at 10 a.m., in Room 216 of the Hart Senate Office Building.

This joint hearing will examine the role of speculation in recent record crude oil prices.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

PRIVILEGES OF THE FLOOR

Mr. SALAZAR. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the duration of the debate and vote on the Peru Trade Promotion Agreement, and they are Ayesha Khanna, Matt Slonaker, Travis Cossitt, and Sam Anderson.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that John Kalitka, who is a detailee on my staff from the Department of Commerce, be granted floor privileges for the duration of the Senate's consideration of H.R. 3688.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–10

Mr. SALAZAR. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on December 3, 2007, by the President of the United States:

Treaty with Australia Concerning Defense Trade Cooperation (Treaty Document 110–10).

I further ask that the treaty be considered as having been read the first time; that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007. I transmit also, for the information of the Senate, the report of the Department of State that includes an overview of this Treaty.

My Administration is prepared to provide to the Senate for its information other relevant documents, including proposed implementing arrangements to be concluded pursuant to the Treaty, relevant correspondence with the Government of Australia, and proposed amendments to the International Traffic in Arms Regulations.

This Treaty will allow for greater cooperation between the United States and Australia, enhancing the operational capabilities and interoperability of the armed forces of both countries. I recommend that the Senate give early and favorable consideration to this Treaty.

GEORGE W. BUSH.

THE WHITE HOUSE, *December 3, 2007.*

TO REPEAL A PROHIBITION ON THE USE OF CERTAIN FUNDS IN CALIFORNIA

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 238 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 238) to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

There being no objection, the Senate proceeded to consider the bill.

Mr. SALAZAR. Mr. President, I ask unanimous consent that a Dodd-Shelby amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3802) was agreed to, as follows:

(Purpose: To amend section 5307 of title 49, United States Code, to extend the special rule for the allocation of urbanized area formula grants through fiscal year 2009)

At the end of the bill, add the following:

SEC. 2. URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading, by striking "2007" and inserting "2009";

(2) in subparagraph (A), by striking "2007" and inserting "2009"; and

(3) by adding at the end the following:

"(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

"(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

"(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

"(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 238), as amended, was read the third time and passed.

ORDERS FOR TUESDAY, DECEMBER 4, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, December 4; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour deemed to be expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes with the time equally divided and controlled between the leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each, and the first half controlled by the Republicans and the final half controlled by the majority; that at the close of morning business, the Senate resume consideration of H.R. 3688 as provided under a previous order; that following the specified debate time provided on Tuesday, the Senate then stand in recess until

2:15 p.m. in order to accommodate the respective party conference meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. on Tuesday, December 4, 2007.

Thereupon, the Senate, at 6:13 p.m., adjourned until Tuesday, December 4, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL CREDIT UNION ADMINISTRATION

MICHAEL E. FRYZEL, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2013, VICE JOANN JOHNSON, TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

FRANCIS MULVEY, OF MARYLAND, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2012. (REAPPOINTMENT)

FEDERAL COMMUNICATIONS COMMISSION

JONATHAN STEVEN ADELSTEIN, OF SOUTH DAKOTA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM EXPIRING JUNE 30, 2013. (REAPPOINTMENT)

ENVIRONMENTAL PROTECTION AGENCY

DAVID R. HILL, OF MISSOURI, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JEFFREY R. HOLMSTEAD, RESIGNED.

DEPARTMENT OF STATE

CHARLES W. LARSON, JR., OF IOWA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

DEPARTMENT OF LABOR

NEIL ROMANO, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE W. ROY GRIZZARD, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ALLYSON R. SOLOMON, 1378

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN A. MACDONALD, 0673

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. DANA K. CHIPMAN, 5098

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DENNIS L. CELLETTI, 9486

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SARAH B GOLDMAN, 8793
MICHEAL B. MOORE, 8880

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

RICKY A. THOMAS, 7755

To be major

DAVID E. MEACHER, 6774
JOSEPH PUSKAR, 0815

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

TARNJIT S. SAINI, 7873

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BOCKARIE SESAY, 1511

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DEBORAH MINNICKSHEARIN, 3875

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

STEPHEN L. FRANCO, 5820

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

GEORGE QUIROA, 9747

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DAVID N. GERESKI, 0249
ROBERT E. MCMILLIN II, 3237
JOHN M. RHODES, 7959
CLINT E. WALKER, 5061

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KIMBERLY K. JOHNSON, 4357

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ALAN JONES, 1015
JOHN MAURER, 0924

To be major

TROY N. MORTON, 9523
CHANTAY P. WHITE, 5288

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

MARIAN AMREIN, 9634
MICHAEL J. BENJAMIN, 7990
COREY L. BRADLEY, 6708
DAVID C. CALDWELL, 2398
HOLLY O. COOK, 0332
KAREN V. FAIR, 4312
TIMOTHY GRAMMEL, 2055
JONATHAN C. GUDEN, 2922
DAVID P. HARNEY, 5290
JOHN M. HEAD, 7177
JODY M. HEHR, 3258
WALTER M. HUDSON, 1321
MICHAEL D. ISACCO, JR., 6367
HARROLD J. MCCRACKEN, 0946
SHEILA E. MCDONALD, 9374
MICHAEL E. MULLIGAN, 4688
RICHARD W. ROUSSEAU, 5067
D060583

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

THOMAS J. HARVAN, 5049

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JOHN G. BRUENING, 7092

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

RICHARD W. SISK, 7421
CHARLES W. STILES, 8677
ERIC L. STILWELL, 5022

To be commander

TYONIA S. BURNS, 9603
STEPHEN C. COKER, 1560
JOHN G. CRABILL, 8620
JEFFREY A. GILES, 7868
JONATHAN C. HOLSINGER, 1981
CHARLES D. JARRETT, 7008
ALEXANDER C. LEVY, 0862
ROBERT L. MICHELS, 2234
BIENVENIDO A. PANCHO, 9362

To be lieutenant commander

DAVID M. BOWIDOWICZ, 1128
CHRISTOPHER M. LUH, 5724
JOHN T. SCHOFIELD, 1808

WITHDRAWAL

Executive Message transmitted by the President to the Senate on December 3, 2007 withdrawing from further Senate consideration the following nomination:

JOHN A. GASTRIGHT, OF SOUTH CAROLINA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES COORDINATOR FOR AFGHANISTAN, DEPARTMENT OF STATE, WHICH WAS SENT TO THE SENATE, ON AUGUST 2, 2007.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference.

This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 4, 2007 maybe found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 5

9 a.m.

Environment and Public Works

Business meeting to consider S. 2191, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and the nominations of John S. Bresland, of New Jersey, to be Chairperson, and Charles Russell Homer Shearer, of Delaware, both to be Members of the Chemical Safety and Hazard Investigation Board, William H. Graves, of Tennessee, Susan Richardson Williams, of Tennessee, and Thomas C. Gilliland, of Georgia, all to be Members of the Board of Directors of the Tennessee Valley Authority.

SD–406

9:30 a.m.

Veterans' Affairs

To hold hearings to examine the nomination of James B. Peake, of the District of Columbia, to be Secretary of Veterans Affairs.

SD–G50

10 a.m.

Judiciary

To hold hearings to examine reauthorization of the Juvenile Justice and Delinquency Prevention Act (Public Law 93–415), focusing on protecting children and communities.

SD–226

10:30 a.m.

Aging

To hold hearings to examine the elderly who have been displaced by war, poverty, and persecution abroad.

SD–106

2:30 p.m.

Judiciary

To hold hearings to examine the foreclosure crisis, focusing on helping families save their homes.

SD–226

3 p.m.

Intelligence

Closed meeting of conferees on proposed legislation authorizing funds for fiscal year 2008 for the intelligence community.

S–407, Capitol

DECEMBER 6

10 a.m.

Judiciary

Business meeting to consider S. 344, to permit the televising of Supreme Court proceedings, S. 1638, to adjust the salaries of Federal justices and judges, S. 1829, to reauthorize programs under the Missing Children's Assistance Act, S. 431, to require convicted sex offenders to register online identifiers, S. 352, to provide for media coverage of Federal court proceedings, S. 2344, to create a competitive grant program to provide for age-appropriate Internet education for children, and the nomination of Ronald Jay Tenpas, of Maryland, to be an Assistant Attorney General.

SD–226

2:30 p.m.

Foreign Relations

International Development and Foreign Assistance, Economic Affairs and International Environmental Protection Subcommittee

To hold hearings to examine the United States foreign assistance to Pakistan.

SD–419

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine the report of the Commission on Army Acquisition and Program Management in Expeditionary Operations entitled "Urgent Reform Required: Army Expeditionary Contracting".

SR–222

DECEMBER 11

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the global challenge of HIV/AIDS, tuberculosis, and malaria.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine e-government 2.0, focusing on improving innovation, collaboration, and access.

SD–342

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold joint hearings with the Committee on Energy and Natural Resources Subcommittee on Energy to examine the role of speculation in recent crude oil prices.

SH–216

Judiciary

Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine the legal rights of Guantanamo detainees, focusing on what they are, should they be changed, and is there an end in sight.

SD–226

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Sunshine in Litigation Act, focusing on whether court secrecy undermines public health and safety.

SD–226

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine S. 2156, to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water resources for irrigation, hydroelectric power, municipal, and environmental uses.

SD–366

DECEMBER 12

10 a.m.

Rules and Administration

To hold hearings to examine a recently released Government Accountability Office report, focusing on funding challenges and facilities maintenance at the Smithsonian Institution.

SR–301

DECEMBER 13

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine ways to reform the Mining Law of 1872.

SD–366

10 a.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the Federal Communications Commission (FCC).

SR–253

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine forest restoration and hazardous fuels reduction efforts in the forests of Oregon and Washington.

SD–366

POSTPONEMENTS

DECEMBER 5

9:30 a.m.

Indian Affairs

To hold oversight hearings to examine American Indian youth, focusing on hope, empowerment and change for Indian country.

SD–628

SENATE—*Tuesday, December 4, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our destinies, help our spirits to be attuned to the graciousness of this season. Keep us from emotions that thwart Your purposes and fill us with Your measureless love. Lord, the legislative process often involves disagreements at deep levels, but deliver our lawmakers from disagreeable spirits. In respect for and appreciation of those who differ, help our Senators, in patience, to find the way of truth in love.

As we celebrate Chanukah, "festival of lights," and Christmas, the birth of Christ, let the full meaning of these celebrations reach us. As You caused 1 day's supply of consecrated oil to keep lamps burning for 8 days in the rededication of the temple desecrated by Emperor Antiochus, make the light of Your knowledge glow on Capitol Hill and let the glorious message of Christmas and peace on Earth, good will toward all guide our deliberations.

We pray in the Name of He who promises salvation to all. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 4, 2007.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that whatever time the distinguished Republican leader and I take today not be used against the morning business hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, the Senate will conduct morning business for an hour with Republicans controlling the first half, the majority controlling the final portion. Following this period of morning business, the Senate will resume debate on the Peru trade bill. The limit on debate this morning will be about 90 minutes. Once this time is used, the Senate will recess until 2:15 this afternoon, and at that time there will be a vote on passage of the Peru trade bill.

SENATOR TRENT LOTT

Mr. REID. Mr. President, during my time in public office, I have had the opportunity to serve with many good men and women. During my time serving in Congress, I have had the opportunity to make a friendship with TRENT LOTT.

Senator Daschle gave me the freedom, during the 6 years I was assistant leader and he was the leader, to spend all my time on the Senate floor, and I did that. Senator Daschle did other things, but he trusted me. I hope I did the right thing—I sure tried to do that all the time I worked with him—but I lived on the floor of the Senate.

During much of that time TRENT LOTT was the Republican leader, and we worked together over those years, I think, in a way that speaks well of our country. We made "deals." Legislation is the art of compromise, consensus building. Even though TRENT LOTT is certainly a true conservative, we were able, in his pragmatic fashion, to work things out.

TRENT has an interesting background. He was born in Mississippi. His family settled in a place called Pascagoula. His father was a pipefitter. His mother taught school. She was an elementary school teacher. The public school that Senator LOTT attended now bears his name. He received a degree from the University of Mississippi and also got his law degree from the same institution. That is a wonderful community, Oxford, MS. I have had an opportunity to spend a little bit of time there. There is a beautiful community square. It is like I envision the South as it used to be.

He married a beautiful woman, Tricia—Tricia Thompson Lott. They were college sweethearts. My wife, who is a shy woman—always has been—has worked with Tricia on a number of different issues and has been so enamored of her, with what a wonderful woman Tricia is. She is a hard worker. Whenever projects are involved, she does more than her share.

They have 2 children, Chet and Tyler. They have 4 grandchildren.

TRENT has been in Congress 34 years. He is the only person in the history of this country who has served as both the House and the Senate whip. He has been a champion for Mississippi, as we all know, but he has also been an important instrument in the Senate accomplishing what it has during the time he was here. I am disappointed that Senator LOTT is going to be leaving the Senate, and I will miss him. I have been impressed with his ability to get things done. Other than John Breaux and TRENT LOTT, there are no two people able to accomplish as much as they did. John Breaux was a dealmaker, and the place he always went, as a Democrat, to start his deal, was with TRENT LOTT. They developed a friendship that lasts to this day. But as a result of their ability to work together on different sides of the aisle, we were able to accomplish a great deal. During the Clinton years, much of what Senator Breaux was able to accomplish for President Clinton was as a result of his relationship with Senator LOTT.

There is no need for me to dwell on my friendship with Senator LOTT other than to say he is my friend, I wish him well, and certainly I wish Tricia and TRENT and their family the very best. They deserve it.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, we will, indeed, be saying goodbye to our

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

friend and colleague, TRENT LOTT, over the next few weeks. Senator REID and I will work out a time certain for tributes to Senator LOTT and his extraordinary career sometime between now and the end of this session.

I ask unanimous consent that the Republican time in the morning business coming up be divided equally between Senators BOND, KYL, and CORNYN, in that order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, the U.S.-Peru Trade Promotion Agreement Implementation Act represents new opportunities. It is an opportunity to strengthen America's economic growth and it is an opportunity to forge a stronger relationship with a key ally in an important region of the world.

We already know that trade agreements with countries help grow this economy through increased exports, which translate to more new jobs for many American workers. They also create lower prices and more choices for the consumer.

This bill will do all of that by leveling the playing field for American exporters and producers. As recently as 2006, 98 percent of Peruvian exports to America entered this country duty-free. But because of high tariffs, American exporters have not had anywhere near equivalent access to Peru's markets.

When this agreement enters into force, 80 percent of American consumer and industrial exports to Peru will be duty-free immediately. That is a tremendous benefit to thousands of American businesses, and millions of American workers.

For my home State of Kentucky, this bill will do a lot of good as well. Exports to world markets mean a lot to my State—Kentucky's export shipments of merchandise in 2006 accounted for $17.2 billion, including $16.3 million worth of goods to Peru. Almost 16 percent of Kentucky manufacturing workers depend on exports for their jobs.

New markets for Kentucky's transportation equipment manufacturers, chemical manufacturers, and machinery manufacturers will open up because of this bill, as will markets for Kentucky's many agricultural products.

By way of a comparison, 3 years after Congress approved a similar trade deal with Singapore, Kentucky exports to Singapore have grown 68 percent. Kentucky and America can reap similar rewards again in a new, more fruitful partnership with Peru by passing this bill.

Peru stands to gain as well. Greater ties to America can only help strengthen security and stability in that country, a key ally in the Western Hemisphere.

It is critical for America to remain engaged in that part of the world, and it is vitally important for us to build strong ties with countries that have made a commitment to freedom and democracy. Peru is just such an ally.

I thank my good friend, the senior Senator from Iowa, for his important work on this bill. Thanks to Senator GRASSLEY, we are soon about to vote on final passage.

I also want to echo his concerns about the current state of our trade policy. Earlier this year, Democrats and Republicans came to an agreement on trade—in return for concessions on matters such as overseas labor issues, House Democrats would move several free trade agreements.

So far, today's Peru agreement is all we have. We haven't seen any positive movement on free trade agreements with Colombia or Panama. Let me just say with regard to Colombia, it is our most important ally in South America. It is embarrassing that we have not approved the free trade agreement with Colombia. Once the issue of beef is addressed with respect to South Korea, I hope we can see that agreement move along as well.

I am disappointed the other Chamber hasn't been able to pass these agreements more quickly. We know they will strengthen our economy and we know they will strengthen our bonds with some very important allies.

Again, going back to Colombia in particular, it has been making great strides to combat the drug trade that ravages so much of that country, and has done much to cut down on the flow of illegal drugs to the United States. Why can't we move faster and show good faith with this ally?

I hope the successful vote for passage we are about to have will pave the way for more in the very near future. These trade agreements are good for the American people, and good for our allies around the world, and we ought to enact them soon. I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for morning business of 60 minutes, with the time equally divided and controlled between the 2 leaders or their designees and with Senators permitted to speak for 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

The Senator from Missouri is recognized.

DOING THE SENATE'S WORK

Mr. BOND. Mr. President, I thank the Chair, and I thank our minority leader, Senator MCCONNELL, for outlining the importance of the Peru Free Trade Agreement and the other trade agreements. We have 3 short weeks to get to work and do the work we have not done so far this year. I wanted to address three aspects of it.

First, for the intelligence community, we must act, and we must act now, to assure that the community has the ability and the tools they need to fight terrorists.

Over the last 30 years, the world has experienced a technological revolution, and our laws governing terrorist surveillance have not kept pace. The old 1978 Foreign Intelligence Surveillance Act that I will refer to as FISA was drafted to deal specifically with the technology in use at the time. This spring, a court ruled that because of the change in technology, the old FISA law severely limited our ability to collect intelligence. Essentially, it made us deaf to collection of vitally needed information.

Following that ruling, the Director of National Intelligence, Admiral McConnell, told Congress the United States was unable to conduct the critical surveillance of foreign terrorists planning to conduct attacks inside our country because of the outdated law. It not only affected our ability to protect the United States, but it also threatened the safety and lives of our troops abroad.

In May I heard that directly from the commander of our Joint Special Operations in Iraq, who told me the limitations in the old law prevented him from capturing key information needed to protect our troops in theater. He could kill or capture a top al-Qaida leader, but he was not able to collect signals intelligence on them. The bottom line is that terrorists were able to use technology and our own outdated laws to stay a step ahead of us.

Congress acted. On August 3 and 4, fortunately, we were able to pass the Protect America Act. I was proud to be the lead sponsor of it because passage of this temporary law essentially put our national security forces back in the business of collecting the information they needed.

But this is only a stopgap measure and expires in February. It did not include all of the reforms we wanted.

I hope this week the Senate will move to pass a permanent fix, or at least a longer term fix, to our intelligence surveillance law. It is critical we act before we leave for the holidays to make sure that our intelligence laws will be up to date and we will not run into a deadline when we come back in January and have to rush through a bill at the end or leave our intelligence community deaf to the new collections they need.

We have two bills before us. Unfortunately, the Senate Judiciary Committee took the bill that came out of the Intelligence Committee and changed it so much that it would gut our intelligence surveillance ability. The committee ignored significant concerns expressed by the working level officials in the Department of Justice and the intelligence community, the very operators who know how the system works.

The Senate Judiciary Committee ignored the concerns of its own minority members. The bill was voted out on a straight party line. The good news is there is another option. Earlier this year, the Senate Intelligence Committee voted out a bipartisan bill to update FISA. After the members of our committee had months and months to study this program, most of our committee members went out to the agency to see how it worked, to see the layers of protection built in to make sure it stayed within the law. We put together, Chairman ROCKEFELLER and I, a bipartisan agreement which added more protections to the constitutional rights and the privacy rights of American citizens. We worked with the intelligence community representatives and the Department of Justice lawyers to make sure it would work.

This bill we reported out of the Intelligence Committee gives our intelligence operators and law enforcement officials the tools they need to collect surveillance on foreign terrorists in foreign countries planning to conduct attacks inside the United States or against our troops, our allies. It is the balance we need to protect our civil liberties without handcuffing our intelligence agencies. I hope we can do the right thing and bring that bill to the floor.

Now while we are working together to get our intelligence community the tools they need, our military needs Congress to provide the funds to get them the equipment, supplies, and fuels they need in the field. We have got men and women fighting for security in Iraq, in Afghanistan, and our own security. Regrettably, the Democratic leadership in Congress wants to hold these funds hostage to a far-left agenda which does not represent anything more than a sliver of popular opinion in this country. There is no excuse for stalling much-needed funds for American troops. These are American troops fighting in the field, and we are not giving them funds.

By kowtowing to the far left moveon.org and the Code Pink constituency, some of the leaders of the Democratic Party in Congress who have control of it are playing a dangerous game with the safety of our troops in the field and the readiness and morale of our troops here at home.

The latest partisan move comes despite the good news out of Iraq. Even the media, who has been opposed to our involvement in Iraq, is recognizing that as a result of the new Petraeus strategy, a surge on the counterinsurgency, working with the Iraqi security forces, our forces together with the Iraqis have been successful in eliminating key terrorist safe havens and hampering the enemy's ability to conduct coordinated attacks. There has been a consistent and steady trend of progress over the last 6 months.

There are positive stories describing Baghdad's marketplace coming back to life. All over the place violent attacks in Iraq are falling. Even some of the war's loudest and strongest opponents in the House have acknowledged the signs of progress. But despite this, the leadership has failed to give us the opportunity to improve the funds our troops need in the field.

With only a few legislative days left, our soldiers, sailors, our airmen, and marines cannot afford more of the partisan delay. We have got men and women risking their lives, and we are denying the funds they need for support. That is unthinkable. That is unthinkable. We have got to abandon the far left's strategies of retreat and defeat and allow our troops to do their jobs.

PERU FREE TRADE AGREEMENT

While we are talking about winning the war, there is also the war that is the soft war, the war of economic progress and opportunity. That is why, as Leader MCCONNELL said, the free trade agreements are so important. We have the opportunity to help countries that are less developed get the free markets, the economic opportunity, the democratic chances to influence their government that we treasure and that have helped make our country successful.

One of the most important things we can do is adopt the free trade agreements. We have four agreements pending. If enacted, these four pending FTAs would expand market opportunities between the United States and countries that have nearly 126 million consumers.

Today's vote on the Peru FTA is very important. I urge us to support that. This will generate U.S. exports, create jobs, enhance the well-being of farming communities such as those I represent in Missouri. Ask these farmers and the small businesses how important these agreements are. Opening these markets would boost U.S. farm exports by $1.5 billion. Under the Peru FTA, more than two-thirds of current U.S. farm exports will become duty free. Tariffs on all farm products would be eliminated in 17 years.

The FTAs are vitally important. When FTAs are defeated, it is bad news for progressive government supporting the United States. In particular, it would be a blow to President Uribe in Colombia, who has been successfully fighting the leftist FARC terrorists, curbing illicit drug production. He is the most important counterweight to the anti-American vitriol of Hugo Chavez in Venezuela.

Chavez was rebuffed by students in his own country. We have an opportunity to establish good working relationships with Peru, with Colombia, with Panama, to show the leaders of the opposition in Venezuela that there is a better way than Hugo Chavez and his blind adherence to the Castro model in Cuba.

Every President since World War II, Republican and Democrat, has fought to reduce the kind of trade barriers that triggered the Great Depression of the 1930s. This administration has followed that example. I hope that in addition to Peru, the leadership of Congress will seek approval of free trade agreements and pass them for South Korea, Panama, and Colombia. It is vitally important not only for free trade between those countries but for our standing in leading for security, peace, and freedom in Latin America.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, the last 2 weeks we have been back in our States visiting with our constituents and reporting to them on the work of the Congress. I did the same. I was in Texas traveling across our State. People would ask me almost everywhere I went what is happening in the Congress, and specifically the Senate. I am sorry to say I had to tell them: Not much is happening. Here we are, 2 months into a new fiscal year and we have yet to pass 11 out of the 12 appropriations bills that literally keep the lights on and instead are working on a continuing resolution, or on auto pilot based on last year's budget and appropriations bills.

I guess I was a little embarrassed to tell them that the approval ratings which we have seen on the Rasmussen poll and others, the Gallup poll and others, appears to be well deserved. It is not a partisan matter. It is not that Republicans like what is happening and Democrats do not like what is happening, or vice versa, or independents like what we are doing. The fact is, no one seems to be satisfied. Given the 11 percent or so approval rating, I have to believe that in large part it is due to the fact that we simply have not taken care of our business.

Nowhere in the rest of America could people fail to do as much as we have failed to do in the Senate and survive. Whether it is your family budget or it is the small business, you could not get away with it. Only Congress can get away with it, I guess, to the extent it has, the failures and inaction.

There are two areas particularly I want to talk about in the next few minutes, where this has grave national security implications.

First, as Secretary Gates, the Secretary of the Department of Defense, has told us, if they do not get emergency supplemental funding for our troops in Iraq and Afghanistan, they are going to have to begin to give people notices that they are going to run out of money in February. But they have to issue the notices 60 days in advance, which means by December 15 there are going to be lots of folks who are going to be getting pink slips just in time for Christmas because the Senate has failed to act on an emergency supplemental request to fund our troops.

Frankly, I do not think we ought to be in that position. No. 1, it is completely inconsiderate of the families and the individual circumstances of those individuals who are doing their best to support our men and women in uniform.

Secondly, it is completely unnecessary. If we would simply take care of our business and quit playing political games by tying deadlines to the appropriation of emergency funds to support our troops, we could fund our troops and continue to have the debates here in the Congress about what our policy ought to be.

Those debates are important. I respect people with different opinions than mine. But we should not be doing it at the expense of our men and women in uniform or putting in jeopardy the jobs of people in civilian clothes who support our men and women in uniform, by tying the appropriation of this emergency funding to these deadlines to the emergency funding. I hope we will get this done and get it done quickly.

Also, we have, in fact, a middle-class tax increase getting ready to come into full flower with the so-called alternative minimum tax. Unless we act, the 6 million people who currently pay this tax today will grow to 23 million next year. So that is another victim, those taxpayers are another victim of our inaction and failure to act in a responsible way when it comes to getting our work done.

I want to join my colleague from Missouri, the ranking member of the Intelligence Committee, as well as my distinguished colleague from Arizona, and focus a little bit here in the next 5 minutes or so on the Foreign Intelligence Surveillance Act.

As most Americans who have followed our debates here know, our ability to listen in on conversations between terrorists and to stop further terrorist attacks on our mainland and our homeland, as well as over in Iraq and Afghanistan, depends on a robust intelligence-gathering capability.

The Foreign Intelligence Surveillance Act was a law passed back in 1978, back in a different era, which served our purpose then and made sure that no intelligence gathering, no wiretaps could occur against Americans. But the fact is that law has needed updating, has been updated from time to time. But we need to make clear that when it comes to monitoring communications between terrorists and foreign nations, it is not necessary to prepare a mound of paperwork and have an army of lawyers process it through a Foreign Intelligence Surveillance Court in order to get a permit to do so.

We have, as we all know, passed a temporary measure which will expire in February. But we need to act on this permanently and not continue to jam all of our business into the last few weeks and put people in doubt, particularly in the intelligence community, of whether they will have the capability to detect and deter future terrorist attacks by employing this capability.

Before we passed a temporary patch, I think, in August—or before we broke for the August recess—because of a ruling by a judge and because of changes in technology, it had been reported in the press that we had lost about two-thirds of our intelligence-gathering capability. Fortunately, we were able to fix that on a temporary basis.

But there are also other important parts of this legislation such as how do we treat the telecommunications carriers that did what they were asked to do in the security interests of the American people and cooperated with the Federal Government? Are we going to provide them the legal protection they are entitled to under the law or are we going to hang them out to dry and make them liable for lawsuits and damages, perhaps, and jeopardize the intelligence that we have gained with their cooperation?

That is the wrong way to treat these telecommunications carriers. We ought to not reward them but at least do our duty with regard to these citizens, corporate and individual alike, who cooperated with the U.S. Government in gathering intelligence and not punish them by hanging them out to dry and making them the subject of numerous lawsuits and litigation.

Just one quick example: When Joseph Anzack was kidnapped by al-Qaida on May 12 while serving in Iraq and killed a few weeks later, you have to wonder if the paperwork that took roughly 10 hours to complete, along with a group of lawyers before an authorization to monitor communications which directly implicated his kidnappers would have saved his life. On that date, May 12, he and Alex Jimenez and Byron Fouty were kidnapped. But a 10-hour delay in getting the FISA paperwork done may have cost Joseph Anzack his life, and may have severely hampered the continuing efforts to find Alex Jimenez and Byron Fouty.

While the Protect America Act that passed in August, as I said, provided a temporary fix to the problem, it will expire in February. I just ask our colleagues on the other side of the aisle, why are we delaying the passage of this important fix to this temporary act? Isn't it important enough to make sure we do everything possible not to hamper our intelligence-gathering capability? We are, in fact, a nation at war, and we ought to act like it. That means arming our intelligence community with the tools they need to detect terrorist communications and to deter future terrorist attacks.

I know 9/11 seems like a long way off in the minds of many, and many have acted as if it never happened, but the fact is, unless we have robust intelligence-gathering capability, and unless the Senate acts promptly to permanently grant the power to our intelligence community to detect these communications, we are at grave risk, and we should not be as a result of Congress's inaction.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President. I thank my colleague from Texas for his comments about the Foreign Intelligence Surveillance Act and would like to expand on those a little bit more.

The Foreign Intelligence Surveillance Act we sometimes refer to as FISA or the FISA law. It is important we understand why we need to update this FISA law. In a word, it has to do with the fact that technology has moved forward faster than our ability to change the law. As a result, as the Senator from Texas just noted, we lost about two-thirds of the intelligence gathering on al-Qaida that we could have intercepted and were previously intercepting when it became clear we needed to change the law to keep pace with the advances in technology.

In the Protect America Act we restored access to that information, and we are now back to collecting that information. But the Protect America Act expires on February 1. As a result, we are now back to reauthorizing that act in a permanent way. We need to do so because, again, if this authority lapses, we are back to where we were when we were losing two-thirds of the information that we should be gathering on al-Qaida.

It is not as if we do not understand this is a serious problem. Al-Qaida still exists. It has not been destroyed. We know what it has done. We know what it would like to do. We know they continue to plot. It is critical for us not to ignore the threat. Of course, the first step in dealing with it is to do the best possible job we can in monitoring communications between people who would do us harm.

We all agree that congressional oversight is important to the effort, and all of the legislation we have adopted has enhanced congressional oversight. That is a good thing. That is not in question. But you do not have congressional oversight so oppressive that the intelligence folks cannot collect the information they need to collect. We need to be careful that in redrafting FISA we do not actually impede our intelligence collection in the name of congressional oversight.

There are some problems with legislation that came out of our committee, the Judiciary Committee—some big problems—much less so with the bill that passed out of the Intelligence Committee. Even Members who objected earlier agreed, and I think have agreed, we can provide the necessary statutory authorization for the President to act, and I think most would agree we have to have such authorization in place to deal with groups such as al-Qaida. But their concern was we simply wanted to have congressional authority for it, and that is what the act has done.

We have to be careful that in granting the authority we do not attach so many conditions to it that, once again, it is impossible for the intelligence agencies to do the job we have mandated they do. As I said, the bill reported out of the Judiciary Committee, and to some extent even the bill from the Intelligence Committee, does tie down our intelligence agencies with too many limits on how they can monitor foreign intelligence organizations.

What we are really looking at is some of my colleagues' efforts to take away core responsibilities and authority that the President has to protect our Nation in gathering foreign intelligence.

Let me cite a couple of examples. The Judiciary Committee bill makes FISA the "exclusive means"—that is the language—of gathering foreign intelligence absent express statutory authority. That is too narrow. In other words, what it is saying is, if another intelligence-gathering tool is not actually authorized by a statute, then it cannot be used to gather intelligence on a group such as al-Qaida.

One obvious example of this is grand jury subpoenas. They are authorized by rules of evidence, not by a Federal statute. The way the Judiciary Committee bill appears to be written, the United States could not even use grand jury subpoenas to gather information about al-Qaida. Obviously, that is not an intended result—at least I would hope not—but it is one of the things that would have to be fixed if we were to consider the Judiciary Committee bill.

Another provision is in both bills, and it has been referred to as the Wyden amendment, named after my good friend and colleague from the State of Oregon. But as that provision is written, a warrant would be required for any overseas surveillance that is conducted for foreign intelligence purposes and is targeted against a U.S. person.

Under current law, however, a warrant would not be required for overseas surveillance targeted at a U.S. person if that surveillance is conducted strictly for a criminal investigation. So you have the anomaly where a much lesser standard exists for mere criminal investigations and the tough standard for the intelligence community to try to meet exists for gathering foreign intelligence against terrorists, when you want to be able to gather that intelligence and may need to do so in a very quick fashion in order to prevent an attack.

So the Wyden amendment would create the anomaly whereby U.S. overseas surveillance in the course of, say, drug trafficking or money laundering does not require a warrant, but foreign surveillance against a terrorist does. That is not a wise way to write the statute. It should not be more burdensome to monitor al-Qaida than it is to monitor a drug cartel. So that, obviously, would need to be fixed.

Moreover, many foreign terrorist organizations engage in both terrorism and ordinary criminal behavior such as drug smuggling or money laundering. This provision, unfortunately, creates the perverse incentive for U.S. agents to monitor a group for its criminal activities rather than on account of its terrorist activities. The provision literally makes it easier to monitor a group on account of its smuggling of marijuana than on account of the fact that it is a foreign terrorist organization. These kinds of artificial distinctions, obviously, make no sense and overly complicate the mission that is very difficult to begin with that we have asked our intelligence community to engage in.

In another area the Judiciary Committee stripped provisions from the Intelligence Committee bill that protect from lawsuits those telecommunications companies that have assisted U.S. intelligence agencies. This is very wrong. These companies were asked by the United States to help monitor al-Qaida after the September 11 attacks. Being patriotic Americans who wanted to help the United States in responding to the threat, the phone companies agreed to provide the help, and now they are being punished with lawsuits that damage these companies' reputations and are very expensive for them to respond. These companies helped us after September 11. They are not going to help again if we do not protect them from these types of lawsuits. The Intelligence Committee bill included a provision in the bill to do exactly that. Yet that provision was stripped, as I said, in the Judiciary Committee. It took away the protection for those who helped monitor al-Qaida. We need to restore that protection for these folks who helped us.

The bottom line is, what is our goal? Do we want to allow our intelligence agencies to be able to use every legal tool at their disposal to track al-Qaida communications or do we want to again tie up our intelligence agencies in restrictions and procedures and then have some future 9/11 Commission—after, God help us, perhaps another terrorist attack—say Congress balled this up and included so many restrictions on intelligence gathering that they were not able to find out this attack was about to occur?

We have to enable our intelligence agencies, not unduly restrict them. Obviously, we need oversight to prevent abuses. That is included in the statutory language, and that is fine. But it does not make sense to impose other restrictions that primarily serve only the purpose of preventing us from collecting good intelligence. There is no excuse, in effect, for making the same mistake twice.

So, in summary, we are going to be dealing with the FISA reform on the floor of the Senate very soon. We need to. The authorization that currently exists expires on February 1. We need to have something in place before that occurs. The bill that came out of the Intelligence Committee by and large will provide the intelligence collection authority that is needed, although there are some problems with it as well. But the provisions that came out of the Judiciary Committee will not work. They will not allow our intelligence collection agencies to do their job properly and, as I said, create the anomalous situation where it is easier to go after intelligence on a criminal enterprise than it is against a terrorist organization. That cannot be.

So I hope my colleagues, when we bring this bill to the Senate floor, will consider the future, the threat of groups such as al-Qaida, and understand it is up to us to ensure our Nation can be protected and not make the same mistake we made before of unduly restricting our intelligence-gathering agencies in fulfilling the mission—the so very important mission—we have asked them to perform.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

(The remarks of Mr. SANDERS pertaining to the introduction of S. 2405 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

PERU FREE TRADE AGREEMENT

Mr. BROWN. Mr. President, I rise to oppose the Peru Free Trade Agreement on which we will vote midafternoon today.

The trade policies set in Washington, and negotiated across the globe, have a direct impact on places such as Lima and Steubenville and Cleveland and

Hamilton, OH. That is why voters in my State and across the country sent a message loud and clear in November demanding a different trade policy, a new direction in our trade relations.

A new report this month from the Center for Economic and Policy Research says jobs paying at least $17 an hour—roughly $35,000 a year—and provide health insurance and provide some form of pension declined by 3.5 million people between 2000 and 2006. If that doesn't underscore and emphasize the decline of the middle class, no statistic does.

Working men and women in Ohio know that job loss—a job paying $35,000 or $40,000 or $45,000 or $50,000 a year—does not just affect the worker or the workers' families, as tragic as that is; job loss—especially job losses in the thousands—can devastate communities.

Peru and proposed deals with Colombia, Panama, and South Korea are based on the North American Free Trade Agreement, the so-called NAFTA model.

NAFTA's proponents promised the agreement would create new jobs from exports and that U.S. exports to Mexico would exceed Mexican imports by some $10 billion. NAFTA supporters also promised it would end our immigration issue or problem. More on that at another time.

Today, imports from Mexico exceed exports by about $70 billion. Instead of a multibillion dollar trade surplus with Mexico, as NAFTA supporters promised, it has gone the other way manyfold, with a $70 billion deficit.

When I was elected to Congress in 1992, the U.S. trade deficit was $39 billion. Today, after NAFTA, CAFTA, the Central American Free Trade Agreement, and after inclusion in the World Trade Organization, our trade deficit has grown to over $800 billion. It went from $39 billion in 1992 to, a decade and a half later, $800 billion, which is an increase of twentyfold.

What NAFTA is, and what that model of trade is, is simple: A mechanism providing a source of cheap labor for multinational firms.

The NAFTA model includes rules on investment and procurement that favor large companies at the expense of workers, at the expense of small manufacturers in Akron, Toledo, Lima, Findlay, and all over my State, and at the expense of the democratic process.

The investor-State rules of the Peru Free Trade Agreement and these other proposed deals will allow corporations to enforce their rights under the agreement in a private trade tribunal. These are decisions where a corporation can sue a foreign government if that corporation doesn't like its foods safety rules or if it doesn't like its workers compensation system or its consumer protection laws. A company outside of the United States can sue our Government when, for instance, our Government protests the import of toxic toys from China or protests contaminated toothpaste or dog food or any of the consumer protection food safety rules that protect our families and our children.

Now, here is what the investor-State rules mean. If Peru tries to make improvements to its food safety, health, and environmental laws, large corporations have a mechanism now for challenging it in a private tribunal. This isn't a government making the decision, it is a private tribunal, with generally anonymous people and trade lawyers who almost always decide in support of weakening trade protection laws and decide in support of whatever generally corporate interests are in those countries and make that decision accordingly.

That is not bothersome enough. If Peru passes strong consumer protection laws or a strong food safety law or a strong generic drug law to bring prices down for its consumers, an American company can come in—a drug company, a toy manufacturer, a food processor—and sue the Government of Peru, saying we don't like these laws, and a private tribunal will make the decision. That already has happened under NAFTA, and I can give examples. It also works the other way. A company in Peru can challenge consumer law, a food safety law, a protection for our families law, if you will, in this private tribunal.

Meanwhile, for other parts of the FTA with Peru, such as labor and the environment, we rely on this administration to enforce it. There is a history of this administration unwilling to use the existing enforcement mechanisms available to us—not just in terms of domestic policy, where this administration has weakened environmental laws and consumer protection laws and food safety laws, and they have done it internationally. Almost one of the first acts President Bush did in 2001 was all about the Jordan Free Trade Agreement. The Jordan FTA was once held as a standard in labor provisions. It passed in 2000 during the Clinton administration. I was as critical of President Clinton as I am of President Bush. It is not a partisan thing, but today the vote may look like that. The Bush administration turned the other way while human trafficking was rampant in Jordan.

In Jordan, workers from Bangladesh come in, their passports confiscated, and they work with fabric transshipped from China. So they bring fabric produced by textile companies in China—companies with no labor standards, little environmental standards, and no real protection for workers—they bring in the textiles from China and they bring the workers in from Bangladesh. Those workers work sometimes 20 hours a day, often without breaks. These textiles are assembled into apparel in Jordan in sweatshops and exported to the United States, without duty, I might add, without tariffs.

President Bush's first U.S. Trade Representative, Robert Zoellick, sent a letter to Jordan's Trade Minister in early 2001, saying the United States would not use the FTA to enforce certain provisions, including the labor chapter. Even though Jordan had strong labor provisions, the administration said we are not going to enforce them.

The Jordanian Government has taken steps to fix its human trafficking problem but not because of the enforcement tools available in the trade agreement; it is only because of the pressure from world opinion.

There is more work to do in Jordan. Last week, it was reported that workers at a Jordanian factory, working under a subcontract, are being threatened with forced deportation after striking to protest the imprisonment of six coworkers.

The National Labor committee, which has done extraordinary investigative work in Jordan, reports that the factory owner threatened to also cut off workers' food and water. This is the kind of country we pass trade agreements with which clearly has no regard for its workers, although in this case they were imported workers from somewhere else.

Remember, factories in Jordan get duty-free access to the U.S. market under the Jordan FTA. How can we not be surprised at similar stories in Peru, Colombia, Panama or South Korea?

Workers and consumers get short shrift. Slave wages are OK, unsafe working conditions are OK, unsafe products and food are OK, contaminated food is OK. With a total lack of protection in our trade policy, we are importing not just the goods but the lax safety standards. We are not just importing toxic toys from China, with lead-based paint covering our Frankenstein mugs at Halloween time, we are importing the values of those countries. If we are going to outsource jobs to China, Peru or Mexico or Bangladesh, they are going to send products back into the United States under production standards we would never allow in this country. We once did, but we would never allow those standards today, with the workers, the environment, the safety, and all of that. We are importing Chinese values, those kinds of values.

With the total lack of protections in our trade policy, the Peru Free Trade Agreement, similar to NAFTA, which it follows, puts limits on the safety standards we can require for imports.

If we relax basic health and safety rules to accommodate Bush-style, NAFTA-modeled trade agreements, then I am afraid we should not be surprised to find lead paint in our toys and toxins in our toothpaste. We have seen recall after recall after recall: Contaminated toothpaste, contaminated apple juice and dog food, toxic toys with lead levels thousands of times higher than we would accept in this country. Yesterday, in Cleveland, I had a meeting and a rally with a couple of mothers who have small children—Sonia Rosado and Sara Correra. They are alarmed and concerned about what to buy their children. They asked: What toys can we buy that we know are safe?

Due to trade agreements, there are more than 230 countries, and more than 200,000 foreign manufacturers exporting FDA-regulated goods to American consumers.

Before NAFTA, we imported 1 million lines of food. The FDA regulated about $30 billion imported food goods. Now we import 18 million lines of foods and at least $65 billion imported food goods. The FDA doesn't inspect 50 percent of these or 20 percent or 10 percent; they don't even inspect 1 percent of imported foods. They inspect six-tenths of 1 percent. That means for every 1,000 food shipments that come to the United States, they inspect 6. For every 150, they inspect 1. It is a pretty lethal combination, when you think about buying products, whether it is processed food or toothpaste or toys from a country such as China or a country such as Peru, that don't follow the same food safety standards or protection standards we do. You have American companies hiring subcontractors in Peru or China, and those subcontractors are told over and over that you have to cut costs, cut corners, and maybe do whatever you have to do to cut costs. Well, that means putting lead in toys because lead-based paint is cheaper, easier to apply, shinier, and looks a little better sometimes. Then we have these products come into the United States and we don't inspect them in any significant number.

So with this trade policy—and Peru is another extension of our trade policy with China and another extension of our trade policy similar to the North American Free Trade Agreement, the NAFTA model—we are doing it again. It is a lethal combination. It is a trade model that chases short-term profits for the few, at the expense of long-term prosperity, long-term safety, long-term health for the many. It is a model that works for a few and doesn't work for overwhelming numbers of Americans.

Look at our trade deficit: $800 billion, almost $3 billion a day. Look at our manufacturing job losses: 200,000 in my State alone for the last 5 years. Look at wage stagnation: The middle class no longer gets a raise in many cases. Look at imported product recalls: Week after week, sometimes day after day, the Consumer Product Safety Commission says take that off the market, we can't keep selling that. Look at forced labor and child labor and slave labor: We know that is going on in China. We say: Well, their products may be a little cheaper. It helps us with profits. Companies are doing pretty well. We will accept that stuff.

Look what it does to communities. When a plant closes in Gallipolis or a plant closes in Springfield, OH, families face huge tragedies—neighbors who don't work at those plants, but neighbors see police forces cut, teachers laid off, fewer firefighters ready to take care of them in an emergency. The tax base is eroded, public services decline. They all go together. We are setting ourselves up for more.

The President says he wants Congress to approve new trade deals with Peru, which the Senate will do today, unfortunately, with Colombia, with Panama, and with Korea. Secretary Gutierrez called yesterday for a vote on the Colombia Free Trade Agreement soon after the Peru vote. I invite the President—I would love to see the President come to Portsmouth, OH, on the Ohio River, or sit down with a machinist in Lake Erie or Toledo, or sit down with a tool and die maker, a tool and die shop owner in Akron. Their productivity is up. These workers are doing better and better in terms of productivity. That is a testament to their hard work and their skills, but our Nation's workers too often don't share in the wealth. They are making more money. They are making more profits in the history of our country, particularly since World War II: As productivity goes up, so do wages go up. No more. Workers are more and more productive as they compete on a very unlevel playing field with low income, very underpaid, sometimes slave labor, forced labor, child labor workers in other countries. They are more and more competitive, but their wages stay flat.

The President wants these trade deals, and in 2002 Congress gave the President the authority to negotiate and to sign and seal these trade deals. All Congress gets to do is vote yes or no. No amendments. No particularly extensive debate. You have to vote yes or you have to vote no. You can't make any changes.

When I talk to workers in Marion or Mount Vernon or Dayton or Mansfield about fast track—this kind of unusual rule that we operate trade agreements under in the House and Senate—they ask: What is the point of Congress being involved at all? All we do is say yes to the President.

The reason the President wants fast track is it silences opposition, it cuts out debate, and pushes through these unpopular trade deals. We all know in this body—every single Republican and every single Democrat in this body—that these trade agreements—NAFTA, CAFTA, PNTR with China, trade agreement with South Korea, trade agreement with Colombia, trade agreement with Peru and Panama—if they came to a vote in the United States among 300 million Americans, they would be soundly defeated. We all know that. Many of us ran campaigns last year, in our elections a year ago, talking about these trade agreements and what they mean.

The current system is not sustainable. People in Ohio and throughout this country will not stand for more of it. Labor unions, environmental groups, church groups, development groups are not out lobbying for the Peru Free Trade Agreement. People don't come up to me at schools or in church or in factories or in small businesses or walking down the street or when my wife and I go to the grocery store, and say: Hey, you ought to pass another trade agreement because they are working well. Our trade deficit only went from $38 billion to $800 billion in 15 years. They are really working. More jobs created; more manufacturing.

Of course, they are not asking us to vote for these trade agreements because they simply aren't working. Why would we do another trade agreement when NAFTA didn't work, when CAFTA didn't work, when PNTR with China doesn't work, when these other trade agreements simply don't work?

I think Americans want trade. I want trade. We want trade. We want plenty of it, but under rules that raise standards and ensure our experts have a lasting and sustainable market for consumers. Trade can be a development tool, but the way this administration pursues trade is not promoting sustainable development. We want trade with countries that will be a lasting market for American goods—a market for American goods, not just a source such as Jordan has become, such as China is, such as Peru is becoming—not a source for cheap labor. The American people want a pro-trade, pro-development, pro-working families, forward-looking approach.

We have a choice. We can work with the countries we want to trade with, make sure they play fair, make sure they can purchase our products, make sure the standards of living go up in those countries over a long period, or we can continue to walk myopically, nearsightedly, blindly into even more of the same trade deals. We can continue free trade on the cheap, or we can respect the progress America has made over the last century: our hard-fought labor laws, our food safety laws, our consumer product laws that protect children, that protect our families, that give us one more reason to be proud of our great country; or we can do what the President wants and what the leadership from the Republican Party in this Congress wants. We can take two steps—we can take two steps back from this progress to accommodate lax labor and safety standards.

This Congress has a choice too. We can pass legislation to combat unfair currency, or we can continue to let China cheat. We can bolster trade enforcement, or we can rely on the administration's discretion to enforce our trade laws. We can assist workers laid off to unfair trade, or we can continue to look the other way.

We have heard voters in Ohio and around the country call for big changes to trade policy. We are hearing consumers demand accountability for the unsafe imports that are on our store shelves. Looking into the eyes of Sara and her children yesterday, looking into the eyes of Sara yesterday, of her friend Sonia, and seeing the look she had about why isn't the government on our side on this—it does matter. We are hearing consumers demand accountability for the unsafe imports that are on our store shelves.

Passing a trade agreement with Peru is not the change Americans demanded last year, that Americans continue to demand now, and that America will continue to demand in the years ahead.

I yield the floor and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

UNITED STATES-PERU TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3688, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3688) to implement the United States-Peru Trade Promotion Agreement.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 90 minutes of debate equally divided.

The Senator from Vermont.

Mr. SANDERS. Mr. President, I wish to say a few words as to why I am strongly opposed to the Peru Free Trade Agreement. Some of the points I made last night, but I think they need reiteration. The untold story of the economy in the United States is that the middle class is shrinking, poverty is increasing, and the gap between the rich and the poor is growing much wider. I am not going to stand here and tell you trade is the only reason the middle class is shrinking, but I am going to tell you it is a major reason, and it is an issue we have to deal with.

Mr. President, since George W. Bush has been in office, 5 million Americans have slipped out of the middle class and into poverty, 8½ million Americans have lost their health insurance, median household income for working-age families has gone down by nearly $2,500, over 3 million good-paying manufacturing jobs have been lost, 3 million Americans have lost their pensions, wages and salaries are now at their lowest share of GDP since 1929, and we are in a situation now where the wealthiest 1 percent of Americans earn far more income than the bottom 50 percent.

In the last number of years, technology has exploded and worker productivity has increased. Yet in the midst of all of that, the middle class is struggling desperately to keep their heads above water, and poverty is increasing.

I think the question this Senate should be spending a lot of time on answering is why that is happening. Why is it that everything being equal, our kids will have, for the first time in the modern history of the United States, a lower standard of living than we do? Why is it that a two-income family today has less disposable income than a one-income family did 30 years ago? In the midst of all this globalization, all of the explosion of technology, all of the increase in worker productivity, there is more and more economic desperation in the United States, and the only people who are doing very well are the wealthiest 1 or 2 percent of the population.

Now, I think there is a real problem when you have unfettered free-trade agreements which essentially allow corporate America to throw American workers out on the street, move to China, move to other low-wage countries, pay people their 50 cents an hour, $1 an hour, and then bring their products back into this country. One of the great crises we are facing is we are not building manufacturing plants in the United States and putting people to work at good wages with good benefits. Not only are we losing blue-collar jobs, we are losing white-collar information technology jobs. And millions of parents all over this country are wondering what kind of jobs are going to be available for their kids.

The fact is, these free-trade agreements have not worked. I don't know how many times and what people need to understand that. Just take a look at NAFTA. I remember, because I was a Member of the House during that debate, that the supporters of unfettered free trade told us over and over that NAFTA would increase jobs in the United States. But according to the Economic Policy Institute, NAFTA has led to the elimination of over 1 million American jobs.

Now, why would you want to follow a paradigm, a trade policy approach which has failed in the past? If it has failed time and time again, why would you keep doing the same thing? A manager of a baseball team who has losing records year after year gets fired. That is what happens. The team changes its approach.

Right now, we have a huge trade deficit. It is a growing trade deficit. We are losing good-paying jobs. Pressure on wages is to push them down into a race to the bottom. That is a failed trade policy.

Supporters of unfettered free trade told us that NAFTA would significantly reduce the flow of illegal immigration into this country because the standard of living in Mexico would increase. Well, guess what. They were wrong. It didn't happen. As a result of NAFTA, severe poverty in Mexico increased. It didn't go down, it increased, and 1.3 million small farmers in that country have been displaced, with real wages for the majority of Mexicans having gone down. All of this has led to a 60-percent annual increase in illegal immigration from Mexico during the first 6 years of NAFTA alone.

What is happening in Mexico and in the United States and in many other countries today because of unfettered free trade is we are seeing a huge increase in the gap between the people on top and everybody else. I will give just one example. In Mexico today, a poor country, a gentleman named Carlos Slim has just surpassed Bill Gates as the wealthiest person in the world, worth over $60 billion, in a poor country. Incredibly, because of unfettered free trade and near liberal type of economic policy, Mr. Slim is worth more than the poorest 45 million Mexicans combined. One man has more wealth than the bottom 45 percent, which happens to be 45 million Mexicans. That is one of the manifestations of unfettered free trade.

And the situation is the same with China. I remember the debate about China—we have a great market in China. If we open permanent normal trade relations with China, it will create all kinds of jobs. Nobody believes that is true. We have a huge trade deficit with China, a trade deficit that is growing. People today are doing Christmas shopping. When they go to the stores, the products they will find from A to Z are made in China, not made in the United States. I can tell you that in my small State of Vermont, we have lost 25 percent of our manufacturing jobs in the last 6 years—not just due to trade, but trade has played an important role.

All over this country, people are wondering why corporate America is not reinvesting in Pennsylvania or Vermont or the rest of the country.

Well, you know why. They are investing billions and billions of dollars in China, hiring people there at pennies an hour, and then they bring their products back into this country. And people are wondering: How do you become a great economy? How do you lead the world? How do you have good jobs for your kids if we are not producing the goods that our people purchase?

You will remember, Mr. President, that 20, 25 years ago, the largest employer in the United States was General Motors. They produced automobiles. They paid people good wages, they had good benefits, and there was a strong union. Today, the largest employer in the United States is Wal-Mart, with low wages, minimal benefits, and vehemently antiunion.

What I also don't understand, in terms of this trade debate, is who the Congress thinks it is representing. You go out in my State and all over this country, and people say: We do not like unfettered free trade. If you want to be a political opportunist, and you don't care about the issue, you should vote against the Peru trade agreement. That is what the people want you to do. In fact, according to a recent Wall Street Journal NBC news poll, 59 percent of Republicans—of Republicans—believe unfettered free trade has been bad for the U.S. economy. And a majority of Democrats feel the same way. So I think maybe the Congress has got to start saying to the large corporation CEOs, who in fact do very well by unfettered free trade, that our job is not just to represent them but to represent the working families of this country.

This agreement will simply continue a failed trade policy. And, Mr. President, you know, because you are a new Senator as well, that during the last campaign, many of us raised this issue about unfettered free trade. What we heard from constituents was that they wanted a change in trade policy. They wanted companies to start investing in America, not in China. They are worried about the future.

So the bottom line is, we have a failed trade policy, and before we pass any more trade agreements, I think we need to take a hard look at what past trade agreements have done. I think we need a moratorium on them, and we need to develop new trade agreements. Trade is a good thing, but we need new trade agreements that represent the working families of this country so that we can see our wages and our incomes going up, not going down; our health care benefits going up, not going down; so that we are not engaged in a race to the bottom; so that we are helping poor countries improve their standard of living, while our standard of living is going up and not bringing everybody down.

I hope Members of the Senate will give serious consideration to rethinking our trade policies and voting this Peru trade agreement down.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I urge my colleagues to vote in favor of the United States-Peru Trade Promotion Agreement. Peru is no ordinary country, and the Peru agreement is no ordinary free-trade agreement.

Peru is a vibrant country. It is marked by the diversity of its dramatic and varied landscapes, abundant and rich wildlife, and strong people. Peru provides a home to more than 170 million acres of forest and 84 of the 103 existing ecosystems on the planet. And it is the birthplace of the Inca civilization, the builders of the incomparable Machu Picchu complex in the Andean highlands. Their descendants live on today in Peru's thriving indigenous communities. This remarkable diversity of landscape, wildlife, and people deserves to be protected, and the strong labor and environmental provisions of the Peru agreement ensure that it will.

Since 1958, when the United States entered into a free-trade agreement with Israel, we have entered into bilateral or regional free-trade agreements with no fewer than 15 additional countries, and since then Democrats have sought to make labor and environmental issues a greater priority in trade agreements. We have had limited success until now.

The Peru agreement is in fact a groundbreaking achievement. Months of complex negotiations involving numerous parties and difficult compromises on all sides resulted in a landmark deal between Congress and the administration. Believe me, this is a very significant and unexpected breakthrough that was achieved not too long ago. We agreed to include strong labor and environmental provisions in all our pending trade agreements beginning with the Peru Free Trade Agreement. That was the understanding, all agreements beginning with Peru—truly a remarkable accomplishment, and we should be proud of what we have achieved. For the first time, the Peru agreement requires the parties to implement the five core International Labor Organization standards. For the first time, the Peru agreement requires the parties to implement seven core environmental treaties. And, for the first time, the Peru agreement makes these labor and environmental provisions fully enforceable by subjecting them to the same dispute settlement mechanism that applies to all other obligations.

Some may criticize the agreement as not going far enough, but these provisions are in fact exactly what many of us in Congress in the labor and environmental movements have been seeking to include in trade agreements for decades. They will benefit workers, they will encourage environmentally sustainable development, and they will ensure the Peru agreement helps to export our fundamental values abroad at the same time that it helps to export our products and services abroad.

The agreement also strengthens our ties with a stalwart ally in an increasingly troubled part of the world. It is an agreement with a leading reformer in our hemisphere, it is an agreement with one of the fastest growing economies in Latin America, and it is an agreement with solid commercial benefits for the United States. Mr. President, 98 percent of Peruvian exports to the United States already receive duty-free treatment under various United States preference programs. This agreement levels the playing field and allows our exports to enjoy the same benefits in Peru.

To cite one example, more than two-thirds of current United States farm exports to Peru, including delicious Montana beef, I might add, and wheat, will receive immediate duty-free access to Peru under the agreement. All remaining tariffs on Montana and other U.S. agricultural goods will be eliminated within 17 years.

For Peru, this agreement means better conditions for its workers, strengthened protection for its amazingly diverse environment, and greater integration into the world economy. Our neighbors to the south can hope it will represent a first step toward increased prosperity, transparency, and stability for the Latin American region as a whole.

This agreement demonstrates what Congress and the administration can achieve when we work together. I hope we can build on the success of this agreement to heal the wounds of previous battles and I hope we can begin to recreate a consensus for trade liberalization going forward.

But the Peru agreement is only one step in this process. Enactment of a robust and modernized trade adjustment assistance program should be our next focus, certainly before this Congress considers additional free trade agreements. We cannot express support for trade agreements unless we fulfill our responsibility to ensure that trade-displaced workers, whether in manufacturing or the services sector, are able to retrain and retool for the 21st century economy. I look forward to working with my colleagues and with the administration on trade adjustment assistance reauthorization very soon.

For all these reasons, I am pleased to support the United States Peru Trade

Promotion Agreement Implementation Act and I urge my colleagues to support it as well.

Mr. President, I suggest the absence of a quorum and ask unanimous consent the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I rise this morning to speak on the proposed free trade agreement with our friend and neighbor to the south, the country of Peru. This is, I believe, a critical piece of legislation. The approval of this agreement would do wonders to advance United States interests in the region. This is a treaty that should be approved because it is good for our bilateral relations with this very important country, it is good for our overall relations with the region, but most of all we should approve this treaty because it is good for the United States economy and it is good for Florida's economy, it is good for bilateral relations, and it is good for our overall security posture in the region.

The legislation will make trade with Peru a two-way street, will benefit small and medium-size businesses, and will reduce barriers to services and to investments.

Over two-thirds of total U.S. exports are manufactured goods, so agreements that remove tariff and nontariff barriers in foreign countries benefit all American manufacturers, large and small.

Implementation of this agreement would raise a total of U.S. merchandise exports to Peru by over $1 billion in the first year. This agreement will add over $2 billion per year to the U.S. gross domestic product. Further, this agreement contains groundbreaking enforceable core labor and environmental provisions. I know these are important.

It is not just is it good for business, but is this something that is going to also speak about our core values when it comes to labor standards? Is it something that we believe will further the condition of the world as it relates to the environment?

This agreement includes provisions that will enhance both of those. For the first time, future administrations will have the right to take dispute action if labor or environmental issues become a problem. So this will have enforcement mechanisms built in. Never has this been the case with any of our previous trade agreements.

So we have made maybe a marker, maybe a breakthrough in a way that we can have more of these trade agreements come to pass that are good for our country, that are good for our economy and that of our neighbors, but yet give people the sense of assurance that environmental and labor rights are going to be protected.

The first year of implementation will boost Florida's total economic output by $140 million, create more than 900 jobs in the State I represent, and increase workers' earnings by $35 million.

In the next decade, it is estimated that Florida's total economic output would increase by more than $760 million per year. Exports to Peru would support more than 4,900 jobs and increase workers' total personal income by more than $180 million a year. Fifty-four percent of all U.S. high-tech goods exported to Peru are made in Florida. Twenty-three percent of all U.S. exports to Peru are made in Florida. Florida is the hub for transportation, trade, finance, insurance, and several other professional services provided to companies from all over the world doing business in Peru. More than half of all Peruvians visiting the United States come to Florida.

Peru's democracy has successfully weathered serious security and political challenges to its institutions over the last decade. But it is a democratic country, and democracy has proven strong, and it has proven that it can, in fact, withstand challenges from all sides.

The decision by newly elected President Alan Garcia to support the United States-Peru TPA marks a turning point in our bilateral relations and political stability by providing for a secure and predictable framework for investors, protections for intellectual property rights and worker rights, and an innovative process for public scrutiny regarding the enforcement of environmental regulations.

Peru's democracy has successfully weathered serious security and political challenges to its institutions by the fact that elections are now repeatedly held and that, in fact, these elections have an outcome that is honored by all of the citizens of Peru which shows us they are a country strongly on the path to democratic institution building.

But a great part of this is also economic success. We cannot just build democratic institutions; the people must believe by following the faith of democracy, by following the path of trade and partnership with the United States they can also better their lives; that, in fact, the false prophets who would preach to the people of Peru that the path to their better future lies in antagonism to the United States, lies in the path of socialism, which has been proven to be a failure throughout the world wherever tried, is to allow them an opportunity to have a successful future by following the path of trade and partnership with the world of beliefs in the globalized economy that all of us can benefit from if it is done right, and if it is done with the right provisions.

The fact is, at this point in time, we are at a significant crossroads in our relations with Latin America. It is an area of the world that as long as things are going fine oftentimes we choose to ignore. But at the current moment in time, we find that in agreeing to this proposal for and altering the trade agreement with Peru that we would be rewarding the democratic institutions that have maintained Peru over the last decade, but also we would be telling them: We want to trade with you. We want to do business with you.

As we enhance the job creation in my home State of Florida, as I have said, as well as in the United States, there is no question that we will also be enhancing job creation in Peru itself; that those people in Peru who aspire to a better life, who aspire to an opportunity perhaps to own their own small business, who aspire to have an opportunity to maybe have more yield and output from their agricultural production, those who benefit from the opportunities of trade and investment will all see the benefits and the fruits of this partnership with the United States.

Now it is good for Peru. But broadly speaking, trade agreements are good for America, and they are good for our relations with the region. So, therefore, I would say we should approve this agreement today, we should vote in favor of our trade agreement with Peru, but we should not stop there. We should soon also see progress on our trade agreement with Panama and our trade agreement with Colombia.

The template of this agreement, while we have additional protections as well as enforcement methods for labor and environmental rights, is the template that we should use in moving forward the Panamanian Free Trade Agreement and the Colombian Free Trade Agreement. We have no closer friends or neighbors than Panama and Colombia. We have no better friends in the region than the Government of President Uribe, where in partnership with now two consecutive administrations, the United States has taken a bold step forward in saying: We will help you, Colombia, to get rid of the narcoterrorists in your country. We will help you to achieve a better life and a more secure future for your own people by helping you to defeat the people who will sow terror on your streets and in your highways.

In that we have made tremendous progress. As we have done so, we have diminished the amount of illicit and illegal drugs from Colombia that are entering the United States and poisoning our American streets. But we have done more than that. We have also helped them pacify their country. Their country is in a huge turnaround. Their country has tremendous economic growth. The Colombian people can now freely travel the country. That is a result of the good efforts of the United States working in partnership with the Colombian Government.

Colombia has a bright and tremendous future. Forty million people are in the country of Colombia. It is a very diverse country. From the coast of the Caribbean to the Andes and the interior, it is a country of resourceful and tremendously ingenious people who would benefit tremendously from the opportunity of having a free-trade agreement with the United States.

It is a free-trade agreement that will create jobs in America, that will also enhance the opportunity for the same kind of economic growth and job creation that I have talked about with Peru.

The Panama agreement is a much smaller agreement. Panama increasingly has become the trading hub of the Americas through the Panama Canal. And we now know that for more than a couple of decades, Panama has been in charge and has been running its own canal in a very successful way. Now they are enhancing it by expanding it.

The banking system, from Asia to the Americas, seems to be at a crossroads through Panama. It is a country with which we should have a trade agreement. We have one that is there. It is teed up. We should move it forward. It should be the next one we approve, with Colombia coming along not long after. But these are tremendously important. These countries look to these agreements as a way forward, as a way of enhancing their partnership with our country, and rejecting other ideologies.

You know we might as well talk about this. I think it is very important. On Sunday we had a very startling event occur in the region. Venezuela held an election in what was a proposal from an increasingly authoritarian leader, Hugo Chavez, to become essentially President for life. It was essentially to give him the authority to rule by decree, to declare a state of emergency and essentially suggest that all of the institutions of the country be suspended and he would be the sole ruler.

It also went further, and it said the country would take a socialist path. Now, this is only the latest excess by a leader who is excessive in many ways, his rhetoric and his action. But this latest excess was rejected by the people of Venezuela.

I congratulate the people of Venezuela for taking this bold step in the direction of not a single authoritarian person in charge of the government but one who would allow a more democratic future for the people of Venezuela. The people of Venezuela courageously went to the streets, courageously demonstrated against tremendous oppression and repression by the Venezuelan authorities, and continued to insist that they have a free vote on Sunday, and they did.

They rejected the overreaching of President Chavez. But this ideology that President Chavez preaches, the failed ideology that was preached by Fidel Castro that has taken Cuba on the path of destruction, disaster, and desolation is now trying to be inflicted on the people of Venezuela, where they are now seeing the same kind of food shortage we have seen in Cuba for almost a half a century beginning to manifest itself in a country that is so oil rich it is ridiculous.

The fact is, we see in the path to bilateral trade agreements with the United States a rejection of these failed ideologies, a rejection of the Chavez way, and a welcoming of a partnership with the United States, one that allows independence and democratic institutions to flourish, while at the same time improving the lives of the people of the region.

I urge my colleagues to look forward also to the Colombian and Panamanian trade agreements. They should be coming. We need to proceed to move those forward. They are tremendously important for these countries. Let's engage in this friendship, but let's take care of first things first and today resoundingly approve the free-trade agreement with Peru that is good for America, good for our Nation, but also good for Peru, and for our relations with the region.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent that I be allowed to speak for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I come to the floor today to make a very simple statement; that is, about our food security in America.

For all of my life—as a farmer and a rancher and attorney general—I have recognized importance of food security for America. On my desk in my Senate office here in Washington, DC, there is a sign that says: "No Farms, No Food."

It is important for all of us in this Chamber to recognize the importance of the food security of the United States of America by moving forward with the passage of the 2007 farm bill.

As the Presiding Officer well knows, the Agriculture Committee, under the leadership of Senator HARKIN and Senator CHAMBLISS, worked very hard—worked for weeks and weeks and months and months—to come up with what is a very good farm bill. It is a very good farm bill that invests in the nutritional needs of our country. It is a very good farm bill that helps us unveil the clean energy future of America and helps us grow our way to energy independence. It is a very good farm bill that invests such as no other farm bill ever has in the conservation opportunities we need to protect our land and our water in America. It is a very good farm bill in all respects, and it is paid for. It is a farm bill that is paid for.

We have been on this farm bill now in the Senate for the last several weeks, since before Thanksgiving, and have not been able to move ahead. The majority leader, Senator REID, has propounded a proposal where we would move forward with a set of discrete amendments, giving the Republicans 10 amendments, having the Democrats have 5 amendments and 2 additional amendments would be considered. It seems to me that is a very eminently fair proposal, and I would ask my colleagues, both on the Democratic side and the Republican side, to stand behind that procedural framework so we can get onto the farm bill and get this farm bill across the finish line.

It is my view the people of America deserve no less from this Senate, and I am very hopeful we will be able to come to that agreement very soon.

RECESS

Mr. SALAZAR. Mr. President, I ask unanimous consent that all time be yielded back and that the Senate now stand in recess until 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate, at 12:26 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from Vermont is recognized.

UNITED STATES-PERU TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT—Continued

Mr. LEAHY. Mr. President, I ask unanimous consent that the vote that was scheduled for 2:15 occur at 2:30, and the 15 minutes between now and 2:30 be equally divided in the usual fashion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I rise in opposition of the Peru Trade Promotion Agreement. While the Peru Trade Promotion Agreement includes important labor and environmental provisions, I do not believe that it represents a large enough departure from the failed NAFTA-style free trade model to merit my support.

Instead of fast-tracking new trade agreements through Congress, we need to take a deep breath and assess the impact of our failed trade policies and take the country and our economy in a better direction.

We should focus on fixing the problems created by NAFTA and other trade agreements, extending trade adjustment assistance for displaced workers, reinvigorating our domestic economy, and creating jobs for hard-working Americans.

The inclusion of labor and environmental protections in the Peru deal is an important and positive development, but without an administration willing to enforce these provisions, the promises ring hollow.

The Bush administration has an abysmal record when it comes to enforcing trade regulations, and it is not a stretch of the imagination to assume that their unwillingness to enforce regulations will extend to Peru.

Without strong enforcement of these important labor and environmental provisions, they are nothing more than words on a piece of paper.

Already we are seeing the Peruvian government backtrack on the spirit of the environmental provisions included in the agreement. International environmental groups have documented a number of recent actions taken by Peru's government that provide a serious cause for alarm.

As an example, in September, a law was proposed to remove half a million acres from the Bahuaja-Sonene National Park and devote the area to oil and gas exploration and exploitation. The Superintendent of Peru's natural protected areas determined that excluding the zone from the national park would violate both the Peruvian Constitution and Peru's trade promotion agreement obligations. The whistleblower in this situation was immediately fired from his post.

And in July, Peru offered concessions for oil and gas exploration and exploitation for over a fifth of the Peruvian Amazon rainforest despite a report by the national ombudsman determining that elements of this process were illegal

What we are seeing with these recent developments in Peru related to environmental protections is that despite increased enforcement mechanisms in the free trade agreement for labor and for the environment, the NAFTA model perpetuates a "race to the bottom" that has become the unfortunate hallmark of free trade agreements.

When trade agreements are used only as a tool to provide cheap labor for American companies, everyone loses. The United States can be a leader in the global economy if we promote fair trade that creates sustainable markets for American goods and services, protects the environment and improves wages and standards of living for American and foreign workers.

Mr. LEAHY. Mr. President, as chairman of the Committee on the Judiciary, which has jurisdiction over our Nation's intellectual property laws, I feel compelled to comment on the intellectual property chapter of the United States-Peru Trade Promotion Agreement.

In the Trade Promotion Authority Act of 2002, Congress instructed the administration to negotiate agreements with other nations that, among other things, reflect a standard of protection for intellectual property "similar to that found in United States law." In many respects, the intellectual property chapter of the Peru Trade Promotion Agreement meets that goal, for it will require Peru to raise its standards of protection for our intellectual property.

I am concerned, however, that some aspects of the intellectual property chapter prescribe the rules for protection so specifically that Congress will be hampered from making constructive policy changes in the future. The art of drafting the chapter is in raising intellectual property protections to a standard similar to ours, without limiting Congress's ability to make appropriate refinements to the intellectual property law in the future. The flexibility necessary for the proper balance is found in many provisions of the intellectual property chapter, for which I commend the U.S. Trade Representative. Other provisions, however, are too fixed and rigid, and may have the perverse effect of restricting the Congress's ability to make legitimate changes in United States law, while keeping our international commitments. I expect that in the future, with improved consultation between the Committee on the Judiciary and the Office of the United States Trade Representative, we can avoid these concerns.

Our trade promotion law also instructed the administration to negotiate agreements that provide strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property. This, too, is an objective I support. Under our laws, many such new technologies and consumer devices rely, at least in part, on fair use and other limitations and exceptions to the copyright laws. Our trade agreements should promote similar fair use concepts, in order not to stifle the ability of industries relying on emerging technologies to flourish.

Finally, a longstanding priority of mine has been the promotion of affordable, lifesaving medicines to address the public health problems afflicting many, primarily developing Nations—particularly those resulting from HIV/AIDS, tuberculosis, malaria and other epidemics. The United States made such a commitment in the 2001 Doha Declaration; I was pleased that the U.S. Trade Representative reaffirmed this commitment in May and that Peru's rights to promote access to medicines is preserved in this agreement.

There is much in the intellectual property chapter of this free trade agreement that I support. I look forward to the Judiciary Committee's being consulted by the Office of the U.S. Trade Representative earlier, and more frequently, in the future, so that we can continue to improve on these issues.

Mr. KOHL. Mr. President, when voters gave Democrats control of Congress, they wanted a new direction on trade policy. They wanted trade agreements that would hold our trading partners to the same labor and environmental standards expected of U.S. companies. And they wanted trade agreements that would level the playing field for U.S. businesses. Democrats listened.

I am supporting the Peru FTA because it is a new model for trade agreements that includes enforceable labor and environmental protections. For the first time, the U.S. will have the right to hold a trading partner accountable if labor or environmental issues become a problem.

The Peru FTA benefits Wisconsin companies and workers. Wisconsin exports to Peru have increased from $9.3 million in 2002 to $43.5 million in 2006. This agreement will help trade between the U.S. and Peru flourish and keep businesses and jobs in Wisconsin, something I couldn't say about several previous trade agreements. Further, the Peru FTA eliminates the current 10 percent tariff on U.S. goods entering Peru. This will remove barriers to Wisconsin exports and make Wisconsin businesses even more competitive.

The Peru FTA is the first step in a new direction for trade policy that will enforce labor and environmental standards and help U.S. businesses gain access to new markets.

Mrs. MURRAY. Mr. President, I rise today to discuss H.R. 3688, the United States-Peru Trade Promotion Agreement. Washington State is extremely trade dependent, and this agreement will have direct impacts to my constituents at home, particularly farmers growing asparagus. In addition, I am concerned about existing labor practices for miners in Peru.

The domestic asparagus industry has been economically injured by the Andean Trade Preference Act's, ATPA, extended duty-free status to imports of fresh Peruvian asparagus. There has been a 2000-percent increase in Peruvian asparagus imports into the U.S. since ATPA was enacted. The asparagus industry suffered the greatest negative impact from the ATPA, according to the U.S. International Trade

Commission's analysis of the agreement. The effects of the agreement to Washington State's asparagus industry were dramatic.

Prior to the ATPA, there were over 55 million pounds of asparagus canned in Washington State, roughly two-thirds of the industry. By 2007, all three asparagus canners in Washington relocated to Peru. As asparagus production fell, I fought to provide assistance for these hard-working men and women whose industry had been devastated.

To mitigate the impacts to growers, I tried to get them trade adjustment assistance. I have secured funding over the past several years to conduct research on a mechanical harvester to make this labor-intensive crop less costly to produce. Most recently, I helped secure $15 million in the farm bill for a market loss assistance program for asparagus growers. This funding will help farmers who have continued to grow asparagus despite the challenges ATPA has presented. I am hopeful that this program will help growers continue to invest in asparagus.

Many of our asparagus growers have turned to other crops, and this Peru trade bill will help them, along with many other farmers in Washington State. While I have serious concerns about the continued effects on the asparagus industry in the U.S. and in Washington State, overall this bill will have a positive impact for agriculture in Washington State.

I would also like to note my concern about labor practices for miners in Peru and the unintended negative impact that this agreement may have on them.

A report by the Congressional Research Service indicates that while Peru endorses the International Labor Organization's core labor standards in the PTPA, concerns remain about their compliance with and the enforcement of these standards. I was discouraged to learn that while Congress was considering the PTPA, the Peruvian Government stalled in its efforts to secure statutory protections for miners and declared it illegal for metal miners to continue striking in support of stronger labor laws.

As chair of the Senate HELP Subcommittee on Employment and Workplace Safety and an advocate for labor rights and workplace protections, I am concerned that the Peruvian Government's most recent actions do not convey a good-faith effort to reform its labor laws. I have worked tirelessly to ensure that miners in our own country have the safety protections on the job that they deserve. In light of the tragic mine disasters in West Virginia, I was proud to help write and pass the landmark MINER's Act last year. Miners put their lives on the line every day to provide for their families, and we must work to ensure they have a respected voice at the table and that their rights are protected.

While I believe this agreement will ultimately do more good than harm, I hope my colleagues will join me in encouraging the Peruvian President, Congress, and Labor Minister to fulfill their promise and pass much needed labor reform legislation without hesitation.

As you may know, Washington State is the most trade dependent State in the Nation. From apples to potatoes to Microsoft and Boeing, we rely heavily on international trade. This trade agreement, when taken as a whole, will do more to bolster the economy of my State and the Nation, and thus merits support.

Mr. LEVIN. Mr. President, in my view, the United States has pursued failed trade policies for the past 20 years or more. This failed trade policy is reflected in our record trade deficits with the world. This failed trade policy has led us to accept a one-way street in trade where we allow too many countries access to our markets without insisting that they give us reciprocal access to theirs.

I have opposed trade agreements when they were in the same failed mold as our past trade policy, when they clearly were not requiring a more level playing field for U.S. manufacturers, farmers, and service sector employees, and when they failed to insist on basic internationally recognized labor and environmental standards. However, I have supported trade agreements that leveled the playing field and that did include strong and enforceable internationally recognized labor and environmental standards.

I particularly commend the work of my brother, Representative SANDER LEVIN, chairman of the House Ways and Means Trade Subcommittee, and others, for substantially improving the Peru Free Trade Agreement by reopening this agreement to incorporate enforceable worker rights and environmental standards in the body of the agreement. This is something Democrats have been working to include in trade agreements for over a decade. I agree with my brother who has characterized this groundbreaking achievement as, "an historic breakthrough on trade by amending pending U.S. free trade agreements to incorporate a fully enforceable commitment that countries adopt and enforce the five basic international labor standards, subject to the same dispute settlement mechanism and remedies as other FTA obligations."

This breakthrough is surely of critical importance. For the first time in any FTA, the labor chapter requires both the United States and Peru to adopt and maintain domestic laws to implement the five core standards incorporated in the 1998 ILO Declaration on Fundamental Principles and Rights at Work. These include, one the right to organize; two, the right to bargain collectively; three, prohibitions on forced labor; four, protections for child labor; and five, freedom from employment discrimination.

The agreement also requires for the first time that the United States and Peru adopt and maintain domestic laws to implement the obligations in the seven multilateral environmental agreements that both the United States and Peru are party to. All of these added obligations are subject to the same dispute settlement mechanism that applies to all other FTA obligations.

Peru is a small economy and makes up less than 1 percent of overall U.S. trade, and in 2006 was only our 43rd largest export market. Furthermore, 98 percent of U.S. imports from Peru already enter the United States duty free under the Andean Trade Preferences Act and the General System of Preferences. The Peru FTA will at least give American exports a more level playing field in Peru by allowing them to enter Peru duty free, which is currently not the case, although Peruvian products already enter the U.S. duty free.

As a rule, I do not like the idea of trade agreements coming up under fast-track procedures because it limits Members of Congress to an up-or-down vote with no chance to amend or improve it. Thankfully, we did not extend fast- track authority. In this case, my brother, SANDY LEVIN, and others successfully amended this agreement through an historic bipartisan agreement which vastly improved the agreement. The changes that were made represent an important break with the failed and flawed trade policies of the past and signify a better approach to trade that supports American workers and protects the environment. For all of these reasons I will vote for the Peru Free Trade Agreement implementing legislation.

Mr. FEINGOLD. Mr. President, the Senate will soon be voting on the first measure to implement a trade deal since the announcement last spring by the administration and some Members of Congress of an agreement to facilitate the consideration of trade legislation.

The centerpiece of that agreement was to be the inclusion in future trade agreements of meaningful labor standards. In fact, because last spring's announced agreement was only a set of principles, and not actual language, the Peru Trade Promotion Agreement bill before the Senate is the first opportunity to review the details of that agreement.

I will touch on the new labor provisions included in the Peru agreement shortly, but the agreement is far more than just provisions overseeing labor standards. And in those areas, the trade agreement with Peru comes up short. In fact, the agreement looks just like the provisions in other trade agreements that have been stamped out over the past decade and more by the NAFTA template—a failed model of trade that has helped ship millions of family-supporting American jobs overseas, while too often failing to produce the promised enhanced standard of living for the families of our trading partners.

Like those previous trade agreements based on the NAFTA model, the Peru agreement contains language identical to the devastating foreign investor rights provisions of NAFTA that undermine federal, state, and local protections for the environment, health, and public safety.

Like those previous trade agreements based on the NAFTA model, the Peru agreement renders meaningless our longstanding common sense government procurement policies, including the Buy America law which requires that taxpayer dollars be used by the federal government to purchase American made goods and services when they are a reasonable option.

Like those previous trade agreements based on the NAFTA model, the Peru agreement undercuts pro-environmental policies such as recycled content requirements, and undermines our ability to require imported food to meet our safety standards. As the consumer advocacy group Public Citizen has noted, the Peru trade agreement includes NAFTA provisions that require the United States "to treat imported food the same as U.S.-produced food, even though more intensive inspection is needed to compensate for Peru's weak domestic regulatory system."

And like those previous trade agreements based on the NAFTA model, the Peru agreement includes NAFTA provisions that undermine the right to affordable medicines for poorer countries established in the World Trade Organization's Doha Declaration.

With all of this NAFTA baggage included in the Peru agreement, one might ask if there is any reason to believe this agreement won't just reproduce the same disastrous results we have seen from failed trade policies over the past two decades.

And that brings us to the new language included in the Peru agreement stemming from the deal announced last spring between a number of Members of Congress and the administration.

Regrettably, and perhaps predictably, that new language does not live up to the billing it received at the time of the announcement. In fact, according to an analysis done by Professor Mark Barenberg of Columbia University, the new labor provisions are actually weaker than current law. Professor Barenberg compared the proposed new labor provisions with those of trade deals already in effect, and found that the Peru agreement undermines existing trade laws, which Barenberg states are already "weak, unreliable, and inadequate to the task."

For example, the Barenberg report notes that under current law, "if Peru fails to comply with internationally recognized labor rights, then the United States can impose unlimited sanctions against Peru, can provide benefits to Peru in any area of foreign relations, or can withdraw special trade benefits in whole or in part, to ensure that Peru comes into compliance. The U.S. can target specific sectors, products, or actors. The U.S. can impose sanctions or withhold benefits until those specified actors comply."

But under the U.S.-Peru agreement, "if Peru fails to comply with the vague labor "principles" or with Peru's domestic labor law, Peru can choose to pay the United States only half the monetary value of the trade benefits that accrue to Peru as a result of the violations—creating a cost-benefit incentive for Peru to commit violations. If Peru chooses this monetary penalty, then the sanction is not targeted on any sector or any actor. The Agreement establishes no system of positive benefits (carrots) to Peru for compliance."

The Barenberg report gives another example. Under existing law, "if Peru fails to comply with internationally recognized labor rights, then private parties in the United States, such as workers and labor unions, have the right to petition the President to impose sanctions or take other measures against Peru to ensure compliance."

But, while private parties, including trade unions are allowed under section 301 of the Trade Act to file petitions with the President, alleging that a trading partner has violated a trade agreement, under the U.S.-Peru Agreement, private parties are given "no right to directly initiate complaints against Peru for violating its obligation to enforce the vague labor "principles" or domestic labor law. Only the President may bring such complaints—and, in fact, the President has never filed a complaint under the labor-rights provisions of any bilateral trade agreement."

Here is still another example. Under existing law, "if the President decides that Peru is failing to comply with internationally recognized labor rights, he can impose sanctions. He need not gain the approval of another decision-maker."

By contrast, under the U.S.-Peru agreement, "if the President decides that Peru is failing to comply with vague labor "principles" or domestic labor law, he cannot impose sanctions. He can only file a complaint that may lead to international arbitration to determine whether Peru stands in violation. Hence, the decision to impose sanctions must be taken by two decision-makers, rather than one—the President and a panel of international arbitrators. And international arbitrators will apply international law, which holds that an obligation to adhere to the vague labor principles does not entail an obligation to adhere to actual labor rights, let alone adhere to any concrete performance measures or indicators."

As others have noted, Professor Barenberg's report may explain why no major labor, environmental, human rights, or consumer protection groups have endorsed the Peru agreement.

Our trade policies of the past two decades have been disastrous. They have contributed to the loss of several million family-supporting jobs in this country. They have left communities across my State devastated, and I know the same is true in communities around this country.

Our trade deficit is still out of control, as we send more and more of our wealth overseas, much of it in the form of factories that provided entire communities with decent, good-paying jobs. I hold listening sessions in each of Wisconsin's 72 counties every year. This is my 15th year holding those listening sessions, listening to tens of thousands of people from all over Wisconsin. I completed my 1000th of those sessions just about a year ago, and I can tell you that there is nearly universal frustration and anger with the trade policies we have pursued since the late 1980s. Even among those who would have called themselves traditional free-traders, it is increasingly obvious that the so-called NAFTA model of trade has been a tragic failure.

I voted against NAFTA, GATT, and permanent most favored nation status for China, in great part because I felt they were bad deals for Wisconsin businesses and Wisconsin workers. At the time I voted against those agreements, I thought they would result in lost jobs for my State. But, as I have noted before, even as an opponent of those trade agreements, I had no idea just how bad things would get.

Nor does the problem end with the loss of businesses and jobs. The model on which our recent trade agreements have been based fundamentally undermines our democratic institutions. It replaces the judgment of the people, as reflected in the laws and standards set forth by their elected representatives, with rules written by organizations dominated by multinational corporations. Food, environmental, and safety standards set by our democratic institutions are subject to challenge if they conflict with those approved by unelected international trade bureaucracies. Even laws that require the government to use our tax dollars to buy goods made here, rather than overseas, can be challenged.

We cannot live in isolation. We are in a global economy, and it makes good sense to have reasonable trade agreements with those who want to trade with us—trade agreements that have broad-based support and that will provide broad-based economic benefits to all sectors of our economy and the economies of our trading partners. That is not what we have now, and we shouldn't pass another bill to implement one of these flawed agreements until we can straighten out the twisted trade model that has done so much damage to the personal economies of thousands of families across the country.

Mr. HATCH. Mr. President, I rise today to discuss the U.S.-Peru Free Trade Agreement, FTA. As my colleagues are aware, I am a strong proponent of free trade, having voted for every trade agreement that has been negotiated during my 31 years in this body.

Despite that fact, I have concerns over some recent changes to the Peruvian agreement and, more specifically, the deal that was struck between the administration and the congressional Democrats on May 10. Specifically, the changes to the intellectual property rights, IPR, and labor chapters of this agreement will, I believe, become more relevant when we as a nation begin to negotiate future free-trade agreements with deserving nations.

It is my sincere hope that I am wrong and that we will not in the near future face serious challenges to our national labor laws as a result of this agreement. Unfortunately, we will not have to wait, however, to realize the devastating effects that the new trade deal will have on our IPR concerns.

The labor chapter of the U.S.-Peru Free Trade Agreement could put U.S. Federal and State labor laws at significant risk. Several provisions of the labor chapter of the U.S.-Peru trade agreement create an unacceptable risk that the United States will be required to change important provisions of U.S. Federal and state labor law or be subject to trade sanctions. Given that the purpose of the May 10 agreement was to ensure that Peru adopted strong labor provisions, not the United States, Congress's implementation of this agreement should provide an explicit safe harbor for U.S. labor law.

Peru FTA requirement to adopt "fundamental labor rights" puts right-to-work, freedom of association and other major U.S. labor provisions at significant risk. Article 17.2 of the Peru FTA requires both Peru and the United States to "adopt and maintain in its statutes and regulations, and practices there under, the following rights as stated in the International Labor Organization ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998) (ILO Declaration) where it affects trade between the countries. These rights are freedom of association, recognition of collective bargaining, elimination of forced/compulsory labor, effective abolition of child labor, prohibition of worst forms of child labor, and elimination of employment discrimination.

The Peru FTA does not provide any definition of these fundamental rights, leaving the interpretation of what constitutes "freedom of association" or "collective bargaining" to a dispute settlement panel appointed by the U.S. and Peruvian Governments.

Given the agreement's reference to the ILO declaration, it is widely expected that such a dispute settlement panel would in fact look at and rely at least partially on the standards of the relevant ILO core conventions associated with these rights, much as the ILO does each year in its followup reports required by the ILO declaration. The recent push by House Democrats to have Peru enact very detailed changes to its treatment of—contract laborers as part of its implementation of the agreement an issue not specifically addressed in the Peru FTA—confirms the wide range of issues subject to this chapter.

The United States, which has only ratified two of the eight ILO core conventions, faces substantial risk that a panel will find that U.S. labor law violates the Peru FTA, requiring the U.S. to change its law or face trade sanctions. Key U.S. laws subject to that risk include:

State right-to-work rules, which standard labor market analysis and several other countries, such as Canada, find imposes an improper restraint on the ability of workers to bargain collectively or to strike, as nonunion workers have the authority to vote on whether to strike;

U.S. prohibitions on the admission to unions of persons connected with the Communist Party or the Klu Klux Klan given that ILO standards require the admission of all applicants;

U.S. prohibitions in the National Labor Relations Act, NLRA, on the inclusion of supervisors in union, which is required by ILO conventions;

Exclusive bargaining rights provided under the NLRA, which are in conflict with ILO standards requiring minority unions be allowed to function;

Various Federal and State laws that place reasonable and balanced limits on the right to strike, which are in conflict with the ILO conventions' prohibition on virtually all restrictions on the right to strike;

U.S. laws permitting the permanent replacement of striking workers, which the ILO has indicated may pose a risk to the effective enforcement of the right of collective bargaining when it occurs on an extensive basis;

Fair Labor Standards Act minimum age of 14 and state laws where there are no minimum ages for children working in agriculture contravenes the ILO minimum age convention; and

Lack of equal remuneration or comparable worth rules.

The Peru FTA is likely to require State labor law changes as well. By requiring the adoption of these rights at the Federal level, the Peru FTA in combination with the U.S. Constitution's Supremacy Clause, Article VI, section 2, is also expected to require any changes made at the Federal level to preempt conflicting State law. As a result, State right-to-work rules or lower minimum age standards would face significant risk of being overturned by dispute settlement panels.

The Peru FTA requires parties to promote migrant worker rights. Annex 17.6 requires the United States and Peru to engage in a wide range of capacity building work. While much of it could be useful, its obligation to promote migrant rights, without regard to the legal status of a migrant, creates a troubling requirement that the United States would be promoting rights for illegal immigrants at odds with Congress's direction. For years, I have been a steadfast supporter of fair intellectual property laws that are appropriately enforced. The Constitution itself provides for the creation of intellectual property, and it has been the process used by brilliant U.S. innovators to develop, market, and sale groundbreaking new products for years. In the sea of red trade deficits we have faced for so many years now, IP and the innovative U.S. products that use its protection have been one of the few areas where the U.S. has a trade surplus.

Traditionally, trade agreements have strengthened American innovation abroad. However, with the newly renegotiated text found within the U.S.-Peru FTA's IPR chapter, we see that we have walked back from the rigorous IPR protections found in previous agreements in favor of weakened provisions. These changes mainly affect one of America's most productive industries, that of pharmaceuticals.

The U.S.-Peru FTA weakens IP protection in three ways:

First, the agreement does away with patent linkage. Linkage requires a country, before it approves a generic medicine for sale, to ensure that the brand-name medicine is no longer under patent. Without linkage, governments can help facilitate patent infringement. Linkage doesn't hinder access to medicines, and it is not about compulsory licensing. It is about protection of basic patent rights. The proposed changes replace this simple enforcement procedure with a complex one. I don't see what that accomplishes.

Second, the changes shorten the period of data exclusivity for innovative medicines, authorizing a shorter period than we require here in the United

States. This change is not only unfair to U.S. innovators but devalues the incentive for launching new drugs in developing countries. Here is why. In developing countries, it is often difficult to enforce patent rights. But data protection is effective and relatively easy to administer. It often provides the only real protection biopharmaceutical companies have when they invest significant resources to launch new products. You take away the protection and you take away the incentive to launch. It is hard enough to get companies to launch medicines quickly in these countries because the markets are so small. If you shrink data protection, you effectively shrink the market even further.

Finally, the new template no longer requires countries to add time to patent terms for pharmaceuticals to make up for undue delays in marketing approval or patent grant. We require patent restoration here in the United States, so why not abroad? Because, critics argue, patent terms are long enough as they are. But without patent term restoration, we actually go the other direction. Without patent term restoration, the effective patent term could actually shrink significantly.

From what I understand, the Democrats insisted on the changes to the IPR chapter in order to grant greater access to medicines for developing nations. What is ironic to me is that these changes will do just the opposite.

All of these changes were ostensibly part of an effort to promote access to medicines to poor people. A noble goal. But what is so absurd about this is that the changes may actually have the opposite effect and harm U.S. competitiveness in the process.

Why would we backtrack on IPR? Some may say that we are rich enough so that we can afford to give away the fruits of our ingenuity. But that is like saying we are rich enough to voluntarily close down our factories so that our competitors can have a chance. We don't have that luxury.

Some say backtracking on IPR is necessary to help the poor and sick. That, too, is wrong. IPR is all about incentives. If you protect IPR, then people will have a stronger incentive to develop new and innovative products and bring them to market faster. If you don't protect IPR, then those incentives are greatly diminished. Here is what we might expect with weak IPR protection:

There would be less incentive to launch products early in developing countries. Innovative companies would have less reason to show up when their technology could immediately be copied and sold by others who made no contribution to the R&D.

If there were fewer brand-name launches, there would be fewer generics. As brand-name medicines go off patent, generic medicine companies can rely on the safety approvals and market secured by the research-based companies, making more generics available to more people. Without the brand-name company securing the safety approvals and creating the market, fewer generics can enter the marketplace, and fewer people will get the medicines they need.

As a result, the poor would not have access to the newest and most effective medicines.

It is easy and convenient to use IPR as a scapegoat for poor health care systems. The reality is that access to medicines is helped, not hindered, by strong IPR protections. Problems in access to medicines are most often due to other factors, such as poor infrastructure, taxes, tariffs, an ineffective health care system, and different government funding priorities. By pointing at IPR, we divert attention from these much more critical problems. In sum, the changes we have foisted upon Peru are harmful not only to U.S. interests, but also to the very interests they purport to serve.

I applaud the USTR and her staff on their hard work in negotiating this agreement, especially in the area of intellectual property rights. However, I know there are several Senators in this body who represent States that contain numerous innovative companies that benefit from strong intellectual property laws and enforcement. While the overall agreement strengthens American IPR, it does so in a way that is not as vigorous as agreements in the past.

Millions of jobs across the country depend on these laws.

I know firsthand that many countries around the world would like nothing more than to see the U.S. intellectual property laws and enforcement diminished. Why? Because they want to exploit us.

They want to be able to steal our inventions.

They want to be able to ripoff our best and brightest ideas. They want our taxpayers to fund billions of dollars of extremely important research and then take it from us for free.

I have been assured by the administration that the issues that I have raised today will never become a problem for the United States. While I am confident that my concerns remain valid, I am unwilling to stand in the way of the President's trade agenda. The Peruvian trade agreement will provide needed trade benefits to many Utah businesses that exported $7.7 million worth of goods in 2006, not to mention the overall benefit of the agreement to the U.S. economy as a whole.

Therefore, I will reluctantly vote for the U.S.-Peru FTA before us today. However, I will not give up on improving future trade agreements in the critical areas of labor and intellectual property rights.

Mr. KYL. Mr. President, I have never opposed a free trade agreement, FTA, although I have sometimes had reservations or concerns about different elements of the agreements.

I believe free trade encourages economic growth, improves living standards by making a wider variety of goods and services available at more affordable prices, and creates good-paying jobs. In fact, exports from the U.S. account for more than 10 percent of our annual gross domestic product and one in six manufacturing jobs are related to exported products.

I also understand that the benefits of trade accrue not only to Americans, but also to workers in other countries; but this is also to our benefit. The more free trade encourages economic growth and job creation around the world, the more demand there will be for high-value American products and services. Trade fosters closer economic relations with other countries and those economic ties generally lead to improved political relations, which benefits our national security.

For these reasons, I have been a strong, consistent, and vocal supporter of free trade. And for these reasons, I take my vote against the Peru FTA today extremely seriously. I have decided to oppose the Peru FTA not because I have any quarrel with Peru or because I am in any way opposed to expanding our bilateral trade relations with Peru. In fact, I strongly support the original Peru FTA.

My opposition to the Peru FTA is rooted entirely in the agreement reached by the U.S. Trade Representative, USTR, with Members of the other body in May of this year. That agreement forced the U.S. to renegotiate the Peru, Panama, and Colombia FTAs to add new requirements for labor and environmental protections and weakened traditional trade agreement protections for certain U.S. intellectual property, IP, related to pharmaceutical products.

I am concerned about the labor and environment provisions, but I am simply puzzled by the intellectual property changes. I am not sure what my colleagues hoped to gain by weakening standard protections for U.S. intellectual property through this trade agreement. I see no reason why U.S. legislators would want to weaken the ordinary protections that are normally accorded to pharmaceutical intellectual property in our bilateral trade agreements. Peru did not, in the course of negotiations, ask us to weaken the IP requirements. Peru was perfectly willing to abide by the greater protections of the original FTA.

If the goal of these changes was to provide better access to lifesaving medicines in Peru, I worry that their effect could have the exact opposite result. Countries with weaker IP protections will have a difficult time encouraging U.S. companies to do business there. Respect for private property—including intellectual property—is essential to encouraging innovation. Without assurances that new and creative products and services will not be stolen by unscrupulous competitors or forcibly devalued by governments, there is a reduced incentive to take the economic risks that are necessary to achieve groundbreaking inventions.

And why should we expect that those who want to weaken protections for U.S.-owned intellectual property will stop at pharmaceuticals? Are computers, movies, music, and other products that involve valuable U.S. intellectual property next? U.S. intellectual property is one of our most valuable exports; it is not in the national interest of the United States to unilaterally weaken protections for it.

I would like to share some statistics that underscore my concern for protecting U.S. intellectual property. First, IP-related industries provide some of the highest quality jobs in the U.S. According to some studies, IP-related jobs pay as much as 40 to 50 percent more than jobs that are not dependent upon intellectual property. That means that devaluing U.S. intellectual property will hurt U.S. workers. Further, economists estimate that over 50 percent of U.S. exports depend upon intellectual property protection of some sort, up from below 10 percent 50 years ago. My colleagues know that theft of U.S. intellectual property is rampant overseas, costing U.S. companies many billions of dollars annually and costing the U.S. economy high-paying jobs. We should use FTAs to enhance protection for U.S. intellectual property, not weaken it.

Finally, I want to explain to my colleagues that I made my concerns known to the USTR on several occasions. When I first began hearing that the USTR might renegotiate the various Latin American FTAs to secure support in the other body, I made sure the USTR knew of my strong concerns about weakening IP protections. As the discussions progressed, six members of the Finance Committee wrote a letter to the USTR in May of this year outlining our very serious concerns with all of the areas under renegotiation: labor, environment, and intellectual property. Finally, when the USTR, Ambassador Schwab, came to meet with members of the Finance Committee this fall I again expressed my concerns about weakening the standard protections that had been traditionally accorded to IP in our other FTAs. Because the administration apparently made no attempt to address our concerns or to assure us that other actions could be taken to enhance protections for valuable U.S. intellectual property, I am compelled to oppose the Peru FTA.

I urge my colleagues to give additional thought to whether it is wise to unilaterally weaken the intellectual property protections we normally include in FTAs. These provisions better not be included in future FTAs or I will work for their defeat.

Mr. LIEBERMAN. Mr. President, I rise today to support the legislation to implement the United States-Peru Trade Promotion Agreement. The agreement promises to significantly strengthen our commercial and noncommercial ties with Peru and represents a new era for U.S. free trade agreements.

This agreement will significantly increase our goods trade balance with Peru. As a result of U.S. unilateral preference programs, about 98 percent of imports from Peru presently benefit from duty-free treatment. The agreement will move beyond one-way preferences to reciprocal commitments. Immediately, 80 percent of the consumer and industrial products our firms export to Peru will be duty free; remaining Peruvian tariffs will phase out over 10 years. The International Trade Commission estimates that, upon the agreement's full implementation, U.S. exports to Peru will increase by $1.1 billion, while U.S. imports from Peru will increase by $439 million. Exporters across our country depend on world markets. In my home State of Connecticut, this agreement will open an important new market for our manufactures of transportation equipment, machinery, and electronics, among other products.

The gains are likely to be even more significant for America's service industries. Take, for instance, the insurance industry, which has played a vital role in Connecticut's economy. The agreement will enable U.S. insurance companies to establish a presence in Peru while ensuring strong regulatory transparency, including license approval within 120 days. Similarly, Connecticut's vibrant financial services industry stands to benefit from the agreement's robust financial services chapter. Among other benefits, the chapter's provisions will enable U.S. asset managers to provide cross-border portfolio management services, even without establishing a physical presence in Peru.

But the agreement's implications transcend commercial boundaries. It will strengthen our alliance with Peru, a key ally in Latin America, contribute significantly to Peru's economic development, and extend our commitment to transparency and rule of law in Latin America.

The most recent free trade agreement this Chamber considered was with Oman in 2006. Consistent with my longstanding record of supporting trade as good for America's economy, and economic development in Arab and Muslim countries as important for peace in the world, I voted in favor of legislation to implement the Oman FTA. But during consideration, I voiced my concerns about the Oman FTA's labor provisions, announcing in this Chamber that: "I will not continue to support future free trade agreements unless the Administration becomes serious about negotiating labor and other improvements. . . ." By including basic worker rights recognized by the International Labor Organization, with full enforceability equal to all other provisions, I am satisfied that the Peru FTA addresses my concerns.

The inclusion of strong labor provisions, as well as unprecedented inclusion of multilateral environmental agreements, means this agreement's significance will extend beyond Peru. Indeed, this FTA represents a strong standard for our future bilateral free trade agreements. I applaud House Ways and Means Chairman RANGEL and House Trade Subcommittee Chairman LEVIN for achieving consensus with the administration to address these key issues.

I have high hopes for expanding our trading relationship with Peru and for continuing to responsibly open markets across national borders. And I look forward to working with my Senate colleagues to enact legislation implementing FTAs that the administration has already signed with Colombia and Korea.

Mr. McCAIN. Mr. President, I strongly support H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act, PTPA.

The agreement before this Chamber today stands as another important milestone in the development of our relationship with Peru. The pending trade bill will help level the commercial playing field and solidify a genuine bilateral partnership based on free and fair trade that benefits not only Peruvians, but also U.S. workers and businesses. Ratification will also demonstrate to the people of Peru that we stand by them as an important democratic ally in a strategically vital region of the world.

As it currently stands, 98 percent of goods imported from Peru already enter the United States duty-free. If this agreement is passed and fully implemented, 80 percent of U.S. exports of consumer and industrial goods and over two-thirds of agricultural exports will gain duty-free access to the Peruvian market of some 29 million citizens. The agreement also contains provisions that address intellectual property rights, electronic commerce, customs and trade facilitation, and these provisions will reduce barriers on investment. The U.S. currently exports nearly $2 billion in goods to Peru, a figure certain to grow as a result of increased access to this vibrant South American market.

While the economic benefits we will enjoy as a result of passing the PTPA are important, we must not ignore the political benefits as well. Peru stands as a shining example of the potential for democracy and open markets in South America. Following free and fair elections in 2006, Peru's economy continues to grow at an impressive rate of 8 percent annually, and its poverty rate has been on the decline since 2001. It is also important to recognize the assistance the Peruvian government has provided the United States in combating drug trafficking, countering regional security threats, and providing for our energy needs. Implementation of this agreement will lead to greater prosperity and development for the Peruvian people, helping to strengthen their nation and our relationship with them.

I have long advocated for economic freedom and open markets. Free trade has long served to promote economic growth, generate jobs, raise wages and lower prices for American workers and consumers. I believe in the ingenuity and resilience of the American worker and am not afraid of their ability to compete successfully in the global marketplace. America is home to the best and the brightest, and should have the opportunity to play a significant role in an increasingly globalized marketplace. By passing this agreement, we will reaffirm our commitment to nations that share our interest in open markets, economic freedom, and democracy.

I urge my colleagues to support swift passage of this important agreement.

Ms. CANTWELL. Mr. President, I would like to briefly address H.R. 3688, the Peru Trade Promotion Act. While this agreement stands to provide significant benefits to our country's agricultural industry, it comes with unfortunate consequences for our country's asparagus growers. My home State of Washington is one of the top asparagus producing States in the country. However, since the passage of the Andean Trade Preferences Act, Washington has lost 21,000 of its 30,000 acres dedicated to asparagus and all three of Washington's asparagus canning facilities have now moved to Peru. This is the reason that I worked so hard to include a $15 million Market Loss Program dedicated to asparagus growers in the Senate's version of the 2007 farm bill. This program will support domestic asparagus producers, helping them plant and harvest more efficiently and remain competitive in the international market. In the past 17 years, the $200 million Washington asparagus industry has been reduced to a $75 million industry. To say that I am concerned about this trade agreement's effect on Washington's asparagus farmers would be an understatement. I implore the Senate, as it continues negotiations on the farm bill to support these hard working individuals remain competitive in our international economy.

With that said, the Peru Trade Promotion Act stands to significantly benefit the majority of farmers both in Washington and throughout our Nation. Under this agreement, Washington businesses will increase their exports to Peru by an estimated 45–62 percent and will immediately eliminate significant tariffs on many key goods. For example, Washington leads the Nation in potato exports and the current tariffs, now reaching up to 25 percent, will be eliminated immediately on most potato products. Washington's wheat farmers, whose exports are currently valued at over $314 million, will benefit greatly by the elimination of the 17-percent tariff on wheat. Washington's third largest industry, beef, has much to gain from the elimination of the 25-percent duty on beef. Dairy, our second largest farm industry will benefit from the elimination of a tariff system that has reached as high as 68 percent for dairy products being exported to Peru. Perhaps the most significant impact for Washington, however, will be for our fruit growers. Washington ranks as the second largest fruit exporter in the Nation, bringing in $833 million for the State. Duties on fruit exported to Peru are currently 25 percent and would be immediately eliminated under the PTPA—a huge win for Washington and its fruit growers. Peru is a new growth market for Washington's fruit industry and the elimination of these tariffs will make our fruit much more competitive in the export market.

Given the significant benefits the vast majority of farmers in my State stand to reap from the Peru Trade Promotion Act, I will vote in favor of it, despite my grave concern for its effect on our asparagus industry. As PTPA is implemented, I will continue to fight to support asparagus growers through the Market Loss Program included in the Senate farm bill or any other means available to me and I strongly urge this body to do the same. The PTPA will benefit many, but it is up to us to assist those whose livelihoods are affected in the process of its implementation.

Mr. ALLARD. Mr. President, I rise today to voice my support and will vote for the Peru Free Trade Agreement.

On November 18, 2003, the administration formally notified Congress of its intent to initiate negotiations for a Free Trade Agreement, FTA, with Peru. The United States and Peru announced a bilateral deal on an FTA on December 7, 2005, after resolving certain agriculture and intellectual property rights issues, as was signed April 12, 2006. The Peruvian Congress approved FTA legislation on June 28, 2006 by a vote of 79–14. Legislation to implement the Peru FTA was submitted by President Bush on September 27, 2007 and this legislation was approved by the Senate Finance Committee by voice vote on October 4. On October 31, the House Ways and Means Committee approved implementing legislation (H.R. 3688) by a vote of 39–0. The full House voted to approve the Peru FTA by a vote of 285–132 on November 9, 2007.

U.S. trade with Peru has doubled over the past 3 years, reaching $8.8 billion in 2006. More than 5,000 U.S. companies export their products to Peru, and over 80 percent of these are small and medium-sized companies that stand to benefit significantly from U.S.-Peru Trade Promotion Agreement, PTPA. According to the American Farm Bureau Federation, after full implementation of the agreement, U.S. agricultural exports to Peru will increase by more than $700 million per year.

According to the Department of Commerce-International Trade Administration, when the agreement enters into force, U.S. farmers and ranchers will also become much more competitive by benefiting from immediate duty-free treatment of 90 percent of current U.S. agricultural exports. Key U.S. agriculture exports such as cotton, wheat soybeans, high-quality beef, apples, pears, peaches, cherries, and almonds will be duty free upon entry into force of the Agreement. Peru will phase out all other agricultural tariffs within 17 years.

According to the United States Department of Agriculture, USDA, exports of farm products boost Colorado's farm prices and income. Such exports support about 10,100 Colorado jobs, both on and off the farm in food processing, storage, and transportation. Agricultural exports amounted to $852 million and made an important contribution to Colorado's farm cash receipts in 2006 that totaled nearly $5.6 billion. The State of Colorado depends on world markets and exported shipments of merchandise to 197 foreign destinations in 2006 totaling $8.0 billion. This is an increase of 44 percent over the 2002 level of $5.5 billion.

The USDA further states that as a leading source of farm cash receipts at nearly $3.3 billion, Colorado's ranchers and beef industry benefit from exports in a number of ways. For instance, Peru will immediately eliminate the 25 percent duties on the beef products of most importance to the U.S. beef industry—Prime and choice cuts. Peru will provide immediate duty-free access for U.S. exports of standard quality beef through the establishment of an 800 ton tariff-rate quota.

The dairy industry in Colorado is the second largest source of state farm cash receipts. Our dairy producers will benefit immensely from the PTPA. Peru will immediately eliminate its system of variable levies facing U.S. exporters. Also, Peru will immediately eliminate tariffs on whey. And, all Peruvian duties on dairy products will be eliminated within 17 years, with duties on some dairy products eliminated earlier.

The corn producers are Colorado's fourth largest source of farm cash receipts. Colorado corn producers will benefit under the PTPA by eliminating its system of variable levies facing U.S. exporters. Under the current system, tariffs can be as high as the WTO ceiling of 68 percent on some corn products. Moreover, all currently applied duties on crude corn oil will be phased out over 5 years; and on white corn and other corn products within 10 years.

The pork producers are Colorado's seventh largest source of farm cash receipts. Peru will phase out all duties, which are currently as high as 25 percent, on fresh, chilled, and frozen pork within 5 years.

There are other markets that Colorado will benefit from as this agreement becomes a reality. The elimination of Peruvian tariffs on products such as computer and electronic products, machine manufacturers and chemical manufacturers will provide a competitive boost to Colorado companies.

This historic agreement will provide a level playing field for American workers and farmers, ensuring that the United States gets the full benefit of trade with this dynamic market. In the early 1990s, the United States unilaterally opened its market to Peru, and nearly everything imported from Peru enters the U.S. market duty free. However, when Americans sell their goods to Peru, they face average tariffs of 11 percent for manufactured goods and 16 percent for agricultural goods. PTPA is meant to correct this unfair trade imbalance by eliminating nearly all tariffs on U.S. exports to Peru within a few years. The U.S. International Trade Commission estimates this agreement will add $1.1 billion to U.S. exports and $2.1 billion to U.S. GDP. U.S. farmers and ranchers must continue to find a way to stay competitive in today's world market.

I urge my colleagues to join me today in supporting passage of the United States-Peru Trade Promotion Agreement Implementation Act.

Mr. REID. Mr. President, the Senate will finish consideration of the U.S.-Peru Free Trade Agreement today, with a vote this afternoon. Before getting into the merits of the FTA, I wanted to take a moment to discuss a broader issue. It is very unfortunate that the Bush administration's only policy towards Latin America has been to negotiate free trade agreements.

I just returned from leading a bipartisan delegation to Latin America and last year I headed a similar delegation to different Latin American countries, including Peru. What we heard repeatedly there in almost every country we visited was that the Bush administration had neglected the region.

And, in fact, they are right. We have cut development assistance, eliminated programs, and repeatedly overlooked our neighbors to the south. In the place of a robust and comprehensive policy of engagement, exchange, aid, and a variety of trade tools, we have a simplistic, singular policy of free trade agreements.

The Bush administration's narrow approach has been harmful in many ways. We have left a vacuum of diplomacy and engagement in many areas, which has allowed unconstructive forces space to expand influence. And our free trade strategy has been very divisive in many of the countries—a foreign policy that divides rather than unites.

I support engagement with Latin America; I strongly support being a better neighbor, but I do not support this narrow policy tool that the Bush administration has fixated on.

The Peru Free Trade Agreement is the first agreement that incorporates the new provisions on labor rights, the environment, and access to medicines from the May 10 agreement with Speaker PELOSI, Congressmen RANGEL and LEVIN, and Chairman BAUCUS.

These changes are significant. For the first time ever a trade agreement will include an enforceable obligation for each country to respect core, internationally recognized labor standards. I hope that this new provision will have a dramatic impact over time.

If they are faithfully enforced, they can help to reduce inequality and establish broader middle classes in the developing countries with which we have free trade agreements. I applaud these and other changes that were part of that May 10 agreement.

While the May 10 agreement is very important, I have generally opposed free trade agreements for several reasons.

First and foremost, I think that for many years now, U.S. trade policy has been one dimensional—we have had one agreement after another, yet so many other aspects of economic policy have been absolutely neglected.

While we have approved new FTAs with 12 different countries since 2001, we still do not have an adequate trade adjustment assistance program. Studies show that those workers who lose their job due to trade on average see a substantial cut in wages in their next job. We need to do a better job of ensuring that these workers do not get left behind before we move forward with more and more agreements.

While we have approved all of those new FTAs, the Bush administration has absolutely fallen down on the job when it comes to enforcement of trade agreements. The Clinton administration brought on average 11 cases per year against foreign trade barriers at the WTO. The Bush administration has brought only a few more than 11 cases total over the last 7 years. The Clinton administration was very aggressive in using other tools of trade policy to fight against unfair trade and unjustifiable trade barriers. The Bush administration has taken numerous measures to weaken U.S. fair trade laws. The Bush administration has been impotent in responding to China's currency manipulation. The continued inaction on this critical issue has led to a situation that could destabilize global financial markets and economic prospects. While the May 10 agreement includes important new labor provisions, the Bush administration has repeatedly demonstrated that it will not enforce them.

It is hard for me to see how I can go home and tell my constituents that I want to support more and more trade agreements when the present administration has refused to aggressively support U.S. rights under our current trade agreements.

Finally, I remain concerned that U.S. free trade agreements have hurt many American workers and unwittingly caused problems in some of our free trade partners. The U.S. has lost about 3 million manufacturing jobs since 2001. Many of these jobs have gone overseas, replaced by imports from low-wage countries.

These lost jobs are offset by lower prices, no doubt. But a lost job has a more profound impact than our statistics account for. A lost job means a strain on a family. Large concentrations of lost jobs mean strains on communities and local and State governments.

Also, as we saw in Mexico after NAFTA, these FTAs can be harmful to communities in our trading partners. More than a million Mexican farmers lost their land and livelihood after NAFTA. NAFTA was supposed to end illegal immigration to the U.S.; instead by pushing poor rural farmers off their land, it helped cause an explosion of illegal immigration.

So I recognize that this FTA reflects major improvements from the previous model. But, I still see many holes in U.S. trade policy that need to be filled. So, reluctantly, I oppose the agreement.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and the time during the quorum call be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 3 minutes on each side.

Mr. DOMENICI. I yield myself 1½ minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise late in the debate because I know it is an important issue, and I find myself wanting to say to the people of Peru that this Senator who comes from the State of New Mexico, where almost half our people speak Spanish—a commonality between our two countries—would expect that I show the appropriate concern for the people whom this treaty will benefit. That is why I am here. It is entirely proper that the United States show more concern and more consideration and have more relationships of mutual benefit with the countries of Central and South America, without a doubt.

I would like to have a few words from this Senator spread on the record to show that with what I have said, I concur. With this treaty, be it not the best because those who look at it from the standpoint of the best find fault here and there, it is as good as we are going to get and we ought to approve it. My vote will show up in favor, and that will be because I understand it. I understand what it means, and I am for the principles and the expected effect of this treaty.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask for the yeas and nays on the vote previously scheduled.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the third reading of the bill.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "nay."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 18, as follows:

[Rollcall Vote No. 413 Leg.]

YEAS—77

Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Durbin
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Rockefeller
Salazar
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Webb
Wyden

NAYS—18

Akaka
Boxer
Brown
Byrd
Casey
Dorgan
Feingold
Harkin
Klobuchar
Kyl
Leahy
McCaskill
Reed
Reid
Sanders
Stabenow
Tester
Whitehouse

NOT VOTING—5

Biden
Clinton
Dodd
McCain
Obama

The bill (H.R. 3688) was passed.

Mr. CARDIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, with today's passage of the United States-Peru Trade Promotion Agreement Implementation Act, we have taken a long-overdue step to strengthen our relationship with Peru, a close friend and important ally in Latin America. This agreement will result in new economic opportunities for U.S. farmers, manufacturers, and service providers, and I am pleased that the Senate has finally voted in favor of its implementation.

None of this would have been possible without the leadership of two of our United States Trade Representatives, Susan Schwab and her predecessor, Rob Portman. I want to thank Ambassador Portman for his hard work at the negotiating table that resulted in a solid agreement that will level the playing field for U.S. producers and exporters. And, I want to thank Ambassador Schwab for her dedication and perseverance that culminated in the May 10 bipartisan trade compromise, which set the stage for today's successful vote. Also meriting special mention for their tireless efforts are the Assistant United States Trade Representative for the Americas, Everett Eissenstat, and his predecessor, Regina Vargo.

Here in the Senate, I want to begin by thanking the chairman of the Finance Committee, Senator MAX BAUCUS. He is a true leader on trade and on the committee. And he is supported by a strong staff. That starts with the Democratic staff director on the Finance Committee, Russ Sullivan, and the deputy staff director, Bill Dauster, who were critical to the process. I also want to thank his chief international trade counsel, Demetrios Marantis, as well as the other members of the Democratic trade staff, Amber Cottle, Janis Lazda, Chelsea Thomas, Darci Vetter, and Hun Quach, and two individuals serving on detail to Senator BAUCUS, Russ Ugone and Ayesha Khanna.

Of course, I am grateful for the outstanding effort of my staff as well. First, my chief counsel and staff director, Kolan Davis, merits special mention. His legislative expertise has been instrumental in moving countless bills and this is no exception. I also want to thank my chief international trade counsel, Stephen Schaefer, as well as David Johanson, David Ross, and Claudia Bridgeford Poteet. And, I want to thank John Kalitka, who is on detail to my office from the U.S. Department of Commerce.

Finally, I want to thank Polly Craighill and Margaret Roth-Warren of the Office of the Senate Legislative Counsel for their hard work on this legislation. As always, Polly's patience and expertise have been invaluable in producing a top-notch bill. Margaret is a relatively recent addition to the office and already she is proving herself a very strong asset to our legislative team.

Today's vote is long overdue. The May 10 compromise was expected to pave the way for quick consideration of all four of our pending free trade agreements, as well as the renewal of trade promotion authority. That hasn't happened as quickly as I would have liked. Still, today's vote is a critical first step, and I hope we can use this vote to build momentum toward implementing the next agreement in line, which is our trade agreement with Colombia. We should move the Colombia trade agreement as soon as possible, and I will work hard toward that outcome in the 110th Congress.

Mr. KERRY. Mr. President, today the Senate voted to approve H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act. In July of 2006, I opposed this agreement when it came before the Senate Finance Committee because it lacked enforceable labor standards—standards that Peru's President Alejandro Toledo indicated a willingness to support. What a difference a year makes. As a result of a landmark bipartisan agreement reached in May of this year, and for the first time ever in a free trade agreement, our agreement with Peru encompasses meaningful and enforceable labor and environmental protections.

The labor chapter of the agreement requires both the United States and Peru to adopt and maintain domestic laws to implement the five core standards incorporated in the 1998 ILO Declaration on Fundamental Principles and Rights at Work: (1) the right to organize; (2) the right to bargain collectively; (3) prohibitions on forced labor; (4) protections for child labor; and (5) freedom from employment discrimination. The environmental chapter requires both the United States and Peru to adopt and maintain domestic laws to implement the obligations in seven multilateral environmental agreements to which both the United States and Peru are parties. I have long championed the inclusion of enforceable labor and environmental standards in free trade agreements, and I supported the agreement today because of these chapters. It is imperative that our trading partners be held to high labor and environmental standards, and I would not stand in support of this agreement had these provisions not been included.

The Peru Free Trade Agreement is a landmark achievement that makes these provisions fully enforceable—subjecting these provisions to the same dispute resolution system that applies to the commercial provisions of the agreement. I urge the President, along with the office of the U.S. Trade Representative, to hold Peru's government accountable to these provisions. By ensuring that these standards are fully enforced, the President can solidify this agreement with Peru as a model for dealing with future trading partners.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota is recognized.

LIHEAP

Mr. COLEMAN. Mr. President, winter is fast approaching. The Senator from Minnesota was out there with his snow blower and shovel already this weekend. We had from 6 to 10 inches of snow in some portions of the State, 6 inches in the metro area. It was minus 2 when I woke up one day in the Twin Cities, in St. Paul. I traveled around the State. I think it was around minus 8, minus 9, and that is not getting cold yet. In that weather, we actually button the top button but no more.

The reality for many families is cold weather has a lot of people deeply concerned about their ability to keep the heat on. Most of us look forward to the coming of the holiday season as a time we get together with loved ones. For many Americans, this holiday season comes at a time when the cost of energy is skyrocketing. It is raising the level of anxiety as to whether they are going to be able to pay these ever-rising heating costs.

I will never forget a hearing I held for the Permanent Subcommittee on Investigations. I actually did a hearing on the issue of energy costs in my home State last year. I got a chance to listen firsthand to folks who, last year, were impacted by rising energy costs. They bear down on young and old alike.

I had the opportunity to meet Deidre Jackson, a single mother, working professional, and college student who saw her heating bill go through the roof. Meanwhile, Lucille Olson told a story familiar to many seniors of the struggle balancing the high cost of health care, prescription drugs, with heating bills that represented 30 percent of her monthly income. Unfortunately, for many seniors, this is not a balancing act that is easily maintained. Stories abound of grandmothers and grandfathers having to choose between food, medicine, clothing, and heat. This should not happen in America in the 21st century.

It is for stories such as these that we have the Low Income Home Energy Assistance Program—LIHEAP—to provide heating and cooling assistance for folks who are struggling to get by. To many Americans, LIHEAP is a real lifeline. More than 70 percent of families receiving LIHEAP assistance have incomes of less than 100 percent of the Federal poverty level. That is about $21,500 for a family of four. These are truly families who cannot afford to see their heating bills double. In fact, the majority of households have at least one member who is elderly, disabled, or a child under 5 years of age. These are the most vulnerable.

Unfortunately, current Federal funding levels are only sufficient to meet the needs of about 16 percent of the eligible households. Many States are trying to meet the needs of more households by providing smaller benefits to each household. Meanwhile, rising energy prices are rapidly reducing the purchasing power of program grants. This is a bad combination. In other words, folks in need are receiving less assistance while the cost of heating increases. Again, this is simply an untenable situation.

Consider that home heating prices are projected to reach almost $1,000 a year for a typical family, representing an increase of almost 80 percent from the average cost during the winter of 2001–2002. It is in just 5 years that we have seen this incredible 80-percent increase in cost. In fact, data show we are looking at heating costs rising 15.2 percent this year and record levels for heating oil, propane, and electricity. Experts predict that Minnesotans who use heating oil will probably see an increase in their bill of 47 percent higher than last year's level. Meanwhile, the cost of natural gas, which most Minnesotans rely on for their heating needs, is up 38 percent from the average cost during the winters of 2000 to 2005.

The heating oil crisis we are facing this year is certainly partially due to America's need to import more and more oil. I have always said there is a national security need to end our dependence on foreign oil. There is also a very focused need in terms of the impact it has on those who simply cannot afford to pay their heating bills. We need to end their dependence on foreign oil. At the same time, we have to make sure to take care of those families in need today.

We have the tools to produce clean and renewable energy here at home, and our heating crisis is only one of the many reasons we need to finish work on the bold energy package the Senate passed this summer and the strong farm bill we have before us now. Those are two important pieces of legislation. I hope we can overcome this partisan divide in Washington that kind of tears us apart and precludes us from getting things done.

I have sat with the Presiding Officer. We talked about renewables and energy and seeing if we can find common ground. We need it in Maryland, we need it in Minnesota, we need it in America. Unfortunately, as much as we would like to transform our energy production before this winter begins, we don't have that option. But we can make sure Americans having a tough time getting by have the assistance they need to make it through a cold season. For many, it really is a matter of survival. The large percentage of increases in heating costs don't really hit home until you look at a utility bill. A lot of folks will see hundreds of additional dollars on their heating bills this winter. That is a huge expense for a family below the poverty level or for the elderly on fixed incomes.

I drive by a bus stop on Grand Avenue in St. Paul, about four blocks from my house. There is a bus that stops there that takes you to downtown St. Paul. On a cold winter day, I look as I drive by. There may be a senior, a working mom—and it is cold. I look at the cost of energy and realize we have an obligation to try to do the right thing. That is what LIHEAP is about.

In life, sometimes the unexpected happens. No matter how much we try, sometimes we just need a helping hand to get back on our feet.

During my hearings back home, I heard a story from a courageous woman from St. Paul, Lori Cooper, who, as a working professional, wife, and mother of a 21-month child, had to figure out how to make ends meet when her husband's health prevented him from working. With heating costs rising, LIHEAP was critical in helping her family make it through the winter.

Tragically, it is getting harder for States to help families like this one get through winters like this because the appropriation levels have not risen with the inflation since the 1980s. The Labor-HHS-Education bill that the Senate has produced includes a welcome increase, but it is still below the real amount provided 20 years ago. If you look at where we were 20 years ago and factor in inflation, we are below that today. This would be much less problematic if we were not dealing with skyrocketing heating costs, which is why this winter, as in the winter of 2005–2006, families need emergency LIHEAP assistance.

In 2006, I came to the floor with Senators COLLINS and SNOWE to make the case to this body that no one should have to make the choice between basic necessities and heat. Rising to that challenge, we delivered an increase of $1 billion additional LIHEAP funding in 2006. Today, I proudly stand with my colleague from Vermont who, along with 17 Members, introduced the Keep Americans Warm Act to meet the heating crisis we will face this winter. This bill provides $1 billion in emergency LIHEAP assistance in addition to the funding currently included in the Labor-HHS-Education appropriations bill.

I urge my colleagues to join the 19 of us who are standing behind this bill, who are committed to meeting this urgent need. It took a lot of work to get emergency LIHEAP assistance passed in 2006. We worked very hard. It was difficult. I know it will take a lot of effort this time as well, but I am certain this Senate can come together to aid those who are struggling to provide the bare necessity of heat. I have faith in the potential of this body to act for the greater good, and I look forward to working together to pass this important piece of legislation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN

Mr. HAGEL. Mr. President, yesterday the Director of National Intelligence, Admiral Mike McConnell, released the National Intelligence Estimate on Iran's nuclear weapons program. This NIE, which represents the best collective judgment of all 16 U.S. intelligence agencies, told us:

> Our intelligence community has concluded with high confidence that Iran halted its nuclear weapons program in 2003.

This is a major reversal of the intelligence community's previous intelligence assessment in 2005 that Iran was determined to develop nuclear weapons. The NIE states that the nuclear weapons program was halted primarily in response to international pressure, which suggests that Iran may be more vulnerable to influence.

Perhaps most significant is the DNI's conclusion that some combination of threats of intensified scrutiny and pressures, along with opportunities for Iran to achieve its security, prestige, and goals might prompt Tehran to extend the current halt to its nuclear weapons program.

I commend Admiral McConnell and his colleagues for their decision to release unclassified conclusions based on this current intelligence. I do not believe we can overstate the importance of this new information.

The effects of this NIE will be felt here, at the United Nations, throughout Europe, across the entire Middle East, the world, and in Iran.

The NIE closely parallels many of the conclusions of the Internal Atomic Energy Agency, the IAEA, the international organization, with the most direct on-the-ground access to Iran's nuclear facilities. Once again, the facts appear to be bearing out the conclusions of the IAEA. This NIE, as well as the IAEA's analysis, should help inform and shape U.S. strategy on Iran.

President Bush has a responsibility to carefully consider the policy implications concerning Iran with this new information, and I know he will. He said in his news conference this morning that this new information which he has confidence in would be factored into our policy regarding Iran.

The United States must pursue a clear and strategic policy toward Iran based on this new intelligence and fact-based assessment to avoid the disastrous mistakes of Iraq. Yesterday's NIE does not invalidate the effectiveness of previous efforts to use an international consensus of pressure on Iran. We must be careful not to run from one end of the pendulum all the way to the other.

As President Bush noted again this morning, the United States must continue to work with our friends and our allies to sustain an international consensus on Iran. I believe the President is correct: alliances, common purpose, common interests, focus, discipline.

Iran's objectionable words and actions are real, and they must continue to be addressed. That means a very clear-eyed and realistic sense of Iran and its motives. As I said in my November 8 CSIS speech regarding U.S.-Iran policy, the United States must employ a comprehensive strategy regarding Iran: Iraq, the Israeli-Palestinian issue, the Middle East, a regional comprehensive strategy.

Yesterday's NIE reinforces the need for directed, unconditional, and comprehensive engagement with Iran. The United States and the international community must use all—all—elements of our foreign policy arsenal in offering direct, unconditional, and comprehensive talks with Iran. The United States should be clear that all issues, our issues and Iran's issues, are on the table, including offering Iran a credible way back from the fringes of the international community, security guarantees, and other incentives.

We urgently need to adopt a comprehensive strategy on Iran that is focused on direct engagement and diplomacy backed, as diplomacy must always be backed, by the leverage of international pressure, isolation, containment, and military options.

The United States must employ wise statecraft to redirect deepening tensions with Iran toward a higher ground of resolution. That is what Annapolis was about last week. America is the great power here. Iran is not the great power. We must be the more mature country in testing the proposition that the United States and Iran can overcome decades of mutual mistrust, suspicion, and hostility.

That is diplomacy. Diplomacy is not talking to your friends; diplomacy is not giving another country bonus points for us talking to them. There is a reason for diplomacy. We should not squander this opportunity as we did in the spring of 2003 when we had an opportunity for an opening to explore talks with Iran.

This initiative, by the way, in 2003, came from Iran. We are witnessing a confluence of events in the Middle East and around the world that presents the United States with new opportunities. There are hopeful and positive recent developments: Progress on North Korea's nuclear weapons program; the recent regional meeting in Istanbul on Iraq; the momentum generated by last week's Annapolis Middle East meeting where all Arab countries, including Syria, sat at the same table with Israel; and yesterday's NIE assessment.

Now is the time for America to act and to lead, and to lead boldly, with confidence, with our allies, focusing on a common purpose.

One dimensional optics, policies, and blunt black-or-white rhetoric, such as "you are either with us or you are against us" will not work, haven't worked, and will fall short of what is expected from American leadership in the eyes of the world.

The world faces challenges and opportunities today that carry with it implications well beyond this moment in time. American leadership is once again being called on at yet another transformational time in history to help set a new course, a new framework for a rudderless world drifting in a sea of combustible dangers.

In engaging Iran, the Middle East, and the world, we must be wide in our scope, clear in our purpose, measured in our words, and strong in our actions. Yesterday's NIE should not be overstated, but it also must not be undervalued in shaping future policy with Iran and in the Middle East.

Make no mistake, the NIE sets in motion a series of ripple effects that will have serious consequences. This should be welcome news for the United States and the world.

Mr. President, I thank you, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll of the Senate.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESPONSIBILITY TO GOVERN

Mr. BYRD. Mr. President, as Congress reconvenes this week after our observance of the Thanksgiving holiday, we find a brisk wind blowing through the streets of the Nation's Capital. As cold temperatures begin to grip the country, Americans are turning up the heat in their homes, but the elected leaders of our country should seize the opportunity to turn down the heat in Washington.

Three days ago, in his weekly radio address, the President placed the blame at the feet of Congress for the delays in enacting 11 of the 12 annual appropriations bills. But finger pointing does nothing—nothing, zilch—to solve the impasse, which began with White House threats to veto 10 of those funding bills. With 3 short weeks left in this session of Congress, it is time to close down the political posturing and recognize we have a responsibility to govern.

As the chairman of the Senate Appropriations Committee, it is clear to me that Congress is working with great diligence to find a way around our budget conundrum. Working hand in hand with Members of the minority, we are crafting an appropriations package that I expect will garner bipartisan support. This package contemplates a reduction of $10.6 billion from the spending levels approved by Congress in this year's budget resolution. And $10.6 billion is a lot of money. In addition, various controversial matters, some of which have been the subject of veto threats, are eliminated.

Both Democrats and Republicans in Congress are attempting, in good faith, to find a way around the veto threat demagoguery that has been emanating from 1600 Pennsylvania Avenue for months. Now the White House needs to put aside politics and recognize it is time to govern in the responsible manner that is expected by the American people.

I urge the President—and he is my President, too, and I say it respectfully—to stop the stale veto threats that have been the albatross around the neck of responsible budgeting for months. The fact is the needs of this Nation have changed since the budget was submitted way back in February. That should come as no great surprise.

The Senate, on a bipartisan basis, has recognized these needs, and events have made them crystal clear.

The crumbling state of our infrastructure was punctuated by a deadly—and I mean deadly—bridge collapse in Minnesota. The Senate passed a bill containing funds for the bridge replacement and for repairing bridges across the Nation by a vote of 88 to 7. That was the responsible thing to do.

Soaring oil prices mean a cruel squeeze on low-income heating assistance. The Senate approved by a vote of 75 to 19 a bill providing increased heating assistance. That was the responsible thing to do.

Investigations into the treatment of soldiers returning from Iraq and Afghanistan have underlined greater demands on the VA health care system. Legislation to increase funding for our veterans passed the Senate by a vote of 92 to 1. That was the moral thing to do.

More money is needed to improve the security of our borders. An amendment to provide such funding passed the Senate 89 to 1. That was the smart thing to do.

In July, the administration released its latest National intelligence report that concluded al-Qaida has regrouped in Pakistan with the intention of attacking the United States again. The Senate passed a Homeland Security bill to increase funding for first responders by a vote of 89 to 4.

Rising crime rates in this country highlight the wisdom of additional funding for law enforcement. The Senate passed legislation providing such funding for cops on the street by a vote of 75 to 19.

The rising cost of food means that there must be more funding for the Women, Infants and Children Program or 500,000 people will lose important nutritional support.

Yet despite all of these developments since the President submitted an inadequate spending proposal in February, the White House continues to demand an arbitrary and irresponsible ceiling on spending. The White House continues to stubbornly oppose bipartisan initiatives to invest money to solve the real problems that face the Nation.

Soon, the first session of this 110th Congress will draw to a close, but there is still time to craft an appropriations proposal that makes a sincere attempt to meet the President in the middle of the road. I thank Senator THAD COCHRAN and his ranking members for their efforts as we move forward in completing the fiscal year 2008 appropriations process.

So the choice is clear—as clear as the noonday Sun in a cloudless sky. The President and the Congress must recognize that the people of this country expect their leaders—that is us, the people downtown at the other end of the avenue and those across the Capitol—to actually govern and address the real problems facing the country.

Democrats and Republicans in Congress are willing to work to resolve differences and complete a fiscally responsible package of appropriations bills. But to do the people's business, the Congress must be joined by a White House willing, at last, to jettison its political posturing, stop its political posturing. The tyranny of the veto threat has already dangerously delayed the Nation's priorities for far too long.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEMPORARY TAX RELIEF ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, the American people are about to see what the Democrats have tried to do all year and what we have been prevented from doing all year because of the obstructionism of the Republicans.

President Bush is out giving speeches that we have to do AMT. We have to take care of that. He is giving speeches all over the country. He gives press conferences talking about why we aren't doing AMT. Everybody watch. Here is why we aren't doing AMT. They do not want us to do it. They want, at the end of the year, to say: Look, the Democrats are not doing AMT. Everyone should understand we are not doing it because the Republicans, all 49 of them, backed by President Bush, don't want us to do it.

Mr. President, we have offered them a proposal. We will have a vote with a 60-vote margin on them all—on the bill the House has passed. The bill has passed. The bill passed by the House fully funds AMT. They won't let us vote on that. So I say: OK, let's vote on Senator LOTT's proposal, which just eliminates AMT. And then I say: Let's work on the proposal we have from the

Finance Committee that has come from Senator BAUCUS and Senator GRASSLEY which has some extenders in it that we need to complete this year and then doesn't pay for the AMT. The Republicans don't want the AMT paid for. How much more fair could we be? We are giving them a vote on virtually everything dealing with AMT. But, no, they won't do that. It is the way it has been going all year long. We can't do the farm bill. We can't do anything around here, Mr. President. That is why we have had to file cloture 56 times. They have objected even to bills they agree with just to eat up time around here.

So I am not going to ask consent to move, as we have previously. I gave the Republican leader a proposal earlier today, as I have in the past, to do just as I have outlined, covering every possible facet of AMT—60 votes on all of them. But, no, no votes on any of them. So now I am left with no alternative but to file cloture on the only measure dealing with AMT that is now before this body.

For the life of me, I don't understand what they are trying to accomplish. What I have heard recently, in the last hour or so, is that now what they want to do is—we have certain tax provisions that are expiring in 2011—they want to vote on those. Now, that is 3 or 4 years away, and we have something that is expiring in a matter of weeks. How do those things tie together? They do not.

This is an effort to thwart the progress of our slim majority, 51 to 49. The Republicans want to go around saying the Democrats aren't doing the work of this country. Well, we have a long list of accomplishments we are very proud of, but also the American people understand that we are agents of change and the Republicans are agents of the status quo. That is what this is all about. They want things to stay the way they have been, and we want to change things, and not only in Iraq. We don't have another longstanding debate on that. We want to change the course in Iraq, and we want to change course in the way this country has been headed for the last 7 years—into the economic doldrums. And here today, what we want to do is finish a part of what we believe is an obligation to this country, and that is to make sure that when the first of the year rolls around, 19 million Americans don't have a tax increase. Everyone within the sound of my voice should understand, if that comes to be, it can go to 16th and Pennsylvania Avenue because that is what President Bush—he is the man who is pulling the strings on the 49 puppets he has here in the Senate. That is too bad for the country.

I move to proceed to H.R. 3996. There is a cloture motion at the desk. I ask the clerk to report it.

CLOTURE MOTION

The PRESIDING OFFICER. The motion having been filed under rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 487, H.R. 3996, the AMT tax bill.

Harry Reid, Dick Durbin, Patty Murray, Max Baucus, Jay Rockefeller, Patrick Leahy, Daniel K. Inouye, Herb Kohl, Benjamin L. Cardin, Jeff Bingaman, Ted Kennedy, Carl Levin, B.A. Mikulski, Barbara Boxer, Debbie Stabenow, Maria Cantwell, Bill Nelson.

Mr. McCONNELL. Mr. President, reserving the right to object, and I will be.

Has the Senator not asked consent to go to the House-passed bill?

Mr. REID. No, I said I wouldn't do that. I am sorry if there was some confusion. I said I was not going to do that. I had been told by the staff that there would be an objection, so I indicated I was not going to do that. I apologize to my friend.

Mr. McCONNELL. May I ask the Parliamentarian, what is the state of play? On what was cloture just filed?

The PRESIDING OFFICER. The motion to proceed to H.R. 3996 was made, and the motion to invoke cloture was filed on that.

The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I think we all can agree we should fix the AMT. We should have done it much earlier this year. Shortly, I am going to present a unanimous consent agreement based on a very simple proposition: Our time is running short; therefore, we should start the debate with the areas of broadest agreement and work from there.

So what can we all agree upon? We agree it is past time for Congress to act to ensure that 23 million American families do not face a major tax increase this year. While my side of the aisle believes we should permanently repeal the AMT, we are also prepared to ensure that middle-income Americans get tax relief this year.

We agree tax extenders are important to small business, to parents paying college tuition for their children, to teachers who buy classroom supplies with their own money. These issues are not controversial, and I believe a majority of the Senate supports them.

However, there is an area of strong disagreement. We disagree with the proposition that taxes must be permanently raised in order to extend current tax policy. By patching the AMT and extending other expiring provisions, we are simply maintaining the status quo on tax policy. Why should some taxpayers be harmed when no single taxpayer will enjoy increased benefits?

So I recommend that we begin where there is a consensus—the AMT patch and tax extenders. We should require the controversial provisions, those raising revenues, be subject to 60 votes. In addition, my side of the aisle would like an opportunity for votes on our vision for tax relief and AMT reform, all of which we understand would be subject to 60 votes. Anything left at the end of the process would also be subject to 60 votes.

This would be a fair process for the short amount of time we have been given on this bill. Let's not tie up the Senate over disagreements; rather, we should build from areas of broadest consensus.

I do not anticipate the majority leader agreeing to the unanimous consent that I am going to now propound. I want to make sure he is engaged before I do that. Or maybe the chairman of the committee?

Mr. BAUCUS. The leader mentioned to me he had an urgent meeting he had to attend. It is up to the leader if he wants to propound his consent now or later.

Mr. McCONNELL. I thank the Senator from Montana. I gather he is saying he will take care of the consent for their side? I thank the Senator from Montana.

I ask unanimous consent at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to consideration of H.R. 3996, the House-passed AMT bill, and it be considered under the following limitations: There be 1 hour of debate on the bill, equally divided between the 2 leaders or their designees, followed by a vote on a motion to invoke cloture on the bill; provided further, that if cloture is not invoked, then the only amendments in order to the bill be the following, and be offered in the following order: A substitute amendment to be offered by Senator McCONNELL or his designee, which is to be an unoffset AMT extension and an unoffset extenders package; a Baucus or designee first-degree amendment to the McConnell substitute which is to be a set of offsets for the extender package; a Sessions amendment related to AMT and exemptions; an Ensign amendment which is an AMT repeal and extends other expiring provisions; a DeMint amendment which relates to AMT and flat tax; provided further, that there be an additional 2 hours for debate on the bill, equally divided between the 2 leaders or their designees; that there be a time limitation of 2 hours for debate on each amendment equally divided in the usual form, provided that each amendment would require 60 votes in the affirmative for adoption and that each amendment that does not require 60 votes then be withdrawn; I further ask that, notwithstanding the adoption of any substitute amendment, the other amendments be in order, and finally that following the consideration of the above amendments, 60 votes be required for passage of the bill as amended, if amended.

The PRESIDING OFFICER. Is there objection?

The Senator from Montana.

Mr. BAUCUS. Mr. President, this is a very interesting proposal. I think it is constructive. Now the Senate is engaging on this issue. At an earlier point, a couple or 3 weeks ago, the leader propounded a consent on this subject, and it was objected to and the Senate took no action. But here the distinguished minority leader is suggesting a process. He is suggesting a way, perhaps, to resolve this question. I think the basic implication of his suggestion is that we must and should very definitely pass legislation this year that prevents about 19 million Americans from paying the alternative minimum tax for tax year 2007 when they fill out their tax returns next year.

There are provisions which are interesting, which I have not seen until this moment—I daresay which I think the leader has not seen until this moment—which have to be worked out before I think there can be an agreement. But there may be something here, the beginnings of something so that we can work out an accommodation. I very much hope that is the case.

Over the next hours and day or two perhaps we can find a way to reach an agreement on what the procedure should be, what amendment will be offered by whom, et cetera.

I again thank the distinguished minority leader, but on behalf of the leader, on behalf of Senator REID, I must object.

The PRESIDING OFFICER. Objection is heard. The Republican leader.

Mr. McCONNELL. Mr. President, I thank my friend from Montana. We will continue discussions in the hope we can get a result that is mutually satisfactory to virtually all the Members of the Senate in the very near future.

I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I underline the urgency of curing this alternative minimum tax problem and also underline how strongly the Senators on this side of the aisle are attempting to get that legislation passed as soon as possible. We tried, on this side, to get AMT legislation up before the Senate and passed so that American taxpayers will not have to pay it. That was objected to by the other side. We made many attempts. There were many suggestions by the majority leader to bring up legislation to prevent the alternative minimum tax from going into effect. They were all objected to by the other side. We are here again trying to get resolution.

The leader filed cloture on the House-passed bill so we can get a vote on the issue in an attempt to move the issue forward. I commend him for that. Again it was, in a sense, objected to by the other side because they offered just now a package which is somewhat in the right direction but also has complications in it which raise questions to the degree we can fully get AMT passed. But I want to underline the importance of this body passing legislation to prevent the alternative minimum tax from affecting about 19 million Americans. We all know this is a pernicious tax, it is a stealth tax. It was not intended to have this effect on so many middle-income Americans. Unfortunately, it has this effect because when it was enacted years ago it was not indexed, and each year more and more American taxpayers have to pay the alternative minimum tax. Soon we will get very much to the point where most Americans—I will not say most, but a vast number of Americans will have to pay the alternative minimum tax, and that is not what we want. We did not intend that. We are trying to get it solved.

There is another issue, and that is this: The IRS has sent the 2007 tax forms to the printer. They were sent to the printer on November 16. So each day that we dally here, each day the Congress does not correct this problem, it means it costs the Government more money to correct the forms, to correct the programs that it has to utilize when paying taxes online, whether it is various providers—it is the wrong way to do business.

It means a lot more frustration for taxpayers. Just think, if you are a taxpayer and you are beginning to figure out what your income tax is going to be, and suddenly out of the blue, Congress does not change this AMT, it causes huge problems. Just think of the withholding provisions. Americans have a certain amount of dollars withheld from their income as taxes every year, from every paycheck, for example. The calculation assumes the AMT, pretty soon, if it is not corrected—assume AMT will be corrected. If it is corrected, those changes have to be made on the taxpayers when they withhold.

I hope, again, we get this done. Senator GRASSLEY, the ranking member of the committee, and I have offered a proposal. We have a package we agree on, Senator GRASSLEY and I, to take up and pass legislation which says: OK, nobody has to pay AMT in 2007 who didn't pay it in the previous year. That is the tax year 2007. We are providing it doesn't have to be paid for. That is a big step. But I say that because it is my judgment that because the President—because Republicans so adamantly said it cannot be paid for, and because we need 60 votes, that it will not be paid for. That is just a judgment I made. I suggest we bring up legislation, pass an AMT patch for 1 year, and also include the extender provisions which will be paid for.

That is where we are going to end up. Everybody knows that is where we are going to end up. If that is where we are going to end up, let's just do it, not go through this kabuki here, these games, not use this as leverage to offer amendments that are going nowhere and will never be enacted, that are just political. But we are unfortunately in a position where we are not yet free to pass legislation that we know at some point we are going to end up with; that is, AMT not being paid for and all the extenders paid for.

I again underline how much we on this side of the aisle are trying to get the AMT passed. Up to this point we are being blocked by the other side. We are going to keep trying. The earlier we get this passed the better because the forms can be sent out more quickly, the computer programs changed more quickly, and we are going to keep at it because it is the right thing to do. And, second, we are going to do it anyway. If it is the right thing to do and we are going to do it anyway, why don't we do it now?

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN.) Without objection, it is so ordered.

(The remarks of Mr. CASEY pertaining to the introduction of S. 2407 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CASEY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

MEDIA CONCENTRATION

Mr. DORGAN. Mr. President, about 2 hours ago, the Commerce Committee of the Senate took some action on a bill I offered along with my colleague, Senator LOTT from Mississippi. I wish to talk about the Media Ownership Act of 2007 for just a moment. I hope, perhaps, the Chairman of the Federal Communications Commission may take note and watch what the Commerce Committee did.

This issue is very important. It has been around for a long time. It deals with media concentration. Some years ago—in 2003—the then-Chairman of the Federal Communications Commission, Michael Powell, rounded up two other votes and by a vote of three to two passed a new FCC rule allowing a relaxation of ownership limits for television and radio stations, and for newspapers, and here is what they concluded back then. It is almost unbelievable. They said it will be OK with them if, in the largest American cities, one company owned eight radio stations, three television stations, the newspaper, and the cable company—they would all be owned by the same company. They said that would be just dandy.

Well, the fact is, it was not fine with me, and I fought it. Senator LOTT joined me back then. We offered a resolution of disapproval of the FCC rule and it passed the Senate. In the meantime, the Federal court of appeals stayed the rule, and so the rule never went into effect. But it was unbelievable to me that the Federal Communications Commission thought that what we really needed in this country was more concentration in the media.

Well, the idea is not dead. The current Chairman of the Federal Communications Commission came up recently with an idea of relaxing ownership rules, and he announced—in an op-ed piece in the New York Times and then in a press release he was going to propose a new set of rules that relax the ownership restrictions. So he said: We are going to announce the rule in November, and I am going to ask for a final FCC vote by December 18.

He says his proposed rule is a real compromise. It is going to allow the ownership of the newspaper and a television station in each of the 20 largest markets in our country. These top 20 markets, by the way, cover one-half of the population of America. He will relax the ban that exists on cross-ownership between newspapers and television stations.

Now, I do not know that anybody is lying awake at night in this country thinking about our most serious problems and deciding that one of the biggest problems in America is that newspapers are not allowed to buy television stations. We have a cross-ownership ban for good reason, in my judgment, but apparently the Chairman of the FCC has been lying awake thinking: We have to fix this. So he has come up with a rule that says: Well, let's let newspapers buy television stations.

We just passed a bill, S. 2332, over in the Commerce Committee that would stop what the FCC is doing and would not allow them to proceed with the December 18 date. It would require that the American public be allowed to weigh in on these issues. We say in our bill that passed unanimously in the Commerce Committee that you have to have a process that is fair to the American public. You cannot decide to announce, "Here is my rule," in November, and then drive it through to a conclusion in December.

The Chairman says: Well, but we had six hearings around the country. We did this. We did that. None of those hearings would have given people an opportunity to comment on this rule because the rule did not exist when he held the hearings. He waited until the hearings were all done and then announced the rule and then has tried to jam this home by December 18. That is what the Chairman is trying to do. It is unfair, and it makes no sense.

With respect to concentration in the media, let me say this: I do not think it has served this country's interest to have the concentration in radio and television, and it certainly does not serve this country's interest to decide that we ought to allow the newspapers now to buy the television stations. I think that concentration is injurious to this democracy. We need the free flow of information.

It is interesting, most of what people will see, hear, and read in America today—Tuesday, December 4—will be controlled by about five or six major corporations with respect to television, the Internet, radio, and the newspapers. About five or six major corporations in this country have a substantial amount of control of what kind of information is available to the American people. And some believe there needs to be greater concentration?

We held a hearing recently in the Senate Commerce Committee, and the Parents Television Council, which is considered to be on the right side of the political spectrum, came and weighed in with opposition to the proposal by the Federal Communications Commission. The witness was from Los Angeles. He said: I have in my office in Los Angeles, CA basic advanced tier cable where I get 48 channels. But he said: That isn't 48 different voices. Then he went down the list of who controls those channels—Time Warner, etc. He just went down the list of the 4 or 5 or 6 big companies that control those 40-some channels.

So it goes back to what I have said for long time. When the FCC is trying to relax these ownership rules, they say: Well, you now have a lot more choices. You have more channels. You have more networks. You have more Internet sites. My response was: Yes, there are more voices from the same ventriloquist. Really, this country is not, in my judgment, served well by a Federal Communications Commission that is just hell bent on deciding: We need to have greater concentration in radio, television, or newspapers.

Now, take a look at what has happened with radio concentration. In one town in North Dakota—a town of about 40,000 or 50,000 people—1 company bought up all of the radio stations—all 6 of them. All 6 commercial stations were bought by 1 company from Texas. Does that make sense? It does not to me. The FCC said it was just fine. So what happens with respect to newsgathering in that town? Well, you end up with fewer newspeople because when 1 company owns all the stations, they just consolidate it all.

There is a real dispute about the story I'm about to tell you and I do not know that anybody has ever gotten to the bottom of it. I have seen so many different stories. Late at night—at 2 in the morning—a train came through Minot, ND, and with anhydrous ammonia cars, derailed, went off the tracks, split some anhydrous ammonia cars, and this deadly plume enveloped the city at 2 a.m. It caused a death, and caused many injuries. Many went to the hospital. It caused great fright among the population, not knowing what was happening. We discovered later it was a great danger to the population. Well, the emergency broadcast function somehow did not work. But notwithstanding the fact the system did not work, the townspeople could not get anybody to answer the telephone at the local radio station. All the commercial stations were owned by the same company from another State. One wonders, what if those stations were owned by individual operators who lived in town? Do you think they would be able to track somebody down? I think so.

Now, the Chairman of the Federal Communications Commission is galloping off to relax media ownership rules because he thinks that is really what is necessary. I met with him today, and I said: What is really necessary—he knows this because Senator LOTT and I have both told him—is to do first things first; one, do a proceeding on localism to find out: How has all of this concentration affected localism? That is, we provide free licenses to use the airwaves for television and radio, in exchange for which they are responsible to serve local interests.

So do we know what they are doing? No. The Chairman of the Federal Communications Commission has admitted to me they do not know how many stations are using a service called voice-tracking. I will give you an example of voice tracking:

You are driving down the road on a bright Tuesday morning in Salt Lake City, UT, and you have the radio on and after the song ends, the disc jockey comes on and says, "It is a great morning here in Salt Lake City. We have the Sun coming up over the mountains. We have a blue sky. We have a light 5-mile-an-hour wind. We are going to have a wonderful day, aren't we?"

It turns out the guy is broadcasting from a basement studio in Baltimore, MD, pretending he is in Salt Lake City, simply ripping information from the Internet to say: It is a bright, sunny day here in Salt Lake City. That is called voice tracking. Does that serve local interests? It sure does not. So how many stations do this? How prevalent is that practice? Don't know. Neither does the FCC.

How about starting a proceeding on localism to find out whether those who are using the public airwaves, free of charge—airwaves that belong to the American public, not the licensees—how about finding out how they are serving local interests? Or how about a proceeding dealing with public interest standards because there are public interest requirements for the holding of a license for television and radio broadcasting?

How about first things first? Why the rush to provide more concentration allowing cross-ownership of television stations with newspapers? The Chairman would say: Well, I am not trying to do more concentration in radio and television; I am trying to allow newspapers now to begin buying television stations. Why? Well, he said the newspapers are not doing very well. I said: When did it become the job of the Federal Communications Commission to be the bookkeeper for newspapers? My understanding about newspapers is they used to have a higher profit margin. Now it has dropped to 16 to 18 percent profit margins—pretty good profit compared to all other industries. All of a sudden, the FCC thinks the newspapers are having financial trouble and so they should relax the rules to allow cross-ownership? I just think it is wrong.

Senator LOTT and I offered the Media Ownership Act of 2007 today in the Commerce Committee. That bill was agreed to unanimously.

My hope is that the Chairman of the Federal Communications Commission is watching and listening because this Congress, on a bipartisan basis, says no to further relaxing the controls on cross-ownership. And this Congress, on a bipartisan basis, I feel, strongly believes we have too much concentration in the media. The Chairman of the Federal Communications Commission believes, apparently, we need more. He is just dead wrong.

My hope is that in the coming couple of weeks he will understand that it would not be the best course for the Federal Communications Commission. It would be wise for the Chairman to decide not to advance to a December 18 final vote on the rule he is proposing. It is not in the public interest. It is not doing what the FCC should do. My hope is he will instead open a public-interest proceeding and open a localism proceeding and finish them to their conclusion and do a good job on them. That would be a public service for this country.

Mr. President, I yield the floor and make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL INTELLIGENCE ESTIMATE

Mr. DORGAN. Mr. President, this morning I had an opportunity, which I rarely have, to watch the entire press conference of President Bush at the White House. The press conference dealt largely with the subject of the National Intelligence Estimate that came out yesterday about the issue of a nuclear weapons program in Iran. The NIE that came out indicated that—to the surprise of certainly myself and many others—the country of Iran abandoned its nuclear weapons program 4 years ago, in 2003. I was surprised, and many others were, because we have heard from this administration repeatedly about the threat posed by Iran's nuclear weapons program including some weeks ago when President Bush raised the specter of a "World War III."

Now we learn the nuclear weapons program they indicated Iran was involved in was discontinued 4 years ago. That comes from our National Intelligence Estimate, which is a cumulative assessment of all our intelligence agencies.

It raises, I think, some very important and troubling questions. The questions are not new questions, actually. It is: What did this administration know? What did they understand? What did they find out and when? The American people, and certainly this Congress, has been treated to a very generous conversation by the President and his administration about the specter of the nuclear weapons program in Iran and how it must be stopped. I don't disagree at all with the contention that the behavior of Ahmadinejad and of some of the terrorist elements in Iran and others is far outside the norm and is troublesome to this country. But that is not what I am talking about.

I am talking about the question of a nuclear weapons program and the relentless language by this administration about the nuclear weapons program that was being pursued by the country of Iran.

The intelligence community now says that is not the case and has not been the case since 2003. I wonder if the administration knew, if Mr. Hadley knew—I heard his briefing—did the President know about this new assessment when 5 or 6 weeks ago he was giving another of his speeches and raising the specter of World War III in connection with a presumed or alleged nuclear weapons program by the country of Iran. The American people certainly didn't know what the National Intelligence Estimate had disclosed to us. We are told the Intelligence Community came to this conclusion sometime around this summer. Mr. Hadley originally said the intelligence folks alerted the White House and indicated that the President should back off a bit. He certainly did not back off.

The reason I raise these issues is because I remember back about 5 years ago going to a room in which top-secret briefings were offered to Members of Congress as a leadup to the war in Iraq. I remember directly the Vice President, the National Security Chief, now the Secretary of State, Condoleezza Rice. I remember the discussion by the head of the CIA. I remember the top-secret material that was told us, which turns out not to have been accurate as a leadup to the Iraq war.

I remember when Secretary Powell, then-Secretary of State, went to the United Nations and made the case describing things we had previously been told about in many cases in top-secret briefings.

For example Powell talked about the danger of the mobile biological weapons labs that supposedly existed in the country of Iraq.

It turns out the mobile biological weapons labs did not exist. It turns out the mobile biological weapons laboratory story was from a fabricator from the country of Iraq, a former taxicab driver in Baghdad, as a matter of fact, someone who was telling this to the German intelligence community. And someone in the German intelligence community wondered whether this person was credible and expressed doubts about the person's credibility to the American intelligence service. They nicknamed this man "Curve Ball."

So from a single source, a man named Curve Ball who, among other things, used to drive a taxicab in Baghdad, the world is treated by Secretary Powell to a presentation at the United Nations saying Iraq has mobile biological weapons laboratories which are a danger to all of us. It turns out not to have been true, a fabrication based on a single source without credibility.

None of us were told that at the time, of course. The world wasn't told that. We were just told that Iraq had mobile biological weapons laboratories. We were told Iraq was buying aluminum tubes for the purpose of reconstituting their nuclear capability. The world was told that by Secretary Powell. It turns out that was false as well. And it also turns out that even as we were told that information, the administration knew there were others inside the administration who did not believe it, and yet that information was imparted to us as a set of facts that represented the danger coming from the country of Iraq.

We were told that Iraq was attempting to purchase yellowcake from Niger for the purpose of reconstituting a nuclear capability. We discovered only later that the documents on that were fraudulent. We discovered they were forgeries. Again, the information given the Congress was inaccurate.

Yellowcake from Niger, aluminum tubes, mobile biological weapons laboratories—not accurate, not true. It was presented to the Congress as fact, presented to the American people as fact prior to the Iraq war.

There has been a great deal of discussion and also concern in the country, in this Chamber, about whether this administration is preparing to do something with respect to the country of Iran, and that has been heightened by the language President Bush used recently, including language that said "World War III" in the context of the danger of a nuclear weapons program in the country of Iran. That statement was about 5 or 6 weeks ago.

We now know that the National Intelligence Estimate, representing all of the intelligence agencies in this country, has indicated that the nuclear weapons program of Iran that has been discussed so much by the administration was discontinued in 2003.

I think there are serious credibility questions. The President held a press conference today that seemed to suggest that, well, there is no real issue here. There is a very big issue, I say to the President, a very big issue. This country needs to take action internationally to develop strategies based on what we know to be the truth, not what someone alleges to be true. This country needs to have good information, information that is not fabricated by a man named Curve Ball who used to drive a taxicab. This country deserves better than that.

In my judgment, this country has been failed in many ways, some by the intelligence community, some by the administration, perhaps some by Congress. But we certainly deserve straight answers. We deserve the best intelligence that is available.

Look, the fact is we face a challenging and difficult world. One part of that world is the country of Iran. I do not by being here tonight suggest that Iran's behavior is not troublesome, or that they are not a danger in their neighborhood. They are. But I have always believed that the constructive approach to dealing with Iran and, yes, other circumstances around the world is through diplomacy and negotiation and aggressive diplomacy at that. This administration does not believe that is the right course. But I do believe that facing the world that we face, a very challenging world, a war against terrorism, this country will be protected by good intelligence, by an intelligence community that works.

I appreciate the fact that yesterday we were told finally that the Iranians are not at the moment engaging in a nuclear weapons program. They discontinued that in 2003. They say they have high reliability with respect to that conclusion. I appreciate the fact that we are getting that conclusion at this point. And if that is a valid conclusion, if that is the result of good intelligence—and I certainly hope our intelligence service has improved because they got it wrong about 5 years ago. We need to be well served by the best intelligence service we can be capable of producing.

I know today there are men and women risking their lives as members of our intelligence community. My thoughts are with them. I want the best they can give us. And if yesterday's National Intelligence Estimate gives us opportunities to better understand what is happening in that region, then that advances our knowledge.

I will say this: I think this Congress and this administration need to have some straight talk about credibility because there are serious credibility issues with respect to this issue that at this point have not been answered at all, certainly were not answered in the President's news conference today.

The safety of this country hinges on our ability to have good intelligence. This war on terrorism is not a bunch of words, it is real, and there are too many victims out there in this country today who understand that reality. The way to protect our country in the future is to have a good understanding of what is going on in the world, have good intelligence, have good information, and take steps to protect ourselves. But it does not serve this country's interest by ratcheting up the rhetoric and talking about World War III with respect to a country that the administration has alleged up to now has had a nuclear weapons program, only to find out that nuclear weapons program was discontinued 4 years ago.

This Congress and this administration needs to have an aggressive conversation about credibility. We actually represent the same country. I am sure we want the same result. We want to protect this country. We want a foreign policy that deals with reality and a foreign policy that deals with truths that exist out there in a very challenging world.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT KENNETH R. BOOKER

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave soldier from Vevay, IN. SGT Kenneth Raymond Booker, 25 years old, died November 14th in Mukhisa, Iraq. Sergeant Booker died of injuries he sustained when an improvised explosive device detonated near his vehicle. With an optimistic future before him, Kenneth risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Kenneth graduated in 2000 from Switzerland County High School in southeastern Indiana. Shortly thereafter, he joined the Army, happy at the prospect of serving his country. As a member of the 82nd Airborne division from Fort Bragg, NC, Kenneth served in Afghanistan and Iraq. His exemplary service earned him an assignment in military intelligence at Fort Lewis, WA. Kenneth, however, preferred working in the field to an office and requested to transfer back to infantry.

Joining a Stryker Brigade Combat Unit at Fort Lewis, Kenneth returned to Iraq for his third deployment. Kenneth was a member of the 2nd Battalion, 23rd Infantry Regiment, 4th Stryker Brigade Combat Team, 2nd Infantry Division. He will be remembered by his friends and family for his clever sense of humor, his love of hunting and target shooting, his outgoing nature, and above all, his outstanding dedication to his country. Kenneth is survived by his father, SSG Charles Booker; his mother, Becky Graham; and his brother, Kaleb Daniel Booker.

Today, I join Kenneth's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Kenneth. Today and always, Kenneth will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Kenneth's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Kenneth's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of SGT Kenneth Raymond Booker in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Kenneth's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Kenneth.

NATIONAL BIBLE WEEK

Mr. ENSIGN. Mr. President, I rise to speak on behalf of the National Bible Association and the most influential force ever known to mankind, the Holy Bible.

Each day, about 168,000 Bibles are sold, given away, or otherwise distributed in the United States. November 18 through 25 was National Bible Week, which, along with the National Bible Association, I hope increased that exposure to help spread the Good News contained within its pages.

The timing of National Bible Week couldn't be more appropriate since it encompasses the Thanksgiving Holiday. As you know, Thanksgiving commemorates the story and the plight of the Pilgrims, who fled to the New World to escape religious persecution and joined with their new neighbors to give thanks for offering their friendly aid and for coming to their rescue in a dire time of need. Like the Pilgrims, the Bible recounts numerous cases of religious persecution of the children of Israel and the extreme hardships suffered by many over thousands of years. But the Bible also gives us hope, and the comfort of knowing God will help us to persevere and endure.

The theme of neighborly assistance and thanks, as well as the many other valuable and moral lessons or guidance for treating one's neighbor and fellow man, are imparted in the Bible and even served as a moral compass to our Founding Fathers. The Judeo-Christian Bible became the cornerstone of our Constitution and the Bill of Rights.

As we now find ourselves in the midst of the Christmas season, National Bible Week should serve as an important reminder to always turn to the Bible, recognize its wisdom and Divinely inspired words, and reflect on its meaning in our own lives, especially in how we interact with and treat our neighbors.

Beyond serving as a personal moral compass on how to become a better person and neighbor, the Bible reassures us of God's infinite love for His creation. I encourage you to pick up and read the Bible and become awed by the history, lessons, and adventures found within its pages. As we celebrate National Bible Week, let us share the positive message of the Holy Bible with our families, friends, and neighbors.

ADDITIONAL STATEMENTS

HONORING JUDGE CLYDE MIDDLETON

• Mr. BUNNING. Mr. President, it is with great admiration and respect that I take this time to recognize a dear friend and one of Kentucky's most distinguished citizens, Judge Clyde Middleton, on his 80th birthday.

Born January 30, 1928, Judge Middleton achieved a commendable record of public service to Kenton County and the Commonwealth of Kentucky. A graduate of the U.S. Naval Academy and a retired Navy captain, he later earned an MBA from my alma mater, Xavier University, and a juris doctor from Chase College of Law in northern Kentucky. Judge Middleton served with distinction as a Kentucky State senator and judge executive of Kenton County, and still today is very active in his community. He and his wonderful wife Mary are the proud grandparents of four grandchildren.

Mr. President, I am honored to have had the opportunity to recognize the dedication of Clyde Middleton to his community, and ask you to join me in honoring him on his birthday.•

REMEMBERING SALLY L. SMITH

• Mr. HAGEL. Mr. President, on December 1, America lost a great and innovative educator and a wonderfully decent human being when Sally Smith passed away this week at the age of 78. Sally was the founder and director of one of America's most important teaching institutions, the Lab School in Washington, DC.

Sally was a New York City native, and longtime resident of the District. She graduated in 1950 from Bennington College, and received a master's degree in education from New York University in 1955. In 1967, inspired by her own son's difficulties in learning, she founded the Lab School.

Beginning with just her son and three other students, the Lab School has now grown into an internationally renowned school for students with learning disabilities. Sally's fundamental belief was that all children, no matter what the disability, have the potential, ability and ingenuity to learn. Sally created a unique and innovative learning environment where students are given the tools and encouragement needed to fulfill their goals. She also provided through the Lab School the resources needed for others to teach students with disabilities.

In 1976, Sally became a professor at the School of Education at American University, where she ran the master's degree program specializing in learning disabilities. The Lab School serves as the primary training site for most graduate students in the program. Sally is the author of 10 books on education. Her teaching techniques have been showcased in a four film series on PBS.

My wife Lilibet and I are privileged to have been actively involved with the Lab School over the last 11 years, and we came to know and admire Sally. She was an American original and represented the best of our society.

Like all of Sally's many friends, Lilibet and I offer our prayers to the Smith family. She leaves the world a better place than she found it. She will be missed by that world.

Sally is survived by her sons, Randall, Nick and Gary Smith; a sister; and 1 granddaughter.•

TRIBUTE TO STAN GARNETT

• Mr. HARKIN. Mr. President, in a few days Stan Garnett will retire from the Food and Nutrition Service of the U.S. Department of Agriculture, after 35 years of tremendous service to people in our Nation and elsewhere in the world.

Stan's experience and dedication to fighting hunger and malnutrition extends beyond his 35 years with the Department of Agriculture. Following his graduation from college, Stan answered President Kennedy's call to service abroad and spent 2 years in the Peace Corps in the Philippines. Thereafter, he joined Catholic Relief Services and spent 6 years administering food assistance programs in Southeast Asia and in Africa under tremendously difficult circumstances. He often traveled by helicopter in battle zones in Vietnam to deliver food assistance to war refugees, and he also provided food aid in Nigeria during the tragic Biafran conflict.

Following his work overseas, Stan returned to the United States and joined the Food and Nutrition Service of the U.S. Department of Agriculture in 1971. Over the years, Stan held many different positions within the Food and Nutrition Service, the majority of them pertaining to legislative and regulatory policy in Federal child nutrition programs. Throughout his career, Stan served with accomplishment and, not surprisingly, continued a steady ascent in the ranks at the Food and Nutrition Service of the Department of Agriculture, eventually serving as the Director of Supplemental Food Programs and Director of the Child Nutrition Division.

Stan fulfilled those positions with great competence, but with integrity and humility as well. In 9 cases out of 10, Stan knows more about the issue at hand than anyone else in the room, but he never acts as if this is the case. Stan treats everyone equally—Members of Congress, members of his own staff, and the many people across the country who for so long have relied on Stan's expertise to help them operate child nutrition programs in their own communities. Stan is known by all who come in contact with him as a generous and caring administrator who is trusted by all.

After 35 years of Federal service, there is no question that Stan has certainly earned a much-deserved retirement. His absence will certainly be acutely felt, both within the Department of Agriculture and here in Congress. However, I have no doubt that one of Stan's biggest contributions is to leave child nutrition programs in the hands of capable colleagues who have benefited, as I have over the years, from his tremendous expertise, and who will ensure a smooth transition as new leadership assumes his responsibilities.

In so many respects, the Stan Garnett who will retire this year is strikingly similar to the Stan Garnett who took up President Kennedy's call to service by entering the Peace Corps as a young man. His commitment to ending hunger and to promoting the economic security and nutrition of low-income families is as strong today as it was as a bright-eyed college graduate. Just as important, he has imparted this same idealism and commitment to numerous young people who have had the privilege to work with him over the years. To those who question what a career in public service can accomplish, I ask only that they look to Stan's career. What they will see in him is not just 40 years of service, but a call to action. I have no doubt that, because of his incredible commitment, Stan is a remarkable inspiration and example of heeding this call to action and public service.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on November 30, 2007, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3963. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

Under the authority of the order of the Senate of January 4, 2007, the enrolled bill was signed on November 30, 2007, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3983. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Live Swine, Swine Semen, Pork, and Pork Products from the Czech Republic, Latvia, Lithuania, and Poland" (Docket No. APHIS-2006-0106) received on November 28, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3984. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Eligibility of Chile to Export Poultry and Poultry Products to the United States" (RIN0583-AD25) received on December 3, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3985. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the report of two violations of the Antideficiency Act; to the Committee on Appropriations.

EC-3986. A communication from the Acting Secretary, Department of Agriculture, transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Commodity Credit Corporation; to the Committee on Appropriations.

EC-3987. A communication from the Acting Under Secretary of Defense, transmitting, pursuant to law, nine Selected Acquisition Reports for the quarter ending September 30, 2007; to the Committee on Armed Services.

EC-3988. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Patent Rights—Ownership by the Contractor" (DFARS Case 2001-D015) received on November 30, 2007; to the Committee on Armed Services.

EC-3989. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Filing Requirements for Suspicious Activity Reports" (RIN3133-AD23) received on November 15, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3990. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "FCU Bylaws" (12 CFR Part 701) received on November 15, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3991. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Advanced Capital Adequacy Framework—Basel II" (Docket No. R-1261) received on November 14, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3992. A communication from the Assistant Secretary for Housing, Federal Housing Administration, transmitting, pursuant to law, a report entitled "Annual Report to Congress on Initiatives to Address Management Deficiencies Identified in the Audit of FHA's Financial Statement for Fiscal Year 2006 and 2005"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3993. A communication from the Regulatory Specialist, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Advanced Capital Adequacy Framework—Basel II" (RIN1557-AC91) received on November 20, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3994. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's intent to impose new foreign policy-based export controls on QRS11 Micromachined Angular Rate Sensors; to the Committee on Banking, Housing, and Urban Affairs.

EC-3995. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards; Advanced Capital Adequacy Framework—Basel II" (RIN1550-AB56) received on November 20, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3996. A communication from the Deputy General Counsel (Administration and Management), National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Foreign Patent Licensing Regulations" (RIN2700-AD35) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3997. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Prineville, Oregon" (MB Docket No. 07-39) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3998. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Boswell, Oklahoma and Detroit, Texas" (MB Docket No. 06-200) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3999. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Midway, Falmouth, Owingsville, Danville, Wilmore, and Perryville, Kentucky" (MB Docket No. 05-248) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4000. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992" ((FCC 07-190) (MB Docket No. 05-311)) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4001. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Hemet, California" (MB Docket No. 07-1) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4002. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Humboldt, Nebraska" (MB Docket No. 07-176) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4003. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Silverton, Colorado" (MB Docket No. 07-130) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4004. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Walden, Colorado" (MB Docket No. 07-174) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4005. A communication from the White House Liaison, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, received on November 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4006. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment 85 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area to Allocate Pacific Cod Among Harvesting Sectors; Correction" (RIN0648-AU48) received on November 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4007. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the Maritime Administration for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC-4008. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment" (RIN0648-XD44) received on November 20, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4009. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific Aerospace Corporation, Ltd. Model 750XL Airplanes" ((RIN2120-AA64) (Docket No. 2007-CE-038)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4010. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S92-A Helicopters" ((RIN2120-AA64) (Docket No . 2007-SW-32)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4011. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aquila Technische Entwicklungen GmbH Model AT01 Airplanes" ((RIN2120-AA64) (Docket No. 2007-CE-064)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4012. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 40 and DA 40F Airplanes" ((RIN2120-AA64) (Docket No. 2007-CE-040)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4013. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Airplanes" ((RIN2120-AA64) (Docket No. 2006-NM-107)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4014. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-179)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4015. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Mitsubishi Heavy Industries MU-2B Series Airplanes" ((RIN2120-AA64) (Docket No. 2007-CE-007)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4016. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DG Flugzeugbau GmbH Model DG-500MB Gliders and Glaser-Dirks Flugzeugbau GmbH Model DG-800B Gliders" ((RIN2120-AA64) (Docket No. 2007-CE-058)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4017. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-031)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4018. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT9D-7R4 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. 2005-NE-53)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4019. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-097)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4020. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 and A340 Airplanes" ((RIN2120-AA64) (Docket No. 2006-NM-251)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4021. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy Airplanes and Model Gulfstream 200 Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-065)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4022. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Amdt. No. 3230" ((RIN2120-AA65) (Docket No. 30563)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4023. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(Docket No. 30565)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4024. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments” ((RIN2120–AA65)(Docket No. 30566)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4025. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments” ((RIN2120–AA65)(Docket No. 30567)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4026. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments” ((RIN2120–AA65)(Docket No. 30568)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4027. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “IFR Altitudes; Miscellaneous Amendments” ((RIN2120–AA63)(Docket No. 30564)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4028. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–300, 747–400, 747–400D, 747SR, and 747SP Series Airplanes” ((RIN2120–AA64)(Docket No. 2006–NM–159)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4029. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP Series Airplanes” ((RIN2120–AA64)(Docket No. 2006–NM–042)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4030. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 747 Airplanes” ((RIN2120–AA64)(Docket No. 2006–NM–204)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4031. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pilatus Aircraft Limited Model PC–6 Series Airplanes” ((RIN2120–AA64)(Docket No. 2007–CE–046)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4032. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Enstrom Helicopter Corporation Model F–28, F–28A, F–28C, F–28C–2, F–28C–2R, F–28F, F–28F–R, 280, 280C, 280F, 280FX, TH–28, 480, and 480B Helicopters” ((RIN2120–AA64)(Docket No. 2007–SW–09)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4033. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; M7 Aerospace LP SA226 and SA227 Series Airplanes” ((RIN2120–AA64)(Docket No. 2006–CE–52)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4034. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes Equipped With Dowty Type R.352 and R.410 Series Propellers” ((RIN2120–AA64)(Docket No. 2007–NM–002)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4035. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Teledyne Continental Motors Reciprocating Engine Models IO–550–N, TSIO–520–BE, TSIO–550–A, TSIO–550–B, TSIO–550–C, TSIO–550–E, and TSIO–550–G” ((RIN2120–AA64)(Docket No. 2007–NE–33)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4036. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments” ((RIN2120–AA65)(Docket No. 30562)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4037. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments” ((RIN2120–AA65)(Docket No. 30560)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4038. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 747–400, 747–400D, and 747–400F Series Airplanes” ((RIN2120–AA64)(Docket No. 2005–NM–238)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4039. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A319–100 and A320–200 Series Airplanes” ((RIN2120–AA64)(Docket No. 2005–NM–172)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4040. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes” ((RIN2120–AA64)(Docket No. 2003–NM–286)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4041. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–300, 747–400, 747–400D, and 747 SR Series Airplanes” ((RIN2120–AA64)(Docket No. 2006–NM–210)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4042. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A310–203, A310–204, A310–222, A310–304, A310–322, and A310–324 Airplanes” ((RIN2120–AA64)(Docket No. 2007–NM–005)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4043. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 757–200, –200PF, and –200CB Series Airplanes” ((RIN2120–AA64) (Docket No. 2007–NM–162)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4044. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A330–200 and A330–300 Series Airplanes; and Model A340–200, A340–300, A340–500, and A340–600 Series Airplanes” ((RIN2120–AA64) (Docket No. 2006–NM–278)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4045. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 Airplanes and Model ERJ 190 Airplanes” ((RIN2120–AA64) (Docket No. 2006–NM–528)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4046. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 757–200 and –300 Series Airplanes” ((RIN2120–AA64) (Docket No. 2006–NM–081)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4047. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 747–200B, 747–300, and 747–400 Series Airplanes” ((RIN2120–AA64) (Docket No. 2007–NM–131)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4048. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Taylorcraft A, B, and F Series Airplanes” ((RIN2120–AA64) (Docket No. 2007–CE–057)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4049. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-135BJ Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-041)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4050. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model SN-601 Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-024)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4051. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300-600 Series Airplanes and Model A310 Series Airplanes" ((RIN2120-AA64) (Docket No. 2006-NM-257)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4052. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric CF6-80E1 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. 2005-NE-12)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4053. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on the management plan relative to the St. Clair River and Lake St. Clair, Michigan; to the Committee on Environment and Public Works.

EC-4054. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the flood damage reduction and recreation project for the Roseau River, Minnesota; to the Committee on Environment and Public Works.

EC-4055. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, two Uniform Resource Locators for documents the Agency recently issued related to regulatory programs; to the Committee on Environment and Public Works.

EC-4056. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a quarterly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-4057. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; State Implementation Plan Revision to Implement the Clean Air Interstate Rule" (FRL No. 8496-6) received on November 20, 2007; to the Committee on Environment and Public Works.

EC-4058. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Certain Chemical Substances; Withdrawal of Significant New Use" ((RIN2070-AB27) (FRL No. 8340-8)) received on November 20, 2007; to the Committee on Environment and Public Works.

EC-4059. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Volatile Organic Compound Emission Standards for Aerosol Coatings" ((RIN2060-AN69) (FRL No. 8498-6)) received on November 20, 2007; to the Committee on Environment and Public Works.

EC-4060. A communication from the Deputy Director of Civil Works, Army Corps of Engineers, Department of the Army, transmitting, pursuant to law, the report of a rule entitled "United States Navy Restricted Area, Key West Harbor, at U.S. Naval Base, Key West, Florida" (33 CFR Part 334) received on November 30, 2007; to the Committee on Environment and Public Works.

EC-4061. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, the report of a document issued by the Agency entitled "Technical Guidance for the Development of Tribal Air Monitoring Programs"; to the Committee on Environment and Public Works.

EC-4062. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Mohegan Tribe of Indians of Connecticut" (FRL No. 8491-7) received on November 13, 2007; to the Committee on Environment and Public Works.

EC-4063. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Revision of Refrigerant Recovery and Recycling Equipment Standards" (FRL No. 8493-5) received on November 13, 2007; to the Committee on Environment and Public Works.

EC-4064. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Centre County 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory" (FRL No. 8494-2) received on November 13, 2007; to the Committee on Environment and Public Works.

EC-4065. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report relative to the Administration's processing of continuing disability reviews for fiscal year 2006; to the Committee on Finance.

EC-4066. A communication from the Senior Counsel for Regulatory Affairs, Office of Security Programs, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Implementing Procedures for Mandatory Declassification Review and Access to Classified Information by Historical Researchers, Former Department of the Treasury Presidential and Vice Presidential Appointees, and Former Presidents and Vice Presidents" (31 CFR Part 2) received on November 13, 2007; to the Committee on Finance.

EC-4067. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—December 2007" (Rev. Rul. 2007-70) received on November 27, 2007; to the Committee on Finance.

EC-4068. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2008 Standard Mileage Rate Revenue Procedure" (Rev. Proc. 2007-70) received on November 27, 2007; to the Committee on Finance.

EC-4069. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Trucking Industry Overview" (LMSB-04-1107-075) received on November 27, 2007; to the Committee on Finance.

EC-4070. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revision of Year of Change for a Pending Form 3115, Application for Change in Accounting Method" (Rev. Proc. 2007-67) received on November 14, 2007; to the Committee on Finance.

EC-4071. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Alternative Fuel Motor Vehicles and Heavy Hybrid Vehicles" (LMSB-04-1107-074) received on November 14, 2007; to the Committee on Finance.

EC-4072. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2007-91) received on November 14, 2007; to the Committee on Finance.

EC-4073. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Foreign Tax Credit: Notification of Foreign Tax Redetermination" ((RIN1545-BG23)(TD 9362)) received on November 14, 2007; to the Committee on Finance.

EC-4074. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Motor Vehicle Industry Overview" (LMSB-04-0507-043) received on November 9, 2007; to the Committee on Finance.

EC-4075. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Areas in Which Ruling Will Not Be Issued" (Rev. Proc. 2008-7) received on November 20, 2007; to the Committee on Finance.

EC-4076. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Credit for Production of Low Sulfur Diesel Fuel" (Rev. Proc. 2007-69) received on November 20, 2007; to the Committee on Finance.

EC-4077. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Phase-out of Credit for New Qualified Hybrid Motor Vehicles and New Advance Lean Burn Technology Motor Vehicles" (Notice 2007-98) received on November 20, 2007; to the Committee on Finance.

EC-4078. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 3121(a)(5)(D) Final Regulation" ((RIN1545-BH00)(TD 9367)) received on November 20, 2007; to the Committee on Finance.

EC-4079. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Railroad Track Maintenance Credit" ((RIN1545-BE90)(TD 9365)) received on November 20, 2007; to the Committee on Finance.

EC-4080. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notification Requirement for Tax-Exempt Entities Not Currently Required to File" ((RIN1545-BG38)(TD 9366)) received on November 20, 2007; to the Committee on Finance.

EC-4081. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Returns Required on Magnetic Media" ((RIN1545-BD65)(TD 9363)) received on November 20, 2007; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-257. A collection of petitions forwarded by the Benefit Security Coalition relative to Social Security benefits; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1382. A bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning with Steven C. Acosta and ending with Marc A. Zlomek, which nominations were received by the Senate and appeared in the Congressional Record on November 7, 2007.

*Coast Guard nominations beginning with Damon L. Bentley and ending with Tanya C. Saunders, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2007.

*National Oceanic and Atmospheric Administration nominations beginning with Llian G. K. Breen and ending with Anna-Elizabeth B. Villard-Howe, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANDERS (for himself, Mr. COLEMAN, Mr. OBAMA, Ms. SNOWE, Mr. KERRY, Mr. BROWN, Ms. COLLINS, Ms. KLOBUCHAR, Mr. LUGAR, Mr. KENNEDY, Mr. SMITH, Mr. LEAHY, Mr. SUNUNU, Mr. BINGAMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. MIKULSKI, Mr. MENENDEZ, Ms. STABENOW, Mr. LIEBERMAN, Ms. CANTWELL, Mr. BIDEN, and Mrs. BOXER):

S. 2405. A bill to provide additional appropriations for payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981; to the Committee on Appropriations.

By Ms. SNOWE (for herself, Mr. CONRAD, Ms. COLLINS, and Mrs. LINCOLN):

S. 2406. A bill to amend title XIX of the Social Security Act to permit States to obtain reimbursement under the Medicaid program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases; to the Committee on Finance.

By Mr. CASEY:

S. 2407. A bill to provide for programs that reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Ms. COLLINS, Mr. DODD, Mr. REED, Mr. KERRY, Mr. BIDEN, Mr. SCHUMER, Mrs. CLINTON, Mr. CARDIN, Mr. DURBIN, Mr. OBAMA, Mr. SMITH, Mr. MCCAIN, and Mr. LEAHY):

S. Con. Res. 58. A concurrent resolution welcoming First Minister Dr. Ian Paisley and Deputy First Minister Martin McGuinness of Northern Ireland to the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 367

At the request of Mr. DORGAN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 838

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 838, a bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Montana (Mr. TESTER) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1000

At the request of Mr. STEVENS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1000, a bill to enhance the Federal Telework Program.

S. 1060

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1141

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1141, a bill to amend the Internal Revenue Code of 1986 to allow employees not covered by qualified retirement plans to save for retirement through automatic payroll deposit IRAs, to facilitate similar saving by the self-employed, and for other purposes.

S. 1309

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1309, a bill to amend the Truth in Lending Act to prohibit universal defaults on credit card accounts, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1581

At the request of Mr. LAUTENBERG, the names of the Senator from Florida (Mr. NELSON) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1581, a bill to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration.

S. 1829

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1829, a bill to reauthorize programs under the Missing Children's Assistance Act.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1886

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1886, a bill to provide a refundable and advanceable credit for health insurance through the Internal Revenue Code of 1986, to provide for improved private health insurance access and affordability, and for other purposes.

S. 1944

At the request of Mr. LAUTENBERG, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 2058

At the request of Mr. LEVIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2129

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2129, a bill to amend the Internal Revenue Code of 1986 to establish the infrastructure foundation for the hydrogen economy, and for other purposes.

S. 2140

At the request of Mr. DORGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2159

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2243

At the request of Mr. SPECTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2243, a bill to strongly encourage the Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes.

S. 2262

At the request of Mr. DOMENICI, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2262, a bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes.

S. 2270

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2270, a bill to include health centers in the list of entities eligible for mortgage insurance under the National Housing Act.

S. 2304

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2304, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

S. 2341

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 2341, a bill to provide Individual Development Accounts to support foster youths who are transitioning from the foster care system.

S. 2396

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2396, a bill to amend title XI of the Social Security Act to modernize the quality improvement organization (QIO) program.

AMENDMENT NO. 3616

At the request of Mr. SALAZAR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3616 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3685

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 3685 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANDERS (for himself, Mr. COLEMAN, Mr. OBAMA, Ms. SNOWE, Mr. KERRY, Mr. BROWN, Ms. COLLINS, Ms. KLOBUCHAR, Mr. LUGAR, Mr. KENNEDY, Mr. SMITH, Mr. LEAHY, Mr. SUNUNU, Mr. BINGAMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. MIKULSKI, Mr. MENENDEZ, Ms. STABENOW, Mr. LIEBERMAN, Ms. CANTWELL, Mr. BIDEN, and Mrs. BOXER):

S. 2405. A bill to provide additional appropriations for payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981; to the Committee on Appropriations.

Mr. SANDERS. Mr. President, I rise today to introduce the Keep Americans Warm Act, which provides an additional $1 billion in emergency home heating aid under the highly successful Low Income Home Energy Assistance Program, otherwise known as LIHEAP. Most importantly, this $1 billion in emergency home heating assistance would be in addition to the overall fiscal year 2008 appropriations for LIHEAP.

I am delighted this bill enjoys widespread bipartisan support from across the political spectrum. As a matter of fact, this legislation is being cosponsored by 23 of my colleagues—16 Democrats, 6 Republicans, and 1 Independent.

I would like to recognize all of the cosponsors this morning: both Senators from Minnesota, Mr. COLEMAN and Ms. KLOBUCHAR; Senator OBAMA; both Senators from Maine, Ms. SNOWE and Ms. COLLINS; both Senators from Massachusetts, Mr. KERRY and Mr. KENNEDY; Senator BROWN; Senator LUGAR; the senior Senator from the great State of Vermont, Senator LEAHY; Senator SMITH; Senator BINGAMAN, the chairman of the Energy and Natural Resources Committee; Senator SUNUNU; both Senators from New York, Mr. SCHUMER and Mrs. CLINTON; Senator CASEY; Senator MIKULSKI; Senator MENENDEZ; Senator STABENOW; Senator LIEBERMAN; Senator CANTWELL; Senator BIDEN; and Senator BOXER.

Mr. President, the reason this legislation is being cosponsored by so many of my colleagues is simple: Skyrocketing home heating prices in New England, the Northeast, and the Mideast, are already stretching household budgets beyond the breaking point.

In the wealthiest country on the face of the Earth, not one family should go cold this winter. That is not what America is supposed to be about. Not one senior citizen should have to choose between heating their homes or paying for their prescription drugs.

I am afraid if we do not act, and act aggressively, that is what is going to happen all across this country. While the official start of winter is still about 3 weeks away, home heating prices in Vermont and in other parts of the country are already going through the roof.

According to the Central Vermont Community Action Council, many Vermont families have been paying an incredible $3.47 a gallon for heating oil and as much as $3.71 a gallon for kerosene this year. Nationwide, heating oil prices are already up 90 cents from last year, or more than double from where they were 4 years ago. Further, the price of kerosene has also increased by 50 cents a gallon from last year.

These rapidly rising energy prices right now are bad enough; but the overall projections of what people will pay for energy over the course of this winter is frightening.

The National Energy Assistance Directors Association has projected that the typical household using heating oil will pay $2,157 to heat their homes this winter—a 47-percent increase from what they paid last year. Those using propane will pay $1,765 this winter, or 30 percent more than what they paid 2 years ago.

Before we got back into session this week, the debate over LIHEAP was between an 11.6-percent increase from last year, as included in the fiscal year 2008 Labor-HHS conference report, and the President's budget proposal of a 21-percent cut—cut—from last year.

While the level of funding for LIHEAP included in the Labor-HHS conference report is a good starting point, even if this level eventually becomes law, it would still be 31 percent below the $3.2 billion provided in fiscal year 2006.

Making matters worse, the President vetoed the Labor-HHS conference report, insisting on a $379 million cut to LIHEAP, among other things.

We hear a lot of talk in Washington about family values. Well, to my mind, a family value is that we do not let our fellow Americans go cold when the cost of home heating oil is exploding.

I thank all my colleagues. This legislation has brought forth widespread bipartisan support from Senators all across this country. Let us be aggressive and pass this legislation so that in this great country nobody goes cold this winter. Thank you.

By Ms. SNOWE (for herself, Mr. CONRAD, Ms. COLLINS, and Mrs. LINCOLN):

S. 2406. A bill to amend title XIX of the Social Security Act to permit States to obtain reimbursement under the Medicaid program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I rise to introduce the Medicaid Emergency Psychiatric Care Act of 2007. Original cosponsors this bill include two of my colleagues on the Finance Committee, Senators CONRAD and LINCOLN, as well as Senator COLLINS. Our legislation will improve access to mental health treatment and remove an unfunded mandate on our nonpublic mental health treatment centers by allowing freestanding psychiatric hospitals to receive appropriate reimbursement for emergency treatment.

According to the CDC, visits to hospital emergency rooms rose 20 percent in the past 10 years. This situation is exacerbated by a shortage of short-term inpatient psychiatric care facilities leaving psychiatric patients with a serious mental illness with nowhere to go. In fact, in 2003, there were 3.7 million visits to hospital emergency department for mental disorders. If treatment remains unavailable, patients could become homeless or be housed as criminal offenders.

The Emergency Medical and Labor Treatment Act, EMTALA, requires all hospitals, including psychiatric hospitals, to stabilize patients who come in with an emergency medical condition. However, an outdated Medicaid provision called the Institution for Mental Diseases, IMD, exclusion does not allow Medicaid reimbursement to nonpublic psychiatric hospitals for stabilizing care delivered to Medicaid patients between the ages of 21–64. This policy isolates adults with mental illnesses from all other Medicaid-eligible populations and contradicts the principles of equal treatment and insurance parity for treatment of mental illnesses.

When the IMD exclusion was created, individuals who were afflicted with mental health conditions often were institutionalized for an extended time. Today, hospitalization for common mental health concerns such as mild depression does not generally occur, thus removing the potential for abuse of the system. This exclusion burdens these facilities with an unfunded mandate and has caused severe financial burdens to psychiatric facilities—often amounting to millions of dollars a year. The IMD exclusion does not take into consideration the vast advancements that have transformed mental health services available today, and actually restricts access to critical mental health services for those who, by today's standards, are in the greatest need.

Emergency department overcrowding is a growing and severe problem in the United States, and dedicated physicians and nurses who work in emergency rooms are reaching a breaking point where they may not have the resources or surge capacity to respond effectively. Patients often face a long wait in the emergency room, sometimes for days, because there is no bed or other appropriate setting available. Tens of thousands of dollars every day are being spent inefficiently on extended treatment in emergency rooms that is not the most appropriate or clinically effective care. Passage of this bill will help relieve overcrowding in emergency departments and allow hospitals to provide the appropriate care these patients deserve.

By Mr. CASEY:

S. 2407. A bill to provide for programs that reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Finance.

Mr. CASEY. Mr. President, I rise today to speak about members of the American family whom we all care about, and I think all of us do in this chamber and across America, but for whom we do not do nearly enough to support, and those members of the American family are pregnant women.

I remember, as so many others do in the life of the family the times my wife Terese learned that she was pregnant, and even through I, of course, cannot ever experience it directly, I knew and I know now through her and my sisters' experience that that moment is indelible, and it is unforgettable in the life of a woman, in the life of a family, the moment she finds out that she is pregnant.

For many women this is a moment, of course, of great joy. It is the moment where they learn they are pregnant and they appreciate the miracle of pregnancy. And perhaps it has been long awaited or in the case of a particular woman and her family, perhaps it is something of a surprise. But for many women, for many families, it is a welcome surprise.

Many of these women do not need help beyond what their families can provide them and what others may receive in terms of adequate support from our existing framework of support within this country, so they do not feel they have any great burden at that moment.

But there is another circumstance other pregnant women may face. And for those pregnant women, and for one, in particular, if we can imagine who that person is in the life, in our own lives, people we have known, for that woman the moment of discovery that she is pregnant unfortunately is not a moment of joy. For her it is a moment of terror or panic or even shame in some circumstances. She may be in a doctor's office or a clinic or she may be at home. But for her that moment begins a crisis, a real crisis in her life, in which she feels overwhelmingly and perhaps almost unbearably alone, all alone. She could be wealthy, middle income, or poor. Most likely, in our country, unfortunately, she would be poor. But whatever her income, that woman at that moment in that circumstance feels very simply all alone.

A pregnant woman may have an abusive spouse or boyfriend, for example, that person who is tormenting her at that moment, and that will continue.

At that moment for her, she is all alone with no help at all. Another pregnant woman may believe she cannot support or care for a new baby at this point in her life. She too is all alone. Another woman might believe her financial situation is so precarious that she cannot care for or raise a child. She may also feel alone and even helpless.

We know the staggering numbers in America today: 48 percent of all pregnancies are unintended; excluding cases of after miscarriages, 54 percent of those unintended pregnancies end in abortion.

The response: "cannot afford a baby," is the second most frequently cited reason why women choose to have an abortion. And 73 percent of women having abortions citing this reason: "cannot afford a baby," cite this reason as a contributing factor in their decision.

So a woman who is facing the challenges of an unplanned pregnancy, that may be a crisis for her, does not need, does not need a lecture from a politician and does not need a clinical reminder that she just has a simple choice to make. The choice is never simple, never, and this woman needs support and love and understanding. She needs to be embraced in a time of crisis in her life, not sent on her way to deal with this question on her own.

She needs our help and she needs us to walk with her, not only through the 9 months of her pregnancy, but also for the early months and years of her child's life. We in the Congress, both House and Senate, both parties, need to address this issue in a comprehensive way that meets those needs that woman has in her life.

Some Members in this body for years, and up to the current day, have initiated good efforts. We should applaud those efforts and support them. In some cases there is support for them. But I believe neither political party is doing enough for pregnant women in America today—neither party.

While there is tremendous disagreement about how best to do this, there is one significant area of common ground. Despite all we hear in Washington, there is, on these questions, one area of common ground, one thing we all agree upon, and that is, we all want to reduce the number of abortions.

We all want to help as many pregnant women, as many families as we can. Many women who have had abortions do so very reluctantly. While choice is a term that is widely used in this debate, many women who face unplanned pregnancies do not feel, do not feel they have a genuine choice. And that is why for so many reasons I am introducing new legislation, the Pregnant Women Support Act. With this bill it is my fervent hope that a new dialog, a kind of common ground, will emerge on how we can reduce abortion by offering pregnant women real choices and real help.

Let me outline a couple of provisions of the bill. This bill will, first of all, assist pregnant and parenting teens to finish high school and prepare for college or vocational training. Next, it will help pregnant college students stay in school, offering them counseling as well as assistance with continuing their education, parenting support classes, and also childcare assistance.

Third, it will provide counseling and shelter to pregnant women in abusive relationships who may be fearful of continuing a pregnancy in a crisis situation. It will establish a national toll-free hotline and a public awareness campaign to offer women support and knowledge about options and resources available to them when they face an unplanned pregnancy.

It will give women free sonogram examinations by providing grants for the purchase of ultrasound equipment. It will provide parents with information about genetic disability testing, including support for parents who receive a diagnosis of Downs syndrome. It will ensure that pregnant women receive prenatal and postnatal care by eliminating pregnancy as a preexisting condition in the individual health care market, and also eliminating waiting periods for women with prior coverage.

It will establish a nurse home visitation program for pregnant and first-time mothers as an eligible benefit under Medicaid and the State Children's Health Insurance Program, what we refer to here as SCHIP. We know it means Children's Health Insurance.

One example of this home visitation program is the nurse-family partnership, an evidence-based program and national model in which nurses mentor young first-time and primarily low-income mothers, establishing a supportive relationship with both mother and child. Studies have shown this program to be both cost effective and hugely successful in terms of life outcomes for both mothers and their children. This legislation will increase funding for the Women, Infants and Children Program, known as the WIC Program, providing nutrition assistance, counseling and education, obesity prevention, breastfeeding support, prenatal and pediatric health care referrals, immunization screening and referral, and a host of other services for mothers and their children.

Next, it will expand nutritional support for low-income parents by increasing the income eligibility levels for food stamps. It will increase funding for the childcare and development block grant program, which is the primary source of Federal funding for childcare assistance for low-income parents.

Finally, it will provide support for adoption as an alternative to abortion and make the adoption tax credit permanent. I introduced this bill with the deepest conviction that we can indeed find common ground. I believe we can transform this debate by focusing upon the issues that unite us and not the issues that divide us.

As most people know who cover the Senate and understand what happens here and where candidates stand, most people know this already, but I am a pro-life Democrat, and I believe life begins at conception and ends when we draw our last breath.

I also believe the role of Government is to protect, enrich, and value life for everyone, at every moment, from beginning to end. I believe we as a nation have to do more to support women and their children when they are most vulnerable, during pregnancy and early childhood.

I also strongly support, and have for years, family planning programs, because they avoid sometimes those dark moments when a woman, often alone, faces a pregnancy she feels she cannot handle. I also support family planning programs precisely because they reduce the number of abortions.

But that is not the issue I address today. Today, with this bill, I am focused on the woman who is pregnant, and I am asking myself, and I think Congress and the administration, as any Congress and any administration has to ask themselves this fundamental question: For that woman who is facing that crisis in her life, we have to ask ourselves, as a Congress and as a society: What more can we do? What more can we do to help her? That is the question we must continually ask. I think if we ask that question today, the answer, unfortunately, is: Not enough.

We are not doing enough. I believe there is more common ground in America than we might realize on these questions, if only we focus on how we can truly help and support that woman who wishes to carry her pregnancy to term and how we can give her and her child what they need to begin healthy and productive lives together.

For the past 34 years, unfortunately, the issue of abortion has been used mostly as a way to divide people, even as the number of abortions remains and still remains unacceptably high. We have to find a better way.

I believe this legislation, the Pregnant Women Support Act, is a part of that better way. I believe we must look toward real solutions to the issue of abortion by targeting the underlying factors that often lead women to make the decision to have an abortion. This is precisely what this act, the Pregnant Women Support Act, will do.

I really believe when it comes to this issue of helping a pregnant woman, we need to consider what our obligations are. I think we can state it very simply: We need to walk in solidarity with her, in her pregnancy, especially when it is an unplanned pregnancy, and we need to support her and give her all the help we can at this time in her life.

That is exactly what this bill does for women who may find themselves in a position where they are facing one of the most difficult situations in their life. The woman who has no one to turn to for advice, for counsel, or for support, we have got to be there for her at that moment and for a long time thereafter.

I truly believe there are few things more terrifying than the prospect of supporting another human being when you have no support of your own. Unfortunately, far too many women face that decision, face that crisis.

So I believe reducing the number of abortions should not be a partisan issue. It should not pit Republicans against Democrats. So what do I seek? I seek common ground, and I ask my colleagues on both sides of the aisle to join me in seeking real solutions that will unite us in providing life with dignity, before—before—and after the birth of a child, for a pregnant woman, for her family, and for her child. Surely, we must all agree that no woman should ever have to face the crisis of an unplanned pregnancy all alone.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 58—WELCOMING FIRST MINISTER DR. IAN PAISLEY AND DEPUTY FIRST MINISTER MARTIN McGUINNESS OF NORTHERN IRELAND TO THE UNITED STATES

Mr. KENNEDY (for himself, Ms. COLLINS, Mr. DODD, Mr. REED, Mr. KERRY, Mr. BIDEN, Mr. SCHUMER, Mrs. CLINTON, Mr. CARDIN, Mr. DURBIN, Mr. OBAMA, Mr. SMITH, Mr. MCCAIN, and Mr. LEAHY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 58

Whereas, on May 8, 2007, power was restored to the Assembly of Northern Ireland, opening a new chapter in the history of Northern Ireland;

Whereas Dr. Ian Paisley became First Minister and Martin McGuinness became Deputy First Minister of Northern Ireland;

Whereas Dr. Paisley and Mr. McGuinness have been working to solidify the peace agreement and to govern Northern Ireland effectively; and

Whereas Dr. Paisley and Mr. McGuinness are making their first trip together to the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) welcomes First Minister Dr. Ian Paisley and Deputy First Minister Martin McGuinness of Northern Ireland to the United States;

(2) commends Dr. Paisley and Mr. McGuinness for showing the world that it is possible to rise above decades of bitter sectarian violence to achieve peace; and

(3) expresses hope that Northern Ireland will continue to be peaceful and stable in the future.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs and the Subcommittee on Energy of the Committee on Energy and Natural Resources will hold a joint hearing entitled, "Speculation in the Crude Oil Market." This joint hearing of the Permanent Subcommittee on Investigations and the Subcommittee on Energy will examine the role of speculation in recent record crude oil prices. Witnesses for the upcoming hearing will include the Department of Energy's Energy Information Administration and energy market experts. A final witness list will be available Friday, December 7, 2007.

The subcommittee hearing is scheduled for Tuesday, December 11, 2007, at 10 a.m. in room 216 of the Hart Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, December 4, 2007, at 2:30 p.m. in order to conduct a hearing entitled, "The New Madrid Seismic Zone: Whose Fault Is It Anyway?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, December 4, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building, for the purposes of conducting a hearing.

Agenda

S. 1581, Federal Ocean Acidification Research and Monitoring Act of 2007; S. 2307, Global Change Research Improvement Act of 2007; S. 2355, Climate Change Adaptation Act of 2007; S. 2332, Media Ownership Act of 2007; Nominations for Promotion in U.S. Coast Guard (PN 1039 and PN 1055); and Nominations for Promotion in the National Oceanic and Atmospheric Administration Commission Corps (PN 1014).

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Developing a Comprehensive Response to Food Safety" on Tuesday, December 4, 2007, at 10:30 a.m. in SD–430.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "Electronic Prescribing of Controlled Substances: Addressing Health Care and Law Enforcement Priorities" on Tuesday, December 4, 2007, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

Witness List

Panel I: Joseph T. Rannazzisi, Deputy Assistant Administrator, Drug Enforcement Administration, Office of Diversion Control, Alexandria, VA and Tony Trenkle, Director, Office of E-Health Standards and Services, Centers for Medicare and Medicaid Services, Baltimore, MD;

Panel II: Laura Adams, President and CEO, Rhode Island Quality Institute, Providence, RI; Kevin Hutchinson, CEO, Sure Scripts, Alexandria, VA; David Miller, Chief Security Officer, Covisint, Detroit, MI; and Mike A. Podgurski, R.Ph., Vice President, Pharmacy Services, Rite Aid Corporation, Camp Hill, PA.

THE PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, December 4, 2007, at 9:30 a.m., in order to conduct a hearing entitled, "Credit Card Practices: Unfair Interest Rate Increases."

THE PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican Leader, pursuant to Public Law 100–696, announces the appointment of the Senator from Tennessee (Mr. ALEXANDER) as a member of the United States Capitol Preservation Commission, vice the Senator from Colorado (Mr. ALLARD).

WELCOMING FIRST MINISTER DR. IAN PAISLEY AND DEPUTY FIRST MINISTER MARTIN McGUINNESS OF NORTHERN IRELAND

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 58 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 58) welcoming First Minister Dr. Ian Paisley and Deputy First Minister Martin McGuinness of Northern Ireland to the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 58) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 58

Whereas, on May 8, 2007, power was restored to the Assembly of Northern Ireland, opening a new chapter in the history of Northern Ireland;

Whereas Dr. Ian Paisley became First Minister and Martin McGuinness became Deputy First Minister of Northern Ireland;

Whereas Dr. Paisley and Mr. McGuinness have been working to solidify the peace agreement and to govern Northern Ireland effectively; and

Whereas Dr. Paisley and Mr. McGuinness are making their first trip together to the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) welcomes First Minister Dr. Ian Paisley and Deputy First Minister Martin McGuinness of Northern Ireland to the United States;

(2) commends Dr. Paisley and Mr. McGuinness for showing the world that it is possible to rise above decades of bitter sectarian violence to achieve peace; and

(3) expresses hope that Northern Ireland will continue to be peaceful and stable in the future.

DECLARING OF A COMMERCIAL FISHERY FAILURE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 376 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 376) providing the sense of the Senate that the Secretary of Commerce should declare a commercial fishery failure for the groundfish fishery for Massachusetts, Maine, New Hampshire, and Rhode Island, and immediately propose regulations to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 376) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 376

Whereas the Secretary of Commerce may provide fishery disaster assistance under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) if the Secretary determines that there is a commercial fishery failure due to a fishery resource disaster as a result of natural causes, man-made causes beyond the control of fishery managers to mitigate through conservation and management measures, including regulatory restrictions imposed to protect human health or the marine environment, or undetermined causes;

Whereas the Secretary of Commerce has not proposed or promulgated regulations to implement such section 312(a);

Whereas during 2007, the Governors of each of the Commonwealth of Massachusetts, the State of Maine, and the State of Rhode Island requested that the Secretary of Commerce declare a commercial fishery failure for the groundfish fishery under such section 312(a) and the Governor of the State of New Hampshire has indicated his intention of submitting a similar request;

Whereas since 1996, the Secretary of Commerce has had regulations in place that require significant restrictions and reductions on the catch and days-at-sea of New England fishermen in the groundfish fishery;

Whereas New England fishermen in the groundfish fishery have endured additional restrictions and reductions under Framework 42, which has resulted in many fishermen having just 24 days to fish during a season;

Whereas Framework 42 and other Federal fishing restrictions have had a great impact on small-boat fishermen, many of whom cannot safely fish beyond the inshore areas;

Whereas, as of the date of the enactment of this Act, each day-at-sea a fisherman spends in an inshore area reduces that fisherman's number of available days-at-sea by 2 days;

Whereas the Commonwealth of Massachusetts has provided information to the Secretary of Commerce demonstrating that between 1994 and 2006, overall conditions of groundfish stocks have not improved and that spawning stock biomass is near record lows for most major groundfish stocks;

Whereas the Commonwealth of Maine has provided additional information to the Secretary that between 2005 and 2006, total Massachusetts commercial groundfish vessel revenues (landings) decreased by 18 percent and there was a loss for related industries and communities estimated at $22,000,000;

Whereas the State of Maine has provided information to the Secretary of Commerce indicating that since 1994, the impact of groundfish regulations have eliminated 50 percent of Maine's groundfish fleet, leaving just 110 active groundfish fishermen;

Whereas the State of Maine has provided additional information to the Secretary indicating that between 1996 and 2006, there was a 58 percent drop in groundfish landings in Maine and a 45 percent drop in groundfish revenue from approximately $27,000,000 to $15,000,000 and that between 2005 and 2006, groundfish revenues decreased 25 percent;

Whereas the State of Rhode Island has provided information to the Secretary of Commerce indicating that, since 1994, there has been a 66 percent drop in Rhode Island's groundfish fishery landings and, between 1995 and 2007, groundfish revenue decreased 20 percent from approximately $7,500,000 to $6,000,000;

Whereas the Secretary of Commerce rejected requests from Massachusetts, Maine, and Rhode Island to declare a commercial fishery failure prior to establishing any appropriate standard to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act; and

Whereas for centuries, growth in New England's commercial fishing industry has been intertwined with the history and economic growth of the New England States and has created thousands of jobs in both fishing and fishing-related industries for generations of New England residents: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Commerce should—

(1) reconsider the October 22, 2007 decision to deny the requests of the Commonwealth of Massachusetts, the State of Maine, and the State of Rhode Island for a groundfish fishery failure declaration;

(2) look favorably upon the request of the State of New Hampshire for a groundfish fishery failure declaration; and

(3) immediately propose regulations to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)).

CREATING AND EXTENDING CERTAIN TEMPORARY DISTRICT COURT JUDGESHIPS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 172, S. 1327.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1327) to create and extend certain temporary district court judgeships.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, earlier this year I introduced a bipartisan measure to address the emerging staffing needs of the Federal Judiciary, our coequal branch of government. This bill responds to discrete situations in five States regarding temporary judgeships. In May, the Judiciary Committee voted unanimously to report this bill. It is now December. That is a delay of over 6 months. This sustained delay can be attributed to a "hold" by a single Republican Senator.

I am glad that this hold has finally been lifted so that we can proceed. I am delighted that this bipartisan bill has finally been approved after such a needless delay. Had it been cleared for consideration earlier, the House could have acted before the Thanksgiving recess and the matter could be law. Instead, our proposal still needs to be considered by the House and presented to the President in order to take effect.

In order to address fluctuations in a court's caseload, Congress can authorize a judgeship on a temporary basis. These temporary fixes do not undermine the independence that comes with lifetime appointment to the judiciary because the judges who fill them are, in fact, appointed for life, like all Federal judges. The positions are temporary in the sense that when they expire the next vacancy in the jurisdiction is not filled, and the extra judgeship expires.

Last Congress, two of these needed temporary judgeships were allowed to expire. That was regrettable. One was in Nebraska and the other in California. That was unfortunate since they continue to have high case loads. This legislation restores the status quo in these busy districts by reauthorizing these two temporary judgeships. I know that Senators FEINSTEIN, BOXER, NELSON and HAGEL have been concerned about these caseloads, and thank them for working with me and for cosponsoring and supporting this bill to restore those judgeships.

In addition, temporary judgeships in three other districts are close to expiration. Caseloads in Ohio, Hawaii and Kansas remain at a high level, and allowing their temporary judgeships to lapse would put a serious strain on courts in those jurisdictions. This legislation would extend each of the five temporary judgeships for 10 years. This will allow Congress some flexibility with regard to future judgeship needs. Senator BROWNBACK has expressed his concerns about this to me, as has Mr. REGULA in the House. I thank Senators INOUYE, AKAKA, ROBERTS, BROWNBACK, VOINOVICH and BROWN for cosponsoring and supporting this bill to extend those judgeships.

Next year, I will work with my colleagues on both sides of the aisle to address judgeship needs in a comprehensive way. Indeed, I have asked six Senators who are members of the Judiciary Committee, three Democratic Senators and three Republican Senators, to serve as a task force and report a proposal to Senator SPECTER and me before the end of the year. I have asked Senator SCHUMER and Senator SESSIONS to head this task force, and look forward to their report next month.

The five districts affected by this bill, however, cannot wait until next year for action on this extension or their temporary judgeships may well expire in the interim. This legislation will act as a "patch," allowing these districts to effectively operate until we are able to determine what additional judgeships are needed throughout the Federal judiciary.

The measure is supported by the Judicial Conference of the United States, and I thank my colleagues for moving this legislation.

Mrs. FEINSTEIN. Mr. President, I rise today to welcome the passage of S. 1327, which will reestablish temporary judgeships where needed in the district courts and extend other temporary judgeships that are about to expire.

The bill will reestablish a 10-year temporary judgeship in the Eastern District of California, where it is sorely needed. It will also reestablish a temporary judgeship in Nebraska and extend the terms of existing temporary judgeships in Hawaii, Kansas, and Ohio.

The Eastern District of California had a temporary judgeship from 1992 to 2004. At the end of that period, the caseload in the district was the second-highest in the Nation: 787 filings per judge. That was almost 50 percent more than the national average.

Still, the temporary judgeship expired in the fall of 2004 as required by law. Since then the situation in the Eastern District has grown even more dire. Average caseloads across the Nation have declined, but in the Eastern District they have increased by 18 percent.

The most recent statistics show that the Eastern District of California has the highest caseload in the country: 927 filings per judge. That is twice as many cases as the national average.

It is no exaggeration to say that the judges of the Eastern District are in desperate need of relief. They have continued to serve with distinction in the face of the crushing caseloads. Two of the court's senior judges still carry full caseloads after taking senior status. Two other senior judges are also continuing to hear cases.

In recent months, the caseload has become even more crushing with the departure of chief judge David Levi. He stepped down from the bench after 17 years of service to become the dean of the Duke University School of Law.

It is clear that the Eastern District of California needs our help to ensure that cases continue to be handled with the care, attention, and promptness that are essential to the fair administration of justice. Reestablishing the expired temporary judgeship is one way to help.

This bill is also a crucial first step toward getting California all of the judges it needs. According to the 2007 recommendations of the Judicial Conference of the United States, California needs a total of 12 new judges—more judges than are needed in any other State in the Nation. Four of those judges are needed in the Eastern District. By adding a temporary judgeship in the Eastern District, this bill will begin to meet that need.

I am pleased to be a cosponsor of this bill and pleased that the Senate has passed it.

Mr. DORGAN. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1327) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY JUDGESHIPS FOR DISTRICT COURTS.

(a) ADDITIONAL TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the eastern district of California; and

(B) 1 additional district judge for the district of Nebraska.

(2) VACANCIES NOT FILLED.—The first vacancy in the office of district judge in each of the offices of district judge authorized by this subsection, occurring 10 years or more after the confirmation date of the judge named to fill the temporary district judgeship created in the applicable district by this subsection, shall not be filled.

(b) EXTENSION OF CERTAIN TEMPORARY JUDGESHIPS.—Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note) is amended—

(1) in the second sentence, by inserting "the district of Hawaii," after "Pennsylvania,";

(2) in the third sentence (relating to the district of Kansas), by striking "16 years" and inserting "26 years";

(3) in the fifth sentence (relating to the northern district of Ohio), by striking "15 years" and inserting "25 years"; and

(4) by inserting "The first vacancy in the office of district judge in the district of Hawaii occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled." after the sixth sentence.

EMERGENCY AND DISASTER ASSISTANCE FRAUD PENALTY ENHANCEMENT ACT OF 2007

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 167, which is S. 863.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 863) to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 863) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007".

SEC. 2. FRAUD IN CONNECTION WITH MAJOR DISASTER OR EMERGENCY BENEFITS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§1040. Fraud in connection with major disaster or emergency benefits

"(a) Whoever, in a circumstance described in subsection (b) of this section, knowingly—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

"(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation,

in any matter involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191), or in connection with any procurement of property or services related to any emergency or major disaster declaration as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, shall be fined under this title, imprisoned not more than 30 years, or both.

"(b) A circumstance described in this subsection is any instance where—

"(1) the authorization, transportation, transmission, transfer, disbursement, or payment of the benefit is in or affects interstate or foreign commerce;

"(2) the benefit is transported in the mail at any point in the authorization, transportation, transmission, transfer, disbursement, or payment of that benefit; or

"(3) the benefit is a record, voucher, payment, money, or thing of value of the United States, or of any department or agency thereof.

"(c) In this section, the term 'benefit' means any record, voucher, payment, money or thing of value, good, service, right, or privilege provided by the United States, a State or local government, or other entity.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

"1040. Fraud in connection with major disaster or emergency benefits.".

SEC. 3. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN WIRE, RADIO, AND TELEVISION FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1343 of title 18, United States Code, is amended by inserting: "occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or" after "If the violation".

SEC. 4. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN MAIL FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1341 of title 18, United States Code, is amended by inserting: "occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or" after "If the violation".

SEC. 5. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall—

(1) promulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); and

(2) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an explanation of actions taken by the Commission pursuant to paragraph (1) and any additional policy recommendations the Commission may have for combating offenses described in that paragraph.

(b) REQUIREMENTS.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in subsection

(a) and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) assure reasonable consistency with other relevant directives and with other guidelines;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(4) make any necessary conforming changes to the sentencing guidelines; and

(5) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) EMERGENCY AUTHORITY AND DEADLINE FOR COMMISSION ACTION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable, and in any event not later than the 30 days after the date of enactment of this Act, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that Act had not expired.

MEASURES INDEFINITELY POSTPONED—S. 2131, S. 2107, S. 2150

Mr. DORGAN. Mr. President, I ask unanimous consent the following calendar numbers be indefinitely postponed en bloc: Calendar No. 433, Calendar No. 490, and Calendar No. 492.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, DECEMBER 5, 2007

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon on Wednesday, December 5; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes with the time equally divided and controlled between leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each, and the first half controlled by the majority and the final portion controlled by the Republicans; that at the close of morning business the Senate resume consideration of the motion to proceed to H.R. 3996, that the mandatory quorum required under rule XXII be waived with respect to the cloture motion filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW

Mr. DORGAN. If there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:29 p.m., adjourned until Wednesday, December 5, 2007, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate:

NUCLEAR REGULATORY COMMISSION

GREGORY B. JACZKO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2013. (REAPPOINTMENT)

DEPARTMENT OF STATE

HECTOR E. MORALES, OF TEXAS, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR, VICE JOHN F. MAISTO, RESIGNED.

DEPARTMENT OF COMMERCE

JOHN J. SULLIVAN, OF MARYLAND, TO BE DEPUTY SECRETARY OF COMMERCE, VICE DAVID A. SAMPSON, RESIGNED.

HOUSE OF REPRESENTATIVES—*Tuesday, December, 4, 2007*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. HOLDEN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 4, 2007.

I hereby appoint the Honorable TIM HOLDEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of heaven and Earth, darkness descends upon us as the days grow shorter, and the cold chastens us to withdraw inside.

Be for us the light we long for. The very promise of change creates expectation.

By the first hints of Your dawn, banish all fear and hesitation. May those who live on the margins of America's rich blessings have peace and prosperity too.

Strengthen us with Your mighty arm, that this Congress may be unified in lifting Your people to renewed hope.

For You are always faithful and can be trusted, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Guam (Ms. BORDALLO) come forward and lead the House in the Pledge of Allegiance.

Ms. BORDALLO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

IN RECOGNITION OF THE BLUE CROSS/BLUE SHIELD OF SOUTH CAROLINA FOUNDATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to recognize and thank the Blue Cross/Blue Shield of South Carolina Foundation for the hard work on behalf of the citizens of South Carolina.

The purpose of the Blue Cross/Blue Shield Foundation is to promote the health and well-being of economically disadvantaged South Carolinians through expanded access to quality and affordable health care. Through the awarding of grants, the foundation provides necessary resources to free clinics, health education programs, and school nursing programs. Realizing that it is often children and young adults most adversely affected by inadequate health care, the foundation focuses on providing grant money to services that will assist children and adolescents who are either uninsured or underinsured.

This year they have embarked on a state-wide tour to recognize the $1.6 million in grants that they will be awarding. This is part of over $7 million in grants they have awarded since 2003.

I want to thank the foundation's executive director, Harvey Galloway, and the CEO of Blue Cross/Blue Shield, Ed Sellers, for their strong leadership.

In conclusion, God bless our troops, and we will never forget September the 11th.

FUND OUR VETERANS

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, this is day 65. That's 65 days so far that our veterans have not had the use of the increased funding for their benefits and health care. That's $18.5 million a day not able to be used.

This bill has been done for months and the President has already agreed to sign it. But instead of moving the bill forward, the Democratic leadership in Congress chose to adjourn early for the Thanksgiving holiday.

I'm calling on the Speaker to pass this bill, and I call on all Americans to contact their Representatives and tell the Democratic leadership to send a clean veterans appropriation bill to the President now.

Our veterans are heroes. We must provide all possible benefits and health care for our veterans now.

HONORING THE LIFE OF CONGRESSMAN HENRY HYDE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today to honor the life and accomplishments of a terrific Member, former Congressman Henry Hyde. He's often recognized for his wisdom and his eloquence of speaking. But, frankly, there were some other sides of him that were very precious. He was a man of quick wit and a keen sense of humor, to which I was always a willing audience.

Above all, he was passionately committed to protecting and improving the lives of Americans, all Americans, both born and the unborn. He was an effective pro-life advocate, through prohibiting Federal funding of abortions with the Hyde amendment and his advocacy for the ban on partial-birth abortions. Conservative estimates indicate that there are about 2 million Americans alive today as a direct result of his work.

Henry Hyde leaves behind a legacy that inspires and challenges those of us who remain behind today.

My deepest condolences and sympathy to his family, and may God bless Henry Hyde.

IN RECOGNITION OF TIM CULBERTSON

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, I'd like to take a moment today to recognize Tim Culbertson and all the members of the Cheviot-Western Hills Chapter of the Military Order of the Purple Heart, Chapter 3620.

The primary mission of the Military Order of the Purple Heart is to foster an environment of goodwill and camaraderie among wounded combat veterans, to promote patriotism, and to provide service to all veterans and their families.

Tim Culbertson, a Vietnam veteran and Purple Heart recipient himself, has spent decades advocating on behalf of his fellow veterans, and his service with the Military Order of the Purple Heart makes him a great asset to our whole community.

In 2000, Mr. Culbertson was instrumental in the establishment of Chapter 3620, and his dedication and patriotism were recognized earlier this year at the annual National Purple Heart Convention, where he was named the top

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Americanism Officer in the United States, an honor he truly deserves.

The sense of spirit, patriotism and generosity exhibited by the members of Chapter 3620 reflect the dedication, enthusiasm and commitment of their Americanism Officer, Tim Culbertson. It gives me great pleasure to recognize Tim for his accomplishments, and I congratulate him on receiving this national award, and I thank him for his contributions to all the veterans of the First District of Ohio.

LET'S STICK TO OUR GUNS

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Well, what do you know, Mr. Speaker. After months of drum beat urging that we take a more aggressive posture toward Iran, mention by the President of a potential World War III, the assumptions, the assertions by the White House that Iran is aggressively pursuing a nuclear weapons program, we now find that as with Iraq, this was not true.

But, differently from what happened with Iraq, this time those professional, courageous civil servants in our national intelligence agencies stood up to intimidation from the White House and spoke the truth objectively and detailed it with facts. We're very proud of them.

All the more reason why we should not yield to the President's threats to furlough over 200,000 civilian employees and contractors just before Christmas unless the Congress approves another $50 billion in war spending.

Mr. Speaker, we need to stick to our guns. We've approved $459 billion in defense spending. That's enough.

SOUND POLICY FOR AMERICA'S ENERGY NEEDS, NOT HOLLOW PROMISES

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, when it comes to a national energy policy, here we go again.

In January, the Democratic leadership promised to work across party lines to come up with a sound, comprehensive energy bill that would address Americans' anxieties about dramatically high gas prices and escalating home heating costs.

However, the Democratic energy proposals have lacked any substance to outline a blueprint for increasing our domestic supply.

Make no mistake: we must boost our domestic energy supply. The American people want stable prices at the pump, and we can begin to address these problems; but we in Congress must make reasoned energy policy.

By promoting a level playing field for technologies, diversifying energy supplies, and increasing our domestic opportunities, we can harness our ingenuity and natural resources to relieve our current difficulties.

The American people expect more from Congress. We must increase our supply without overburdening energy producers with unwieldy bureaucracy. Let's work together to help the American people and provide some relief to the anxiety they face this winter.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 26, 2007.
Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to inform you that I have sent a letter to Illinois Governor Rod R. Blagojevich informing him that I am resigning my position as the United States Representative for the 14th District of Illinois effective 10:59 p.m. CST, November 26th, 2007.

Madam Speaker, it has been a high honor to serve in the House of Representatives for almost 21 years. I am grateful to the people of Illinois for giving me that honor.

Let me also thank you, Madam Speaker, for the many courtesies you have afforded to me as a former Speaker during the past year and I wish you and all my colleagues God's blessing as you continue in your service.

I am sincerely,
J. DENNIS HASTERT,
Member of Congress.

Enc: Letter to Governor Rod R. Blagojevich.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 26, 2007.
Hon. ROD R. BLAGOJEVICH,
Governor, State of Illinois,
Springfield, IL.

DEAR GOVERNOR BLAGOJEVICH: I am hereby resigning my position as the United States Representative for the 14th District of Illinois effective 10:59 p.m. CST, November 26, 2007.

I have chosen this date because I have been advised that it allows you sufficient time to call a special primary to select candidates to run to fill my unexpired term on February 5, 2008, an already established primary day. This will minimize inconvenience to the voters and expense to the counties in the 14th Congressional District.

Serving the people of the 14th District of Illinois in the United States House of Representatives has been a high honor that I will long cherish.

I am sincerely,
J. DENNIS HASTERT,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Illinois (Mr. HASTERT), the whole number of the House is 432.

RECOGNIZING THE SUCCESS OF THE UNIVERSITY OF HAWAII'S UNDEFEATED FOOTBALL TEAM

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, I rise today to pay tribute to the University of Hawaii, my alma mater, and to congratulate its football team for an undefeated season. Coach June Jones and the entire team deserve recognition for all that they have accomplished this season. Their perfect record of 12 wins and no losses is the best in the school's history, and they are the champions of the Western Athletic Conference. UH is the only unbeaten team in the Nation; and, as a result, the Warriors have qualified for a BCS bowl game. The team has been led by star quarterback Colt Brennan, who is my candidate for the Heisman Trophy.

I'm holding footballs signed by Coach June Jones and Colt Brennan, and I keep them prominently displayed in my office in DC as reminders of the Warriors' success.

I join the rest of the Aloha State in cheering on the University of Hawaii and wish the team good luck in the Sugar Bowl.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 2007.
Hon. NANCY PELOSI,
Speaker, H-232 The Capitol,
House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 16, 2007, at 3:34 p.m.:

That the Senate passed S. 1679.
That the Senate passed S. 2168.
That the Senate passed S. 2110.
That the Senate passed S. 2290.
That the Senate passed S. 2174.
That the Senate passed S. 2272.
That the Senate agreed to S. Con. Res. 55.
That the Senate agreed to S. Con. Res. 56.
That the Senate passed with an amendment H.R. 2761.
That the Senate passed without amendment H.R. 50.
That the Senate passed without amendment H.R. 465.
That the Senate passed without amendment H.R. 3572.
That the Senate passed without amendment H.R. 3446.
That the Senate passed without amendment H.R. 3382.

That the Senate passed without amendment H.R. 3325.

That the Senate passed without amendment H.R. 3308.

That the Senate passed without amendment H.R. 3530.

That the Senate passed without amendment H.R. 3518.

That the Senate passed without amendment H.R. 3307.

That the Senate passed without amendment H.R. 3297.

That the Senate passed without amendment H.R. 2276.

That the Senate passed without amendment H.R. 2089.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed:

By Speaker pro tempore Van Hollen on Tuesday, November 20, 2007:

H.R. 50, Multinational Species Conservation Funds Reauthorization Act of 2007

H.R. 465, Asian Elephant Conservation Reauthorization Act of 2007

H.R. 2089, to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Services Veterans Post Office"

H.R. 2276, to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building"

H.R. 3297, to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the "Nate DeTample Post Office Building"

H.R. 3307, to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the "Dennis P. Collins Post Office Building"

H.R. 3308, to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the "Lance Corporal David K. Fribley Post Office"

H.R. 3325, to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office"

H.R. 3382, to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the "Philip A. Baddour, Sr. Post Office"

H.R. 3446, to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the "Michael W. Schragg Post Office Building"

H.R. 3518, to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the "Charles H. Hendrix Post Office Building"

H.R. 3530, to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the "Chief Officer Aaron Weaver Post Office Building"

H.R. 3572, to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the "Wallace S. Hartsfield Post Office Building"

By the Speaker on Friday, November 30, 2007:

H.R. 3963, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes

□ 1415

COMMUNICATION FROM DEPUTY CHIEF OF STAFF OF THE HONORABLE RICK BOUCHER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Laura L. Lee, Deputy Chief of Staff of the Honorable RICK BOUCHER, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 21, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the U.S. District Court for the Western District of Virginia, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

LAURA L. LEE,
Deputy Chief of Staff.

COMMUNICATION FROM THE HON. TOM LANTOS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable TOM LANTOS, Member of Congress:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 28, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a trial subpoena for testimony issued by the Superior Court of the District of Columbia.

The underlying case has since been voluntarily dismissed. Accordingly, the subpoena is now moot and it is unnecessary for me to make the determinations required by Rule VIII.

Sincerely,

TOM LANTOS,
Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING 200 YEARS OF RESEARCH, SERVICE, AND STEWARDSHIP BY NOAA AND ITS PREDECESSOR AGENCIES

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 147) recognizing 200 years of research, service to the people of the United States, and stewardship of the marine environment by the National Oceanic and Atmospheric Administration and its predecessor agencies, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 147

Whereas the Act of February 10, 1807 (chapter VIII; 2 Stat. 413), signed by President Thomas Jefferson, authorized and requested the President "to cause a survey to be taken of the coast of the United States . . . together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts";

Whereas the Coast Survey was established to carry out the duties established under such Act, and was the first Federal science agency of the United States;

Whereas over time additional duties were granted to such agency, including geodetic surveying and tide and current monitoring and predictions, and such agency was later renamed the Coast and Geodetic Survey;

Whereas in addition to providing charts and information vital to our young Nation's economic and commercial success, such pioneering agency led some of the Nation's earliest oceanographic research, undertaking surveys of the Gulf Stream to determine temperatures, depths, direction, and velocity, as well as the character of the seafloor and forms of vegetation and marine life;

Whereas the early technicians and scientists of such agency invented and supported the development of many innovative tools that led to advances in hydrographic, shoreline, and geodetic surveying and cartographic methods, the first real-time water level stations, and deep-sea anchoring;

Whereas during the 20th century such agency, by then renamed the Coast and Geodetic Survey, advanced the development and marine applications of electronics and acoustics, including the development of Radar Acoustic Ranging, radio sono-buoys, and the Roberts Radio Current Meter Buoy;

Whereas throughout their history these programs have provided services in support of the Nation's commerce and defense, serving in all theaters of the Civil War and in World Wars I and II as hydrographers, cartographers, topographers, and scouts, including the production of more than 100 million maps and charts for United States and Allied forces;

Whereas as our Nation's interests and economy became increasingly interwoven with the marine and atmospheric environment, a number of Federal science agencies with complimentary functions, including the Weather Bureau and the Bureau of Commercial Fisheries, were combined with the Coast Survey to create the National Oceanic and Atmospheric Administration (NOAA);

Whereas today these mapping and charting, geodesy, and tide and current data programs are located in the National Ocean Service of NOAA in the Coast Survey, the National Geodetic Survey, and the Center for Operational Oceanographic Products and Services;

Whereas these programs promote NOAA's commerce and transportation goals and continue to support the research, development, and application of state-of-the-art surveying, mapping, charting, ocean observing, modeling, and Internet-based product delivery services to promote safe and efficient commerce and transportation and contributing to the advancement of integrated ocean and earth observing systems;

Whereas these programs continue to demonstrate relevance, value, importance, and service promoting and employing innovative partnerships with other agencies, State and local authorities, academia, and the private sector;

Whereas these programs work internationally as the United States representative to the International Hydrographic Organization and through other organizations to promote integrated and uniform standards, protocols, formats, and services;

Whereas in addition to commerce and transportation these programs also advance NOAA's weather and water, climate, and ecosystem missions including marine resource conservation, coastal management, and the protection of life and property from coastal storms and other hazards, as most recently demonstrated in responding to and facilitating the recovery of communities and commerce in the hurricane stricken Gulf Coast; and

Whereas the devotion, industry, efficiency, and enterprise of these people and programs over their 200-year history have set an enviable record of public service: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes that for over 200 years, the National Oceanic and Atmospheric Administration and its predecessor agencies have been providing to the Nation research to improve human understanding of the oceans and atmosphere, service, and stewardship of the marine environment, through products and services that protect lives and property, strengthen the economy, and support and sustain our coastal and marine resources;

(2) recognizes the vision of President Thomas Jefferson in supporting the advancement of science, and the survey of the coast in particular, to the welfare and commercial success of the Nation;

(3) recognizes the contributions made over the last 200 years by the past and current employees and officers of the Coast Survey, the National Geodetic Survey, and the Center for Operational Oceanographic Products and Services of the National Oceanic and Atmospheric Administration; and

(4) encourages the people of the United States to salute and share in the planned celebrations of these historic programs during 2007 with ceremonies designed to give appropriate recognition to one of our oldest and most respected Federal agencies on the occasion of its bicentennial anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 147 recognizes the contributions that the National Oceanic and Atmospheric Administration and the agencies which preceded it, together with their employees, have made in improving our understanding of the oceans and the marine environment. The resolution also recognizes the vision of Thomas Jefferson when he recognized that the survey of our Nation's coast is critical to our welfare and commercial success.

This month represents the culmination of ceremonies and commemorative events that have occurred across the country during 2007 recognizing 200 years of invaluable research, service, and stewardship of the marine environment provided by NOAA and its predecessor agencies.

As the chairwoman of the Subcommittee on Fisheries, Wildlife and Oceans, I too recognize the work of NOAA's dedicated civil servants, the NOAA Corps, and NOAA's partners in fulfilling the NOAA mission. The agency benefits from the strong and able leadership of Vice Admiral Conrad Lautenbacher, the current NOAA Administrator.

Lastly, I want to thank my colleague and good friend from South Carolina, the ranking member of the committee (Mr. BROWN), for his work in sponsoring this resolution. I am honored to join him in recognizing NOAA on this occasion, and I have enjoyed working with him this past year and am looking forward to our work together on the subcommittee in the next session.

Mr. Speaker, I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Concurrent Resolution 147, sponsored by Congressman HENRY BROWN.

President Thomas Jefferson had the foresight in 1807 to initiate surveys of our Nation's coasts to promote the safe transport of vessels into American ports and along our Nation's coastlines. Since the mid 1960s, the National Oceanic and Atmospheric Administration, NOAA, has been responsible for conducting coastal and hydrographic surveys.

House Concurrent Resolution 147 acknowledges the vision of President Thomas Jefferson and recognizes NOAA and its predecessor agencies for 200 years of research, service to the people of the United States, and their stewardship of the marine environment.

Mr. Speaker, at this time I would like to yield 3 minutes to my colleague, the gentleman from South Carolina, the author of this legislation (Mr. BROWN).

Mr. BROWN of South Carolina. I appreciate the gentlewoman from Washington for yielding.

Mr. Speaker, I rise in support of House Concurrent Resolution 147. I am pleased we are considering this measure today on the House floor. I would like to thank my friend and the chairwoman of the Fisheries, Ocean and Wildlife Subcommittee, Congresswoman MADELEINE BORDALLO, for her hard work on cosponsorship of this resolution.

And what a real pleasure it is to work along with you as your ranking member.

And I would also like to thank Chairman NICK RAHALL and Ranking Member DON YOUNG of the Natural Resources Committee as well as my colleagues on the House Science Committee for their support of this resolution.

House Concurrent Resolution 147 recognizes NOAA and its predecessor agencies for 200 years of research and service to the people of the United States and its stewardship of the marine environment.

It was the foresight of the third President, Thomas Jefferson, that started us down this path of surveying our coastal areas for the benefit of the Nation and laid the blueprint for what we now all know as the National Oceanic and Atmospheric Administration.

My district is home to several outstanding NOAA facilities including the Hollings Marine Laboratory and the Coastal Services Center, both of which are located in Charleston. These facilities and their work are an important part of the coastal South Carolina community.

NOAA has shown its dedication to our Nation's ocean and coastal resources. NOAA's management and conservation actions have allowed all of us to continue to enjoy our Nation's oceans and coastal resources.

I urge my colleagues to vote "yes" on this important resolution, and I congratulate NOAA for their 200 years.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

Mr. ORTIZ. Mr. Speaker, I rise to honor the National Oceanic and Atmospheric Administration, NOAA, for their 200 years of dedicated research and service to the United States.

NOAA and its predecessors conducted some of the earliest oceanographic research and have continued to serve the United States for commerce, defense, and environmental purposes. NOAA is a leader for scientific research and environmental monitoring and protection, providing an outstanding example to the international community.

NOAA continues that storied legacy in the 21st century with and oceanographic monitoring, the protection of our natural resources, its stewardship of the marine environment, and as our first line of warning for storms and hurricanes.

NOAA programs have provided invaluable service to commerce and defense, serving throughout the country's history in war and peacetime; more than 100 million maps and charts for U.S. and Allied Forces.

Their programs promote safe and efficient commerce/transportation and work toward the advancement of a global environmental observation system. Programs also include missions for the conservation of marine resources, coastal management, and protection from storms and other hazards—especially Gulf Coast hurricanes.

NOAA's National Weather Service/Weather Forecast Offices at the Corpus Christi International Airport and the Brownsville/South Padre Island International Airport provide weather and flood warnings, daily forecasts, and meteorological and hydrologic data for the South Texas Gulf Coast area.

NOAA's National Marine Fisheries Service/Seafood Inspection Program in Brownsville offers a voluntary inspection program for fishery products on a fee-for-service basis, as well as other services to local fishermen and fish processors.

NOAA's National Ocean Service operates seven tide stations in Texas to monitor sea level trends, provide real-time data for storm surge warning, including South Texas locations in Corpus Christi and Port Isabel.

This week I will greet NOAA researchers in my district who are seeking a new location for a weather research center. I look forward to welcoming these distinguished researchers and discussing their needs for the future weather research center.

Ms. WOOLSEY. Mr. Speaker, today, I rise in support of H. Con. Res. 147, which recognizes the National Oceanic and Atmospheric Administration's (NOAA) 200th anniversary. When President Thomas Jefferson originally established the first Federal science agency, Survey of the Coast, in 1807, its mandate was to create charts for safe navigation. Over the years, bureaus related to the regulation and protection of our fisheries, the study of weather and climate change, and many other important responsibilities were added. Today, this agency, now known as NOAA, has a global reach and a broad range of programs that touch all our lives.

From promoting waterborne commerce and fisheries to predicting weather and global climate change, NOAA's role is crucial to our Nation. I'm particularly proud of the National Marine Sanctuaries, which were created under NOAA's jurisdiction in 1972. In Northern California, we are privileged to have three such sanctuaries, the Monterey National Marine Sanctuary, the Gulf of the Farallones National Marine Sanctuary, and the Cordell Bank National Marine Sanctuary. With our oceans and marine life increasingly threatened, these sanctuaries play an invaluable role in enhancement and protection.

The importance of the sanctuaries was recently highlighted when an oil spill polluted the precious waters of the San Francisco Bay with 58,000 gallons of oil. NOAA and marine sanctuary staff stepped in and provided key assistance in the clean-up and oil containment efforts. We were lucky to have them there. It's events like this that really highlight some of the important work done by NOAA and the marine sanctuaries.

This resolution is the product of the Resource Committee's leadership and I appreciate their introducing this resolution to honor NOAA's important work over the last 200 years. I hope that over the next 200 years, we are able to provide NOAA and the marine sanctuaries with the necessary resources and assistance to continue and expand upon the key work that it does.

Mr. KLEIN of Florida. Mr. Speaker, I rise to express concern about the lack of progress that the National Oceanic and Atmospheric Administration (NOAA) has made on the issue of hurricane tracking and prediction.

The House passed a resolution honoring the 200th anniversary of NOAA, celebrating NOAA's many accomplishments. I voted for this resolution because the work of the men and women of NOAA has been and continues to be critical to keeping my constituents and the rest of our country safe from the threats of the hurricane season.

However, I continue to be uncomfortable with the management of NOAA's decision to spend $4 million for a public relations campaign about its anniversary celebration. To spend $4 million dollars at a time when resources should be applied to assessing and supporting one of the most critical weather tools in hurricane tracking and prediction, the Quick Scatterometer (QuikSCAT) satellite, is completely unacceptable.

The detailed daily snapshots provided by QuikSCAT allow climatologists, meteorologists, and oceanographers to better understand global weather abnormalities and to improve weather forecasting. In one day, QuikSCAT collects data covering 90 percent of the Earth's surface. Without the data provided by QuikSCAT, hurricane forecasting would be 16 percent less accurate 72 hours before hurricane landfall and 10 percent less accurate 48 hours before landfall. This decrease in accuracy would lead to larger stretches of coastline under evacuation warnings and more local resources utilized.

That is why I helped author H.R. 2531, which authorizes $375 million to the National Oceanic and Atmospheric Administration (NOAA) for the design and launch of an improved QuikSCAT satellite. The new, next-generation satellite would maintain weather forecasting and warning capabilities and improve data capabilities for future weather-related disasters. The bill also requires that NOAA provide annual reports on the status of the satellite to ensure that Congress has sufficient time for authorizing and funding a replacement when necessary.

As a Member of Congress with over 70 miles of coastline in my district, I feel it is my responsibility to ask NOAA how we got to this point where a valuable satellite is on its last legs, and why our taxpayers are footing the bill for a PR campaign when hurricanes remain a daily threat to Florida and the entire region. I join in the celebration of NOAA's accomplishments for the last 200 years, but I urge them to be responsible with resources so that they can be effective for the next 200 years and beyond.

Mr. SHULER. Mr. Speaker, I rise today to recognize the contributions of the National Oceanic and Atmospheric Administration (NOAA). NOAA has been the leader in national research on oceans and the atmosphere, and their effect on the human environment.

NOAA evolved from the Survey of the Coast, established in 1807, to an organization that provides daily forecasts, storm warnings, and climate monitoring to a variety of organizations that support marine commerce. NOAA has a presence in each of the 50 States and countries worldwide. NOAA takes part in the most advanced, cutting-edge research, using new and innovative technologies to ensure this country's economic future.

I am very proud that Western North Carolina is home to the National Climate Data Center, the largest archive of weather and global climate related data, including that data collected by NOAA. The center holds data as old as 150 years old, and as recent as a few hours ago.

NOAA, and NCDC, are integral to our Nation's success as a global economy. I ask my colleagues to join me in recognizing the contributions of NOAA.

Ms. BORDALLO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 147.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMERICA'S HISTORICAL AND NATURAL LEGACY STUDY ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3998) to authorize the Secretary of the Interior to conduct special resources studies of certain lands and structures to determine the appropriate means for preservation, use, and

management of the resources associated with such lands and structures, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "America's Historical and Natural Legacy Study Act".

SEC. 2. SECRETARY.

For the purposes of this Act, the term "Secretary" means the Secretary of the Interior.

SEC. 3. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short title.
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TITLE I—HARRY S TRUMAN BIRTHPLACE STUDY ACT

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Sec. 102. Special resource study.

TITLE II—LEWIS AND CLARK NATIONAL HISTORIC TRAIL EXTENSION STUDY ACT

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Special resource study.

TITLE III—BATTLE OF MATEWAN STUDY ACT

Sec. 301. Short title.
Sec. 302. Special resource study.

TITLE IV—BATTLE OF CAMDEN STUDY ACT

Sec. 401. Short title.
Sec. 402. Special resource study.

TITLE V—MISSISSIPPI RIVER STUDY ACT

Sec. 501. Short title.
Sec. 502. Special resource study.

TITLE VI—FORT SAN GERONIMO STUDY ACT

Sec. 601. Short title.
Sec. 602. Definitions.
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TITLE VII—WOLF HOUSE STUDY ACT

Sec. 701. Short title.
Sec. 702. Special resource study.

TITLE VIII—RIM OF THE VALLEY CORRIDOR STUDY ACT

Sec. 801. Short title.
Sec. 802. Special resource study.

TITLE IX—BUTTERFIELD OVERLAND TRAIL STUDY ACT

Sec. 901. Short title.
Sec. 902. Special resource study.

TITLE X—HUNTING AND FISHING

Sec. 1001. Hunting and fishing.

TITLE XI—SENSE OF CONGRESS

Sec. 1101. Sense of congress.

TITLE I—HARRY S TRUMAN BIRTHPLACE STUDY ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Harry S Truman Birthplace Study Act".

SEC. 102. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the Harry S Truman Birthplace State Historic Site in Lamar, Missouri to determine—

(1) the suitability and feasibility of adding the birthplace site to the Harry S Truman National Historic Site or designating the site as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the Harry S Truman Birthplace State Historic Site by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

TITLE II—LEWIS AND CLARK NATIONAL HISTORIC TRAIL EXTENSION STUDY ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Lewis and Clark National Historic Trail Extension Study Act".

SEC. 202. DEFINITIONS.

In this title:

(1) EASTERN LEGACY SITES.—The term "Eastern Legacy sites" means the sites associated with the preparation or return phases of the Lewis and Clark expedition, commonly known as the "Eastern Legacy", including sites in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Missouri, and Illinois. This includes the routes followed by Meriwether Lewis and William Clark, whether independently or together.

(2) TRAIL.—The term "Trail" means the Lewis and Clark National Historic Trail designated by section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)).

SEC. 203. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the Eastern Legacy sites to determine—

(1) the suitability and feasibility of adding these sites to the Trail; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

TITLE III—BATTLE OF MATEWAN STUDY ACT

SEC. 301. SHORT TITLE.

This title may be cited as the "Battle of Matewan Study Act".

SEC. 302. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the sites and resources at Matewan, West Virginia, associated with the Battle of Matewan (also known as the Matewan Massacre) of May 19, 1920 to determine—

(1) the suitability and feasibility of designating certain historic areas of Matewan, West Virginia as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

TITLE IV—BATTLE OF CAMDEN STUDY ACT

SEC. 401. SHORT TITLE.

This title may be cited as the "Battle of Camden Study Act".

SEC. 402. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the site of the Battle of Camden fought in South Carolina on August 16, 1780, and the site of Historic Camden, which is currently a National Park System Affiliated Area, to determine—

(1) the suitability and feasibility of designating these sites as a unit or units of the National Park System; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

TITLE V—MISSISSIPPI RIVER STUDY ACT

SEC. 501. SHORT TITLE.

This title may be cited as the "Mississippi River Study Act".

SEC. 502. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall complete a special resource study along the route of the Mississippi River in the counties contiguous to the river from its headwaters in the State of Minnesota to the Gulf of Mexico to evaluate—

(1) a range of alternatives for protecting and interpreting the resources along the route of the Mississippi River, including alternatives for potential addition of all or portions of the route to the National Trails System; and

(2) the methods and means for the protection and interpretation of the route by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8 (c) of Public Law 91-383 (16 U.S.C. 1a-5) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)) as appropriate.

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

TITLE VI—FORT SAN GERÓNIMO STUDY ACT

SEC. 601. SHORT TITLE.

This title may be cited as the "Fort San Gerónimo Study Act".

SEC. 602. DEFINITIONS.

For the purposes of this title:

(1) FORT SAN GERÓNIMO.—The term "Fort San Gerónimo" (also known as "Fortín de San Gerónimo del Boquerón") means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(2) RELATED RESOURCES.—The term "related resources" means other parts of the fortification system of old San Juan that are not currently included within the boundary of San Juan National Historic Site, such as sections of the City Wall or other fortifications.

SEC. 603. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall complete a special resource study of Fort San Gerónimo and other related resources, to determine—

(1) the suitability and feasibility of including Fort San Gerónimo and other related resources in the Commonwealth of Puerto Rico as part of San Juan National Historic Site; and

(2) the methods and means for the protection and interpretation of Fort San Gerónimo and other related resources by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

TITLE VII—WOLF HOUSE STUDY ACT

SEC. 701. SHORT TITLE.

This title may be cited as the "Wolf House Study Act".

SEC. 702. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the Wolf House located on Highway 5 in Norfork, Arkansas, to determine—

(1) the suitability and feasibility of designating the Wolf House as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the Wolf House by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

TITLE VIII—RIM OF THE VALLEY CORRIDOR STUDY ACT

SEC. 801. SHORT TITLE.

This title may be cited as the "Rim of the Valley Corridor Study Act".

SEC. 802. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the area known as the Rim of the Valley Corridor, generally including the mountains encircling the San Fernando, La Crescenta, Santa Clarita, Simi, and Conejo Valleys in California, to determine—

(1) the suitability and feasibility of designating all or a portion of the corridor as a unit of the Santa Monica Mountains National Recreation Area; and

(2) the methods and means for the protection and interpretation of this corridor by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) DOCUMENTATION.—In conducting the study authorized under subsection (a), the Secretary shall document—

(1) the process used to develop the existing Santa Monica Mountains National Recreation Area Fire Management Plan and Environmental Impact Statement (September 2005); and

(2) all activity conducted pursuant to the plan referred to in paragraph (1) designed to protect lives and property from wildfire.

(c) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5).

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

TITLE IX—BUTTERFIELD OVERLAND TRAIL STUDY ACT

SEC. 901. SHORT TITLE.

This title may be cited as the "Butterfield Overland Trail Study Act".

SEC. 902. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall complete a special resource study along the "Ox-Bow Route" of the Butterfield Overland Trail in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate—

(1) a range of alternatives for protecting and interpreting the resources of the trail area, including alternatives for potential addition of the trail area to the National Trails System; and

(2) the methods and means for the protection and interpretation of this trail by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)) as appropriate.

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

TITLE X—HUNTING AND FISHING

SEC. 1001. HUNTING AND FISHING.

Each study authorized by this Act shall document the State and local laws governing hunting and fishing within the study area.

TITLE XI—SENSE OF CONGRESS

SEC. 1101. SENSE OF CONGRESS.

It is the sense of Congress that any subsequent legislation affecting the status of the areas subject to the special resources studies authorized under this Act shall be supported by the results of the relevant studies authorized by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3998 was introduced by our colleague from Arizona, the chairman of the National Parks, Forests and Public Land Subcommittee, Representative RAÚL GRIJALVA.

This bill, America's Historical and National Legacy Study Act, would direct the Secretary of the Interior to study nine sites to determine the best way to preserve and interpret them, including an evaluation of whether they merit inclusion in the National Park System or the National Trails System.

Special resource studies are an important tool in preserving and interpreting the Nation's natural and cultural history. Even if a study concludes that involvement of the Federal Government is not recommended, these studies provide important information and options for the local, the State, or the private landowners charged with managing these resources.

Mr. Speaker, hearings have been held on eight of the measures included in this legislation over the course of this year. The ninth study passed the House in the last Congress. These study proposals have been sponsored or cosponsored by more than 50 of our colleagues, both Democrats and Republicans. The studies range geographically from California to Puerto Rico and from President Truman's birthplace to Lewis and Clark's expedition of discovery.

Mr. Speaker, special resource studies are some of the most common and popular types of legislation that our colleagues ask the Natural Resources Committee to consider. So we are happy to recommend these worthy study proposals to the House.

I urge all of my colleagues to support H.R. 3998.

Mr. Speaker, I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

While H.R. 3998 contains titles that are a concern to some, it also contains studies that are worthy of special recognition for the effort and diligence that their sponsors put into them. In particular, I would like to thank Representative BOOZMAN and his staff for their hard work on the Butterfield Overland Trail Study Act. Congressman BOOZMAN reached out to all Members whose districts will be a part of this study and made sure that they had no objections. He also ensured that all private property rights would be protected. His actions are exemplary and should be commended.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I appreciate the time being yielded.

Mr. Speaker, one of the processes of this particular bill is one that I hope we do not replicate very often because indeed there are nine separate bills tied together into one package. Each bill has a separate amount of merits to those particular bills. Some of them, like the bill by Mr. SKELTON, the chairman from Missouri, is a very well-written bill. I particularly would like to thank the gentleman from Arkansas (Mr. BOOZMAN) for writing a bill that I think went above and beyond the call of duty in trying to ensure that the rights of citizens who would be in this study area are protected, as well as ensuring that the maximum amount of participation can be given to those people who are living in that particular area.

There are also some elements in the bill as it came out of committee that I found personally egregious. Those have been removed from the bill that is here. I would like to thank the chairman of the committee and the subcommitees respectively as well as Democratic staff for making changes in this particular bill in a way that I find very appealing. I appreciate them for entering into discussions in an effort to find some kind of bipartisan cooperation with this, and I also am very appreciative of the professional manner in which the Democrat staff worked with our staff in coming up with a bill that I think is very positive coming out of here.

With the bill that is now before us, I certainly have no objections to this particular bill, and I wish to express my appreciation for putting this particular piece of legislation in a form that I think is commendable, and we can commend it and represent it and encourage our fellow Members of the House to vote for it.

Mrs. McMORRIS RODGERS. Mr. Speaker, I would like to yield 3 minutes to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, I rise today in support of H.R. 3998, in particular title X of the bill, the Butterfield Overland Trail Study Act. This title directs the Secretary of the Interior to conduct a special resource study of the Butterfield Overland Trail, which stretches from Missouri to California. Before the railroad and even the famed Pony Express, the Butterfield Trail was the only connection between the eastern United States and the rapidly expanding west coast.

□ 1430

Commissioned by Congress in 1857, John Butterfield established a trail that could be traveled by stagecoach from the Mississippi River to San Francisco in a remarkable 25 days.

While the original purpose of the trail has long been surpassed by modern technology, the trail survives with the potential to be a great link to our Nation's past, attracting tourists with its educational and historic appeal, as well as a tool to educate our children about our country's storied history.

I have worked with the National Resources Committee to ensure that extreme caution is given to protecting private property rights, and clear language is contained in the bill so that any future action will not compromise private land.

Mr. Speaker, as our country continues to rapidly grow and develop in the spirit of the old American West, it is so important that we remember what brought us to this point. It is our duty to our children and grandchildren that we take the time to mark the paths our ancestors took across our country.

I respectfully ask my colleagues to vote in favor of H.R. 3998. And I want to thank the committee so much, and the committee staff. It has really been a pleasure to work with you guys to help us as we worked forward in ironing out the kinks.

Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina, the Honorable JOHN SPRATT.

Mr. SPRATT. I thank the gentlelady for the generous grant of time and I rise in support, Mr. Speaker, of the America's Historical and National Legacy Study Act.

This bill authorizes studies into the suitability of 10 sites as candidates for the National Park System. It is the first step towards preserving some of our most important historical sights and some of our most precious national resources, many of which are vulnerable to development unless we act, and act now. One of the 10 sites is located in the heart of my district, the Battle of Camden.

I introduced the Battle of Camden Study Act in the 108th Congress, and I am thankful that Congress is now finally considering it as part of this National Legacy Study Act. This site has been a national historic landmark since 1962, but it does not enjoy the support and protection offered by being an official unit of the National Park System.

The Battle of Camden was fought on August 16, 1780, and was a crushing defeat for American patriot forces. Indeed, some regard it as the high watermark of British supremacy in the Southern colonies. So it's fair to ask, if this battle was such a crushing defeat for the American patriots, why should we commemorate it at all?

Well, to start with, this battle was lost by General Horatio Gates. The hero of Saratoga was a political favorite in the Continental Congress, and after the fall of Charleston, the Congress sent him south to command what remained of our forces. Congress appointed Gates without consulting Washington, who would have sent Nathaniel Greene.

Gates came and drove his ill-provisioned troops into battle even after discovering that Cornwallis had reinforced his ranks the day before with fresh troops from Charleston. The result was a rout, a disaster, and a retreat to Charlotte led by Gates himself.

For its part, the Congress learned from this bitter experience its proper role in assigning general officers, and years later that principle was built into the Constitution. In replacing Gates after the Battle of Camden, Congress deferred to Washington and Washington dispatched Greene to the Carolinas.

With Charleston and then Camden subdued, Cornwallis began a drive north to mop up resistance with Major Ferguson on the west side of the Broad River and General Cornwallis on the east.

The Battle of Camden left new doubts about local militia, and how reliable or effective they could be, other than to harass British troops. But as Cornwallis' forces moved through the upcountry, they learned the Carolina patriot militia could not be taken lightly.

As Ferguson made his way through the foothills of the Blue Ridge, he threatened to apply "fire and steel" to anyone who refused allegiance to the crown. Settlers from over the mountain got the message. More than a thousand mustered at Sycamore Shoals for a fight with Ferguson. On October 7, 1780, they found Ferguson encamped on the top of Kings Mountain; and after settling on tactics, they attacked systematically. In less than an hour, Ferguson was dead, and hundreds of his troops were also dead, wounded or taken prisoner.

Kings Mountain is widely regarded as the turning point of the Revolution in the South, but we cannot fully appreciate its significance unless we understand its context, the Battles of Camden and Charleston.

Three months later, Morgan would meet Tarleton at Hannah's Cowpens, just 15 miles from Kings Mountain. Tarleton's defeat at Cowpens and Cornwallis' pursuit of Morgan into Virginia would eventually lead Cornwallis to Yorktown in total defeat.

The Revolutionary War was a very near thing which could easily have gone either way, and that's why the Battle of Camden is so essential to understanding the Revolutionary War. The Continentals and the patriots may have lost that battle, but they learned from bitter experience and came back to fight and win another day.

I thank the committee, in particular Chairmen RAHALL and GRIJALVA, Ms. BORDALLO, and my good colleague from South Carolina, HENRY BROWN, for including the Battle of Camden in your bill; and I encourage every Member to vote for the adoption of this fine piece of legislation.

Mr. SKELTON. Mr. Speaker, let me take this means to express my support for H.R. 3998, which includes a piece of legislation entitled the "Harry S. Truman Birthplace Study Act," which I introduced on July 31, 2007. That particular bill would direct the Interior Secretary to study the feasibility of adding the Harry S. Truman Birthplace State Historic Site in Lamar, MO, to our system of National Parks.

I was honored to introduce this legislation on behalf of the people of Lamar, a community located in Southwestern Missouri that has done much groundwork for the inclusion of the State Historic Site in our Federal system. The bill would further honor the 33rd President of the United States and Missouri's favorite son, President Harry S. Truman.

On May 8, 1884, Harry Truman was born in a downstairs bedroom of a small frame house in Lamar, MO. The Truman birthplace, which the family occupied until Harry was 11 months old, was built between 1880 and 1882. In 1959, the United Auto Workers donated the home to the State of Missouri, after buying it some years earlier to preserve its rich cultural significance. Since its addition to the Missouri State Parks System, much work has been done to maintain the dignity and historical relevance of the residence, and many Americans make their way through the site each year.

When the Mayor of Lamar, Keith Divine, wrote to me earlier this year asking me to introduce legislation to begin the process of including President Truman's birthplace in our National Park System, I was honored to oblige. In my view and in the view of the local community, doing so would add perhaps the most critical piece of Harry Truman's life, the place of his birth, to the current group of national historic sites that honor the legacy of our 33rd President. And, doing so would foster economic development in Lamar and in Barton County.

As a matter of record, let me share with you briefly my personal connection with President Truman and with the legislation creating the original Harry S. Truman National Historic Site in Independence, MO.

I came to personally know President Truman through my father, Ike Skelton, Sr., who developed a friendship with him some 78 years ago at the dedication of the Pioneer Mother Statue—the Madonna of the Trail—located in my hometown of Lexington, MO. At that time, Harry Truman was a county commissioner in neighboring Jackson County and my father was a well-known lawyer and Democrat. Through the years, I developed my own friendship with this genuinely nice person we call the "Man from Independence."

He was a son of rural Missouri whose handshake was firm, whose honesty and personal integrity were never questioned, and whose devotion to his beloved wife, Bess, to his daughter Margaret Truman Daniel, and to his friends was enduring. He led our country through some difficult periods and made courageous, principled decisions during his presidency.

In the past, Congress has honored President Truman by designating sites in Missouri important to his life as part of America's National Park System. In 1982 and 1983, I worked with the late Senator Tom Eagleton and former Senator Jack Danforth to pass legislation designating the home of Harry and Bess Truman in Independence, MO, as the Harry S. Truman National Historic Site. The site, which consisted at that time of President and Mrs. Truman's home at 219 N. Delaware Street, was willed to the Archivist of the United States when Mrs. Truman passed away in October 1982.

Because the National Park Service, rather than the Archivist, has the Federal responsibility of administering national historic sites, the property and its historic contents became stuck in limbo, with only minimal protection and threatened by possible vandalism, theft, or fire. At that time, there was an urgent need to protect this important property, so I requested the Secretary of the Interior to exercise his authority to designate and administer President Truman's home as a national historic site. The Department refused, and I quickly introduced legislation to establish the site. My bill passed the House on December 13, 1982, but the Senate failed to act on it before the end of the session.

Fortunately, the Interior Secretary came to his senses and signed a secretarial order designating the home as a national historic site. In 1983, however, I wrote legislation to codify the Secretary's directive. In May 1983, Congress unanimously approved and President Ronald Reagan signed into law my bill that created the Harry S. Truman National Historic Site in Independence.

Since that time, Congress has authorized the National Park Service to add other historically significant Truman family sites to the Federal property—in 1989, additional family homes near 219 Delaware Street and in 1993, the Truman Farm Home near Grandview, MO.

So, here we are on December 4, 2007, considering my legislation to direct the Interior Secretary to study whether it is feasible to include another important historic site—President Truman's birthplace—to our National Park System.

As someone who cherishes the life and legacy of Harry Truman, I am hopeful this bill will become law and that the National Park Service's study will proceed quickly and will yield favorable results.

Over the years, Lamar, the State of Missouri, and the University of Missouri Extension have put into place a development plan for the Harry S. Truman Birthplace State Historic Site. If approved, I am confident the Federal study will look favorably upon the community's work and will take into consideration the positive economic impact for the Lamar and Barton County area, which has experienced considerable economic hardship in recent months because a major employer, O'Sullivan Industries, closed its doors.

I urge my colleagues to approve H.R. 3998 today.

Mr. SCHIFF. Mr. Speaker, I rise in strong support of H.R. 3998, "America's Historical and Natural Legacy Study Act." At the outset, I want to thank Chairman RAHALL and Chairman GRIJALVA for bringing this bill to the floor and for their work in crafting a broad package of studies that will help us to preserve our natural and historical heritage.

In particular, I am pleased that the Chairmen included a study of the Rim of the Valley Corridor in southern California. This bill is an important milestone in my 7-year effort to direct the Department of the Interior to study alternatives for protecting the mountains and canyons in southern California that are part of the Rim of the Valley Corridor, as designated by the State of California.

This environmentally sensitive area is located in one of the most densely populated areas in the United States. The greater southern California metropolitan region has the Nation's second-largest urban concentration; about 1 in every 10 Americans lives in this region. At the same time, this area has one of the lowest ratios of park-and-recreation-lands per thousand-population of any area in the country. So this rapidly growing urban region is extremely underserved in terms of open space needs. Unless action is taken soon, this situation will only worsen as the region continues to grow.

The Rim of the Valley Corridor is an ecologically significant, contiguous region that consists of parts of the Santa Monica Mountains, Santa Susanna Mountains, San Gabriel Mountains, Verdugo Mountains, San Rafael Hills, and adjacent connector areas to the Los Padres and San Bernadino National Forests. This corridor system is an example of the world's most endangered habitat area, the Mediterranean chaparral ecosystem.

Parts of the Rim of the Valley Corridor are already managed within the Santa Monica Mountains National Recreation Area and the Angeles National Forest. Yet, with increasing development and population pressures, the future of the Corridor is threatened. It is in danger of becoming reduced to isolated pockets of open space, irreversibly destroying its connectivity. The contiguous nature of these open spaces is potentially critical to help preserve the integrity of its ecosystems.

The State of California has adopted the Rim of the Valley Master Plan, and local governments within the Rim of the Valley Corridor have made significant progress toward protecting the unique natural and recreational resources of the area. However, these efforts have been hampered by a lack of financial resources, technical assistance, and resource management expertise that can only be provided by the Federal Government.

Since Congress set aside the Santa Monica Mountains National Recreation Areas in 1978, federal, state and local authorities have worked in remarkable cooperation to manage what is the world's largest urban park. Now, nearly three decades later and in the face of tremendous projected population growth and development pressures, Congress, by passing this bill, again will have the opportunity to study ways to help safeguard and supplement the existing state and local parks, open space and recreational opportunities in southern California.

I hope that the Congress will seize the opportunity to order the Department of Interior to study of alternatives for protecting some of the most beautiful land in southern California for future generations of Americans to enjoy. The Rim of the Valley is a special place and we owe it to our children to develop a long-range plan that will balance preservation, recreation, and the needs and rights of those living in and around the area to be studied.

Again, Chairman RAHALL and Chairman GRIJALVA, thank you for your support for the Rim of the Valley Corridor study and for all of your work to preserve America's natural splendor.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3998, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WESTMORELAND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

VALIDATING CONVEYANCES MADE BY THE UNION PACIFIC RAILROAD COMPANY

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2246) to validate certain conveyances made by the Union Pacific Railroad Company of lands located in Reno, Nevada, that were originally conveyed by the United States to facilitate construction of transcontinental railroads, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RAILROAD LANDS DEFINED.

For the purposes of this Act, the term "railroad lands" means those lands within the City of Reno, Nevada, located within portions of sections 10, 11, and 12 of T.19 N., R. 19 E., and portions of section 7 of T.19 N., R. 20 E., Mount Diablo Meridian, Nevada, that were originally granted to the Union Pacific Railroad under the provisions of the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act.

SEC. 2. RELEASE OF REVERSIONARY INTEREST.

Any reversionary interests of the United States (including interests under the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act) in and to the railroad lands as defined in section one of this Act are hereby released.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, the Union Pacific Railroad operates a rail line through downtown Reno, Nevada. Like similar corridors across the West, the rail line was created on Federal land in the 19th century to facilitate development of a transcontinental rail system. The grant to the railroad includes a requirement that the land revert back to Federal ownership should it ever be abandoned by the railroad.

The City of Reno has undertaken a massive project to move approximately two miles of the rail line into a concrete trench constructed alongside the existing track to improve safety and traffic flow through downtown. As part of the project, the railroad apparently conveyed portions of the right-of-way to the city for construction of the trench. It is not clear whether Union Pacific had authority to make such a conveyance given the Federal reversionary interest. H.R. 2246, as amended, would simply release any Federal reversionary interest in the specific parcels involved in the project. So given the City's enormous investment in this project and that the parcels in question will continue to be used for purposes related to the operation of the rail line, clearing title to these parcels is appropriate. So I urge all of our colleagues to support H.R. 2246.

Mr. Speaker, I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Guam has explained the bill very well. I thank her, as well as Chairman GRIJALVA, for working with us to move this legislation out of committee and through the House.

I would like to recognize the sponsor of this legislation, Congressman DEAN HELLER from Nevada, and yield him such time as he may consume.

Mr. HELLER of Nevada. Mr. Speaker, I rise today in support of H.R. 2246, which will resolve outdated Federal reversionary interests in land important to the City of Reno, Nevada, which I represent.

The reversionary interest concerns a rail line that goes through downtown Reno. The City of Reno and the Union Pacific/Southern Pacific join together to submerge a portion of the track below street level as a result of merger between the two railroads.

As part of the project, known as RETRAC, the railroad agreed to grant the City of Reno title to the land immediately surrounding the right-of-way for the project within the city. This bill assists in the revitalization and economic development in this community.

Title for these lands was originally granted to the railroad in 1866 to facilitate construction of a transcontinental rail system. However, when the United States granted the right-of-way to the railroad, it retained a reversionary interest in the land to ensure that it was, in fact, used to facilitate the building of the railroad. This purpose obviously was satisfied many years ago.

This reversionary interest is an obsolete restriction on the title of the land granted to the City of Reno, and H.R. 2246 instructs the Secretary of the Interior to release the reversionary interest originally created in 1866.

I appreciate the chairman of the committee, and also Chairman GRIJALVA and his staff, for the work they have done on this legislation. I also want to thank Reno Mayor Cashell, who came out to Washington to testify on this piece of legislation, and the City of Reno for their continued support and the efforts by their citizens. I would encourage all of my colleagues to support this legislation.

Ms. BORDALLO. Mr. Speaker, I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time, and I want to thank the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) for co-managing our bills today from the Resources Committee.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2246, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to provide for the release of any reversionary interest of the United States in and to certain lands in Reno, Nevada.".

A motion to reconsider was laid on the table.

NORTH BAY WATER REUSE PROGRAM ACT OF 2007

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 236) to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North Bay Water Reuse Program Act of 2007".

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 16___. NORTH BAY WATER REUSE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

"(A) Marin County;

"(B) Napa County;

"(C) Solano County; or

"(D) Sonoma County.

"(2) WATER RECLAMATION AND REUSE PROJECT.—The term 'water reclamation and reuse project' means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

"(A) water quality improvement;

"(B) wastewater treatment;

"(C) water reclamation and reuse;

"(D) groundwater recharge and protection;

"(E) surface water augmentation; or

"(F) other related improvements.

"(3) STATE.—The term 'State' means the State of California.

"(b) NORTH BAY WATER REUSE PROGRAM.—

"(1) IN GENERAL.—Contingent upon a finding of feasibility, the Secretary, acting through a cooperative agreement with the State or a subdivision of the State, is authorized to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.

"(2) COORDINATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

"(A) non-Federal entities; and

"(B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

"(3) PHASED PROJECT.—A cooperative agreement described in paragraph (1) shall require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

"(A) FIRST PHASE.—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance systems.

"(B) SECOND PHASE.—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

"(4) COST SHARING.—

"(A) FEDERAL SHARE.—The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

"(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

"(i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

"(ii) the acquisition costs of land acquired for the project that is—

"(I) used for planning, design, and construction of the water reclamation and reuse project facilities; and

"(II) owned by an eligible entity and directly related to the project.

"(C) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(5) EFFECT.—Nothing in this section—

"(A) affects or preempts—

"(i) State water law; or

"(ii) an interstate compact relating to the allocation of water; or

"(B) confers on any non-Federal entity the ability to exercise any Federal right to—

"(i) the water of a stream; or

"(ii) any groundwater resource.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section $25,000,000, to remain available until expended.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 is amended by inserting after the last item relating to title XVI the following:

> *"Sec. 16___. North Bay water reuse program.".*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

This legislation, introduced by our colleague from California, Representative MIKE THOMPSON, authorizes the Secretary of the Interior to provide limited financial assistance for planning, design, and construction of the North Bay Water Reuse Program in Northern California. This is an innovative regional water recycling project that will allow North Bay Water Reuse Authority and many of the other regional partners to improve water supplies and water quality and to implement environmental restoration work.

Similar legislation was introduced by Congressman THOMPSON in the 109th Congress, and I certainly want to thank Representative THOMPSON for his hard work on this important legislation, and my co-chair, Mrs. MCMORRIS RODGERS.

Mr. Speaker, this measure receives strong bipartisan support, and we strongly support this noncontroversial bill. I urge my colleagues to support H.R. 236, as amended.

Mr. Speaker, I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chairwoman GRACE NAPOLITANO has done a great job of describing this bill. We have no objection and applaud the effort of those that have been involved in passing it.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I have no requests for time, so I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 236, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WESTMORELAND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 1445

BUREAU OF RECLAMATION SITE SECURITY COSTS ACT OF 2007

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1662) to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bureau of Reclamation Site Security Costs Act of 2007".

SEC. 2. TREATMENT OF CAPITAL COSTS.

Costs incurred by the Secretary of the Interior for the physical fortification of Bureau of Reclamation facilities to satisfy increased post-September 11, 2001, security needs, including the construction, modification, upgrade, or replacement of such facility fortifications, shall be nonreimbursable.

SEC. 3. TREATMENT OF SECURITY-RELATED OPERATION AND MAINTENANCE COSTS.

(a) REIMBURSABLE COSTS.—The Secretary of the Interior shall include no more than $18,900,000 per fiscal year, indexed each fiscal year after fiscal year 2008 according to the preceding year's Consumer Price Index, of those costs incurred for increased levels of guards and patrols, training, patrols by local and tribal law enforcement entities, operation, maintenance, and replacement of guard and response force equipment, and operation and maintenance of facility fortifications at Bureau of Reclamation facilities after the events of September 11, 2001, as reimbursable operation and maintenance costs under Reclamation law.

(b) COSTS COLLECTED THROUGH WATER RATES.—In the case of the Central Valley Project of California, site security costs allocated to irrigation and municipal and industrial water service in accordance with this Act shall be collected by the Secretary exclusively through inclusion of these costs in the operation and maintenance water rates.

SEC. 4. TRANSPARENCY AND REPORT TO CONGRESS.

(a) POLICIES AND PROCEDURES.—The Secretary is authorized to develop policies and procedures with project beneficiaries, consistent with the requirements of subsections (b) and (c), to provide for the payment of the reimbursable costs described in section 3.

(b) NOTICE.—On identifying a Bureau of Reclamation facility for a site security measure, the Secretary shall provide to the project beneficiaries written notice—

(1) describing the need for the site security measure and the process for identifying and implementing the site security measure; and

(2) summarizing the administrative and legal requirements relating to the site security measure.

(c) CONSULTATION.—The Secretary shall—

(1) provide project beneficiaries an opportunity to consult with the Bureau of Reclamation on the planning, design, and construction of the site security measure; and

(2) in consultation with project beneficiaries, develop and provide timeframes for the consultation described in paragraph (1).

(d) RESPONSE; NOTICE.—Before incurring costs pursuant to activities described in section 3, the Secretary shall consider cost containment measures recommended by a project beneficiary that has elected to consult with the Bureau of Reclamation on such activities. The Secretary shall provide to the project beneficiary—

(1) a timely written response describing proposed actions, if any, to address the recommendation; and

(2) notice regarding the costs and status of such activities on a periodic basis.

(e) REPORT.—The Secretary shall report annually to the Natural Resources Committee of the House of Representatives and the Energy and Natural Resources Committee of the Senate on site security actions and activities undertaken pursuant to this Act for each fiscal year. The report shall include a summary of Federal and non-Federal expenditures for the fiscal year and information relating to a 5-year planning horizon for the program, detailed to show pre-September 11, 2001, and post-September 11, 2001, costs for the site security activities.

SEC. 5. PRE-SEPTEMBER 11, 2001 SECURITY COST LEVELS.

Reclamation project security costs at the levels of activity that existed prior to September 11, 2001, shall remain reimbursable.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

I introduced H.R. 1662 to address the question of how we, the Federal Government, should pay for increased security mandated and required by the Bureau of Reclamation facilities after the attacks of September 11, 2001. As amended by the Committee on Natural Resources, H.R. 1662 sets a firm cap, $18.9 million annually, indexed to inflation, on costs that can be passed on to water and power customers to pay for guards, patrol expenses and other things like that.

The bill, as amended, also includes reporting requirements that are reasonable and appropriate to keep the Congress and project beneficiaries advised of Bureau of Reclamation site security activities.

I commend our ranking member, CATHY MCMORRIS RODGERS, for her bipartisan support of this bill.

Mr. Speaker, I strongly support enactment of this noncontroversial bill. I ask my colleagues to support H.R. 1662, as amended.

I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bipartisan bill protects much of our critical water and power infrastructure in the West and gives consumers cost certainty in how these facilities are protected. Many of the dams in the West are multipurpose in nature. For example, the Grand Coulee Dam in eastern Washington provides irrigation water and renewable hydropower benefits but also plays a major role in preventing floods, allowing millions to enjoy our public lands and waterways and helping the environment.

Water and power beneficiaries of Grand Coulee will pay for the major portion of the post-9/11 security costs under this legislation. But this bill also reflects the reality that these dams are national treasures that provide national benefits by capping the costs to local water and power customers.

This bill also requires our government to be more transparent in how it does business by requiring commonsense reports in how it spends its site security dollars. This bill has truly been a bipartisan effort that has spanned the past three Congresses. Through every step of the process, Republicans and Democrats have worked together to draft this legislation and bring about a much-needed way for the Bureau of Reclamation to carry out this program. I applaud the chairwoman of the Water and Power Subcommittee, GRACE NAPOLITANO, for taking the lead to get the legislation passed through this Congress and urge my colleagues to support this important bipartisan measure.

Mr. Speaker, I have no additional speakers and yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I certainly want to thank Ranking Member CATHY MCMORRIS RODGERS for her role in this. She described the bill very aptly. We are asking our colleagues to support H.R. 1662, as amended.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 1662, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to seek limited reimbursement for site security activities, and for other purposes.".

A motion to reconsider was laid on the table.

McGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES CONVEYANCE ACT

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2085) to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "McGee Creek Project Pipeline and Associated Facilities Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the agreement numbered 06-AG-60-2115 and entitled "Agreement Between the United States of America and McGee Creek Authority for the Purpose of Defining Responsibilities Related to and Implementing the Title Transfer of Certain Facilities at the McGee Creek Project, Oklahoma".

(2) AUTHORITY.—The term "Authority" means the McGee Creek Authority located in Oklahoma City, Oklahoma.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF MCGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—In accordance with all applicable laws and consistent with any terms and conditions provided in the Agreement, the Secretary may convey to the Authority all right, title, and interest of the United States in and to the pipeline and any associated facilities described in the Agreement, including—

(A) the pumping plant;

(B) the raw water pipeline from the McGee Creek pumping plant to the rate of flow control station at Lake Atoka;

(C) the surge tank;

(D) the regulating tank;

(E) the McGee Creek operation and maintenance complex, maintenance shop, and pole barn; and

(F) any other appurtenances, easements, and fee title land associated with the facilities described in subparagraphs (A) through (E), in accordance with the Agreement.

(2) EXCLUSION OF MINERAL ESTATE FROM CONVEYANCE.—

(A) IN GENERAL.—The mineral estate shall be excluded from the conveyance of any land or facilities under paragraph (1).

(B) MANAGEMENT.—Any mineral interests retained by the United States under this Act shall be managed—

(i) consistent with Federal law; and

(ii) in a manner that would not interfere with the purposes for which the McGee Creek Project was authorized.

(3) COMPLIANCE WITH AGREEMENT; APPLICABLE LAW.—

(A) AGREEMENT.—All parties to the conveyance under paragraph (1) shall comply with the terms and conditions of the Agreement, to the extent consistent with this Act.

(B) APPLICABLE LAW.—Before any conveyance under paragraph (1), the Secretary shall complete any actions required under—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(iii) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(iv) any other applicable laws.

(b) OPERATION OF TRANSFERRED FACILITIES.—

(1) IN GENERAL.—On the conveyance of the land and facilities under subsection (a)(1), the Authority shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of any transferred facilities.

(2) OPERATION AND MAINTENANCE COSTS.—

(A) IN GENERAL.—After the conveyance of the land and facilities under subsection (a)(1) and consistent with the Agreement, the Authority shall be responsible for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities.

(B) LIMITATION ON FUNDING.—The Authority shall not be eligible to receive any Federal funding to assist in the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities, except for funding that would be available to any comparable entity that is not subject to reclamation laws.

(c) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective beginning on the date of the conveyance of the land and facilities under subsection (a)(1), the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to any land or facilities conveyed, except for damages caused by acts of negligence committed by the United States (including any employee or agent of the United States) before the date of the conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this subsection adds to any liability that the United States may have under chapter 171 of title 28, United States Code.

(d) CONTRACTUAL OBLIGATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), any rights and obligations under the contract numbered 0-07-50-X0822 and dated October 11, 1979, between the Authority and the United States for the construction, operation, and maintenance of the McGee Creek Project, shall remain in full force and effect.

(2) AMENDMENTS.—With the consent of the Authority, the Secretary may amend the contract described in paragraph (1) to reflect the conveyance of the land and facilities under subsection (a)(1).

(e) APPLICABILITY OF THE RECLAMATION LAWS.—Notwithstanding the conveyance of the land and facilities under subsection (a)(1), the reclamation laws shall continue to apply to any project water provided to the Authority.

The SPEAKER pro tempore. Pursuant to the rule, gentlewoman from California (Mrs. NAPOLITANO) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2085, as introduced by our colleague, Congresswoman MARY FALLIN of Oklahoma, authorizes the transfer of certain facilities of McGee Creek Project, currently held by the United States through the Bureau of Reclamation. Ownership of these facilities will be transferred to the McGee Creek Authority, which has repaid the costs of building this water supply project. The Bureau of Reclamation testified in support of this bill at a Water and Power Subcommittee hearing on September 18, 2007, moved out of subcommittee, and received bipartisan support.

We have no objection to passage of H.R. 2085.

I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, this legislation is sponsored by my colleague from the Natural Resources Committee, Congresswoman MARY FALLIN, and I yield to her such time as she may consume to explain the legislation.

Ms. FALLIN. Mr. Speaker, I would like to begin today by thanking Chairman RAHALL of the Natural Resources Committee and Ranking Member DON YOUNG, as well as the Water and Power Subcommittee Chairwoman NAPOLITANO and Ranking Member CATHY MCMORRIS RODGERS for their continued support of this legislation. Finally, I would like the thank Congressman DAN BOREN from Oklahoma for his hard work and assistance on this piece of legislation, too.

In short, H.R. 2085 is a straightforward land transfer, a prepaid bill that is supported by all parties involved. The McGee Creek Project Pipeline and Associated Facilities and Conveyance Act would formally and legally transfer ownership of 23.8 acres of land surrounding McGee Creek Reservoir, as well as facilities like water pipelines, storage space and a pumping plant.

Ownership of these facilities would be transferred from the Federal Bureau of Reclamation to the McGee Creek Authority. This bill does not transfer ownership of either the reservoir or the dam itself. In addition, the costs of the lands, the buildings and the facilities to be transferred have already been paid by the McGee Creek Authority to the Bureau of Reclamation.

This title transfer protects the financial interests of the Federal Government by reducing administrative burdens on reclamation, including periodic facility reviews and the processing of paperwork that consumes significant staff time. It will also ensure that the long-term responsibility for the operation, the maintenance, management and the regulation, as well as the liability for the transferred land and facilities, will rest with the Authority.

Again, this bill is supported by both the Federal Bureau of Reclamation and the locally run McGee Creek Authority, as well as the Oklahoma City residents. In 2006, the Authority and the Bureau of Reclamation signed a memorandum encouraging congressional authorization of a title transfer. H.R. 2085 would formalize that agreement than make it Federal policy.

Mr. Speaker, thank you for your consideration. I now ask my colleagues for their support of H.R. 2085.

Mrs. McMORRIS RODGERS. Mr. Speaker, having no more speakers, I urge support and yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, Ms. FALLIN has made a very good point of her bill, and it does merit support from both sides. So I do request the consideration by our colleagues on this very, very worthwhile project.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 2085.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. NAPOLITANO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

WILLIAM WILBERFORCE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2007

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3887) to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat forced labor, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

Sec. 101. Interagency Task Force to Monitor and Combat Trafficking.
Sec. 102. Office to Monitor and Combat Trafficking.
Sec. 103. Prevention and prosecution of trafficking in foreign countries.
Sec. 104. Assistance for victims of trafficking in other countries.
Sec. 105. Increasing effectiveness of anti-trafficking programs.
Sec. 106. Minimum standards for the elimination of trafficking.
Sec. 107. Actions against governments failing to meet minimum standards.
Sec. 108. Research on domestic and international trafficking in persons.
Sec. 109. Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons.
Sec. 110. Responsibilities of consular officers of the Department of State.
Sec. 111. Report on activities of the Department of Labor to monitor and combat forced labor and child labor.
Sec. 112. Sense of Congress regarding multilateral framework between labor exporting and labor importing countries.

TITLE II—COMBATTING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Ensuring Availability of Possible Witnesses and Informants

Sec. 201. Protecting trafficking victims against retaliation.
Sec. 202. Information for work-based nonimmigrants on legal rights and resources.
Sec. 203. Relief for certain victims pending actions on petitions and applications for relief.
Sec. 204. Expansion of authority to permit continued presence in the United States.
Sec. 205. Implementation of Trafficking Victims Protection Reauthorization Act of 2005.

Subtitle B—Assistance for Trafficking Victims

Sec. 211. Victim of trafficking certification process.
Sec. 212. Assistance for certain nonimmigrant status applicants.
Sec. 213. Interim assistance for child victims of trafficking.
Sec. 214. Ensuring assistance for all victims of trafficking in persons.

Subtitle C—Penalties Against Traffickers and Other Crimes

Sec. 221. Enhancing trafficking and other related offenses.
Sec. 222. Jurisdiction in certain trafficking offenses.
Sec. 223. Amendment of other crimes related to trafficking.
Sec. 224. New model statute provided to States.

Subtitle D—Activities of the United States Government

Sec. 231. Annual report by the Attorney General.
Sec. 232. Anti-trafficking survey and conferences.
Sec. 233. Senior Policy Operating Group.
Sec. 234. Efforts by Departments of Justice and Labor to combat human trafficking.
Sec. 235. Preventing United States travel by traffickers.
Sec. 236. Enhancing efforts to combat the trafficking of children.
Sec. 237. Temporary increase in fee for certain consular services.

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 301. Trafficking Victims Protection Act of 2000.
Sec. 302. Trafficking Victims Protection Reauthorization Act of 2005.
Sec. 303. Rule of construction.
Sec. 304. Technical amendments.

TITLE IV—PREVENTION OF THE USE OF CHILD SOLDIERS

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Findings.
Sec. 404. Sense of Congress.
Sec. 405. Prohibition on provision of military assistance to foreign governments that recruit or use child soldiers.
Sec. 406. Reports.
Sec. 407. Training for Foreign Service officers.

TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

SEC. 101. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

Section 105(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(b)) is amended by inserting "the Secretary of Education," after "the Secretary of Homeland Security,".

SEC. 102. OFFICE TO MONITOR AND COMBAT TRAFFICKING.

(a) IN GENERAL.—Section 105(e) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(e)) is amended to read as follows:

"(e) OFFICE TO MONITOR AND COMBAT TRAFFICKING.—

"(1) ESTABLISHMENT.—The Secretary of State shall establish within the Department of State an Office to Monitor and Combat Trafficking, which shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, with the rank of Ambassador-at-Large.

"(2) RESPONSIBILITIES.—The Director shall have the following responsibilities:

"(A) The Director shall have primary responsibility for assisting the Secretary of State in carrying out the purposes of this division, shall provide assistance to the Task Force, and may have additional responsibilities as determined by the Secretary of State.

"(B) The Director shall consult with nongovernmental organizations and multilateral organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means.

"(C) The Director shall, in coordination and cooperation with the Assistant Secretary for International Labor Affairs and other officials at the Department of State involved in corporate responsibility and other relevant officials of the United States Government, be responsible for promoting, building, and sustaining partnerships between the United States Government and private entities (including foundations, universities, corporations, community-based organizations, and other nongovernmental organizations) to ensure that United States citizens do not use any item, product, or material produced or extracted with the use of labor from victims of severe forms of trafficking and to ensure that such entities do not contribute to trafficking in persons involving sexual exploitation, such as through work with the airlines and tourism industries.

"(D) The Director shall be solely responsible for all policy, funding, and programming decisions regarding funds made available for trafficking in persons programs that are centrally controlled by the Department of State.

"(3) COORDINATION.—Any trafficking in persons programs of the Department of State or the United States Agency for International Development that are not centrally controlled by the Department of State shall be carried out with concurrence of the Director.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of State should make every effort to locate the Office to Monitor and Combat Trafficking, established pursuant to section 105(e) of the Trafficking Victims Protection Act of 2000 (as amended by subsection (a) of this section), at the headquarters for the Department of State, known as the Harry S. Truman Federal Building, located in the District of Columbia; and

(2) the Office to Monitor and Combat Trafficking should be assigned office space in such building that reflects the importance of the implementation of such Act and the broad and historic mission of the Office to end modern-day slavery.

SEC. 103. PREVENTION AND PROSECUTION OF TRAFFICKING IN FOREIGN COUNTRIES.

(a) PREVENTION.—Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S. C. 7104) is amended by adding at the end the following new subsection:

"(i) ADDITIONAL MEASURES TO PREVENT AND DETER TRAFFICKING.—The President shall establish and carry out programs to prevent and deter trafficking in persons. Such programs may include—

"(1) technical assistance and other support for the capacity of foreign governments to investigate, identify, and carry out inspections of private entities, including labor recruitment centers, at which trafficking victims may be exploited, particularly exploitation involving forced and child labor;

"(2) technical assistance and other support for foreign governments and nongovernmental organizations to provide immigrant populations with information regarding the rights of such populations in the foreign country and any information regarding in-country nongovernmental organization-operated hotlines of the type described in section 107(a)(1)(A) of this Act, with such information to be provided in the native languages of the major immigrant groups of such populations;

"(3) technical assistance to provide legal frameworks and other programs to foreign governments and nongovernmental organizations to ensure that foreign migrant workers are provided protection equal to nationals of the foreign country, that labor recruitment firms are regulated, and that workers providing domestic services in households are provided protection under labor rights laws; and

"(4) assistance to foreign governments to register vulnerable populations as citizens or nationals of the country to reduce the ability of traffickers to exploit such populations.".

(b) PROSECUTION.—Section 134(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d(a)(2)) is amended by adding at the end before the semi-colon the following: ", including investigation of individuals and entities that may be involved in trafficking in persons involving sexual exploitation".

SEC. 104. ASSISTANCE FOR VICTIMS OF TRAFFICKING IN OTHER COUNTRIES.

Section 107(a) of Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(a)) is amended—

(1) in paragraph (1)—

(A) in the second sentence, by inserting at the end before the period the following: ", and shall be carried out in a manner which takes into account the cross-border, regional, and transnational aspects of trafficking in persons"; and

(B) by adding at the end the following new subparagraph:

"(F) In cooperation and coordination with the United Nations High Commissioner for Refugees, the International Organization of Migration, and other relevant organizations (including private nongovernmental organizations that contract with the United States Government to assist refugees and internally displaced persons), support for increased protections for refugees and internally displaced persons, including outreach and education efforts to prevent such refugees and internally displaced persons from being exploited by traffickers and ensuring performance of best interest determinations for unaccompanied and separated children to identify child trafficking victims and assist their safe integration, reintegration, and resettlement."; and

(2) in paragraph (2), by adding at the end the following new sentence: "In carrying out this paragraph, the Secretary and the Administrator shall take all appropriate steps to ensure that cooperative efforts among foreign countries are undertaken on a regional basis.".

SEC. 105. INCREASING EFFECTIVENESS OF ANTI-TRAFFICKING PROGRAMS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States assistance programs require enhanced monitoring and evaluation to ensure that United States funds are appropriately spent.

(2) Such monitoring and evaluation should measure results—the actual effects of assistance—as well as outcomes—the numerical product of assistance, such as the number of individuals assisted, systems established, and funds provided through programs.

(3) While the results of programs related to trafficking in persons may be difficult to measure because of the criminal and underground nature of trafficking in persons, making efforts to measure such results are critical to learning the extent to which United States assistance programs affect the nature and severity of trafficking and change the fundamental conditions that facilitate trafficking.

(b) AMENDMENT.—The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended by inserting after section 107 the following new section:

"SEC. 107A. INCREASING EFFECTIVENESS OF ANTI-TRAFFICKING PROGRAMS.

"(a) AWARDING OF GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The head of each department and agency of the United States Government that administers funds made available for programs described in this division and the amendments made by this division in the United States and foreign countries shall—

"(1) make solicitations of grants, cooperative agreements, and contracts for such programs publicly available;

"(2) award grants, cooperative agreements, and contracts on a full and open competitive basis, consistent with existing law; and

"(3) ensure that internal department or agency review process for such grants, cooperative agreements, and contracts is not subject to ad hoc or intermittent review by individuals or organizations outside the United States Government not otherwise provided for in the process described in paragraphs (1) and (2).

"(b) EVALUATION OF TRAFFICKING PROGRAMS.—

"(1) IN GENERAL.—The President shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of assistance provided under anti-trafficking programs established and carried out under this division and the amendments made by this division on a program-by-program basis in order to maximize the long-term sustainable development impact of such assistance.

"(2) REQUIREMENTS.—In carrying out paragraph (1), the President shall—

"(A) establish performance goals for assistance described in paragraph (1) and express such goals in an objective and quantifiable form, to the extent practicable;

"(B) ensure that performance indicators are used for each United States program authorized by this division and the amendments made by this division to measure and assess the achievement of the performance goals described in subparagraph (A); and

"(C) provide a basis for recommendations for adjustments to assistance described in paragraph (1) to enhance the impact of such assistance.

"(c) TARGETED USE OF TRAFFICKING PROGRAMS.—The Director of the Office to Monitor and Combat Trafficking shall undertake efforts to provide assistance to foreign countries and nongovernmental organizations under this division and the amendments made by this division based on the priorities and country assessments contained in the most recent report submitted by the Secretary of State to Congress pursuant to section 110(b) of this Act.

"(d) CONSISTENCY WITH OTHER PROGRAMS.—The President shall take steps to ensure that the design, monitoring, and evaluation of United States assistance programs for emergency relief, development, and poverty alleviation under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and other similar United States assistance programs are carried out in a manner that takes into account and are consistent with United States policies and other United States programs relating to combatting trafficking in persons.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2008 through 2011, up to 2 percent of the amounts made available to carry out this division and the amendments made by this division may be used to carry out this section.".

SEC. 106. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) MINIMUM STANDARDS.—Subsection (a) of section 108 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106) is amended in the matter preceding paragraph (1) by striking "a significant number of".

(b) CRITERIA.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting at the end before the period the following: ", including in all appropriate cases requiring incarceration of individuals convicted of such acts"; and

(B) by inserting after the first sentence the following new sentence: "For purposes of the preceding sentence, suspended or significantly-reduced sentences for convictions of principal actors in cases of severe forms of trafficking in persons shall not be considered to be an indicator of serious and sustained efforts to eliminate severe forms of trafficking in persons.";

(2) in paragraph (2), by inserting at the end before the period the following: ", including

by providing training to law enforcement and immigration officials in the identification and treatment of trafficking victims using approaches that focus on the needs of the victims";

(3) in paragraph (3), by striking ", measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country" and inserting ", measures to establish the identity of local populations, including birth registration, citizenship, and nationality"; and

(4) by adding at the end the following new paragraph:

"(11) Whether the government of the country has made serious and sustained efforts to reduce the demand for—

"(A) commercial sex acts; and

"(B) participation in international sex tourism by nationals of the country.".

SEC. 107. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

(a) COUNTRIES ON SPECIAL WATCH LIST RELATING TO TRAFFICKING IN PERSONS FOR TWO CONSECUTIVE YEARS.—Subsection (b)(3) of section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) is amended by adding the following at the end the following new subparagraph:

"(D) COUNTRIES ON SPECIAL WATCH LIST FOR TWO CONSECUTIVE YEARS.—If a country is included on the special watch list described in subparagraph (A) for two consecutive years, such country shall be included on the list of countries described in paragraph (1)(C), unless the Secretary of State determines that (i) the country has a written plan to begin making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, (ii) the plan, if implemented, would constitute making such significant efforts, and (iii) the country is devoting sufficient resources to implement the plan, and, as part of the report required by paragraph (1) and the interim assessment required by subparagraph (B), the Secretary provides to the appropriate congressional committees credible evidence that the country meets the requirements of clauses (i) through (iii). The Secretary may make a determination under the preceding sentence with respect to a country for not more than two consecutive years.".

(b) CLARIFICATION OF MEASURES AGAINST CERTAIN FOREIGN COUNTRIES.—Subsection (d)(1)(A)(ii) of such section is amended by striking "the United States will not provide" and inserting "the United States will not provide such assistance to the government of the country for the subsequent fiscal year and will not provide".

(c) TRANSLATION OF TRAFFICKING IN PERSONS REPORT.—

(1) TRANSLATION REQUIRED.—The Secretary of State shall expand the timely translation of the annual report required under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) into the principal languages of as many countries as possible, with particular emphasis on those countries on the lists described in subparagraphs (B) and (C) of paragraph (1) of such section and shall ensure that such translations are made available to the public, including through postings on appropriate Internet websites.

(2) MATTERS TO BE INCLUDED.—The translation required by paragraph (1) shall include the introduction, other sections of general interest, and the relevant country narratives of the annual report. The Secretary of State shall ensure that such translations are available on the Internet website of the Department of State.

SEC. 108. RESEARCH ON DOMESTIC AND INTERNATIONAL TRAFFICKING IN PERSONS.

(a) IN GENERAL.—Subsection (a)(5) of section 112A of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109a) is amended by adding at the end the following new sentence: "Such mechanism shall include, not later than two years after the date of the enactment of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, the establishment of an integrated data base by combining all applicable data collected by each Federal department and agency represented on the Interagency Task Force to Monitor and Combat Trafficking (established under section 105 of this Act) and, to the maximum extent practicable, applicable data from relevant international organizations, for the purposes of improving coordination of the collection of data related to trafficking in persons by each agency of the United States Government that collects such data, promoting uniformity of such data collection and standards and systems related to such collection, and undertaking a meta-analysis of patterns of trafficking in persons, slavery, and slave-like conditions.".

(b) ROLE OF GOVERNMENT.—Subsection (b) of such section is amended by inserting after "subsection (a)(4)" the following: "and the second sentence of subsection (a)(5)".

SEC. 109. PRESIDENTIAL AWARD FOR EXTRAORDINARY EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended by inserting after section 112A the following new section:

"SEC. 112B. PRESIDENTIAL AWARD FOR EXTRAORDINARY EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

"(a) ESTABLISHMENT OF AWARD.—The President is authorized to establish an award for extraordinary efforts to combat trafficking in persons, to be known as the 'Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons'. To the maximum extent practicable, the Secretary should make the award annually to up to 5 individuals or organizations, including individuals who are United States citizens or foreign nationals and United States or foreign nongovernmental organizations.

"(b) SELECTION.—The President shall establish procedures for selecting recipients of the award authorized under subsection (a).

"(c) CEREMONY.—The President shall host an annual ceremony for recipients of the award authorized under subsection (a) at the time the report required by section 110(b) of this Act is submitted by the Secretary of State to Congress pursuant to such section. The Secretary of State is authorized to pay the costs associated with travel by each recipient and a guest of the recipient to the ceremony.

"(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2011.".

SEC. 110. RESPONSIBILITIES OF CONSULAR OFFICERS OF THE DEPARTMENT OF STATE.

(a) INTERVIEWS.—

(1) IN GENERAL.—In the case of a consular interview of an alien for an employment- or education-based nonimmigrant visa, the consular officer conducting the interview shall ensure that the alien has received, both orally in a language that the applicant understands and though the pamphlet required under section 202, information relating to the following:

(A) The illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail and worker exploitation in the United States, and the right of the alien to retain the alien's passport in the alien's possession at all times.

(B) The availability of services for victims of human trafficking and worker exploitation in the United States, including the contact information for relevant community organizations that provide services to trafficking victims (to the extent practicable), Federal law enforcement and victim services complaint lines, and a general description of the types of victims services available if an individual is subject to trafficking in persons.

(C) The legal rights of immigrant victims of trafficking in persons, worker exploitation, and other related crimes under immigration, labor, and employment law, including the right to report abuse without retaliation, the availability of immigration and public benefits to such victims, and the right to seek redress in United States courts.

(D) If applicable, the requirements that section 202(g)(2) places upon persons engaging in foreign labor contracting activity.

(2) REVIEW.—Before conducting an interview described in paragraph (1), the consular officer shall review the summary of the pamphlet required under section 202.

(3) DEFINITION.—In this subsection, the term "employment- or education-based nonimmigrant visa" has the meaning given such term in section 202(h).

(b) SPECIAL PROVISIONS RELATING TO ALIENS ISSUED A–3 AND G–5 VISAS.—

(1) ELEMENTS OF MANDATORY INTERVIEW.—The interview required under subsection (a) shall be required for the issuance to an alien of a nonimmigrant visa under subparagraph (A)(iii) or (G)(v) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)). The consular officer conducting the interview shall ensure that the employment contract of the alien is in a language that the alien can understand.

(2) FEASIBILITY OF OVERSIGHT OF EMPLOYEES OF DIPLOMATS AND REPRESENTATIVES OF OTHER INSTITUTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the feasibility of—

(A) establishing a system to monitor the treatment of aliens who have been admitted to the United States as nonimmigrants described in subparagraph (A)(iii) or (G)(v) of section 101(a)(15) of the Immigration and Nationality Act; and

(B) a range of compensation approaches, such as a bond program, compensation fund, or insurance scheme, to ensure that nonimmigrants described in subparagraph (A)(iii) or (G)(v) of section 101(a)(15) of the Immigration and Nationality Act receive appropriate compensation if their employer violates the terms of their employment contract and, with respect to each proposed compensation approach, an evaluation and proposal of how claims of rights violations will be adjudicated, compensation determinations will be made, and the program, fund, or scheme will be administered.

(3) ASSISTANCE TO LAW ENFORCEMENT INVESTIGATIONS.—The Secretary of State shall cooperate, to the fullest extent possible consistent with the United States obligations under the Vienna Convention on Diplomatic Relations, done at Vienna, April 18, 1961, (23 U.S.T. 3229), with any investigation by

United States law enforcement authorities of crimes related to trafficking in persons, worker exploitation, or other related violations of United States law with respect to an alien described in paragraph (1).

(4) ZERO TOLERANCE FOR ABUSE.—

(A) LIMITATION.—The Secretary of State shall direct consular officers not to issue a visa to an alien who applies for a visa under subparagraph (A)(iii) or (G)(v) of section 101(a)(15) of the Immigration and Nationality Act if the person who would employ such an alien serves at a diplomatic mission or an international institution described in subparagraph (B) of this paragraph.

(B) MISSION OR INSTITUTION.—A diplomatic mission or international institution is referred to in subparagraph (A) if—

(i) the Secretary of State determines that an alien described in paragraph (1) has been subjected to trafficking of persons, worker exploitation, or other related violations of United States law, by an individual serving at such a mission or institution during the two year period before the date of the application for a visa referred to in subparagraph (A); or

(ii) an individual serving at such a mission or institution has departed the United States and there is credible evidence that such individual trafficked, exploited, or otherwise abused an alien described in paragraph (1).

(C) EXCEPTION.—The Secretary of State may suspend the application of the limitation under subparagraph (A) if the Secretary determines and reports to the committees specified in paragraph (2) that a mechanism is in place to ensure that such trafficking, exploitation, or abuse does not occur again with respect to any alien employed by such mission or institution.

(5) REPORT.—Not later than June 1, 2008, and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing the diplomatic missions or international institutions that are subject to the visa restriction referred to in subparagraph (A) of paragraph (4), any exceptions that have been made pursuant to subparagraph (C) of such paragraph (4), and any requests for waivers of diplomatic immunity that have been made that are related to actions involving trafficking of persons, worker exploitation, or other related violations of United States law. Such report may be combined with the annual report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).

SEC. 111. REPORT ON ACTIVITIES OF THE DEPARTMENT OF LABOR TO MONITOR AND COMBAT FORCED LABOR AND CHILD LABOR.

(a) INTERIM REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Labor shall submit to the appropriate congressional committees an interim report on the implementation of section 105(b) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7112(b)), which shall include a description of the progress made toward developing the list of goods described in paragraph (2)(C) of such section.

(b) FINAL REPORT; PUBLIC AVAILABILITY OF LIST.—Not later than January 15, 2009, the Secretary of Labor shall—

(1) submit to the appropriate congressional committees a final report on the implementation of section 105(b) of the Trafficking Victims Protection Reauthorization Act of 2005, which shall include an initial list of goods described in paragraph (2)(C) of such section; and

(2) make available to the public such list of goods in accordance with paragraph (2)(C) of such section.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" has the meaning given the term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

SEC. 112. SENSE OF CONGRESS REGARDING MULTILATERAL FRAMEWORK BETWEEN LABOR EXPORTING AND LABOR IMPORTING COUNTRIES.

It is the sense of Congress that the Secretary of State, in conjunction with the International Labor Organization, the United Nations Office of Drug and Crime Prevention, and other relevant international and nongovernmental organizations, should seek to establish a multilateral framework between labor exporting and labor importing countries to ensure that workers migrating between such countries are protected from trafficking in persons and worker exploitation of any kind.

TITLE II—COMBATTING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Ensuring Availability of Possible Witnesses and Informants

SEC. 201. PROTECTING TRAFFICKING VICTIMS AGAINST RETALIATION.

(a) T VISAS.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking "Security and the Attorney General jointly;" and inserting "Security, in consultation with the Attorney General,";

(B) in subclause (I), by striking the comma at the end and inserting a semicolon;

(C) in subclause (II), by adding at the end the following: "including physical presence on account of the alien having been allowed entry into the United States for participation in investigative or judicial processes;";

(D) in subclause (III)—

(i) in item (aa), by striking "or" at the end;

(ii) in item (bb), by striking ", and" at the end and inserting "; and";

(iii) by redesignating item (bb) as item (cc); and

(iv) by inserting after item (aa) the following:

"(bb) in the Secretary's sole and unreviewable discretion, in consultation with the Attorney General, that the alien is unlikely or unable to cooperate with such a request due to physical or psychological trauma; or"; and

(E) in subclause (IV), by adding "and" at the end;

(2) in clause (ii)—

(A) in subclause (I), by striking "or" at the end;

(B) in subclause (II), by striking "and" at the end and inserting "or"; and

(C) by adding the following at the end:

"(III) any parents or siblings of an alien described in subclause (I) or (II) who face a present danger of retaliation, as attested to by a representative of a law enforcement agency, as a result of the alien's escape from the severe form of trafficking or cooperation with law enforcement."; and

(3) by striking clause (iii).

(b) REQUIREMENTS FOR T VISA ISSUANCE.—Section 214(o) of the Immigration and Nationality Act (8 U.S.C. 1184(o)) is amended—

(1) in paragraph (7)(B)—

(A) by striking "subparagraph (A) if a Federal" and inserting the following: "subparagraph (A) if—

"(i) a Federal";

(B) by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(ii) the Secretary of Homeland Security determines, as a matter of the Secretary's sole discretion, that an extension of the period of such nonimmigrant status is warranted due to exceptional circumstances."; and

(2) by adding at the end the following:

"(8) In determining whether extreme hardship described in section 101(a)(15)(T)(i)(IV) exists, the Secretary of Homeland Security, in consultation with the Attorney General and relevant investigators, prosecutors, and individuals responsible for working with victims and witnesses, may consider whether the country to which the alien is likely to be removed can adequately address security concerns and the mental and physical health needs of the alien and of persons described in section 101(a)(15)(T)(ii).".

(c) CONDITIONS ON NONIMMIGRANT STATUS FOR CERTAIN CRIME VICTIMS.—Section 214(p)(6) of the Immigration and Nationality Act (8 U.S.C. 1184(p)(6)) is amended by adding at the end the following: "The Secretary of Homeland Security may extend the authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) of this title for a period exceeding 4 years if the Secretary determines, as a matter of the Secretary's sole discretion, that an extension of such period is warranted due to exceptional circumstances.".

(d) ADJUSTMENT OF STATUS FOR TRAFFICKING VICTIMS.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "the Attorney General,," and inserting "the Secretary of Homeland Security in consultation with the Attorney General,";

(2) in paragraph (1)(B), by inserting "subject to paragraph (6)," after "(B)";

(3) in paragraph (1)(C)(ii), by striking ", or in the case of subparagraph (C)(i), the Attorney General,";

(4) in paragraph (3), by striking the period at the end and inserting the following: ", unless the absence is in order to assist in the investigation or prosecution or unless an official involved in the investigation or prosecution certifies that the absence was otherwise justified."; and

(5) by adding at the end the following:

"(6) For purposes of paragraph (1)(B), the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, may waive consideration of a disqualification from good moral character (described in section 101(f)) with respect to an alien if the disqualification was caused by, or was incident to, the trafficking described in section 101(a)(15)(T)(i)(I).".

(e) ADJUSTMENT OF STATUS FOR CRIME VICTIMS.—Section 245(m)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(m)(1)) is amended, in the matter preceding subparagraph (A), by striking "unless the Attorney General" and inserting "unless the Secretary, in consultation with the Attorney General,".

SEC. 202. INFORMATION FOR WORK-BASED NONIMMIGRANTS ON LEGAL RIGHTS AND RESOURCES.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, and the Secretary of Labor, shall develop an information pamphlet, as described in subsection (b), on legal rights and resources for aliens applying for employment- or education-based nonimmigrant visas, and shall distribute and make such pamphlet available as described in subsection (e). In preparing the information pamphlet, the Secretary of Homeland Security shall consult with nongovernmental organizations with expertise on the legal rights of workers and victims of severe forms of trafficking in persons.

(b) INFORMATION PAMPHLET.—The information pamphlet developed under subsection (a) shall include information on employment- or education-based nonimmigrant visas or on student or cultural exchanges, as follows:

(1) The nonimmigrant visa application processes, including information about whether the particular employment- or education-based nonimmigrant visa program includes portability of employment or educational institution.

(2) The illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States.

(3) Services for victims of severe forms of trafficking in persons and worker exploitation in the United States, including Federal law enforcement and victim services complaint lines.

(4) The legal rights of immigrant victims of worker exploitation and other crimes in immigration, criminal justice, family law, and other matters, including the right of access to immigrant and labor rights groups, the right to seek redress in United States courts, and the right to report abuse without retaliation.

(5) The requirements that subsection (g) places upon a person engaging in foreign labor contracting activity, including the disclosure of any debts.

(c) SUMMARIES.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop summaries of the information pamphlet developed under subsection (a) that shall be used by Federal officials when reviewing the pamphlet in interviews required by section 110.

(d) TRANSLATION.—

(1) IN GENERAL.—In order to best serve the language groups having the greatest concentration of employment- or education-based nonimmigrant visas, the information pamphlet developed under subsection (a) shall, subject to paragraph (2), be translated by the Secretary of State into foreign languages, including Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Creole, Arabic, Portuguese, Hindi, and such other languages as the Secretary of State, in the Secretary's discretion, may specify.

(2) REVISION.—Every two years, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall determine at least 14 specific languages into which the information pamphlet shall be translated based on the languages spoken by the greatest concentrations of employment- or education-based nonimmigrant visas.

(e) AVAILABILITY AND DISTRIBUTION.—

(1) POSTING ON FEDERAL WEBSITES.—The information pamphlet developed under subsection (a) shall be posted on the websites of the Department of State and the Department of Homeland Security, as well as on the websites of all United States consular posts processing applications for nonimmigrant visas.

(2) OTHER DISTRIBUTION.—The information pamphlet developed under subsection (a) shall also be made available to any foreign labor broker, government agency, or nongovernmental advocacy organization.

(f) DEADLINE FOR PAMPHLET DEVELOPMENT AND DISTRIBUTION.—The information pamphlet developed under subsection (a) shall be distributed and made available (including in the languages specified under subsection (d)) not later than 180 days after the date of the enactment of this Act.

(g) PROTECTIONS FOR WORKERS RECRUITED ABROAD.—

(1) DEFINITIONS.—In this section—

(A) the term "foreign labor contractor" means any person who for any money or other consideration paid or promised to be paid, performs any foreign labor contracting activity;

(B) the term "foreign labor contracting activity" means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States to be employed in the United States; and

(C) the term "worker" means an individual who is the subject of foreign labor contracting activity.

(2) DISCLOSURE.—Any person who engages in foreign labor contracting activity shall ascertain and disclose in writing, in English and in a language understood by the worker being recruited, to each worker who is recruited for employment, at the time of the worker's recruitment, the following information:

(A) The location and period of employment, and any travel or transportation expenses to be assessed.

(B) The compensation for the employment and any other employee benefit to be provided and any costs to be charged for each benefit.

(C) A description of employment requirements and activities.

(D) The existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment.

(E) The existence of any arrangement with any person involving the receipt of a commission or any other benefit for the provision of items or services to workers.

(F) The extent to which workers will be compensated through workers' compensation, private insurance, or other means for injuries or death.

(G) Any education or training to be provided or required, including the nature and cost of such training and the person who will pay such costs, and whether the training is a condition of employment, continued employment, or future employment.

(3) RESTRICTION.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide materially false or misleading information to any worker concerning any matter required to be disclosed under paragraph (2). The disclosure required by this section is a document concerning the proper administration of a matter within the jurisdiction of a department or agency of the United States for the purposes of section 1519 of title 18, United States Code.

(4) REGISTRATION.—

(A) IN GENERAL.—Before engaging in any foreign labor contracting activity, any person who is a foreign labor contractor shall obtain a certificate of registration from the Secretary of Labor pursuant to regulations promulgated by the Secretary under subparagraph (B).

(B) ISSUANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to establish an efficient electronic process for the timely investigation and approval of an application for a certificate of registration of foreign labor contractors, including—

(i) requirements under paragraphs (1), (4), and (5) of section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812);

(ii) an expeditious means to update registrations and renew certificates; and

(iii) any other requirements that the Secretary may prescribe.

(C) TERM OF REGISTRATION.—Unless suspended or revoked, a certificate under this subparagraph shall be valid for two years.

(D) REFUSAL TO ISSUE; REVOCATION.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary shall refuse to issue or renew, or shall revoke, after notice and an opportunity for a hearing, a certificate of registration under this subparagraph if—

(i) the applicant for, or holder of, the certification has knowingly made a material misrepresentation in the application for such certificate;

(ii) the applicant for, or holder of, the certification is not the real party in interest in the application or certificate of registration and the real party in interest—

(I) is a person who has been refused issuance or renewal of a certificate;

(II) has had a certificate revoked; or

(III) does not qualify for a certificate under this paragraph;

(iii) the applicant for, or holder of, the certification has been convicted within the preceding five years of any crime described in subparagraph (A) or (B) of section 103(a)(5) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1813(a)(5)); or

(iv) the applicant for, or holder of, the certification has knowingly or recklessly failed to comply with this subsection.

(E) COMPLAINTS AND INVESTIGATIONS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints filed by any person, including complaints initiated by the Secretary, respecting a foreign labor contractor's compliance with this subsection. No investigation or hearing shall be conducted on a complaint concerning a violation of this subsection unless the complaint was filed not later than 12 months after the date of the violation. The Secretary may conduct an investigation under this paragraph if there is reasonable cause to believe that such a violation occurred.

(F) MAINTENANCE OF LISTS.—

(i) IN GENERAL.—The Secretary shall maintain a list of all foreign labor contractors registered under this subsection; and

(ii) PUBLIC AVAILABILITY.—The Secretary shall make the list described in clause (i) publicly available, including through publication on the Internet.

(G) RE-REGISTRATION OF VIOLATORS.—The Secretary shall provide a procedure by which a foreign labor contractor that has had its registration revoked may seek to re-register under this paragraph by demonstrating to the Secretary's satisfaction that the foreign labor contractor has not violated this subsection in the previous 5 years.

(5) AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 214 of the Immigration and Nationality Act is amended by adding at the end the following:

"(s) A visa shall not be issued under the subparagraph (A)(iii), (B)(i) (but only for domestic servants described in clause (i) or (ii) of section 274a.12(c)(17) of title 8, Code of Federal Regulations (as in effect on December 4, 2007)), (G)(v), (H), (J), (L), (Q), or (R) of section 101(a)(15) until the consular officer—

"(1) has provided to and reviewed with the applicant, in the applicant's language (or a language the applicant understands), a copy of the information and resources pamphlet required by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007; and

"(2) has reviewed and made a part of the visa file the foreign labor recruiter disclosures required by such section 202.".

(6) ENFORCEMENT PROVISIONS.—

(A) ADMINISTRATIVE ENFORCEMENT.—The Secretary of Labor may impose against any foreign labor contractor, for knowingly or recklessly failing to comply with the requirements of this subsection—

(i) a fine in an amount not more than $4,000 per violation; and

(ii) upon the occasion of a third violation or a failure to comply with representations, a fine of not more than $10,000 per violation.

(B) CIVIL ACTION.—

(i) IN GENERAL.—The Secretary of Labor may bring a civil action against any foreign labor contractor in any court of competent jurisdiction—

(I) to seek remedial action, including injunctive relief;

(II) to recover damages on behalf of any worker harmed by a violation of this subsection; and

(III) to ensure compliance with requirements of this subsection.

(ii) SUMS RECOVERED.—Any sums recovered by the Secretary on behalf of a worker under clause (i) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee affected. Any such sums not paid to an employee because of inability to do so within a period of three years shall be credited as an offsetting collection to the appropriations account of the Secretary of Labor for expenses for the administration of this subsection and shall remain available to the Secretary until expended.

(iii) REPRESENTATION.—Except as provided in section 518(a) of title 28, United States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any civil litigation brought under this paragraph. All such litigation shall be subject to the direction and control of the Attorney General.

(C) AGENCY LIABILITY.—Beginning 180 days after the Secretary of Labor has promulgated regulations pursuant to paragraph (4)(B), an employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under paragraph (4). An employer who uses a foreign labor contractor who is not registered under paragraph (4) after such time period, or who uses a foreign labor contractor knowing or in reckless disregard that such contractor has violated any provision of this subsection, shall be subject to the provisions of this paragraph for violations committed by such foreign labor contractor to the same extent as if the employer were the foreign labor contractor who had committed the violation.

(D) RETALIATION.—An individual who is a victim of a violation of section 1512(A)(2)(D), 1512(b)(4), or 1513(B)(3) of title 18, United States Code, may, in a civil action, recover appropriate relief (including reasonable attorneys' fees) with respect to that violation. Any civil action under this subparagraph shall be stayed during the pendency of any criminal action arising out of the violation.

(E) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt or alter any other rights or remedies, including any causes of action, available under any other Federal or State law.

(h) DEFINITIONS.—In this section:

(1) EMPLOYMENT- OR EDUCATION-BASED NONIMMIGRANT VISA.—The term "employment- or education-based nonimmigrant visa" means a nonimmigrant visa issued for the purpose of employment, education, or training in the United States, including a visas issued under subparagraph (A)(iii), (B)(i) (but only for domestic servants described in clause (i) or (ii) of section 274a.12(c)(17) of title 8, Code of Federal Regulations (as in effect on December 4, 2007)), (G)(v), (H), (J), (L), (Q), or (R) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(2) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term "severe forms of trafficking in persons" has the meaning given the term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

SEC. 203. RELIEF FOR CERTAIN VICTIMS PENDING ACTIONS ON PETITIONS AND APPLICATIONS FOR RELIEF.

Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following:

"(d)(1) In the case of an alien in the United States for whom an application for nonimmigrant status (whether as a principal alien or a derivative relative) under section 101(a)(15)(T) has been filed, if the application sets forth a prima facie case for approval, the Secretary of Homeland Security may grant the alien a stay of removal or deportation until the application is approved or the application is denied after exhaustion of administrative appeals. Any appeal of the denial of a stay of removal or deportation under this paragraph must accompany any appeal of the underlying substantive petition or application for benefits.

"(2) During a period in which an alien is provided a stay of removal under this subsection, the alien shall not be removed or deported.

"(3) Nothing in this subsection shall be construed as limiting the authority of the Secretary of Homeland Security to grant a stay of removal or deportation in any case not described in this subsection.".

SEC. 204. EXPANSION OF AUTHORITY TO PERMIT CONTINUED PRESENCE IN THE UNITED STATES.

(a) EXPANSION OF AUTHORITY.—

(1) IN GENERAL.—Section 107(c)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(3)) is amended to read as follows:

"(3) AUTHORITY TO PERMIT CONTINUED PRESENCE IN THE UNITED STATES.—

"(A) TRAFFICKING VICTIMS.—

"(i) IN GENERAL.—Upon application from a Federal law enforcement official that makes a prima facie showing that an alien is a victim of a severe form of trafficking and a potential witness to such trafficking, in order to effectuate investigation and prosecution of those responsible, the Secretary of Homeland Security may permit an alien's continued presence in the United States.

"(ii) SAFETY.—Federal law enforcement officials described in clause (i), in investigating and prosecuting traffickers, shall endeavor to protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates.

"(iii) CONTINUATION OF PRESENCE.—The Secretary shall continue to permit the continued presence of an alien described in clause (i) if such alien has filed a civil action under section 1595 of title 18, United States Code, until such action is concluded. Failure to exercise due diligence in pursuing such a civil action, as determined by the Secretary in consultation with the Attorney General, may result in revocation of continued presence.

"(B) PAROLE FOR RELATIVES.—Pursuant to section 240A(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(b)), as added by section 204(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, law enforcement officials may submit a written request to the Secretary of Homeland Security to permit the parole into the United States of certain relatives of an alien described in subparagraph (A)(i).

"(C) STATE AND LOCAL LAW ENFORCEMENT.—The Secretary of Homeland Security, in consultation with the Attorney General, shall develop materials for State and local law enforcement on working with Federal law enforcement to obtain continued presence for victims of a severe form of trafficking in cases investigated or prosecuted at the State or local level, for distribution to State and local law enforcement by each Immigration and Customs Enforcement Special Agent in Charge.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to requests for continued presence filed pursuant to section 107(c)(3) of the Trafficking Victims Protection Act (22 U.S.C. 7105(c)(3)) before, on, or after such date, except that this paragraph does not permit the application of section 107(c)(3)(A) of such Act, as added by paragraph (1), to an alien who is not present in the United States.

(b) PAROLE FOR DERIVATIVES OF TRAFFICKING VICTIMS.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended by adding at the end the following:

"(6) RELATIVES OF TRAFFICKING VICTIMS.—

"(A) IN GENERAL.—Upon written request by a law enforcement official, the Secretary of Homeland Security may grant parole under section 212(d)(5) to any alien who is a relative of an alien granted continued presence pursuant to section 107(c)(3)(A) of the Trafficking Victims Protection Act (22 U.S.C. 7105(c)(3)(A)), if the relative—

"(i) was, on the date on which law enforcement applied for such continued presence—

"(I) in the case of an alien granted continued presence who is under 21 years of age, the spouse, child, parent, or unmarried sibling under 18 years of age, of the alien; or

"(II) in the case of an alien granted continued presence who is 21 years of age or older, the spouse or child of the alien, or

"(ii) is a parent or sibling of the alien who, in the judgment of the requesting law enforcement official, is in present danger of retaliation as a result of the alien's escape from the severe form of trafficking or cooperation with law enforcement, irrespective of age.

"(B) DURATION OF PAROLE.—

"(i) IN GENERAL.—The grant of parole under subparagraph (A) shall extend until the date an application filed by the principal alien under section 101(a)(15)(T)(ii) has been finally adjudicated.

"(ii) OTHER LIMITS ON DURATION.—If no such application is filed, the grant of parole shall extend until the later of—

"(I) the date on which the principal alien's continued presence in the United States under section 107(c)(3)(A) of the Trafficking

Victims Protection Act (22 U.S.C. 7105(c)(3)(A)) is terminated; or

"(II) the date on which a civil action filed by the principal alien under section 1595 of title 18, United States Code, is concluded.

"(iii) DUE DILIGENCE.—Failure by the principal alien to exercise due diligence in filing a visa petition on behalf of an alien described in clause (i) or (ii) of subparagraph (A), or in pursuing the civil action described in clause (ii)(II) (as determined by the Secretary of Homeland Security in consultation with the Attorney General), may result in revocation of parole.".

SEC. 205. IMPLEMENTATION OF TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue interim regulations regarding the adjustment of status to permanent residence for nonimmigrants admitted into the United States under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)). If the regulations are not issued before such deadline, the Secretary shall submit a report to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate explaining in detail the reasons such regulations have not been issued .

Subtitle B—Assistance for Trafficking Victims

SEC. 211. VICTIM OF TRAFFICKING CERTIFICATION PROCESS.

Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)), is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking "consultation" and all that follows through "person" and inserting "consultation with the Attorney General and the Secretary of Homeland Security, that the person";

(B) in subclause (I), by adding at the end before the semicolon the following: "or is unlikely or unable to cooperate with such a request due to physical or psychological trauma;"; and

(C) in subclause (II)(bb), by striking "United States" and all that follows through "ensuring" and inserting "United States the Secretary of Homeland Security is ensuring"; and

(2) in clause (ii), by striking "so long as" and all that follows through "determines" and inserting "so long as the Secretary of Homeland Security determines".

SEC. 212. ASSISTANCE FOR CERTAIN NONIMMIGRANT STATUS APPLICANTS.

(a) IN GENERAL.—Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)) is amended—

(1) by striking "or" at the end of paragraph (2)(B);

(2) by striking the period at the end of paragraph (3)(B) and inserting "; or"; and

(3) by adding at the end the following:

"(4) an alien who has had approved, or has pending, a petition that sets forth a prima facie case for status as a nonimmigrant under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)).".

(b) CONSTRUCTION.—The provisions of section 431(c)(4) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(4)), as added by subsection (a), are in addition to the access to public benefits provided in the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Reauthorization Act of 2003.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to applications for public benefits and public benefits provided on or after the date of the enactment of this Act without regard to whether regulations to carry out such amendments are implemented.

SEC. 213. INTERIM ASSISTANCE FOR CHILD VICTIMS OF TRAFFICKING.

(a) IN GENERAL.—Subsection (b)(1) of section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) is amended by adding at the end the following new subparagraphs:

"(F) ELIGIBILITY OF INTERIM ASSISTANCE FOR CHILD VICTIMS.—

"(i) DETERMINATION.—With respect to a person referred to in subparagraph (C)(ii)(I) who is seeking assistance under this paragraph, if credible information is presented on behalf of the person that the person has been subjected to a severe form of trafficking in persons, the Secretary of Health and Human Services shall promptly make a determination of the person's eligibility under this paragraph.

"(ii) EXCLUSIVE AUTHORITY.—The Secretary of Health and Human Services shall have exclusive authority in making determinations of eligibility under clause (i).

"(iii) DURATION.—Assistance provided under this paragraph for an individual determined to be eligible under clause (i) may be provided for up to 90 days and may be extended for an additional 30 days.

"(iv) SENSE OF CONGRESS.—It is the sense of Congress that—

"(I) to ensure the best interests of the child and to create an increased chance of cooperation by child victims of severe forms of trafficking in persons, the United States Government should provide assistance to protect and care for such child victims during the pendency of proceedings to determine whether a child is a victim of severe forms of trafficking; and

"(II) in order to further the objective of subclause (I), the Secretary of Health and Human Services should make the determination of eligibility for assistance under clause (i) on the basis of the information provided and the Secretary's own assessment of such information without regard to the assessments by other departments and agencies of the United States Government regarding whether such child victim's application for relief or benefits under this Act or the Immigration and Nationality Act will be approved.

"(G) NOTIFICATION OF CHILD VICTIMS FOR INTERIM ASSISTANCE.—

"(i) FEDERAL OFFICIALS.—Any Federal official who has reason to believe that a person may be a juvenile victim of trafficking referred to in subparagraph (C)(ii)(I) shall notify the Secretary of Health and Human Services not later than 48 hours after the official first learns that the person may be a juvenile victim of trafficking for the purpose of facilitating the provision of interim assistance under subparagraph (F).

"(ii) STATE AND LOCAL OFFICIALS.—Any State or local official who has reason to believe that a person may be a juvenile victim of trafficking referred to in subparagraph (C)(ii)(I) shall notify the Secretary of Health and Human Services not later than 72 hours after the official first learns that the person may be a juvenile victim of trafficking for the purpose of facilitating the provision of interim assistance under subparagraph (F).".

(b) TRAINING OF GOVERNMENT PERSONNEL.—Subsection (c)(4) of such section is amended—

(1) by striking "and the Department of Justice" and inserting ", the Department of Homeland Security, and the Department of Health and Human Services";

(2) by inserting before the period at the end the following: ", including the identification of juvenile victims of trafficking"; and

(3) by adding at the end the following new sentence: "The Attorney General and the Secretary of Heath and Human Services shall provide education and guidance to State and local officials on the identification of aliens who are the victims of severe forms of trafficking, and in particular child victims of trafficking, including education and guidance on the requirements of subsection (b)(1)(G)(ii).".

SEC. 214. ENSURING ASSISTANCE FOR ALL VICTIMS OF TRAFFICKING IN PERSONS.

(a) AMENDMENTS TO THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—

(1) ASSISTANCE FOR UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.—Section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) is amended by adding at the end the following:

"(h) ASSISTANCE FOR UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.—

"(1) IN GENERAL.—The Secretary of Health and Human Services and the Attorney General, in consultation with the Secretary of Labor, are authorized to establish a program to provide assistance to citizens of the United States, and aliens who are lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))), who are victims of severe forms of trafficking. In determining the types of assistance that would be most beneficial for such victims, the Secretary of Health and Human Services and the Attorney General shall consult with nongovernmental organizations that provide services to victims of severe forms of trafficking in the United States.

"(2) USE OF EXISTING PROGRAMS.—In addition to such other specialized services as may be required for victims described in paragraph (1), the program established pursuant to paragraph (1) shall facilitate communication and coordination between the providers of assistance to such victims, and provide a means of identifying such providers and making referrals to programs for which such victims are already eligible (including programs administered by the Department of Justice and the Department of Health and Human Services).

"(3) GRANTS.—The Secretary of Health and Human Services and the Attorney General may make grants to States, Indian tribes, units of local government, and non-profit, nongovernmental victims' service organizations to develop, expand, and strengthen victim service programs authorized under this subsection. The Federal share of a grant made under this subsection may not exceed 75 percent of the total costs of the projects described in the application submitted.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 113 of such Act (22 U.S.C. 7110) is amended—

(A) in subsection (b), by adding at the end the following new sentence: "To carry out the purposes of section 107(h), there are authorized to be appropriated to the Secretary of Health and Human Services $2,500,000 for fiscal year 2008, $5,000,0000 for fiscal year 2009, $10,000,000 for fiscal year 2010, and $15,000,000 for fiscal year 2011."; and

(B) in subsection (d), by adding at the end the following new sentence: "To carry out the purposes of section 107(h), there are authorized to be appropriated to the Attorney General $2,500,000 for fiscal year 2008, $5,000,0000 for fiscal year 2009, $10,000,000 for fiscal year 2010, and $15,000,000 for fiscal year 2011.".

(3) TECHNICAL ASSISTANCE.—Section 107(b)(2)(B)(ii) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(2)(B)(ii)) is amended to read as follows:

"(ii) five percent for training and technical assistance, including increasing capacity and expertise on security for and protection of service providers from intimidation or retaliation for their activities.".

(b) ASSISTANCE FOR POTENTIAL VICTIMS OF TRAFFICKING AND RELATED CRIMES.—

(1) VICTIMS OF CRIME ACT.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.)) is amended by inserting after section 1404E the following new section:

"SEC. 1404F. VICTIMS OF COMMERCIAL SEXUAL EXPLOITATION AND OTHER CRIMES.

"Notwithstanding any statutory or regulatory limitation on providing assistance for offender rehabilitation or for any individual who may have violated Federal or State law, and except as provided in sections 1404B and 1404C, in this chapter the terms 'victim', 'crime victim', and 'victim of crime' include an individual who is exploited or otherwise victimized by any person who is in violation of an offense described by chapter 117 of title 18, United States Code, or section 1328 of title 8, United States Code, or any similar offense under State law, regardless of whether such offense involves participation by such individual in any commercial sex act (as defined in section 2429 of title 18, United States Code).".

(2) USE OF EXISTING PROGRAMS.—The President is authorized to facilitate communication and coordination between the providers of assistance to persons victimized in cases brought under chapter 117 of title 18, United States Code, and to provide a means of identifying such providers and making referrals to programs for which such victims are already eligible (including programs administered by the Department of Justice and the Department of Health and Human Services).

(3) EFFECT ON OTHER PROGRAMS.—Nothing in this section or the amendments made by this section shall derogate from the programs for victims of sexual abuse or commercial sexual exploitation or survivors of sexual abuse or commercial sexual exploitation authorized by section 202 of the Trafficking Victims Protection Reauthorization of 2005.

(c) PARTNERSHIPS AMONG ORGANIZATIONS.—Beginning not later than 120 days after the date of the enactment of this Act, all applications for grants made by the Attorney General or the Secretary of Health and Human Services to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to establish or maintain assistance programs for victims of severe forms of trafficking in persons or sex trafficking that occurs, in whole or in part, within the territorial jurisdiction of the United States shall include a statement by the applicant of whether the services will be available to both United States citizens and foreign trafficking victims, or if the applicant intends to specialize in serving a particular victim population, what referral mechanisms or collaborative relationships they will undertake to ensure that all victims are assisted regardless of alienage. The statement required by this section will not be used to make a determination regarding the award of the grant.

(d) STUDY.—

(1) REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall submit to the appropriate congressional committees a report identifying the existence or extent of any service gap between foreign and United States citizen victims of severe forms of trafficking and victims of sex trafficking, as defined in section 103 of the Trafficking Victims Protection Act of 2000.

(2) ELEMENTS.—In carrying out the study under subparagraph (1), the Attorney General and Secretary of Health and Human Services shall—

(A) investigate factors relating to the legal ability of foreign and United States citizen victims of trafficking to access government-funded social services in general, including the application of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(5)) and the Illegal Immigration and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009 et seq.);

(B) investigate any other impediments to the access of foreign and United States citizen victims of trafficking to government-funded social services in general;

(C) investigate any impediments to the access of foreign and United States citizen victims of trafficking to government-funded services targeted to victims of severe forms of trafficking and victims of sex trafficking;

(D) investigate the effect of trafficking service-provider infrastructure development, continuity of care, and availability of caseworkers on the eventual restoration and rehabilitation of foreign and United States citizen victims of trafficking; and

(E) include findings, best practices, and recommendations based on the study of the elements in subparagraphs (A) through (D) and any other related information.

Subtitle C—Penalties Against Traffickers and Other Crimes

SEC. 221. ENHANCING TRAFFICKING AND OTHER RELATED OFFENSES.

(a) TRANSFER AND MODIFICATION OF SECTION 1591.—

(1) NEW SECTION.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§2429. Aggravated sex trafficking

"(a) Whoever knowingly—

"(1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, or obtains by any means a person; or

"(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing that force, fraud, or coercion will be used to cause the person to engage in a commercial sex act, or, in the case of a person who has not attained the age of 18 years, that the person will be caused to engage in a commercial sex act, or attempts to do so, shall be punished as provided in subsection (b).

"(b) In a prosecution under this subsection, the Government need not prove that the defendant knew that the person had not attained the age of 18 years.

"(c) The punishment for an offense under this section is—

"(1) if the offense was effected by force, fraud, or coercion or if the person recruited, enticed, harbored, transported, provided, or obtained had not attained the age of 14 years at the time of such offense, by a fine under this title and imprisonment for any term of years not less than 15 or for life; or

"(2) if the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, or obtained had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title and imprisonment for not less than 10 years or for life.

"(d)(1) Section 1593 (relating to mandatory restitution) applies to an offense under this section to the same extent and in the same manner as it applies to an offense under chapter 77.

"(2) Section 1595 (relating to civil remedy) applies with respect to a violation of this section to the same extent and in the same manner it applies to a violation of a section to which section 1595 is made applicable by section 1595.

"(e) In this section—

"(1) the term 'commercial sex act' means any sex act, on account of which anything of value is given to or received by any person;

"(2) the term 'coercion' means—

"(A) threats of serious harm to or physical restraint against any person;

"(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

"(C) the abuse or threatened abuse of law or the legal process; and

"(3) the term 'venture' means any group of two or more individuals associated in fact, whether or not a legal entity.".

(2) REPEAL OF TRANSFERRED SECTION.—Section 1591 of title 18, United States Code, is repealed.

(3) ELIMINATION OF CROSS REFERENCES TO REPEALED SECTION.—

(A) Section 1594 of title 18, United States Code, is amended by striking "1590, or 1591" and inserting "or 1591".

(B) Section 1595 of title 18, United States Code, is amended by striking ", 1590, or 1591" and inserting "or 1591".

(4) CLERICAL AMENDMENTS TO TABLES OF SECTIONS.—

(A) The table of sections for chapter 77 of title 18, United States Code, is amended by striking the item relating to section 1591.

(B) The table of sections for chapter 117 of title 18, United States Code, is amended by adding at the end the following new item:

"2429. Aggravated sex trafficking.".

(5) CHANGE IN CHAPTER HEADINGS.—

(A) The heading for chapter 77 of title 18, United States Code, is amended to read as follows:

"CHAPTER 77—PEONAGE, SLAVERY, AND TRAFFICKING INTO SERVITUDE".

(B) The heading for chapter 117 of title 18, United States Code, is amended to read as follows:

"CHAPTER 117—SEX TRAFFICKING, SEX TOURISM, AND OTHER TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY".

(C) The table of chapters at the beginning of part I of title 18, United States Code, is amended—

(i) so that the item relating to chapter 77 reads as follows:

"77. Peonage, Slavery, and Trafficking into Servitude .... 1581"; and

(ii) so that the item relating to chapter 117 reads as follows:

"117. Sex Trafficking, Sex Tourism, and Other Transportation for Illegal Sexual Activity .... 2421".

(b) COMPELLED SERVICE.—

(1) IN GENERAL.—Section 1592 of title 18, United States Code, is amended to read as follows:

"§ 1592. Unlawful compelled service

"(a) GENERALLY.—Whoever knowingly, with intent to obtain or maintain the labor or services of a person or to obtain or maintain a person for use in a commercial sex act (as defined in section 2429)—

"(1) destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person's ability to move or travel;

"(2) acts or fails to act, or threatens to do so, under color of official right;

"(3) blackmails another person; or

"(4) causes or exploits financial harm or a fear of financial harm on the part of that person;

shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) DEFINITION.—For purposes of this paragraph, 'financial harm' includes the factors set forth in section 892(b) of this title, and fees charged for foreign labor contracting activity, as defined in section 202(g) of the William Wilberforce Trafficking Reauthorization Act of 2007, that are not reasonably related to services provided to the foreign worker.".

(2) CLERICAL AMENDMENT.—The item relating to section 1592 in the table of sections at the beginning of chapter 77 of title 18, United States Code, is amended to read as follows:

"1592. Unlawful compelled service.".

(c) RESTITUTION OF FORFEITED ASSETS.—(1) Section 1593(b) of title 18, United States Code, is amended by inserting at the end the following:

"(4) The distribution of proceeds among multiple victims in an order of restitution under this section shall govern the distribution of forfeited funds through the processes of remission or restoration under this section or any other statute that explicitly authorizes restoration or remission of forfeited property."

(2) Section 1594 of title 18, United States Code, is amended—

(A) in subsection (b), by striking "The court," and inserting "Subject to remission or restoration, the court,"; and

(B) in subsection (c), by adding at the end the following:

"(3) The Attorney General shall grant restoration or remission of property to victims of an offense under this chapter that result in forfeiture under this section or under any other statute that explicitly authorizes restoration or remission of forfeited property.

"(4) In a prosecution brought under any other provision of Federal law, the Attorney General may grant restoration or remission of property to victims of severe forms of trafficking as defined in section 103 of the Trafficking Victims Protection Act of 2000, in accordance with section 1594(b)(4).".

(d) ENHANCEMENT OF CIVIL ACTION.—Section 1595 of title 18, United States Code, is amended—

(1) in subsection (a) by—

(A) by striking "of section 1589, 1590, or 1591"; and

(B) by inserting "(or any person who knowingly benefits, financially or by receiving anything of value from participation in a venture which has engaged in an act in violation of this chapter)" after "perpetrator".

(2) by adding at the end the following:

"(c) No action shall be maintained under this section unless it is commenced within 10 years after the cause of action arose.".

(e) RETALIATION IN FOREIGN LABOR CONTRACTING.—Title 18, United States Code, is amended—

(1) in section 1512(a)(2)—

(A) by striking "or" at the end of subparagraph (B);

(B) by striking "proceedings;" at the end of subparagraph (C) and inserting "proceedings; or"; and

(C) by inserting immediately after subparagraph (C) the following:

"(D) hinder, delay or prevent the disclosure of information concerning a violation with respect to aliens of the requirements of an employment-based visa or any Federal labor or employment law;";

(2) in section 1512(b)—

(A) by striking "or" at the end of paragraph (2);

(B) by striking "proceedings;" at the end of paragraph (3) and inserting "proceedings; or"; and

(C) by inserting immediately after paragraph (3) the following:

"(4) hinder, delay, or prevent the cooperation of any person in an investigation or other proceeding concerning compliance with respect to aliens with the requirements of employment-based visas or any Federal labor or employment law;";

(3) in section 1513(b)—

(A) by striking "or" at the end of paragraph (1);

(B) by inserting "or" at the end of paragraph (2); and

(C) by inserting immediately after paragraph (2) the following:

"(3) hinder, delay, or prevent the cooperation of any person in an investigation or other proceeding concerning compliance with respect to aliens with the requirements of employment-based visas or any other Federal labor or employment law;"; and

(4) in section 1515(a)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following:

"(7) the term 'employment-based visa' means a nonimmigrant visa issued for the purpose of employment, student exchange employment, or job training in the United States, including those issued under subparagraph (A)(iii), (B)(i) (but only for domestic servants described in clause (i) or (ii) of section 274a.12(c)(17) of title 8, Code of Federal Regulations (as in effect on December 4, 2007)), (G)(v), (H), (J), (L), (Q), or (R) of section 101(a)(15) of the Immigration and Nationality Act.".

(f) SEX TRAFFICKING.—

(1) NEW OFFENSE.—Chapter 117 of title 18, United States Code, is amended by inserting at the end the following:

"§ 2430. Sex trafficking

"Whoever knowingly, in or affecting interstate or foreign commerce, within the special maritime and territorial jurisdiction of the United States, or in any territory or possession of the United States, persuades, induces, or entices any individual to engage in prostitution for which any person can be charged with an offense, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both".

(2) AMENDMENT TO THE TABLE OF SECTIONS.—The table of sections at the beginning of chapter 117 of title 18, United States Code, is amended by inserting at the end the following new item:

"2430. Sex trafficking.".

(g) SEX TOURISM.—

(1) GENERALLY.—Chapter 117 of title 18, United States Code, is amended by inserting at the end the following:

"§ 2431. Sex tourism

"(a) ARRANGING TRAVEL AND RELATED CONDUCT.—Whoever, for the purpose of commercial advantage or private financial gain, knowingly arranges, induces, or procures the travel of a person in foreign commerce for the purpose of engaging in any commercial sex act (as defined in section 2429), or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) INCREASED PENALTY FOR OFFENSES INVOLVING CHILDREN.—If the commercial sex act is with a person under 18 years of age, the maximum term of imprisonment for an offense under this section is 30 years.";

(2) AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of chapter 117 of title 18, United States Code, is amended by inserting at the end the following new item:

"2431. Sex tourism.".

(h) AMENDMENT TO THE SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable—

(1) to persons convicted of offenses created by this section other than those created by subsections (f) and (g), to ensure conformity with the United States Sentencing Guidelines, sections 2H4.1 (peonage offenses) and 2H4.2 (labor offenses); and

(2) to persons convicted of offenses created by subsection (f) or (g) of this section, to ensure conformity with the United States Sentencing Guidelines, sections 2G1.1 (promoting commercial sex acts with persons other than minors) and 2G1.3 (promoting commercial sex acts or prohibited sexual conduct with a minor, and related offenses.

SEC. 222. JURISDICTION IN CERTAIN TRAFFICKING OFFENSES.

(a) IN GENERAL.—Chapter 77 of title 18, United States Code, is amended by adding at the end the following:

"§ 1596. Additional jurisdiction in certain trafficking offenses

"(a) IN GENERAL.—In addition to any domestic or extra-territorial jurisdiction otherwise provided by law, the courts of the United States have extra-territorial jurisdiction over any offense (or any attempt or conspiracy to commit an offense) under section 1581, 1583, 1584, 1589, 1590, or 2429 if—

"(1) an alleged offender or victim of the offense is a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)); or

"(2) an alleged offender is present in the United States, irrespective of the nationality of the alleged offender.

"(b) LIMITATION ON PROSECUTIONS OF OFFENSES PROSECUTED IN OTHER COUNTRIES.—No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 77 of title 18, United States Code, is amended by adding at the end the following new item:

"1596. Additional jurisdiction in certain trafficking offenses.".

SEC. 223. AMENDMENT OF OTHER CRIMES RELATED TO TRAFFICKING.

(a) ALIENS ENTERING THE UNITED STATES.—

(1) IN GENERAL.—Section 278 of the Immigration and Nationality Act (8 U.S.C. 1328) is amended to read as follows:

"ALIENS IN PROSTITUTION

"SEC. 278. (a) GENERALLY.—Whoever, for the purposes of prostitution or for any other sexual activity for which any person can be charged with a criminal offense—

"(1) knowingly imports or attempts to import any alien; or

"(2) knowing or in reckless disregard of the fact that an individual is an alien who lacks lawful authority to come to, enter, or reside in the United States, knowingly holds, keeps, maintains, supports, employs, or harbors the individual in any place in the United States, including any building or any means of transportation, or attempts to do so,

shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

"(b) SPECIAL EVIDENTIARY RULE.—In all prosecutions under this section, the testimony of a husband or wife shall be admissible and competent evidence against each other.".

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 278 to read as follows:

"Sec. 278. Aliens in prostitution.".

(b) AMENDMENT TO THE SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses created by this section to ensure conformity with the United States Sentencing Guidelines, section 2H4.1 (peonage offenses) in violations involving a holding under section 278(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1328(a)(2)), and section.2G1.1 otherwise.

(c) IMBRA VIOLATIONS.—Section 833(d)(5)(B) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by striking "interstate or foreign commerce, an international marriage broker that, within the special maritime and territorial jurisdiction of the United States, violates" and inserting "interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, an international marriage broker that violates".

SEC. 224. NEW MODEL STATUTE PROVIDED TO STATES.

(a) NEW MODEL STATUTE.—The Attorney General shall provide a new model law for State anti-trafficking offenses that shall reflect all concepts relating to trafficking in persons included in Chapters 77 and 117 of title 18, United States Code, as amended by this title, including crimes related to forced labor, sex trafficking, and related offenses, with the elements of force, fraud or coercion or age in sex trafficking used as the bases for aggravated crimes or sentencing enhancements.

(b) DISTRIBUTION.—The model law described in subsection (a) shall be posted on the website of the Department of Justice and shall be distributed to the States and at the anti-trafficking conference described in section 201(a)(2) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044(a)).

(c) ADOPTION OF MODEL STATUTE.—

(1) ASSISTANCE.—The Attorney General shall provide assistance to States and local governments to adopt and apply the model law described in subsection (a).

(2) REPORT.—Not later than six months after the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on Foreign Affairs and the Judiciary of the House and the Committees on Foreign Relations and the Judiciary of the Senate a report describing the assistance provided pursuant to paragraph (1) and the results achieved by such assistance, including a list of State and local governments that have adopted the model law.

Subtitle D—Activities of the United States Government

SEC. 231. ANNUAL REPORT BY THE ATTORNEY GENERAL.

Section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) in subparagraph (A)—

(A) by striking "section 107(b)" and inserting "subsections (b) and (h) of section 107"; and

(B) by inserting "the Attorney General," after "the Secretary of Labor,";

(2) in subparagraph (G), by striking "and" at the end;

(3) by redesignating subparagraph (H) as subparagraph (J); and

(4) by inserting after subparagraph (G) the following new subparagraphs:

"(H) activities by the Department of Defense to combat trafficking in persons, including educational efforts for and disciplinary actions taken against members of the United States Armed Forces, materials included in training of the armed forces of foreign countries, and efforts to ensure that United States Government contractors and their employees or United States Government subcontractors and their employees do not engage in trafficking in persons;

"(I) activities or actions by Federal departments and agencies to enforce—

"(i) section 106(g) of this Act and any similar provision of law, regulation, or policy relating to United States Government contractors and their employees or United States Government subcontractors and their employees that engage in severe forms of trafficking in persons, procurement of commercial sex acts, or use of forced labor, including debt bondage;

"(ii) section 307 of the Tariff Act of 1930 (19 U.S.C. 1307; relating to prohibition on importation of convict made goods), including any determinations by the Secretary of Homeland Security to waive the restrictions of such section; and

"(iii) prohibitions on the procurement by the United States Government of items or services produced by slave labor, consistent with Executive Order 13107 (December 10, 1998); and".

SEC. 232. ANTI-TRAFFICKING SURVEY AND CONFERENCES.

(a) SURVEY.—Paragraph (1) of section 201(a) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044(a)) is amended by adding at the end the following:

"(C) ADDITIONAL REQUIREMENTS.—With respect to the study described in subparagraph (B)(ii), the Attorney General shall solicit on a biennial basis, beginning as soon as practicable after the date of the enactment of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, requests for proposals for such a study from nongovernmental entities with expertise in the field of illegal economic activities and shall complete such study not later than one year after the date of the enactment of such Act."

(b) ANNUAL CONFERENCE.—Paragraph (2)(A) of such section is amended—

(1) in the first sentence, by striking "in consultation" and inserting "in coordination with the Secretary of State and in consultation"; and

(2) in clause (ii), by inserting before the semicolon at the end the following: "and the use of existing Federal and State criminal laws that do not require force, fraud, or coercion as an element of a felony crime to prosecute such person.".

SEC. 233. SENIOR POLICY OPERATING GROUP.

Section 206 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044d) is amended by striking ", as the department or agency determines appropriate,".

SEC. 234. EFFORTS BY DEPARTMENTS OF JUSTICE AND LABOR TO COMBAT HUMAN TRAFFICKING.

(a) ACTIVITIES AT THE DEPARTMENT OF JUSTICE.—

(1) ROLE OF CRIMINAL DIVISION IN TRAFFICKING CASES.—

(A) REDESIGNATION.—The Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice shall be redesignated as the Sexual Exploitation and Obscenity Section.

(B) EXPANSION.—The Attorney General shall expand the responsibilities of the Innocence Lost Task Forces to incorporate situations involving adults who are sexually exploited by persons in violation of offenses such as section 2430.

(C) RESPONSIBILITIES.—The chief of the section described in subsection (a) should work with other parts of the Department of Justice and State and local law enforcement to ensure effective prosecutions through the task force described in subparagraph (B).

(D) REFERENCES.—Any reference to the Child Exploitation and Obscenity Section of the Criminal Division in any law, regulation, rule, directive, instruction or other official United States Government document in effect on the date of enactment of this Act shall be deemed to refer to the Sexual Exploitation and Obscenity Section.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the activities of the Criminal Section of the Civil Rights Division relating to the 13th Amendment's prohibition of slavery and involuntary servitude.

(b) DEPARTMENT OF LABOR.—

(1) ESTABLISHMENT.—The Secretary of Labor shall establish within the Department of Labor a Coordinator to Combat Human Trafficking.

(2) DUTIES.—In addition to any other responsibilities that the Secretary of Labor may assign, the Coordinator shall have the following responsibilities:

(A) Ensure coordination of policies relating to victims of trafficking, both in the United States and abroad, among the various offices and components of the Department of Labor, including the Office of the Solicitor, the Employment Standards Administration, the Wage and Hour Division, the Bureau of International Labor Affairs, and the Office of Child Labor, Forced Labor, and Human Trafficking.

(B) Ensure improved communication and coordination with State labor agencies relating to trafficking in persons.

(C) Represent the Department at interagency mechanisms relating to trafficking in persons, including assisting appropriate high-level officials of the Department of Labor who are members of the Senior Policy Operating Group.

(D) Serve, in conjunction with the Coordinator to Combat Human Trafficking of the Department of Justice (established pursuant to subsection (a)), as the executive secretariat of the Trafficking in Persons and Worker Exploitation Task.

(3) STAFF.—The Secretary of Labor shall ensure that the Coordinator has sufficient staff to carry out the duties described in paragraph (2).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this subsection.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting or derogating from the responsibilities of the Senior Policy Operating Group established by section 206 of the Trafficking Victims Protection Reauthorization Act of 2005.

(d) DEFINITION.—In this section, the term "victim of trafficking" has the meaning given the term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

SEC. 235. PREVENTING UNITED STATES TRAVEL BY TRAFFICKERS.

Section 212(a)(2)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(H)(i)) is amended by striking "consular officer" and inserting "consular officer, the Secretary of Homeland Security, the Secretary of State,".

SEC. 236. ENHANCING EFFORTS TO COMBAT THE TRAFFICKING OF CHILDREN.

(a) FINDINGS AND SENSE OF CONGRESS.—

(1) FINDINGS.—The Congress finds as follows:

(A) The United States Government currently estimates that up to 17,500 individuals are trafficked into the United States each year. Of these, some 50 percent are believed to be under the age of 18. Many of these children are victims of sex trafficking and are forced into prostitution and other exploitative activities in the United States.

(B) Despite the large number of children trafficked into the United States every year, the Department of Health and Human Services has identified an average of 20 children per year as trafficking victims through fiscal year 2006. This disparity between estimated and identified victims demonstrates that much more needs to be done in educating individuals who may be coming into contact with trafficked children.

(2) SENSE OF CONGRESS.—It is the sense of the Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party, and to the extent practicable, the United States Government should undertake efforts to protect children from severe forms of trafficking and ensure that it does not repatriate children in Federal custody into settings that would threaten their life or safety.

(b) COMBATTING CHILD TRAFFICKING AT THE BORDER AND PORTS OF ENTRY OF THE UNITED STATES.—

(1) POLICIES AND PROCEDURES.—In order to enhance the efforts of the United States to prevent trafficking in persons, the Secretary of State, in conjunction with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall develop policies and procedures to ensure that unaccompanied alien children in the United States are safely repatriated to their country of nationality or of last habitual residence.

(2) SPECIAL RULES FOR CHILDREN FROM CONTIGUOUS COUNTRIES.—

(A) DETERMINATIONS.—Any unaccompanied alien child who is a national or habitual resident of a country that is contiguous with the United States shall be treated in accordance with subparagraph (B), if the Secretary of Homeland Security determines, on a case-by-case basis, that—

(i) such child has not been a victim of a severe form of trafficking in persons, and there is no credible evidence that such child is at risk of being trafficked upon return to the child's country of nationality or of last habitual residence;

(ii) such child does not have a fear of returning to the child's country of nationality or of last habitual residence owing to a credible fear of persecution; and

(iii) the child is able to make an independent decision to withdraw the child's application for admission to the United States.

(B) RETURN.—An immigration officer who finds an unaccompanied alien child described in subparagraph (A) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may—

(i) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)); and

(ii) return such child to the child's country of nationality or country of last habitual residence.

(C) CONTIGUOUS COUNTRY AGREEMENTS.—The Secretary of State shall negotiate agreements between the United States and countries contiguous to the United States with respect to the repatriation of children. Such agreements shall be designed to protect children from severe forms of trafficking in persons, and shall, at a minimum, provide that—

(i) no child shall be returned to the child's country of nationality or of last habitual residence unless returned to appropriate officials or employees of the accepting country's government;

(ii) no child shall be returned to the child's country of nationality or of last habitual residence outside of reasonable business hours; and

(iii) border personnel of the countries that are parties to such agreements are trained in the terms of such agreements.

(3) RULE FOR OTHER CHILDREN.—The custody of unaccompanied alien children not described in paragraph (2)(A) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with subsection (c).

(4) SCREENING.—Within 48 hours of the apprehension of a child who is believed to be described in paragraph (2)(A), but in any event prior to returning such child to the child's country of nationality or of last habitual residence, the child shall be screened to determine whether the child meets the criteria listed in paragraph (2)(A). If the child does not meet such criteria, or if no determination can be made within 48 hours of apprehension, the child shall immediately be transferred to the Secretary of Health and Human Services and treated in accordance with subsection (c).

(5) ENSURING THE SAFE REPATRIATION OF CHILDREN.—

(A) REPATRIATION PILOT PROGRAM.—To protect children from trafficking and exploitation, the Secretary of State shall create a pilot program, in conjunction with non-governmental organizations and other national and international agencies and experts, to develop and implement best practices to ensure the safe and secure repatriation and reintegration of unaccompanied alien children into their country of nationality or of last habitual residence, including placement with their families or other sponsoring agencies.

(B) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security, in conjunction with the Secretary of State and Secretary of Health and Human Services, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to repatriate unaccompanied alien children. Such report shall include—

(i) the number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States;

(ii) a statement of the nationalities, ages, and gender of such children;

(iii) a description of the policies and procedures used to effect the removal of such children from the United States and the steps taken to ensure that such children were safely and humanely repatriated to their country of nationality or of last habitual residence, including a description of the repatriation pilot program created pursuant to subparagraph (A);

(iv) a description of the type of immigration relief sought and denied to such children; and

(v) statistical information and other data on unaccompanied alien children as provided for in section 462(b)(1)(J) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)(J)).

(C) PLACEMENT IN REMOVAL PROCEEDINGS.—Any unaccompanied alien child sought to be removed by the Department of Homeland Security, except for an unaccompanied alien child from a contiguous country subject to exceptions under subsection (b)(2), shall be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(c) COMBATTING CHILD TRAFFICKING AND EXPLOITATION IN THE UNITED STATES.—

(1) CARE AND CUSTODY OF UNACCOMPANIED ALIEN CHILDREN.—Consistent with section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279), and except as otherwise provided under subsection (b), the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services.

(2) NOTIFICATION.—Each department or agency of the Federal Government shall notify the Department of Health and Human services within 48 hours upon—

(A) the apprehension or discovery of an unaccompanied alien child; or

(B) any claim or suspicion that an alien in the custody of such department or agency is under 18 years of age and is unaccompanied.

(3) TRANSFERS OF UNACCOMPANIED ALIEN CHILDREN.—Any department or agency of the Federal Government that has an unaccompanied alien child in its custody shall transfer the custody of such child to the Secretary of Health and Human Services within

72 hours, except in the case of exceptional circumstances, upon a determination that such child is an unaccompanied alien child.

(4) AGE DETERMINATIONS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall make an age determination for an alien described in paragraph (2)(B) and take whatever other steps are necessary to determine whether such alien is eligible for treatment under this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(B) PROCEDURES.—The Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, shall develop procedures to make a prompt determination of the age of an alien, which shall be used by the Secretary of Homeland Security and the Secretary of Health and Human Services for children in their respective custody. At a minimum, these procedures shall permit the presentation of multiple forms of evidence, including the non-exclusive use of radiographs, to determine the age of the unaccompanied alien.

(d) PROVIDING SAFE AND SECURE PLACEMENTS FOR CHILDREN.—

(1) POLICIES AND PROGRAMS.—The Secretary of Health and Human Services, Secretary of Homeland Security, Attorney General, and Secretary of State shall establish policies and programs to ensure that unaccompanied alien children in the United States are protected from traffickers and other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity, including policies and programs reflecting best practices in witness security programs.

(2) SAFE AND SECURE PLACEMENTS.—Subject to section 462(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied alien child in the custody of the Secretary of Health and Human Services shall be promptly placed in the least restrictive setting that is in the best interest of the child. In making such placements, the Secretary of Health and Human Services may consider danger to self, danger to the community, and risk of flight. Placement of child trafficking victims may include placement with competent adult victims of the same trafficking scheme in order to ensure continuity of care and support. A child shall not be placed in a juvenile delinquency or other secure detention facility (as defined in section 103(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(12)) absent a determination that the child poses a danger to others or has been accused of having committed a criminal offense.

(3) SAFETY AND SUITABILITY ASSESSMENTS.—

(A) IN GENERAL.—Subject to the requirements of subparagraph (B), an unaccompanied alien child may not be placed with a person or entity unless the Secretary of Health and Human Services makes a determination that the proposed custodian is capable of providing for the child's physical and mental well-being. Such determination shall, at a minimum, include verification of the custodian's identity and relationship to the child, if any, as well as an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the child.

(B) HOME STUDIES.—Before placing the child with an individual, the Secretary of Health and Human Services shall determine whether a home study is first necessary. A home study shall be conducted for a child who is a victim of a severe form of trafficking in persons, a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))), or a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened. The Secretary of Health and Human Services shall conduct follow-up services, during the pendency of removal proceedings, on children and custodians for whom a home study was conducted.

(C) ACCESS TO INFORMATION.—Upon request from the Secretary of Health and Human Services, the Secretary of Homeland Security shall provide information necessary to conduct suitability assessments from appropriate Federal, State, and local law enforcement and immigration databases.

(4) LEGAL ORIENTATION PRESENTATIONS.—The Secretary of Health and Human Services shall cooperate with the Executive Office for Immigration Review to ensure that custodians receive legal orientation presentations provided through the Legal Orientation Program administered by the Executive Office for Immigration Review. At a minimum, such presentations shall address the custodian's responsibility to ensure the child's appearance at all immigration proceedings and to protect the child from mistreatment, exploitation, and trafficking.

(5) ACCESS TO COUNSEL.—The Secretary of Health and Human Services shall ensure, to the greatest extent practicable and consistent with section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), that all unaccompanied alien children who are or have been in the custody of the Secretary or the Secretary of Homeland Security, and who are not described in subsection (b)(2)(A), have competent counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking. To the greatest extent practicable, the Secretary of Health and Human Services shall make every effort to utilize the services of competent pro bono counsel who agree to provide representation to such children without charge.

(6) CHILD ADVOCATES.—The Secretary of Health and Human Services is authorized to appoint independent child advocates for child trafficking victims and other vulnerable unaccompanied children. A child advocate shall be provided access to materials necessary to effectively advocate for the best interest of the child. The child advocate shall not be compelled to testify or provide evidence in any proceeding concerning any information or opinion received from the child in the course of serving as a child advocate. The child advocate shall be presumed to be acting in good faith and be immune from civil and criminal liability for lawful conduct of duties as described in this paragraph.

(e) PERMANENT PROTECTION FOR CERTAIN AT-RISK CHILDREN.—

(1) IN GENERAL.—Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

(A) in clause (i), by striking "State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;" and inserting "State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with one or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;";

(B) in clause (iii), in the matter preceding subclause (I), by striking "the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status;" and inserting "the Secretary of Homeland Security consents to the grant of special immigrant juvenile status,"; and

(C) in clause (iii)(I), by striking "in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction;" and inserting "in the custody of the Secretary of Health and Human Services unless the Secretary of Health and Human Services specifically consents to such jurisdiction;".

(2) ADJUSTMENT OF STATUS.—Section 245(h)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(A)) is amended to read as follows:

"(A) paragraphs (4), (5)(A), (6)(A), (6)(C), (6)(D), (7)(A), and (9)(C)(i)(I) of section 212(a) shall not apply; and".

(3) ELIGIBILITY FOR ASSISTANCE.—A child who has been granted special immigrant status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) and who was either in the custody of the Secretary of Health and Human Services at the time a dependency order was granted for such child or who was receiving services pursuant to section 501(a) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) at the time such dependency order was granted, shall be eligible for placement and services under section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)) until the earlier of—

(A) the date on which the child reaches the age designated in section 412(d)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1522(d)(2)(B)); or

(B) the date on which the child is placed in a permanent adoptive home.

(4) STATE COURTS ACTING IN LOCO PARENTIS.—A department or agency of a State, or an individual or entity appointed by a State court or juvenile court located in the United States, acting in loco parentis, shall not be considered a legal guardian for purposes of this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(5) TRANSITION RULE.—Notwithstanding any other provision of law, an alien described in section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), as amended by paragraph (1), may not be denied special immigrant status under such section after the date of the enactment of this Act based on age if the alien was a child on the date on which the alien applied for such status.

(6) ACCESS TO ASYLUM PROTECTIONS.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(A) in subsection (a)(2), by adding at the end the following:

"(E) APPLICABILITY.—Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)))."; and

(B) in subsection (b)(3), by adding at the end the following:

"(C) INITIAL JURISDICTION.—An asylum officer (as defined in section 235(b)(1)(E)) shall have initial jurisdiction over any asylum application filed by an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))), regardless of whether filed in accordance with this section or section 235(b).".

(7) SPECIALIZED NEEDS OF CHILDREN.—Applications for asylum and other forms of relief from removal in which a child is the principal applicant shall be governed by regulations which take into account the specialized

needs of children and which address both procedural and substantive aspects of handling children's cases.

(f) TRAINING.—The Secretary of State, the Secretary of Homeland Security, the Secretary of Health and Human Services and the Attorney General shall provide specialized training to all Federal personnel who come into contact with unaccompanied alien children. Such personnel shall be trained to work with unaccompanied alien children, including identifying children who are a victim of a severe form of trafficking in persons, and children for whom asylum or special immigrant relief may be appropriate, including children described in subsection (b)(2).

(g) AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—

(1) ADDITIONAL RESPONSIBILITIES.—Section 462(b)(1)(L) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)(L)) is amended by striking the period at the end and inserting ", including regular follow-up visits to such facilities, placements, and other entities, to assess the continued suitability of such placements.".

(2) TECHNICAL CORRECTIONS.—Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)) is amended—

(A) in paragraph (3), by striking "paragraph (1)(G)," and inserting "paragraph (1),"; and

(B) by adding at the end the following:

"(4) RULE OF CONSTRUCTION.—Nothing in paragraph (2)(B) may be construed to require that a bond be posted for an unaccompanied alien child who is released to a qualified sponsor.".

(h) DEFINITION OF UNACCOMPANIED ALIEN CHILD.—For purposes of this section, the term "unaccompanied alien child" has the meaning given such term in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

(i) EFFECTIVE DATE.—This section shall take effect on the date that is 90 days after the date of the enactment of this Act.

(j) GRANTS AND CONTRACTS.—The Secretary of Health and Human Services may award grants to, and enter into contracts with, voluntary agencies to carry out this section and section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

SEC. 237. TEMPORARY INCREASE IN FEE FOR CERTAIN CONSULAR SERVICES.

(a) INCREASE IN FEE.—Notwithstanding any other provision of law, not later than October 1, 2008, the Secretary of State shall increase by $2.00 the fee or surcharge assessed under section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 8 U.S.C. 1351 note) for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas.

(b) DEPOSIT OF AMOUNTS.—Notwithstanding section 140(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 8 U.S.C. 1351 note), fees collected under the authority of subsection (a) shall be deposited in the Treasury.

(c) DURATION OF INCREASE.—The fee increase authorized under subsection (a) shall terminate on the date that is 2 years after the date on which such fee is first collected.

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 301. TRAFFICKING VICTIMS PROTECTION ACT OF 2000.

Section 113 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "104,"; and

(ii) by striking "$1,500,000" and all that follows through "2007" and inserting "$5,000,000 for each of the fiscal years 2008 through 2011"; and

(B) in the second sentence—

(i) by inserting "$1,500,000 for additional personnel for each of the fiscal years 2008 through 2011" after "Office to Monitor and Combat Trafficking"; and

(ii) by striking "2006 and 2007" and inserting "2008 through 2011";

(2) in the first sentence of subsection (b), by striking "$5,000,000" and all that follows through "2007" and inserting "$15,000,000 for each of the fiscal years 2008 through 2011";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "2004, 2005, 2006, and 2007" each place it appears and inserting "2008 through 2011";

(ii) in subparagraph (B)—

(I) by striking "$15,000,000" and inserting "$10,000,000"; and

(II) by adding at the end the following new sentence: "To carry out the purposes of section 107(a)(1)(F), there are authorized to be appropriated to the Secretary of State $500,000 for fiscal year 2008, $750,000 for fiscal year 2009, and $1,000,000 for each of the fiscal years 2010 and 2011."; and

(iii) in subparagraph (C), by inserting "(as added by section 109)" after "section 134 of the Foreign Assistance Act of 1961";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2) (as redesignated by subparagraph (C))—

(i) by striking "section 104" and inserting "sections 116(f) and 502B(h) of the Foreign Assistance Act of 1961 (as added by section 104)"; and

(ii) by striking ", including the preparation" and all that follows through "section";

(4) in subsection (d)—

(A) in the first sentence, by striking "$10,000,000" and all that follows through "2007" and inserting "$15,000,000 for each of the fiscal years 2008 through 2011"; and

(B) in the second sentence, by striking "$250,000" and all that follows through "2007" and inserting "$500,000 for each of the fiscal years 2008 through 2011";

(5) in subsection (e)—

(A) in paragraph (1), by striking "$5,000,000" and all that follows through "2007" and inserting "$15,000,000 for each of the fiscal years 2008 through 2011";

(B) in paragraph (2)—

(i) by striking "section 109" and inserting "section 134 of the Foreign Assistance Act of 1961 (as added by section 109)"; and

(ii) by striking "$5,000,000" and all that follows through "2007" and inserting "$15,000,000 for each of the fiscal years 2008 through 2011"; and

(C) in paragraph (3), by striking "$300,000" and all that follows through "2007" and inserting "$1,000,000 for each of the fiscal years 2008 through 2011";

(6) in subsection (f)—

(A) by striking "section 107(b)" and inserting "section 107(b) of this Act and section 202(g) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007"; and

(B) by striking "$5,000,000" and all that follows through "2007" and inserting "$15,000,000 for each of the fiscal years 2008 through 2011";

(7) in subsection (h), by striking "fiscal year 2006" and inserting "each of the fiscal years 2008 through 2011"; and

(8) in subsection (i), by striking "$18,000,000" and all that follows through "2007" and inserting "$18,000,000 for each of the fiscal years 2008 through 2011".

SEC. 302. TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005.

The Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164) is amended—

(1) in paragraph (7) of section 102(b), by striking "2006 and 2007" and inserting "2008 through 2011";

(2) in subsection (b) of section 105, by adding at the end the following new paragraph:

"(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary of Labor $1,000,000 for each of the fiscal years 2008 through 2011.";

(3) in subsection (c) of section 201—

(A) in paragraph (1), by striking "$2,500,000 for each of the fiscal years 2006 and 2007" each place it appears and inserting "$3,000,000 for each of the fiscal years 2008 through 2011"; and

(B) in paragraph (2), by striking "$1,000,000" and all that follows through "2007" and inserting "$1,000,000 for each of the fiscal years 2008 through 2011";

(4) in subsection (d) of section 202, by striking "$10,000,000" and all that follows through "2007" and inserting "$15,000,000 for each of the fiscal years 2008 through 2011";

(5) in subsection (g) of section 203, by striking "$5,000,000" and all that follows through "2007" and inserting "$5,000,000 for each of the fiscal years 2008 through 2011"; and

(6) in subsection (d) of section 204, by striking "$25,000,000" and all that follows through "2007" and inserting "$25,000,000 for each of the fiscal years 2008 through 2011".

SEC. 303. RULE OF CONSTRUCTION.

The amendments made by sections 301 and 302 shall not be construed to affect the availability of funds appropriated pursuant to the authorizations of appropriations under the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386; 22 U.S.C. 7101 et seq.) and the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164) before the date of the enactment of this Act.

SEC. 304. TECHNICAL AMENDMENTS.

(a) TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—Sections 103(1) and 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(1) and 7103(d)(7)) are amended by striking "Committee on International Relations" each place it appears and inserting "Committee on Foreign Affairs".

(b) TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005.—Section 102(b)(6) and subsections (c)(2)(B)(i) and (e)(2) of section 104 of the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164) are amended by striking "Committee on International Relations" each place it appears and inserting "Committee on Foreign Affairs".

TITLE IV—PREVENTION OF THE USE OF CHILD SOLDIERS

SEC. 401. SHORT TITLE.

This title may be cited as the "Child Soldier Prevention Act of 2007".

SEC. 402. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Foreign Relations of the Senate.

(2) CHILD SOLDIER.—Consistent with the provisions of the Optional Protocol, the term "child soldier"—

(A) means—

(i) any person under age 18 who takes a direct part in hostilities as a member of governmental armed forces, where the government has failed to take all feasible measures to ensure that members of its armed forced under age 18 do not take a direct part in hostilities;

(ii) any person under age 18 who has been compulsorily recruited into governmental armed forces;

(iii) any person under age 16 voluntarily recruited into governmental armed forces; and

(iv) any person under age 18 recruited or used in hostilities by armed forces distinct from the armed forces of a state, where the government has failed to take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices; and

(B) includes any person described in clauses (ii), (iii), and (iv) of subparagraph (A) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

(3) OPTIONAL PROTOCOL.—The term "Optional Protocol" means the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which establishes 18 as the minimum age for conscription or forced recruitment and requires states party to take all feasible measures to ensure that members of their armed forces under the age of 18 do not take a direct part in hostilities

(4) UNITED STATES MUNITIONS LIST.—The term "United States Munitions List" means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 403. FINDINGS.

Congress makes the following findings:

(1) According to the September 7, 2005, report to the General Assembly of the United Nations by the Special Representative of the Secretary-General for Children and Armed Conflict, "In the last decade, two million children have been killed in situations of armed conflict, while six million children have been permanently disabled or injured. Over 250,000 children continue to be exploited as child soldiers and tens of thousands of girls are being subjected to rape and other forms of sexual violence.".

(2) According to the Center for Emerging Threats and Opportunities (CETO), Marine Corps Warfighting Laboratory, "The Child Soldier Phenomenon has become a post-Cold War epidemic that has proliferated to every continent with the exception of Antarctica and Australia.".

(3) Many of the children currently serving in armed forces or paramilitaries were forcibly conscripted through kidnapping or coercion, a form of human trafficking, while others joined military units due to economic necessity, to avenge the loss of a family member, or for their own personal safety.

(4) Some military and militia commanders force child soldiers to commit gruesome acts of ritual killings or torture, including acts of violence against other children.

(5) Many female child soldiers face the additional psychological and physical horrors of rape and sexual abuse, enslavement for sexual purposes by militia commanders, and severe social stigma should they return home.

(6) Some military and militia commanders target children for recruitment because of their psychological immaturity and vulnerability to manipulation and indoctrination. Children are often separated from their families in order to foster dependence on military units and leaders. Consequently, many of these children suffer from deep trauma and are in need of psychological counseling and rehabilitation.

(7) Child soldiers are exposed to hazardous conditions and are at risk of physical injury and disability, psychological trauma, sexually transmitted diseases, respiratory and skin infections, and often death.

(8) On May 25, 2000, the United Nations adopted and opened for signature, ratification, and accession the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

(9) On June 18, 2002, the Senate unanimously approved the resolution advising and consenting to the ratification of the Optional Protocol.

(10) On December 23, 2002, the United States presented the ratified Optional Protocol to the United Nations.

(11) More than 110 governments worldwide have ratified the Optional Protocol, establishing a clear international norm concerning the use of children in combat.

(12) On December 2, 1999, the United States ratified International Labour Convention 182, the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which includes the use of child soldiers among the worst forms of child labor.

(13) On October 7, 2005, the Senate gave its advice and consent to the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.

(14) It is in the national security interest of the United States to reduce the chances that members of the United States Armed Forces will be forced to encounter children in combat situations.

(15) Section 502B(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(3)) provides that "the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise".

SEC. 404. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States Government should condemn the conscription, forced recruitment or use of children by governments, paramilitaries, or other organizations in hostilities;

(2) the United States Government should support and, where practicable, lead efforts to establish and uphold international standards designed to end this abuse of human rights;

(3) the United States Government should expand ongoing services to rehabilitate recovered child soldiers and to reintegrate them back into their communities by—

(A) offering ongoing psychological services to help victims recover from their trauma and relearn how to deal with others in nonviolent ways such that they are no longer a danger to their community, taking into consideration the needs of girl soldiers, who may be at risk of exclusion from disarmament, demobilization, and reintegration programs;

(B) facilitating reconciliation with their communities through negotiations with traditional leaders and elders to enable recovered abductees to resume normal lives in their communities; and

(C) providing educational and vocational assistance;

(4) the United States should work with the international community, including, where appropriate, third country governments, nongovernmental organizations, faith-based organizations, United Nations agencies, local governments, labor unions, and private enterprise—

(A) on efforts to bring to justice rebel organizations that kidnap children for use as child soldiers, including the Lord's Resistance Army (LRA) in Uganda, Fuerzas Armadas Revolucionarias de Colombia (FARC), and Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka, including, where feasible, by arresting the leaders of such groups; and

(B) on efforts to recover those children who have been abducted and to assist them in their rehabilitation and reintegration into communities;

(5) the Secretary of State, the Secretary of Labor, and the Secretary of Defense should coordinate programs to achieve the goals specified in paragraph (3), and in countries where the use of child soldiers is an issue, whether or not it is supported or sanctioned by the governments of such countries, United States diplomatic missions should include in their mission program plans a strategy to achieve the goals specified in such paragraph;

(6) United States diplomatic missions in countries in which governments use or tolerate child soldiers should develop, as part of annual program planning, strategies to promote efforts to end this abuse of human rights, identifying and integrating global best practices, as available, into such strategies to avoid duplication of effort; and

(7) in allocating or recommending the allocation of funds or recommending candidates for programs and grants funded by the United States Government, United States diplomatic missions should give serious consideration to those programs and candidates deemed to promote the end to this abuse of human rights.

SEC. 405. PROHIBITION ON PROVISION OF MILITARY ASSISTANCE TO FOREIGN GOVERNMENTS THAT RECRUIT OR USE CHILD SOLDIERS.

(a) IN GENERAL.—Subject to subsections (b), (c), and (d), none of the funds made available to carry out sections 516 or 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j or 2347) or section 23 of the Arms Export Control Act (22 U.S.C. 2763) may be used to provide assistance to the government of a country that the Secretary of State determines has governmental armed forces or government supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or use child soldiers.

(b) PUBLICATION OF LIST OF FOREIGN GOVERNMENTS AND NOTIFICATION TO FOREIGN GOVERNMENTS.—

(1) PUBLICATION OF LIST OF FOREIGN GOVERNMENTS.—The Secretary of State shall include a list of the foreign governments subject to the prohibition in subsection (a) in the report required by section 110(b) of the

Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).

(2) NOTIFICATION TO FOREIGN GOVERNMENTS.—The Secretary of State shall formally notify each foreign government subject to the prohibition in subsection (a).

(c) NATIONAL INTEREST WAIVER.—

(1) WAIVER.—The President may waive the application to a foreign government of the prohibition in subsection (a) if the President determines that such waiver is in the interest of the United States.

(2) PUBLICATION AND NOTIFICATION.—The President shall publish each waiver granted under paragraph (1) in the Federal Register and shall notify the appropriate congressional committees of each such waiver, including the justification for the waiver, in accordance with the regular notification procedures of such committees.

(d) REINSTATEMENT OF ASSISTANCE.—The President may provide to a foreign government assistance otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that the foreign government—

(1) has implemented effective measures to come into compliance with the standards of this title; and

(2) has implemented effective policies and mechanisms to prohibit and prevent future use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) EXCEPTIONS.—

(1) ASSISTANCE TO ADDRESS THE PROBLEM OF CHILD SOLDIERS AND PROFESSIONALIZATION OF THE MILITARY.—

(A) IN GENERAL.—The President may provide to a foreign government assistance under section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347; relating to international military education and training) otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that—

(i) the government is implementing effective measures to demobilize child soldiers in its forces or in government supported paramilitaries and to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(ii) the assistance provided by the United States Government to the government will go to programs that will directly support professionalization of the military.

(B) LIMITATION.—The exception under subparagraph (A) may not remain in effect for more than 2 years following the date of notification specified in subsection (b)(2).

(2) ASSISTANCE FOR DEMINING ACTIVITIES, THE CLEARANCE OF UNEXPLODED ORDINANCE, THE DESTRUCTION OF SMALL ARMS, AND RELATED ACTIVITIES.—The President may use funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to credit sales) to provide to a foreign government assistance otherwise prohibited under subsection (a) if the purpose of the assistance is to carry out demining activities, the clearance of unexploded ordinance, the destruction of small arms, or related activities.

(3) ASSISTANCE TO FURTHER COOPERATION WITH THE UNITED STATES TO COMBAT INTERNATIONAL TERRORISM.—The President may provide to a foreign government assistance under any provision of law specified in subsection (a) if the purpose of the assistance is specifically designed to further cooperation between the United States and the foreign government to combat international terrorism.

(f) EFFECTIVE DATE; APPLICABILITY.—This section takes effect 180 days after the date of the enactment of this Act and shall apply to funds made available for the first fiscal year beginning after such effective date and each subsequent fiscal year.

SEC. 406. REPORTS.

(a) PREPARATION OF REPORTS REGARDING CHILD SOLDIERS.—The Secretary of State shall ensure that United States missions abroad thoroughly investigate reports of the use of child soldiers in the countries in which such missions are located.

(b) INFORMATION FOR ANNUAL HUMAN RIGHTS REPORTS.—In preparing those portions of the Department of State's annual Country Reports on Human Rights Practices that relate to child soldiers, the Secretary of State shall ensure that such portions include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) NOTIFICATION TO CONGRESS.—Not later than June 15 of each year for 10 years following the date of the enactment of this Act, the President shall submit to the appropriate congressional committees—

(1) a list of any waivers or exceptions exercised under section 405;

(2) a justification for those waivers and exceptions; and

(3) a description of any assistance provided pursuant to section 405.

(d) REPORT ON IMPLEMENTATION OF TITLE.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to appropriate congressional committees a report setting forth a strategy for achieving the policy objectives of this title, including a description of an effective mechanism for coordination of United States Government efforts to implement this strategy.

(e) REPORT ON CHILD SOLDIERS IN BURMA.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report of the recruitment and use of child soldiers by the governmental armed forces or government-supported armed groups of the Government of Burma, including paramilitaries, militias, or civil defense forces.

SEC. 407. TRAINING FOR FOREIGN SERVICE OFFICERS.

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following new subsection:

"(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided after January 1, 2008, for members of the Service, including chiefs of mission, instruction on matters related to child soldiers and the terms of the Child Soldier Prevention Act of 2007.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that the gentlemen from Michigan (Mr. CONYERS) control 10 minutes of the time allocated for H.R. 3887, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I my consume.

It is all too common these days to see headlines in media around and about the rise of modern-day slavery. The stories are enough to turn anyone's stomach. Cambodian mothers driven by intense poverty selling their daughters into prostitution; children as young as 5 shipped to Nigeria to slave away in underground granite mines; hundreds of African boys and girls smuggled to Britain, forced to work as domestic servants; brutish uniformed soldiers dragging Burmese men and women from their homes to labor on government construction projects; and even though it is not directly related, women in Saudi Arabia victimized by getting the lash and being convicted even though they have been a victim of rape and being utilized as sex tools or toys and sometimes being utilized as slaves.

These nightmares unfolding thousands of miles from our shores are deeply tragic. But to many, they seem profoundly disconnected from our comfortable lives here in America. They are not. Human trafficking happens here at home right under our noses.

Let me, of course, thank Chairman LANTOS and Ranking Member ILEANA ROS-LEHTINEN for working with Congressman CONYERS and many of us on this important legislation. Let me thank Congressman CONYERS for his constant and consistent leadership on this important legislation, and as well his continued work as the chairman of the House Judiciary Committee, on which I serve with him.

Just a few weeks ago, a frightened young Tanzanian woman bravely came before the Foreign Affairs Committee to testify. For more than 4 years, she had been forced to do domestic work without pay for a diplomat at the Tanzanian Embassy in Washington. She was denied medical care. And when this frail young woman complained that her feet were infected, she was forced outside without shoes to shovel snow. While we would all like to view this heart-rending case as an isolated incident, it is sadly part of a growing international trend in which millions of men, women and children are forced into sexual slavery, labor or indentured servitude each year.

Think for a moment if each of these individuals had a little camera on their back or their shoulder and we could truly see this woman with infected feet in icy snow shoveling snow, or someone who was never able to leave their house and never have any time off even here in the United States, or some of the other examples that we have already highlighted, we had a camera to see the harshness of it, the shame of it, the sadness of it, the cruelty of it.

Trafficking is the world's fastest growing international organized crime, and one of the most profitable, yielding up to $17 billion each year. Every year traffickers move between 700,000 and 2 million women and children across international borders for the purpose of serving in the sex trade or in forced labor. Congress has worked for nearly a decade to ramp up our country's efforts to prevent trafficking, protect victims and prosecute perpetrators.

With approval of the bill before the House today, we can redouble these efforts and dramatically increase the ability the United States has to work to end the scourge of modern-day slavery. H.R. 3887 requires the administration to compile data from every U.S. agency, international organizations and private sources so that the executive branch can prepare a comprehensive analysis of trafficking patterns. This will help us better understand where victims are actually going and how to free them. It also provides help for countries to prevent trafficking by registering vulnerable populations that currently go unrecognized so that potential victims can be identified and educated. And it provides assistance to increase inspections abroad where forced labor occurs to help trafficking victims from slave-like conditions.

The legislation also prevents new visas for domestic servants for diplomats in the United States who belong to any embassy where abuse of such workers occurs. This will encourage self-policing of such embassies by their ambassadors.

The bipartisan bill before the House will not end trafficking overnight but it will dramatically increase America's ability to stop trafficking here at home and to work with other countries to battle this rapidly growing international crime.

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The legislation shows that it is still possible for Republicans and Democrats to work together to get something big and important done and to save lives.

Mr. Speaker, let me thank my good friend and colleague, the ranking member of the Subcommittee on Africa and Global Health, CHRIS SMITH, for his extraordinary leadership on the trafficking issue for many years and for his many contributions to this important legislation. Let me also thank Chairman PAYNE for working with him on this issue and working together with the full committee.

Two centuries ago, William Wilberforce moved mountains to convince the British Parliament to ban slavery in the United Kingdom. In fact, there is a Historically Black College named after him: Wilberforce University. More than 140 years ago our Nation adopted a 13th amendment banning slavery right here at home. But slavery in many forms still stubbornly persists in our country, in Britain, and in nations around the world.

Mr. Speaker, enough is enough. Modern-day slavery must end. Our country already plays a leadership role in bringing about this supremely moral objective, but we simply must do more.

Mr. Speaker, I urge all Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as an original cosponsor, I rise in favor of the bill before us, H.R. 3887, the William Wilberforce Trafficking Victims Protection Reauthorization Act. This was introduced by the chairman of our committee, the Committee on Foreign Affairs, Mr. LANTOS; and it remains one of the premier issues facing us today, Mr. Speaker.

Human trafficking is modern-day slavery. It is a major source of revenue for international criminal syndicates, and it is a grave abuse against human dignity. Hundreds of thousands of people are trafficked across international borders every year. It is estimated that 80 percent of those are women, and half are children. Millions more are trafficked into sexual servitude and forced labor within their own countries.

In Iran, children are trafficked into sexual slavery and forced into involuntary servitude as beggars and day laborers. In Syria, women trafficked from South and Southeast Asia are forced to work as domestic servants, and women from Eastern Europe and Iraq are forced into prostitution. In China, up to 90 percent of North Korean refugee women fall prey to traffickers who sell them into sexual slavery. In our own hemisphere, Mr. Speaker, Cuba has been shamefully promoted as a destination for sex tourism that exploits large numbers of Cuban children.

The dehumanization and the brutality suffered by trafficking victims are nearly incomprehensible. I am proud that the Congress has helped turn this former non-issue into a priority for our United States Government and an issue, indeed, of international concern.

The enactment of the original Trafficking Victims Protection Act 7 years ago was a watershed event. I want to commend the author of that act and the gentleman from New Jersey, Mr. CHRIS SMITH, whose leadership on these issues has been central to the progress that we have made so far.

While there have been some signs of improvement, such as a larger number of countries that have enacted anti-trafficking legislation, other problems remain widespread. The number of countries, for example, listed in tier three, that is the most problematic category in the State Department's annual Trafficking in Persons Report, has actually increased from 12 countries to 16 since last year. Some of the governments with the worst records, such as Burma, Cuba, Iran, North Korea, Sudan and Venezuela, continue to resist making even basic efforts to protect vulnerable children and women.

A number of problem countries like Russia and China sit on the tier two "Watch List" year after year after year without further consequences, even though that category was originally created as a warning that countries are about to slip into the tier three category.

The bill before us today, Mr. Speaker, will not only reauthorize key aspects of prior trafficking legislation but it will also enhance our international anti-trafficking efforts, our domestic law enforcement and victim assistance activities, and efforts to fight the use of child soldiers worldwide. It will improve our Nation's victim-centered approach to fight human trafficking by strengthening each of the so-called "Three P's," prevention, protection, prosecution.

I want to commend the author of this bill again, Mr. Speaker, Chairman LANTOS, and my fellow cosponsors for the perseverance and the compromise that they have invested in ensuring that this bill receive wide bipartisan support throughout consideration by the three committees of jurisdiction: Foreign Affairs, Judiciary, and Energy and Commerce. The revised text before us today also has been endorsed by an impressively broad array of organizations and experts from across the political spectrum.

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007 is a vital weapon in our fight against the heartbreaking scourge of human trafficking, and it deserves our full support.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, as chairman of the committee, I rise to yield myself such time as I may consume.

Ladies and gentlemen of the House of Representatives, although we passed the constitutional amendment against slavery in 1865, slavery still exists, not just in the world, but in the United States of America. And so we begin an examination of H.R. 3887, commending the Committee on Foreign Affairs, Republicans and Democrats, and commending those members of the House Judiciary Committee, Republicans and Democrats, that have come together today to pass under suspension H.R. 3887.

Slavery is a social, ugly circumstance that still controls and guides the destiny of so many people in this country. It is important that the 13th amendment's guarantee of freedom operates, whether it involves forced prostitution, whether it operates in farms or sweat shops, or in domestic service.

Mr. Speaker, if you could have heard the powerful testimony that was given by our witnesses on this bill. It shocked me. People were forced to live and work under conditions of fear and terror that was extended to their parents. A young woman, who couldn't even use her real name in the committee, told about the trafficking of human beings inside of America, in the City of Detroit, where this club was using her to commit all kinds of acts and raise huge amounts of money at the same time. As one of the television shows on NBC showed yesterday morning, guess what? There is more money being taken out of prostitution in America than in the drug industry. Drugs come number two to prostitution and involuntary servitude.

This is what brings all of us to the floor today. I am very proud of these two committees in the House that are dealing with new enforcement tools to combat modern-day slavery, whether the exploitation is by unscrupulous labor recruiters, by diplomats who abuse their services, or by brutal street pimps who coerce and keep under their domain these women, young women, at that.

Mr. Speaker, I want to just take a moment here to respond to concerns to that an aspect of this bill, that it will somehow federalize prostitution. That is not the case. That is not what we are trying to do. The sex slavery offense, renamed "aggravated sex trafficking," still captures cases of coercion that implicate the 13th amendment. The new "sex trafficking offenses" improves the Mann Act to allow prosecution of pimps who affect commerce but don't actually cross State lines.

This new tool should not diminish other anti-slavery efforts or the fight against child exploitation. We expect it to be used consistently with the principles of Federal prosecution that defer to local authority as appropriate. We want the States to control the prosecution of this offense.

There is no place in today's America for slavery. And for that reason, H.R. 3887 is critically important, because it puts new potency in the Thirteenth Amendment's guarantee of freedom: whether on farms or sweatshops, in domestic service or forced prostitution.

In a recent hearing before the House Judiciary Committee, we heard moving and powerful testimony from a young woman who has further inspired us to work together to bring this bill to the floor, to draw the line against modern slavery.

The bravery of that young woman, her story, and her willingness to speak on behalf of all victims of human trafficking, are an example for all of us, and a call to action for us to meet again our Nation's ongoing mission to deliver on the promise of freedom that has been enshrined in our Constitution since the Civil War.

The Thirteenth Amendment's prohibition against involuntary servitude and slavery is as important and basic a civil right today as it was at the time of Emancipation. Its promise of freedom is a sacred trust, written in the suffering of all of those who have been held in bondage. As a country, we owe it to them to never stop fighting for freedom.

This bill is named in honor of William Wilberforce, the famous English antislavery legislator of the Nineteenth Century.

It will equip our law enforcers with tough new enforcement tools to combat modern slavery, whether the exploitation is by unscrupulous labor recruiters, by diplomats who abuse their servants, or by brutal pimps.

It will protect immigrants and U.S. citizens alike within our country, and provide law enforcement training and victim protections overseas as well.

I would like to take a minute to respond to concerns that aspects of the bill could somehow "federalize" all prostitution and pimping. This is not the case.

The servitude offense—which the bill renames "aggravated sex trafficking"—still captures only those prostitution offenses that implicate a liberty interest under the 13th amendment because they involve coercion.

The new "compelled service" crime allows more flexibility in proving enslavement.

And the crime entitled "sex trafficking" improves the Mann Act to allow prosecution of pimps whose activities affect interstate commerce, not just those who actually cross a State line.

It is not our intent to redirect resources away from child exploitation, terrorism, or other important law enforcement, or to depart from the principles of federal prosecution that defer to local prosecutions where possible and serve as a "backstop" to catch the worst of the worst.

This approach maintains the structure and definitions of the Trafficking Victims Protection Act of 2000, and builds upon the good work of the Civil Rights Division and its antitrafficking task forces around the country. As was noted in yesterday's New York Times, these Federal and State task forces are vigorously confronting modern slavery in forced prostitution and forced labor alike.

We expect those efforts to continue, and now to intensify with these additional enforcement tools. This bill brings law enforcement officials and service providers together, to punish traffickers and to protect victims and their families. And it provides critical immigration mechanisms to protect children and other vulnerable people.

In the 1800s, escaped slaves such as Frederick Douglass and Sojourner Truth spoke out against chattel slavery. Their voices, and the voices and efforts of many others, led to a constitutional commitment that everyone in this country would be forevermore free from slavery and involuntary servitude.

The young woman who testified before our committee did not allow her enslavement and incarceration to silence her either. She became a voice not only for herself, but for other victims of slavery in its various forms, many of whom remain in bondage.

We owe it to her, and to the millions who continue under the oppression of modern slavery and involuntary servitude, to support this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, the abolition of slavery was never fully achieved in our country, or anywhere else in the world. While the slavery that exists today looks different from the slavery of our country's past, it is still a widespread, horrific reality. Human trafficking is modern-day slavery. It manifests itself in many forms: forced and bonded labor, sex slavery, and even militant activity, as has been seen with child soldiers.

I am outraged that such an offense against humanity and against the ideals of our country is allowed to flourish on our soil and abroad. As the co-chair of the Congressional Caucus on Human Trafficking, I am proud to be an original co-sponsor to H.R. 3887. This reauthorization brings renewed attention to the fight against human trafficking.

Mr. Speaker, trafficking is a shared global problem which will require a global response. Congress has rightly taken the lead in putting this issue on the international agenda. Human trafficking is an issue that transcends political ideology and every faith. We have a moral imperative to put an end to this modern-day slavery. For this reason, I support H.R. 3887, because I believe it will put us on the right path to finally abolishing slavery in our country and around the world.

Mr. Speaker, only through increasing public awareness to this global problem and demanding action will we bring an end to slavery. I commend the sponsor of this bill and the many Members of Congress who have joined together to bring an end to slavery once and for all.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it gives me great pleasure to yield 2½ minutes to the gentlewoman from New York (Mrs. MALONEY), the co-chair of the Human Trafficking Caucus.

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Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of the William Wilberforce Trafficking Victims Protection Reauthorization Act, that I believe it is fair to describe as historic. As cochair of the Human Trafficking Caucus and as an original cosponsor, I am pleased that this bill will provide strong, new, innovative, flexible tools to combat modern-day slavery, whether labor exploiters, diplomats who abuse their servants, or brutal pimps.

I want to commend the extra offered leadership of Chairman LANTOS and Chairman CONYERS, as well as LAMAR SMITH and RANDY FORBES, and their staffs, for bringing this important bill to the floor. I truly do believe that books will be written about this effort, a major one, to end this terrible abuse of human people.

I ask my colleagues to look at this picture. I want them to see that the lives of trafficking victims are pure horror. If you look at the first line, each girl looks different, but after one or two years, they all look the same, shells of people. In the end, they have been abused, psychologically captured, broken and devastated at the hands of their pimps.

The fight against human trafficking has brought together Democrats and Republicans, liberals and conservatives, religious leaders and secular leaders. I will place in the RECORD a list of the very large bipartisan coalition that was sent to the Department of Justice and our colleagues and signed by many advocates, including Gloria Steinem, Jessica Neuwirth, Kim Gandy, Tony Campolo, Jim Wallis, Ron Sider, Walter Fauntroy and Beverly LaHaye, among many others.

The bipartisan bill before us is historic and will dramatically strengthen our capability to fight human trafficking.

Mr. Speaker, I became interested in this when Big Apple Oriental Tours in my district was advertising sex tours, sex trafficking. Come to the Philippines, come here, come there, and we will give you a young girl, many young girls. We could not close them down.

With this Congress in a bipartisan way, we have strengthened the laws to crack down on this terrible human abuse. This bill before us gives law enforcement even greater tools to go after the predators.

COALITION AGAINST
TRAFFICKING IN WOMEN,
New York, NY, October 5, 2007.

Hon. PETER KEISLER,
Acting Attorney General of the United States, Department of Justice, Washington, DC.

DEAR MR. ACTING ATTORNEY GENERAL: Founded in 1988, the Coalition Against Trafficking in Women is the first international non-governmental organization to challenge the trafficking of women and girls as an acute form of gender discrimination and a severe violation of human rights. The one hundred representative signers of this letter include leaders of organizations and communities that range across the country's religious, ideological and political spectrums. What unites us is our collective outrage at human trafficking and our commitment to end it.

More than six months ago, Congresswoman Maloney and Congressmen Wolf and Scott wrote to former Attorney General Gonzales to express their concerns with the Department's anti-trafficking policies and strategies. They did so in the context of his public statements that the initiative against domestic trafficking was a matter of high priority to the Department. We share these views and applaud these statements. The multibillion dollar "industry" operated within the United States by criminal traffickers enslaves and devastates hundreds of thousands of girls and women in a manner eerily reminiscent of the 19th Century African slave trade.

We write because of the Department's apparent rejection of the views expressed in the Maloney-Scott-Wolf letter and because of our serious concerns about the Department's anti-trafficking activities. First, we fail to understand why the Department has called on States to enact a model statute that effectively requires proof of fraud, force or coercion for the conviction of sex traffickers, instead of encouraging State and local prosecutors to strengthen and enforce existing statutes under which traffickers can be convicted on proof that they have "merely" engaged in sex trafficking. Our concern about the Department's model law is made particularly grave by its seriously misguided definition of prostitution as a form of "labor or services." The effect of conceptualizing prostitution as a form of "work" not only conflicts with public statements that former Attorney Generals Ashcroft and Gonzales and other administration officials have made, it also effectively converts the pimps, brothel owners and others who profit from the prostitution "industry" into presumptively legal employers. The Department's "labor or services" definition is thus in clear conflict with repeated statements of the President, with his National Security Policy Directive 22 and with almost all State and local laws on the subject.

What the Department's trafficking policy as embodied in the model law dangerously ignores is the acute difficulty of gaining testimonial evidence of fraud, force or coercion from terrified and brutalized victims of trafficking, and the potential danger that such a requirement poses to victims' safety. It is well documented that many victims enslaved by traffickers suffer from traumatic bonding and related conditions that make it impossible for them to give the testimony essential to the prosecution of fraud, force or coercion cases. In fact, we believe that the Department's policy will cause predatory traffickers to increase their acts of violence and psychological abuse in order to ensure that the persons they abuse will not serve as prosecution witnesses.

Requiring proof of force, fraud, and coercion has not only had a detrimental effect on the prosecution of cases of domestic trafficking. Such proof requirements have been cited by anti-trafficking leaders in other countries as obstacles to holding traffickers accountable for their systematic acts of violence against girls and women. If trafficking victims are afraid to testify against their traffickers in the U.S., as they are, they are more afraid to do so in foreign countries with even more violent traffickers and often less protective legal systems.

The approach of the Department's model law appears to be replicated in the Department's prosecution policies and strategies. We are gravely concerned by the Department's failure to more fully utilize D.C. Criminal Code §22-2707, which makes sex trafficking per se a felony offense. In enforcing the D.C. Criminal Code, the Department functions much like State and local prosecutors, so that vigorous utilization of Section 22-2707 would send a powerful leadership message to those prosecutors, one that would help ameliorate the negative effects of the Department's model State law. In the same vein, we are troubled by the Department's failure to more fully utilize 18 U.S. Code §2422(a), a statute recently amended by Congress that requires no proof of fraud, force or coercion and that would be of particular value in jurisdictions where major cities in different States border each other.

There are a number of additional aspects of the Department's anti-trafficking policies and strategies that trouble us, and about which we ask your views:

The Department has given domestic traffickers effective immunity from criminal tax laws, when otherwise legal business owners are prosecuted for such acts as failing to provide W-2 forms. Congresswoman Maloney has recently introduced legislation that would ensure that traffickers are prosecuted for violating criminal tax laws, a leadership act that builds on Senator Grassley's leadership in the 109th Congress. The Grassley bill was unanimously endorsed by the Senate Finance Committee. Will the Department support this initiative?

In the face of persuasive research conducted by Equality Now, the Department has failed to utilize existing criminal statutes to prosecute so-called "sex tourism" operators. Do you agree?

The Department prioritizes the prosecution of traffickers of girls and women brought into the United States from foreign countries. Are American citizens who have been subjected to trafficking any less worthy of the Department's protection?

The Department, through its grants under the Violence Against Women Act and like programs, often denies support to applicants who operate programs for trafficking survivors. Clearly, victims of domestic trafficking, routinely subjected to rape and battery, are as much in need of and as much entitled to assistance and services as victims of other forms of gender-based violence. Do you share this view, and do you believe that victims of domestic trafficking are underserved?

The Department has failed to pursue funds for the grant programs and the survey of the unlawful domestic commercial sex industry that were authorized by the Trafficking Victims Protection Reauthorization Act of 2005. Is it not important for the Department, and the country, to know as much about the predatory world of trafficking as is known about the country's gambling and drug operations?

There is an apparent lack of coordination within the Department of its anti-trafficking activities. We believe it essential, as called for in the Maloney-Scott-Wolf letter, for there to be a single, accountable office headed by an experienced criminal prosecutor to whom Congress and the American public can look for results in the conduct of the Department's anti-trafficking activities. Do you share this view?

The Departmental leadership on the trafficking issue has been vested in the Civil Rights Division even though the Division's sole jurisdiction is the prosecution of traffickers who have committed provable acts of fraud, force, or coercion against adult victims. While we celebrate the highly professional and committed prosecutors who have brought such cases, we are deeply concerned that the anti-trafficking strategy adopted by the Department will shield traffickers from prosecution while encouraging them to intensify their acts of violence and psychological abuse. Do you believe this concern legitimate?

Attached is a report prepared by Professor Donna Hughes of the March 13 Human Trafficking Training session conducted by the head of the Civil Rights Division's Anti-Trafficking Unit—a session broadcast to United States Attorneys throughout the country. The Hughes report demonstrates the Department's seeming disinterest in enforcing per se statutes against trafficking. The report also shows that the Department's anti-trafficking initiative is directed against provable physical violence rather than trafficking per se.

We are dismayed by the comments of Department officials described in the Hughes report that leaders of the country's trafficking survivor community are "not . . . ready" to engage in education, awareness and service initiatives on behalf of trafficked women. Is this your perception, or the Department's, of the groundbreaking and courageous work of such survivor-led groups as GEMS, Dignity House, Veronica's Voice, SAGE, and Breaking Free?

Congress, the administration, and a broad and fully engaged anti-trafficking coalition now in place can in our view make history, and do so this year, in ending the reign of terror and enslavement long practiced by traffickers operating within this country.

Additionally, effective prosecution of domestic traffickers, and committed Federal government support for their victims, will strengthen the capacity of the State Department's Trafficking in Persons Office to deal with countries that are complicit or indifferent to mass trafficking within their borders. Such action would save millions of trafficked and at risk girls and women throughout the world.

The Department has significantly increased the number of its trafficking prosecutions and the resources it has committed to anti-trafficking activities. Yet in spite of this, there has been no decline in the incidence of domestic trafficking or in the number of girls and women abused and destroyed by domestic traffickers during the five year period in which the Department has conducted its costly antitrafficking initiative. Moreover and critically, the model law promoted by the Department has produced few if any State prosecutions or convictions—an outcome that we are certain will continue for the reasons set forth in this letter. Until the Department begins prosecuting and calling for the prosecution of traffickers on a per se basis, and ends its effective call for limiting such prosecutions to cases where fraud, force or coercion can be proven, domestic and international trafficking will continue to flourish and grow. Human trafficking can and must be ended within our borders. But it is only through strong and strategic measures that we will do so. Accordingly, we respectfully request a meeting to discuss the matters set forth in this letter.

Respectfully,

Dorchen Leidholdt, President, Coalition Against Trafficking in Women.

Norma Ramos, Co-Executive Director, Coalition Against Trafficking in Women.

Winnie Bartel, Board Member, National Association of Evangelicals.

Michelle Battle, Chief Operating Officer, The National Congress of Black Women, Inc.

Gary Bauer, President, American Values.

Dr. David Black, President, Eastern University.

Twiss Butler, Board Member, Coalition Against Trafficking in Women.

Tony Campolo, Professor Emeritus, Eastern University.

Phyllis Chesler, Ph.D., Co-Founder, National Women's Health Network.

Hon. David N. Cicilline, Mayor, Providence, Rhode Island.

Richard Cizik, VP, Government Affairs, National Association of Evangelicals.

Michael Cromartie, Ethics and Public Policy Center

Catherine J. Douglass, Executive Director, inMotion, Inc..

Janice Shaw Crouse, Director, Beverly LaHaye Institute, Concerned Women for America.

Barrett Duke, PhD, Ethics and Religious Liberty Commission, Southern Baptist Convention.

Geri B. Elias, LCSW, National Outreach Manager, Jewish Women International.

Bonnie Erbe, Scripps Howard Columnist.

Bonaventure N. Ezekwenna, Publisher, Africans in America.

Melissa Farley, PhD Director, Prostitution Research & Education.

Rev. Walter Fauntroy, Former DC Delegate to Congress, Pastor, New Bethel Church.

Georgette Forney, President, Anglicans for Life.

Commissioner Israel Gaither, National Commander, The Salvation Army USA.

Commissioner Eva Gaither, National President of Women's Ministries, The Salvation Army USA.

Kim A. Gandy, President, National Organization for Women.

Todd Gitlin, Professor of Journalism and Sociology, Çolumbia University.

Victor Goode, Former Executive Director, National Association for Black Lawyers.

Rabbi David Greenstein, The Academy for Jewish Religion, Riverdale, NY.

Joseph K. Grieboski, President, Institute on Religion and Public Policy.

Agnes Gund, Art Historian, Activist.

Dr. David P. Gushee, Distinguished University Professor of Christian Studies, Mercer University.

Mimi Haddad, PhD, President, Christians for Biblical Equality.

Rev. Dr. James V. Heidinger, II, President Good News Movement.

Rabbi Shmuel Herzfeld Coalition of Jewish Concerns—Amcha.

Michael Horowitz, Senior Fellow, Hudson Institute.

Bishop Clyde M. Hughes, International Pentecostal Church of Christ.

Donna M. Hughes, Carlson Chair Professor, Women's Studies Program, University of Rhode Island.

Sandra Hunnicutt, Executive Director, Captive Daughters.

Rt. Rev. Jack L. Iker, Bishop of Fort Worth, Episcopal Church.

Richard Israel, Former Attorney General, Rhode Island.

Kristin Komamicki, Editor, PRISM Magazine, Evangelicals for Social Justice.

James M. Kushiner, Executive Director, The Fellowship of St. James.

Mrs. Beverly LaHaye, Founder, Chair, Concerned Women for America.

Nancy Lewis, UN Representative, International Immigrants Foundation.

Sister LeeAnn Mackeprang, Good Shepherd, Contemplative Sisters.

Catharine A. MacKinnon, Elizabeth A. Long, Professor, University of Michigan Law School.

Frederica Mathewes-Green, Speaker, Author.

Faith McDonnell, Director, Religious Liberty Program, Institute on Religion and Democracy.

Alyssa Milano, Actress, Human Rights Activist.

John R. Miller, Research Professor in International Studies, George Washington University.

Ronna J. Miller, Director, MHGS Conferences.

Richard J. Mouw, President, Fuller Seminary.

Patricia Murphy, North American Coordinating Center, School Sisters of Notre Dame.

Jessica Neuwirth, President, Equality Now.

Susan O'Malley, Business and Professional Women International.

Katherine R. Parisi, CSJP, PhD, Justice & Peace Coordinator, Congregation of the Sisters, St. Joseph of Peace.

Kathryn Cameron Porter, Founder, President, Leadership Council for Human Rights.

Margaret Purvis, Founder, President, Faces of Children, Midland, TX.

Dana Raphael, PhD, Director, Human Lactation Center.

Judith A. Reisman, PhD, President, Institute for Media Education.

Shirley Rodriguez Remeneski, President, 100 Hispanic Women, Inc.

Eva H. Richter, International Federation of Business and Professional Women.

Elizabeth D. Rios, Founder, Board President, Center for Emerging Female Leadership.

Rev. David Runnion-Bareford, Executive Director, Biblical Witness Fellowship, United Church of Christ.

Austin Ruse, President, Catholic Family & Human Rights Institute.

Diana E.H. Russell, PhD, Emerita Professor of Sociology, Mills College.

Denise Scotto, International Federation of Women in Legal Careers (FIFCJ).

Nadia Shmigel, World Federation of Ukrainian Women's Organizations.

L. Faye Short, President, RENEW Women's Network.

Ron Sider, President, Evangelicals for Social Action.

Lucianne Siers, Director, Partnership for Global Justice.

Deborah Sigmund, Founder, Innocence at Risk.

Carol Smolenski, Executive Director, ECPAT-USA.

Gloria Steinem, Co-Founder, Ms. Magazine.

Cheryl Thomas, Director, Women's Human Rights Program, Advocates for Human Rights.

Jim Wallis, President, CEO, Sojourners/ Call to Renewal.

Rev. Gloria E. White-Hammond, M.D., Co-Founder, My Sister's Keeper, Co-Pastor, Bethel AME Church.

Wendy Wright, President, Concerned Women for America.

SERVICE PROVIDERS

Anne Bissell, Executive Director, Voices for Justice.

Vednita Carter, Executive Director, Breaking Free.

Rita Chaikin, Anti-Trafficking Project Coordinator, Isha L'Isha—Haifa Feminist Center, Haifa, Israel.

Kristy Childs, Executive Director, Founder VERONICA'S Voice.

Katherine Chon, Executive Director, Co-Founder, Polaris Project.

Rachel Durchslag, Executive Director, Chicago Alliance Against Sexual Exploitation.

Laurel W. Eisner, Executive Director, Sanctuary for Families, New York, NY.

Juliette Engel, Founding Director, MiraMed Institute, Moscow, Russia.

Sid Ford, Founder, Director, YANA (You are Never Alone), Baltimore, MD.

Leah Gruenptere Gold, Director, Machon Toda'a Awareness Center, Israel.

Patricia Green, Founder, RAHAB INTERNATIONAL, World Outreach International, Berlin, Germany.

Norma Hotaling, Founder, Director, SAGE, San Francisco, CA.

Phyllis Kilbourn, Director, Crisis Care Training International, Rainbows of Hope.

Chong N. Kim, Founder, MASIE (Minorities & Survivor Improving Empowerment), USA.

Donna Robin Lippman, Director, Incest and Rape Recovery Center, New York.

Rachel Lloyd, Executive Director, Founder, GEMS, New York City.

Kathleen Mitchell, Founder, Catholic Charities DIGNITY Services.

Beatrice Okezie, Founding Board Member, Chairperson of Board of Directors, Africans in America, Inc.

Moira Olson, Adults Saving Kids, Minneapolis, MN.

Artika Roller, PRIDE, Minneapolis, MN.

Donna Sabella, M.Ed, MSN, RN, Director, Phoenix Project, Philadelphia, PA.

Ed Shurna, Executive Director, Coalition for the Homeless, Chicago, IL.

Shaleen Horrocks Silva, Executive Director, The Paul & Lisa Program, Inc.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), an esteemed member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, women brought to Northern California from China with false promises of life in a far-off land, only to be trapped in prostitution; Mexican women forced to serve up to 50 men each day in dingy brothels in New York; African teenagers held in servitude as nannies in Washington, DC; American women and girls lured on to the streets with promises of love and glamour, only to be held in prostitution through coercive force; the issue of human trafficking is a moral tragedy, perpetrated against the most vulnerable of our fellow human beings. Whether it be the sexual exploitation of children or the forced labor of young men in the drug trade recently chronicled in the London Economist, it is a transnational stain which should evoke the singular emotion of revulsion.

Human trafficking is tantamount to slavery, and therefore it is most fitting that H.R. 3887 be entitled be entitled the William Wilberforce Trafficking Victims Protection Reauthorization Act, for, as we know, William Wilberforce, was a leader among English abolitionists and played a crucial role in the passage of both the Slave Trade Act of 1807 and the Slave Abolition Act of 1833, shortly before his death.

The promise of freedom and the prohibition against involuntary servitude enshrined in the 13th amendment to our Constitution is a clear statement of the opprobrium which we hold for the notion that some human beings should be used as chattel for exploitation by others.

In fact, our commitment to this first principle predates the Constitution, for it was Thomas Jefferson who penned those immortal words in the preamble of our Nation's foundational statement of political philosophy that there are certain inalienable rights with which we are endowed as human beings by our Creator, and it is this source of ours rights which render them inviolable.

This was affirmed by that other bookend of human freedom, the Gettysburg Address, where President Lincoln visualized the fulfillment of the Declaration with the admonition that "All men are created equal," or, as we would put it today, all human beings are created equal.

Thus, Mr. Speaker, the specter of a modern version of slavery cuts against our national aspirations as people. The Wilberforce Act is thus an appropriate expression of our collective outrage over this more recent transgression of basic human rights. And although I might have crafted the response to some of the issues addressed in this legislation differently, we must not allow the perfect to overcome or be the enemy of the good.

H.R. 3887 provides resources so that nongovernmental organizations, Federal and local law enforcement, and faith-based entities can work together towards a common aim of justice. The bill holds forth the promise of a new birth of freedom for those coerced into sexual slavery and child exploitation.

Finally, I would be remiss were I to fail to add that the Wilberforce Act exemplifies what is possible when Members of this body are willing to cross the aisle in order to address real-life problems which compel a response from all of us.

Mr. Speaker, I would ask for a unanimous vote in support of the Wilberforce Act.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the chairman of the Crime Subcommittee, who has worked with us in a highly cooperative way.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007. Human trafficking for exploitive labor, sex or other exploitive reasons, is equivalent to modern-day slavery in many instances and requires a concerted effort among the nations of the world not only to control it, but eventually to end it. I am pleased that the United States is leading an effort to root out this dreadful form of misery and suffering, and I am proud to be part of that effort.

Of course, we need to make sure that we do what we can to stop and prevent it here in the United States. In this regard, I am particularly pleased with the provisions in the bill which strengthen the ability of the Department of Justice to deal with abusive commercial sex traffickers who have been able to victimize women and children with relative impunity because of the difficulty of getting victims to testify as to force, fraud or coercive tactics or to show that they were trafficked across State lines.

The bill also strengthens the ability of the Department of Justice to address domestic sex trafficking by transferring the responsibility of the prosecuting domestic sex trafficking cases from the Civil Rights Division at the Department of Justice to the Criminal Division, both when it is commercial sex trafficking, where force, fraud and coercion can be proved, and when it is trafficking where force, fraud and coercion cannot be proved. The Civil Rights Division continues to have jurisdiction in cases where slavery is involved, but the existence of force, fraud or coercion in commercial sex trafficking cases in and of itself does not constitute the conditions of slavery which the Civil Rights Division prosecutes as a civil rights violation.

For these reasons, Mr. Speaker, I support the bill and urge my colleagues to support it.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. FORTENBERRY), a hardworking and esteemed member of our Foreign Affairs Committee.

Mr. FORTENBERRY. I would like to thank the distinguished ranking member of the Foreign Affairs Committee for the time.

Mr. Speaker, as we approach the end of the year with much serious legislative business remaining before us, we have a noteworthy opportunity today to pass a measure in which each and every American can justifiably take great pride. The William Wilberforce Trafficking Victims Protection Reauthorization Act represents the culmination of extensive work and exemplary bipartisan cooperation. It illustrates what we in this House can achieve when we unite in recognition of shared and enduring truth in an effort to defeat one of the world's most glaring injustices.

Human trafficking is a singularly merciless and degrading criminal activity. It has deeply tarnished every nation, including our own. Its ruthless perpetrators brutally exploit and devastate the lives of innocent persons, including children, often turning bastions of freedom and civil society into nightmarish realms seemingly beyond the reach of sanctuary.

Mr. Speaker, I want to also commend my distinguished colleagues Mr. SMITH of New Jersey and Mr. LANTOS of California for raising awareness about this cruel enterprise and for leading the Foreign Affairs Committee in taking substantive, credible actions to bring hope and healing to victims of this pernicious global trade in human beings. I also want to thank them for working to incorporate the Child Soldier Prevention Act of 2007 into this bill, bringing years of hard work to fruition and recognizing our Nation's commitment to ending the forced conscription, recruitment or use of children in combat, yet another grave affront to human dignity. I also wish to commend many individuals throughout our government and the many nongovernmental organizations whose tireless efforts have made this moment possible.

I urge my colleagues to join me in passing the William Wilberforce Trafficking Victims Protection Reauthorization Act. Together, let us end the nightmare of human trafficking and lead the world to see, in the poignant words of Alexis de Tocqueville, that America is great because America is good.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to yield 1½ minutes to the distinguished gentleman from Virginia (Mr. MORAN), a member of the Appropriations Committee and a committed and dedicated fighter against human trafficking.

Mr. MORAN of Virginia. Mr. Speaker, I thank my very good friend from Texas.

Mr. Speaker, human trafficking is one of the greatest human rights tragedies of our time. The passage of this legislation will bring thousands of victims of slavery out of the shadows and prosecute those that would take advantage of voiceless souls for a marginal profit.

One of the key provisions in this legislation is the prevention and punishment of diplomats who abuse their servants. As many as 50,000 women and children, according to the Department of State, are trafficked into the United States annually and are trapped in slavery-like situations, including forced prostitution.

Currently, no government agency tracks instances of forced domestic labor at the hands of diplomats. Last year, the State Department issued about 2,000 domestic worker visas. In the plush residences of diplomats, servants' passports can be withheld. Many are paid as little $1 a day and suffer emotional and physical abuse. While the Department of State has indicated that some diplomats are asked to leave because of domestic abuse, it is unclear how many are prosecuted.

We are redefining our policies on human trafficking, and I would hope that with these new provisions we are able to crack down on this loophole that makes it too easy for diplomats to abuse their domestic servants.

Diplomats currently hide behind diplomatic immunity. This should not be the case when it comes to serious crimes such as human trafficking. They abuse domestic servants, and it is increasingly hard to prosecute them. This has to change. This legislation will help prevent future instances of domestic servant abuse in diplomatic residences.

So I look forward to these new provisions being implemented by the Department of State as they attempt to eliminate all forms of slavery, and I thank both committees for getting this legislation to the floor and urge everybody to vote for it.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 7½ minutes to the gentleman from New Jersey (Mr. SMITH), the author of the original Trafficking Victims Protection Act and the ranking member of the Subcommittee on Africa and Global Health.

Mr. Speaker, I ask unanimous consent that the gentleman from Michigan (Mr. CONYERS) control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentlelady for yielding and for her outstanding leadership and for that of the chairman of the committee, TOM LANTOS. He has been extraordinarily effective in this fight against modern-day slavery, and I thank him for his leadership as well.

Mr. Speaker, the Trafficking Victims Protection Act of 2000, Public Law 106–386, has made, I believe, an enormous positive difference in our efforts to end modern-day slavery, a nefarious enterprise that nets the exploiters billions of dollars each year.

The 7-year-old landmark law and its numerous reinforcing provisions to prevent trafficking, to protect victims and to prosecute to the max those who traffic, has been a model statute worldwide. Indeed, many of its provisions have been adopted into law in whole or in part by governments around the world.

Mr. Speaker, the TVPA of 2000 does not pull any punches. By naming the names of countries out of compliance with what we call minimum standards and by imposing smart sanctions that are prescribed in the act, the withholding of nonhumanitarian aid, for example, we have signaled to the world that ending this egregious practice is among the highest priorities of the United States.

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By protecting the victims and not sending them back to their home country where they are often exploited in a vicious cycle of exploitation, we say to the victims we will make every effort to make you safe and secure. By prosecuting the traffickers and imposing serious jail time, we are telling these exploiters we are coming after you, we will hunt you down, and you are going to pay for your crimes.

Since the enactment of the TVPA, the traffickers here and abroad are increasingly likely to face prosecution and conviction. In the 6-year period before its enactment, DOJ prosecuted 89 suspected traffickers. In the last 6 years, the Justice Department has prosecuted 360, representing more than a 300 percent increase. The Department has secured 238 convictions and guilty pleas, compared with 67 in the same period prior to the act. And it has opened 639 new investigations, an almost fourfold increase over the 128 opened prior to implementation of the law. Worldwide, nearly 6,000 traffickers were prosecuted last year alone, and more than 3,000 were convicted.

Notwithstanding these successes, it is clear that more has to be done to destroy this mob-infested, criminal enterprise known as human trafficking. According to research sponsored by the U.S. Government and completed in 2006, approximately 800,000 people are trafficked internationally and millions more are trafficked within their country. According to the same research, the vast majority of transnational victims, almost 80 percent, are women and girls, and almost half of those 800,000 victims are minors. These figures are low compared to those posited by the International Labor Organization, which estimates 12.3 million people are subjected to forced labor, bonded labor, forced child labor, and sexual servitude.

The bill before us today, Mr. Speaker, is a very good piece of bipartisan legislation; and I thank the gentleman from California (Mr. LANTOS) for his extraordinary leadership on this. We are working in a partnership, and it is really making a difference. The legislation that is before us aims to update, expand, and improve the TPVA.

There have been lessons learned since the first law was enacted 7 years ago and subsequently reauthorized in 2003 and 2005. They are incorporated into this legislation as we try to do an even better job in mitigating the suffering of the victims while simultaneously going after those who traffic and the countries that harbor traffickers who are also part of the problem themselves.

The bill is appropriately named after William Wilberforce, who was 21 years old when he was elected to the House of Commons in 1780. John Newton, the former slave captain turned convert to Christ, encouraged Wilberforce as well as others to fight the battle against slavery. Wilberforce agreed and then poured his heart into that battle.

Wilberforce once said: "Never, never will we desist until we extinguish every trace of this bloody traffic to which our posterity, looking back to the history of those enlightened times, will scarce believe that it has been suffered to exist so long to disgrace and dishonor this country."

He also said: "So enormous, so dreadful, so remediable did the trade's wickedness quickly appear that my own mind was completely made up for its abolition." We need to fight with Wilberforce-like tenacity against this modern-day slave trade.

One of the most prominent provisions of the original TVPA was the establishment of the tier-ranking system that indicates how well or poorly a country is conforming to the minimum standards. We found when we created the watch list that some of the countries began to realize they could be "parked" there with no serious consequence for their failure. Tier 2 watch list countries found there was no penalty even though they made no improvements. That has to change: Two years and then you are off the watch list, up or down. If significant improvements fail to materialize, that country is put on tier three, subject to penalties.

Finally let me just say, Mr. Speaker, that effective cooperation, and especially the bipartisan cooperation we see here today, and partnership with other countries, is essential if we are to win this winnable war. Without it, we are doomed to either meager results or outright failure. With so many lives hanging in the balance, failure simply is not an option. None of us alone can stop human trafficking. Too much evil is involved here, and the prospect of making billions has enticed some of the most unsavory and cruel individuals on Earth, including organized crime.

Too much demand, enabled by crass indifference, unbridled hedonism and misogynistic attitudes has turned people, especially women, into objects, only valued for their utility in the brothel or in the sweatshop. And the relative lack of visibility makes the task of combating trafficking all the more difficult.

Trafficking, like germs, infection and disease, thrives in shadowy and murky places. But the contagion slows and it even dies when exposed to the light. This legislation brings more light, bright light, to this problem; and it will act as a powerful disinfectant.

So the challenge to us today is to bring this new light, the bright light of sustained scrutiny and enacting good laws, like this one, and then implementing them aggressively. We need to employ best practices and well-honed strategies in order to win the freedom of the slaves and to spare others unspeakable agony.

Together, we can make the pimps and the exploiters pay by doing serious jail time as well as the forfeiture of their assets, their boats, their villas, and their fat bank accounts.

We can end this barbaric, cruel modern-day slavery. Make no mistake about it, this is a winnable war but we need to fight in a way so as to win. This legislation further propels us in that fight, and we will win this and the slaves will be free.

Mr. CONYERS. Mr. Speaker, the gentleman from New Jersey (Mr. SMITH) first dusted off the 13th amendment of the Constitution in 1999, but it is the present chairman of the Constitution Subcommittee in the Judiciary, the gentleman from New York (Mr. NADLER), who has brought this incredibly important constitutional amendment, enacted in 1865, into real live use, and I am proud to recognize the chairman of that committee for 2¼ minutes.

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007.

This bill delivers on the promise of the 13th amendment by creating tough new enforcement tools to punish exploitation, whether by unscrupulous labor recruiters, diplomats who abuse their servants, or brutal pimps.

It provides resources so that nongovernmental organizations, Federal and local law enforcement, and the faith community can work together to liberate victims and bring their traffickers to justice.

It will protect victims of modern slavery in the United States and provide foreign aid and diplomatic tools to combat modern slavery overseas as well.

In many ways, the fight against modern slavery began in New York City in the mid-1990s. There was the infamous "Bowery Brothel" case in which Thai women were held in prostitution and literally chained to their beds. And there were the so-called "Deaf Mexican" trinket peddlers who were enslaved under our own eyes, unable to ask for help as they were forced to beg on the subways.

Since then, criminal civil rights investigators have uncovered examples of enslavement across the country, including many in the New York City area.

Recently, we have seen the liberation of Honduran women who were forced to drink and dance with clients in dance halls in New Jersey; Peruvian families freed from enslavement by a labor recruiter on Long Island; and the rescue of young American women from a street pimp in Connecticut. All of their traffickers have been convicted and imprisoned because they violated the Constitution prohibition against involuntary servitude and slavery.

More than a century after the abolition of slavery, we would expect slavery to be a closed chapter in our Nation's history. But, unfortunately, it is not. The Constitution promises to end the suffering of all those who have been held in bondage. As a country, we owe it to the victims of modern-day slavery never to stop fighting for their freedom.

This bill, the William Wilberforce Trafficking Victims Protection Reauthorization Act, renews our commitment to fulfilling the promise of the 13th amendment by providing new enforcement tools and more resources to remove the stain of modern-day slavery from our Nation.

I urge its adoption and thank the chairman of the committee and Mr. SMITH who was involved in developing the 2000 act and in developing this act, and I urge its adoption.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill, the Wilberforce bill, tracks the definitions in the Trafficking Victims Protection Act of the year 2000, builds upon the good work of the civil rights division within the Department of Justice and its anti-trafficking task forces around the country which vigorously confront modern-day slavery which does exist in forced prostitution and forced labor alike. We expect these efforts to continue, and we will monitor them with great scrutiny.

In the 1800s, escaped slaves such as Frederick Douglass and Sojourner Truth, who came out of this brutal experience in America, spoke out against chattel slavery. Their voices and the voices of many others led to a constitutional commitment that everyone in this country would be forevermore free from bondage.

The young lady who testified with an assumed name before the Judiciary Committee did not allow her suffering to silence her. And neither will our voices be silenced. We urge that this bill pass, hopefully unanimously, from the House of Representatives.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge the complete passage of this legislation, and I thank my colleagues for their convictions and their messages on the floor today.

Might I add for my colleagues' information, there are about 17,500 individuals trafficked in the United States, and we believe 50 percent of those may be children. In this legislation, we have language to combat the trafficking of our children.

Along with the other tragic stories we have heard today, we must be able to support our children and prevent the trafficking of our children.

I thank the gentlewoman from California (Ms. ZOE LOFGREN) for her efforts in this area, and I include an article from the San Jose Mercury News for the RECORD.

[The Mercury News, Dec. 4, 2007]

REACHING ACROSS PARTY LINES TO END MODERN-DAY SLAVERY

(By Zoe Lofgren and Dan Lungren)

They are age-old stories. Women brought to the Bay Area from China with false promises of life in a far-off land, only to be trapped in prostitution. Latino men laboring in debt bondage on ranches and farms in inland valleys. These stories may be redolent of the Gold Rush and frontier days, but in fact are situations that have been uncovered in present-day California. Some call it human trafficking, perhaps to make the crime less disturbing to confront. We call it modern slavery. It must be stopped.

Especially in the past decade, federal criminal civil rights prosecutions have uncovered cases of enslavement across the country. The litany of cases goes on and on, each one equally tragic: Mexican women forced to serve up to 50 men each day in dingy brothels in New York; African teenagers held in servitude as nannies in Washington, D.C.; American women and girls lured onto the streets with promises of love and glamour only to be held in prostitution through coercive force; African-American men laboring in orange groves of Florida trapped by drug addiction and "company-store" debts; Asian workers trapped in sweatshop garment factories in American Samoa and Saipan; Honduran women forced to drink and dance with clients in dance halls in Texas; and mentally ill white Americans forced to work on a Kansas farm.

From the beginning, the promise of freedom enshrined in the 13th Amendment has protected everyone in the United States, whether African-Americans, Latinos, Asians or Europeans.

Slavery might seem like a closed chapter in our nation's history, but it is worth remembering that the civil rights movement was only possible after the NAACP and the FBI worked together during the Roosevelt administration to dismantle the system of sharecropping and peonage in the American south.

Even today, farmworker advocates routinely have to fight against enslavement in the fields before they can address other concerns that the migrant community faces. Asian-American community activists and legal service providers have built their efforts upon the successful liberation of workers from the notorious El Monte sweatshop more than a decade ago.

The Constitution's promise of freedom is written in the suffering of all of those who have been held in bondage. As a country we owe it to them to never stop fighting against servitude and slavery.

This week, the House of Representatives will consider a bill that we are co-sponsoring to update our anti-slavery statutes, the William Wilberforce Act. Named in honor of the famous English legislator who fought the transatlantic slave trade in the 19th century, the proposed law will provide new tools to protect against modern slavery. The law will protect people in the United States, both in the immigrant community and among American citizens, and will provide foreign aid and diplomatic tools to combat slavery and trafficking overseas as well.

The Wilberforce Act protects workers, ensures compassionate immigration treatment for children, and allows for the reunification of victims and their families. The bill delivers on the promise of freedom by creating tough new enforcement tools to punish exploitation, whether by unscrupulous labor recruiters, diplomats who abuse their servants or brutal pimps.

The bill provides resources so that nongovernmental organizations, federal and local law enforcement and the faith community can work together to liberate victims and bring their traffickers to justice. In our congressional districts—in the South Bay and Sacramento—such interdisciplinary task forces have begun the important work of implementing state and federal anti-trafficking statutes. The Wilberforce Act will allow them to intensify their efforts.

There are some who feel that there is no room for bipartisanship in Washington. Some say that the political parties are so far apart as to preclude any cooperation at all, especially on legislation that combines compassionate and pragmatic immigration solutions with tough law enforcement standards. The Wilberforce Act disproves that notion. We will continue to work together to ensure that no one is held in bondage in California or elsewhere.

Coretta Scott King once said "Freedom is never really won—you earn it and win it in every generation." We are proud that the California congressional delegation can come together across party lines to lead the fight to guarantee the constitutional promise of liberty for all.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3887, the William Wilburforce Trafficking Victims Protection Reauthorization Act of 2007. I would like to thank the Chairman of the Foreign Affairs Committee, Mr. LANTOS, for introducing this important, bipartisan legislation that will authorize appropriations for FY 2008–2011 for the Trafficking Victims Protection Act of 2000, enhancing measures to combat forced labor, as well as for your ongoing leadership on this and other crucial human rights issues. I am proud to join over 40 of my colleagues in cosponsoring this bill.

Mr. Speaker, the issue of the trafficking of persons is one of the utmost significance, one which no nation is exempt from. Within the United States, we pride ourselves on overcoming the historic stain of slavery, and we are comforted by the thought that while others may persist in this repulsive practice, we do not. This however, is simply not the case. According to the GAO, "as many as 17,500 people are believed to be trafficked into the United States each year." The trafficking of persons is our problem; they are forced through our borders and used by our people. This extreme injustice can no longer go unnoticed.

The flow of human trafficking is no surprise; traffic flows from the less industrialized countries to the more industrialized countries. This fact makes the issue of human trafficking a problem for all nations alike on a political, social, and moral level. The U.S. Department of State estimates that 800,000 people are trafficked across national borders every year, in addition to the reported millions of people trafficked within their own countries. The trafficking industry generates billions of dollars annually, and, together with drugs and weapons, is now a leading source of profits for organized crime. According to most analysts, the largest number of victims trafficked internationally come from Asia, though significant numbers of women and girls trafficked to work in the commercial sex industry come from the former Soviet Union and southeastern Europe.

One subset of trafficking, and one of particular interest to the United States, is trafficking for forced labor, which the International Labor Organization defines as "any situation in which work is carried out involuntarily under the menace of a penalty." The ILO estimates that some 12.3 million people have been the victims of forced labor, with agriculture, construction, domestic service, restaurants, and manufacturing sectors being the most prominent industries into which forced labor is trafficked.

In March of this year, the Committee on Homeland Security, on which I am a senior Member and I serve as Chairwoman of a subcommittee, held a hearing on the crossing of borders and victims of trafficking which produced a meaningful discourse on horrific implications of the trafficking of persons and sought to address said issues. However, 7 months later, the issue is not resolved. The current policy of the United States, under the Trafficking Victims Prevention Act of 2000, allows the government to support many types of anti-trafficking domestically and overseas. However, much more must be done. The GAO currently reports that, while the government allocated funds to combat trafficking, there was an overemphasis by the government on sex slavery, which came at a price for the majority of others who are a victim of human trafficking.

Reliable information and independent evaluations of the success of the United States in combating this human atrocity have been hard to come by. While the State Department points to progress by citing the increase of countries with anti-trafficking initiatives and an increase in the number of arrests and convictions for human traffickers, the GAO report cites a less optimistic reality. The U.S. Government has yet to develop a coordinated, interagency response to combat trafficking overseas or a systematic way to evaluate the effectiveness of its anti-trafficking policies. In addition, a July 2007 GAO report entitled "Monitoring and Evaluation of International Projects Are Limited, But Experts Suggest Improvements," found that monitoring mechanisms are lacking in U.S.-funded international projects, and that the U.S. and international organizations have encountered difficulties collaborating with host governments that often lack the resources, capacity, and/or political will to address trafficking.

Given the very real and persistent nature of the crime of human trafficking, it is our responsibility as Members of the Congress of the most powerful nation in the world to address and resolve this atrocity once and for all. Nearly 150 years after our great country abolished slavery at home, it is our job to once again be a beacon of progress and hope and no longer allow one man to profit from the suffering of another.

I believe that this legislation makes important strides towards addressing this serious problem. After hearing the profoundly disturbing testimony presented before the Committee on Foreign Affairs in a hearing on this issue earlier this year, I am particularly pleased that this legislation includes provisions aimed at ensuring that individuals are trafficked into the United States to work in diplomatic missions and embassies. I an extremely concerned about this issue, and I look forward to working further with my colleagues to establish a mechanism capable of preventing such abuses in the future.

Mr. Speaker, this important reauthorization speaks directly to a serious but often hidden problem that we face, on both a national and an international level. I strongly urge my colleagues to join me in supporting this legislation.

Mr. WOLF. Mr. Speaker, I would like to express my support for H.R. 3887, the William Wilberforce Trafficking Victims Protection Act of 2007. I have long worked to support action on what may be considered the most egregious human rights violation occurring in the world today. I was pleased to be an original cosponsor of the Trafficking Victims Protection Act of 2000, TVPA, which created an office at the U.S. State Department to monitor trafficking in persons around the world.

The trafficking of people and the effects on victims—mostly women and children—can only be described as evil. In many cases, women and children are misled and forced to move across borders, to live in a foreign country, alone, away from family, friends and any kind of support network. They are then bought, sold, and forced into the sex trade. Billions of dollars are generated each year through trafficking.

Unfortunately, the United States is also a destination for some of these victims. It is shocking to learn about women being held as sex slaves literally in houses and basements that I drive by every day on my way to the Nation's capital. This reauthorization addresses this aspect of international trafficking by protecting victims in the United States from retaliation by those who trafficked them; expanding and revising U.S. criminal violations to allow offenses against international trafficking criminals and sex tour operators; ensuring assistance to U.S. victims of trafficking, and preventing the trafficking of foreign children found in the United States by ensuring that they are not repatriated into the hands of traffickers or abusive families and are well cared for.

The focus and commitment of the administration on this issue is making a difference in Countries around the globe. We still have a long way to go, but this reauthorization bill is a significant step in giving the State Department the necessary tools to combat this appalling practice. It is a privilege for me to support this important legislation.

Mr. PITTS. Mr. Speaker, as we vote on H.R. 3887, I would like to express my thanks to those Members, like CHRIS SMITH and FRANK WOLF, who continue to provide leadership on human trafficking issues. I strongly believe we must work to ensure that we fix any loopholes in our laws or regulations that the brutal human traffickers might use to exploit their victims.

In light of Congress's desire to ensure that we do all in our power to support trafficking victims and prosecute traffickers, I would like to associate myself with the concerns expressed about the bill by the Departments of Justice, State, Homeland Security, and USAID. It is important that Congress works with the administration in order to amend the legislation to appropriately address their concerns. I look forward to working with my colleagues in the Senate on these concerns and on human trafficking issues in general.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I am pleased that today the House of Representatives passed H.R. 3887, the Trafficking Victims Protection Reauthorization Act of 2007.

This is an issue that impacts countries around the world, whether they are a source or destination for trafficked persons. Official estimates are that between 2 to 4 million persons are trafficked each year, including approximately 17,500 individuals who are trafficked into the United States.

One country that is a major source of trafficking victims is Vietnam. The congressional district that I represent in Orange County, California, is home to one of the largest Vietnamese constituencies outside of Vietnam. Hence, I have met with many people who have been trafficked from Vietnam, as well as advocates who work to help these victims.

I have personally visited Vietnam 3 times, and it has been apparent from my trips that human trafficking is a major problem facing women, children, and men in Vietnam. Vietnamese women are trafficked to other countries in Asia and elsewhere, where they are subsequently forced into marriage, labor, and prostitution.

Often, Vietnamese women are promised employment, and given fake working papers, but then they are instead sold into marriage, the commercial sex industry, or labor. These women often find themselves in a foreign country, with no legal status, and no ability to speak the language.

Given the large numbers of trafficked persons from Vietnam, and around the world, I am glad that the Trafficking Victims Protection Reauthorization Act adds technical assistance and support to assist foreign governments with the prevention and prosecution of human trafficking cases.

It is critical that the United States share its resources to combat trafficking with the rest of the world. All of the members of our world community must work together to fight human trafficking.

The United States must also work to improve its efforts to combat trafficking within our own borders. This bill will assist with enhancing the rights of victims, who are trafficked into the United States, and will provide special protections to child victims.

H.R. 3887 is an important step in the worldwide fight against human trafficking. At the same time, we must continue to work on this issue in our local communities. In my district, a number of agencies, including law enforcement, service providers, and community organizations have joined together to form the Orange County Human Trafficking, Task Force (OCHTTF).

This task force operated for several years without any funding. I am proud that I was able to help them secure funding to continue their collaborative efforts to fight human trafficking. I commend the OCHTTF for its efforts, and hope that more local communities will stand together to protect the rights of all persons to live free from forced marriage, prostitution, and labor.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H.R. 3887, the William Wilberforce Trafficking Victims Protection Act of 2007. This bill makes great strides in both the areas of prevention and in victim assistance and will strengthen our national commitment to ending this horrific practice.

Since its founding, our Nation has been committed to the promotion of human rights and personal dignity. Human trafficking contradicts every core principle upon which our Nation and our international partnerships are based.

In recent years, we have seen appalling examples of trafficking—from women sold into sexual slavery . . . to men being pressed into indentured servitude . . . to children forced to become soldiers.

Trafficking frequently is tied to other illicit crimes—prostitution, drug running, sweatshops, and armed rebellions. Sadly, the victims have few champions and even fewer resources. And, all too often, national leaders have turned a blind eye to this growing epidemic.

Today our strategy is twofold. First, we are extending care and assistance to the victims while protecting them from their traffickers. Second, we are bolstering our efforts to work with international and domestic law enforcement to prevent trafficking at the source. It is essential that we remain dedicated and committed to each track.

Additionally, while it is not included in this bill, it is my hope that the administrators of the programs will consider the special needs of the victims and will look into the "reflection periods" in place in several countries. This allows additional time for former victims to become comfortable in their new situations before taking further action against their traffickers.

As a member of the Foreign Affairs Committee, I am proud to support this legislation and to urge my colleagues to support its passage.

Mr. PEARCE. Mr. Speaker, today, I rise in support of the Trafficking Victims Protection Reauthorization Act of 2007.

Every year, over half a million people are sold into slavery and transported across international borders worldwide. Of those, more than 15,000 are brought into the United States. These individuals are sold into horrible living conditions which most often include forced labor and sexual slavery for many young girls and women.

The inhumane practice of involuntary servitude and sexual slavery must be stopped in the United States and victims should have proper protection from their captors. This deplorable treatment of human beings is intolerable. The idea of forced slavery is one which most Americans would find repugnant but unfortunately, it is all too often a reality.

Congressional action on this matter is woefully deficient. We must recognize the importance of stopping, monitoring, and capturing individuals as they illegally enter the United States. Fighting human trafficking at the borders would limit the trade of sex slaves in America as well as combat terror, crime and drugs to preserve American safety and quality of life.

Recent news reports have stated that Al Qaeda has been using our vast and poorly defended Southwestern borders to smuggle enemy combatants into the U.S.

Congress must find a way to stop smuggling of human beings across our borders. We must find a way to stop involuntary servitude and sexual slavery worldwide and we must find a way to help all people understand that America is the beacon of light and freedom that we all know it to be. The Trafficking Victims Protection Reauthorization Act of 2007 (H.R. 3887) will help us stop this terrible trade, give victims the ability to be free and face their accusers, and help America shine our light around the world.

Mr. HASTINGS of Florida. Mr. Speaker, as Chairman of the Commission on Security and Cooperation in Europe, which has exercised unprecedented leadership in the global fight to combat trafficking in human beings, I rise in support of H.R. 3887, the Wilberforce Trafficking Victims Protection Reauthorization Act of 2007.

From our earliest awareness of this cruel phenomenon which enslaves an estimated 27 million victims, the Commission has led in the effort to mobilize nations to implement effective measures to combat human trafficking. My fellow Commissioner and former Chairman of the Commission, Representative CHRIS SMITH is among those who has led the effort to bring an end to this modern day form of slavery, authoring the trafficking Victims Protection Act of 2000 and its subsequent reauthorizations.

Today, the Commission continues its work to support efforts to combat this global crime within the framework of the Organization for Security and Cooperation in Europe. Most recently, the Commission conducted an oversight hearing last October 11, to explore the progress made in combating human trafficking and the adequacy of resources dedicated to identifying victims of trafficking for forced labor, an area that we believe would benefit from additional resources and attention.

The reauthorization bill that we are taking action on today marks another important milestone in preventing the inhumane practice of human trafficking, protecting trafficking victims, and prosecuting the criminals that perpetrate these crimes.

In addition to bolstering the resources needed to continue various anti-trafficking programs, H.R. 3887, which I cosponsored, would strengthen mechanisms for fighting human trafficking overseas, through the provision of capacity building support to foreign governments to bolster investigative mechanisms and legal protective frameworks for immigrant populations and migrant workers. Importantly, the measure would also address the transnational nature of human trafficking by providing increased support and protection for refugees and internally displaced populations. This legislation also seeks to improve transparency and evaluation of trafficking programs, and would designate governments that remain on the special watch list for 2 consecutive years among those whose efforts to combat trafficking are inadequate.

This reauthorization bill will improve mechanisms to better identify and protect trafficking victims, while increasing accountability on the part of governments in their anti-trafficking efforts. It takes a comprehensive approach to a gross criminal exploitation, and I urge my colleagues to support the legislation.

Mr. SMITH of Texas. Mr. Speaker, the deplorable crime of human trafficking exploits the innocent while it promotes illegal immigration.

The legislation we are considering today builds upon the Trafficking Victims Protection Act of 2000. That historic legislation combated the trafficking of persons into the sex trade and slavery in the United States and countries around the world through the prosecution of traffickers and through protection and assistance to victims of trafficking.

As Chairman of the Judiciary Committee's Immigration and Claims Subcommittee in 2000, I worked closely with the sponsors of the Trafficking Victims Protection Act to ensure that it protected victims of trafficking without encouraging the smuggling of illegal immigrants.

The legislation created a new nonimmigrant T visa for victims of severe forms of trafficking who have cooperated with U.S. law enforcement in the investigation and prosecution of traffickers.

The William Wilberforce Trafficking Victims Protection Reauthorization Act judiciously expands on the immigration provisions of the 2000 Act and also adds reasonable protections for unaccompanied alien minors apprehended by our immigration officers.

When I reviewed the original bill, my goal was to modify certain provisions that I was concerned would encourage illegal immigration and immigration fraud and leave us vulnerable to dangerous juveniles.

I want to thank Chairman CONYERS and Chairwoman LOFGREN for addressing those concerns.

I also want to thank Chairman CONYERS for addressing my concerns with the criminal provisions of the original bill.

The bill now lessens the burden on prosecutors to prove that criminals forced victims to work in sweatshops or as prostitutes.

I do remain concerned about increasing the Federal role in prosecuting cases involving pimping and pandering. These crimes are traditionally prosecuted at the State and local level and I believe that Federal jurisdiction is unnecessary. However, I will not oppose this bill on that basis.

Mr. Speaker, I urge my colleagues to support this bill.

Ms. SOLIS. Mr. Speaker, I rise today in strong support for the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007 (H.R. 3887). I am proud to be an original cosponsor of H.R. 3887, which will provide new tools to protect against modern slavery, both in the immigrant community and among American citizens.

The Trafficking Victims Protection Act was originally enacted in 2000 to combat trafficking in persons, ensure the prosecution of human traffickers, and protect the victims of trafficking. The 2007 Trafficking in Persons Report released by the U.S. State Department estimated that approximately 15,000 to 20,000 people were trafficked to the United States annually. Victims were trafficked for forced labor and debt bondage in areas such as agriculture, sweatshop manufacturing, and domestic service. This legislation would direct the U.S. State Department to establish an office to monitor and combat human trafficking. It would also authorize the President to support international efforts to combat trafficking and to rescue and care for victims.

In California, Maria Suarez is one of the brave survivors of modern slavery who is working to protect others from cruel mistreatment. At the age of 16, Maria was sold as a sex slave to a 62-year-old man in California. He was killed by a neighbor and Maria was convicted of murder for her limited role in covering up the killing of her captor. Consequently, Maria served 22 years in jail before being pardoned.

When Maria was released from prison she was detained by the immigration service as a convicted felon. I led efforts in Congress, along with community activists, to provide relief to Maria and release her from immigration detention. In 2004, Maria was granted a T visa, which is a visa for victims of trafficking and provides legal status for them to remain in the U.S. for 3 years. After 3 years, T visa holders can apply for permanent resident status. This legislation would allow for the reunification of victims and their families, and would help Maria Suarez and others like her by making the immigration service recognize that victims should not be held responsible for what they are forced to do while they are enslaved.

I applaud Chairmen LANTOS and CONYERS for their hard work and continued dedication to this issue. Congress must continue fighting on behalf of those who have been forced into servitude and slavery and give these people a voice. I am hopeful that this legislation will give immigrant survivors of domestic violence and trafficking victims, such as Maria Suarez, a genuine opportunity to explain their circumstances before Federal authorities.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that the exchange of letters between Chairman CONYERS and myself be made part of the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 15, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN LANTOS: In recognition of the desire to expedite consideration of H.R. 3887, the William Wilberforce Trafficking Victims Reauthorization Act of 2007, the Committee on the Judiciary agrees to waive formal consideration of the bill as to provisions that fall within the rule X jurisdiction of the Committee on the Judiciary.

The Committee takes this action with the understanding that by foregoing consideration of H.R. 3887 at this time, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this important anti-slavery legislation, and requests your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor.

Thank you for your attention to this matter.

Sincerely,
JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 15, 2007.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 3887, the William Wilberforce Trafficking Victims Reauthorization Act of 2007.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on the Judiciary. I acknowledge that the Committee will not formally consider the bill and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction of the Judiciary Committee over subject matter contained in this bill or similar legislation.

Further, as to any House-Senate conference on the bill, I understand that your committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction.

I will ensure that our exchange of letters is included in the Congressional Record during the consideration of House debate on H.R. 3887, and I look forward to working with you on this important legislation. If you wish to discuss this matter further, please contact me or have your staff contact my staff.

Cordially,

TOM LANTOS,
Chairman.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the bill, H.R. 3887, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3688. An act to implement the United States-Peru Trade Promotion Agreement.

□ 1545

HOKIE SPIRIT MEMORIAL FUND TAX EXEMPTION

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4118) to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event, loss of life and limb, at Virginia Polytechnic Institute & State University, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION FROM INCOME FOR PAYMENTS FROM THE HOKIE SPIRIT MEMORIAL FUND.

For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount received from the Virginia Polytechnic Institute & State University, out of amounts transferred from the Hokie Spirit Memorial Fund established by the Virginia Tech Foundation, an organization organized and operated as described in section 501(c)(3) of the Internal Revenue Code of 1986, if such amount is paid on account of the tragic event on April 16, 2007, at such university.

SEC. 2. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

For any return of a partnership required to be filed under section 6031 of the Internal Revenue Code of 1986 for a taxable year beginning in 2008, the dollar amount in effect under section 6698(b)(1) of such Code shall be increased by $1.

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Today, we stand united in this House as Americans without regard to political party so that we may honor the memory of the 32 people who lost their lives last year in the tragedy at Virginia Tech. The Nation mourned the loss of these innocent young people, and people across America responded generously in every way they could, including sending financial donations.

In a time of need, you can always count on the American people to open their hearts and their wallets and to show the world what it means to practice the common good. The Hokie Spirit Memorial Fund was established, and the American people collected and sent over $7 million to aid the families, establish scholarships, and help the Virginia Tech community through this tragedy.

Today, our role in the people's House is a legislative one. We can make a difference by passing H.R. 4118, which will ensure that all the money received from the Hokie Spirit Memorial Fund is not subjected to Federal income taxes. I urge my colleagues to join me in voting for this bill and, in so doing, rededicate themselves to strengthening our collective will to create a more just and civil Nation.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Earlier this year, the tranquil campus of Virginia Tech and the town of Blacksburg was shattered by the actions of a lone gunman. The horror that the Virginia Tech community has experienced is something that every parent, every American, hopes never to learn has affected their families and friends.

Although this horrendous and unspeakable violence showed the worst of mankind, it also showed what those of us who have been a part of Virginia Tech community for years have always known; the students, the instructors, the administrators, and the citizens of Blacksburg care deeply for one another and take great pride in their community.

Even in the worst circumstances, the Virginia Tech community showed great compassion for their fellow man and did what they could to help each other. Liviu Librescu, a survivor of the Holocaust, blocked the doorway of his classroom so that his students could climb out of the windows to safety. Ryan Clark, a resident advisor in the West Ambler Johnston Hall, rushed into the hallway to help his fellow students when the first attack came, and became the second victim. And I was deeply saddened to learn that one of my constituents, Henry Lee, a graduate of William Fleming High School in Roanoke, was one of those who died in the attack on Norris Hall.

In the days and months following this tragedy, the Virginia Tech community and Hokie Nation saw an outpouring of love and support from people around the country. The university saw donations come in excess of $7 million, as people sought to give aid to those affected. As time went on, the university had to decide how to use the money donated as a result of this horrific act, and the university made a wise and selfless choice. They decided that the best way to disburse this money was to put it in the hands of those who experienced and lost the most as a result of this unspeakable violence. So, recently Virginia Tech distributed the money to 79 families or individuals. These are the families that have lost the most and have experienced emotional trauma that no one should ever have to experience. This money, given by the people across our Nation, is a small way to help those directly affected by this horrendous act. These families can determine the best uses for these contributions. Some already have decided to endow memorial scholarships at Virginia Tech or elsewhere. Some simply have bills to pay.

While the university has acted graciously to help the families, we have discovered that there is a new problem the families are facing, this time by the Federal Government. It has become apparent that the funds these families received will become significantly reduced because of taxes. These are funds some families desperately need to pay medical bills, funeral costs, and to simply rebuild their lives. The last thing these families need to worry about is an additional tax burden. And I guarantee that those who gave so generously want their money going to help those directly affected, not paying taxes. I do not believe that these funds should be taxed or that it is Congress' intent that they should be taxed.

In 2001, Congress passed Public Law 107–143. In this law, there is a provision that makes qualified disaster payments exempt from taxes. There is no doubt that the Virginia Tech tragedy was, in fact, a disaster. Ask any member of the Virginia Tech community, Hokie Nation, or citizen of the Commonwealth of Virginia, and to them it unequivocally was. In fact, the Governor of Virginia declared so that day.

Despite this well-intentioned law that Congress passed to make tax-exempt payments from qualified disasters, the families and the university have all been told it is likely these funds will be taxed. It was not the intention of the Congress that disaster payments should be taxed; and so, I am proud to join with my neighbor from the Ninth Congressional District, Congressman RICK BOUCHER, who actually represents Blacksburg and Virginia Tech, in introducing this legislation that seeks to have these funds, like those resulting from any other disaster, made tax exempt. I ask Members of this House to join us in passing this bill and help the Virginia Tech families rebuild their lives.

The tragedy at Virginia Tech will never leave our minds, but we in Congress have an opportunity to help rebuild this community. I ask all Members of Congress to join us in supporting this legislation. Let us help the families and those so personally affected as they seek to rebuild their lives.

I reserve the balance of my time.

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks on the bill, H.R. 4118.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia, Congressman BOUCHER.

Mr. BOUCHER. I thank the gentleman from Washington for yielding.

Before speaking on this measure, I wish to engage the gentleman from Washington State in colloquy.

The bill provides that certain payments transferred from the Hokie Spirit Memorial Fund be excluded from the gross income of the recipients of those payments. It is my understanding that, in providing for the exclusion, it is intended that both the transfer of the amounts by the Hokie Spirit Memorial Fund and the making of the payments by Virginia Polytechnic Institute and State University are considered to be consistent with the exempt purpose of these respective entities, and that donors who made contributions to the fund are, in principle, allowed a charitable contribution deduction.

I would ask the gentleman if this is also his understanding of the intent of the bill.

Mr. McDERMOTT. Yes, it is.

Mr. Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. BOUCHER) to hold and manage the bill.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia will control the balance of the time.

There was no objection.

Mr. BOUCHER. I thank the gentleman from Washington for yielding, and I yield myself such time as I may consume.

As my friend and colleague and neighbor from Virginia, Congressman GOODLATTE, mentioned in his remarks, I have the privilege of representing Virginia's Ninth Congressional District in which Virginia Tech is situated.

On April 16 of this year, a tragedy of a scale and senselessness that defies explanation befell that university, and it came to a campus that is known across our Nation for its friendliness, peacefulness, and for the normally close association that is found there among faculty and students.

In the wake of the tragedy, Virginia Tech President Charles Steger and the professional staff of the university reacted with poise, with dignity, and with strength under the most difficult and challenging circumstances imaginable.

The skilled first responders of the town of Blacksburg, of the university's own security staff, and of Montgomery County, Virginia provided an outstanding service that saved lives and that prevented the loss from being even greater.

In the intervening time, much healing has occurred. Virginia Tech has a proud tradition of teaching, learning, and research. That tradition endures. Following the violent and senseless act, campuswide and communitywide determination and cohesion emerged. The resilience of southwest Virginians and the spirit of the region in which we live that has helped to make Virginia Tech a great institution is assuring for the university a strong recovery and an even stronger future.

In the days following the tragedy, the university established a fund for the benefit of the tragedy's victims. It is called the Hokie Spirit Memorial Fund. In an outpouring of sympathy and generous support from Virginia Tech alumni and friends across our Nation, more than 21,000 financial contributions totaling $8.5 million were made to the fund. Last month, Virginia Tech distributed these funds to the victims of the shooting in varying amounts based on the severity of the injuries that were sustained. Approximately $7 million in direct cash payments were made. An additional $1.5 million in the form of scholarships and tuition assistance were disbursed.

Just as Congress acted in the wake of the Oklahoma and 9/11 tragedies to declare donations to the victims of those tragedies to be tax exempt to the recipients, the bill before the House this afternoon would declare that payments from the Hokie Spirit Memorial Fund not be taxable income to the victims and their families who received these payments. The colloquy in which I previously engaged with Mr. MCDERMOTT clarifies that it is our intent both that, in principle, contributions to the fund be eligible for a charitable deduction, and that payments from the fund not be taxed to the payments' recipients.

I want to thank the gentleman from New York (Mr. RANGEL), the chairman of the House Ways and Means Committee, and his able and very helpful staff, for the outstanding assistance they have provided to me and to my partner Mr. GOODLATTE in the process of bringing this measure to the House floor today. I want to thank Subcommittee Chairman MCDERMOTT for his assistance and for his gracious allotment of time to me this afternoon. And, I thank my friend and colleague and neighbor in southwest Virginia BOB GOODLATTE, the principle coauthor of this bipartisan measure. Mr. GOODLATTE and I have consulted over the past several months in the shaping of this legislation, and I thank him for the partnership that we have on this measure and on many other initiatives to improve quality of life in the region that we both represent. It is truly a pleasure working with him.

The bill before the House is also coauthored by our Virginia colleagues, Mr. CANTOR, Mr. SCOTT, Mrs. DRAKE, Mr. WOLF, and Mr. DAVIS, and I want to thank them for their cosponsorship.

Mr. Speaker, I urge the adoption of H.R. 4118.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield such time as she may consume to the gentlewoman from Virginia, Congresswoman DRAKE.

Mrs. DRAKE. Mr. Speaker, we all were deeply affected by the tragic events of this past April at Virginia Tech. Our hearts and prayers go out to the families and friends of those who lost loved ones and to those who are struggling to recover from their injuries. The days, weeks, and months since that dark day have been a time of healing for the Virginia Tech community, the Commonwealth of Virginia, and the Nation. I am moved by the outpouring of compassion and generosity that have been displayed since this tragedy.

Virginia Tech University established the Hokie Spirit Memorial Fund in order to aid in the healing process and generate financial support for those affected. Thousands of individuals gave graciously in the hope of assisting the victims' families in their time of need.

In fact, Virginia Tech has distributed millions from the fund to the families of the 32 deceased victims and 47 injured students.

The least that this Congress can do in assisting these families is to exempt payments made from the Hokie Spirit Memorial Fund from Federal taxes, and I would like to thank Congressman BOUCHER for his leadership in crafting this bill and bringing it to the floor.

□ 1600

Mr. GOODLATTE. Mr. Speaker, I want to thank the gentleman from the Ninth Congressional District of Virginia (Mr. BOUCHER), a good friend and colleague, for his leadership in introducing this legislation. It's been a pleasure to work with him.

And it is, I think, fair to say on behalf of not only all members of the Virginia delegation, but all Members of Congress, our heart goes out to the families of the victims and to the Virginia Tech Community who suffered this horrendous tragedy. This is just a small way that we can make right a part of that by ensuring that the generosity of thousands of Americans across the country to the Virginia Tech Hokie Spirit Fund will see that money in its entirety go to the benefit intended by those who donated it and for the purposes designated by the family members of the victims of this tragedy. So again, I thank Congressman BOUCHER.

I want to thank Congressman CANTOR for his leadership on the Ways and Means Committee, as well as the effort that Congressman MCCRERY, our ranking member, and Chairman RANGEL made in bringing this legislation to the floor as promptly as possible.

And I want to also thank the staff of the Ways and Means Committee, and the staff of Congressman BOUCHER and myself for the hard work that they put in to making sure that this was done and done in a way that would benefit the families of the victims of this tragedy.

Mr. Speaker, I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, I recognize myself for 1 minute to close.

Mr. Speaker, I urge approval of this measure. It would simply make payments to the victims of the tragedy that occurred in April of this year at Virginia Tech tax exempt to the recipients of those payments. Congress responded in a similar way following the Oklahoma City and 9/11 tragedies, and we ask that the House accord similar tax status to the payments that were recently made from the Hokie Spirit Memorial fund.

I want to thank all who have assisted in the construction of this measure. Particular thanks to my colleague, Mr. GOODLATTE, for his leadership and hard work in bringing this measure to the floor today. And thanks again to the Chair and the subcommittee Chair of the Ways and Means Committee and their very capable staff for the excellent assistance and cooperation they provided to us.

Mr. CANTOR. Madam Speaker, when an act of random cruelty bewilders us and pulls us down, exceptional displays of generosity, courage and heroism can serve as a potent counterforce. They comfort and replenish the bereaved, and they remind us of the extraordinary selflessness our people are capable of. Nowhere has this been truer than in the aftermath of the Virginia Tech massacre.

We saw numerous examples of students and faculty risking and giving their lives to spare others of the murderer's wrath. We saw a shaken Hokie Nation come together to begin a long healing process. But we also were moved by the outpouring of support from a deeply sympathetic Nation. Donors from across the country pumped over $7 million into the Hokie Spirit Memorial Fund, which makes direct contributions to the victims and their families, as well as to scholarships in the victims' names.

Sadly, recipients have to pay taxes on their donations, an injustice that we hope this bill will promptly correct. There can be no denying that the kind folks who made contributions did not intend to enrich the Federal government's coffers.

For many of the families and victims still suffering from the tragedy, this funding is urgent. As the grisly images and unprecedented horror of the Virginia Tech massacre recede further from the public's view, we mustn't turn our backs on Hokie Nation.

Mr. GARRETT of New Jersey. Madam Speaker, I rise today in support of H.R. 4118, a bill that will exclude from gross income, payments received by the grieving families and victims of the tragic Virginia Tech massacre from the Hokie Spirit Memorial Fund.

Madam Speaker, April 16, 2007 is a day that will forever be seared into the collective memory of the American people as a day of terror, tragedy, loss, and mourning. It was a day when we were reminded of the frailty of life; and a day when we were reminded how much we, as a Nation, value the sanctity and freedom of our schools, colleges, and universities. For on that day, we learned that because of the murderous intentions of one person, the lives of 32 students and faculty members at the Virginia Polytechnic Institute and State University had been snuffed out. One of the victims of this tragedy, Matthew La Porte, was a 20-year-old student from Dumont, New Jersey, and a constituent of mine.

In the aftermath of this tragedy, and in response to the generosity of people across the country, Virginia Tech founded the Hokie Spirit Memorial Fund. Many donors contributed to this fund in memory of the victims of the massacre, and in support of those who survived it. Today, the fund has received contributions of over $7 million. And while no amount of money can ever replace the loss of a loved one, this legislation will ensure that all of the victims, families of victims, and survivors of this tragedy receive payments from this fund without interference from the Internal Revenue Service.

Madam Speaker, it is during times of great tragedy that the kindness and generosity of the American people is most apparent. It is in that spirit of generosity, and in the memory of all the victims of the Virginia Tech massacre, that I ask my colleagues to support H.R. 4118.

Mr. BOUCHER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and pass the bill, H.R. 4118, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event at Virginia Polytechnic Institute & State University.".

A motion to reconsider was laid on the table.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENTS IN SENATE AMENDMENT TO H.R. 710, CHARLIE W. NORWOOD LIVING ORGAN DONATION ACT

Mr. INSLEE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 837) providing for the concurrence by the House in the Senate amendment to H.R. 710, with amendments.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 837

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill, H.R. 710, with the Senate amendment thereto, and to have concurred in the Senate amendment with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Charlie W. Norwood Living Organ Donation Act".

SEC. 2. AMENDMENTS TO THE NATIONAL ORGAN TRANSPLANT ACT.

Section 301 of the National Organ Transplant Act (42 U.S.C. 274e) is amended—

(1) in subsection (a), by adding at the end the following: "The preceding sentence does not apply with respect to human organ paired donation." ; and

(2) in subsection (c), by adding at the end the following:

"(4) The term 'human organ paired donation' means the donation and receipt of human organs under the following circumstances:

"(A) An individual (referred to in this paragraph as the 'first donor') desires to make a living donation of a human organ specifically to a particular patient (referred to in this paragraph as the 'first patient'), but such donor is biologically incompatible as a donor for such patient.

"(B) A second individual (referred to in this paragraph as the 'second donor') desires to make a living donation of a human organ specifically to a second particular patient (referred to in this paragraph as the 'second patient'), but such donor is biologically incompatible as a donor for such patient.

"(C) Subject to subparagraph (D), the first donor is biologically compatible as a donor of a human organ for the second patient, and the second donor is biologically compatible as a donor of a human organ for the first patient.

"(D) If there is any additional donor-patient pair as described in subparagraph (A) or (B), each donor in the group of donor-patient pairs is biologically compatible as a donor of a human organ for a patient in such group.

"(E) All donors and patients in the group of donor-patient pairs (whether 2 pairs or more than 2 pairs) enter into a single agreement to donate and receive such human organs, respectively, according to such biological compatibility in the group.

"(F) Other than as described in subparagraph (E), no valuable consideration is knowingly acquired, received, or otherwise transferred with respect to the human organs referred to in such subparagraph.".

SEC. 3. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that details the progress made towards understanding the long-term health effects of living organ donation.

SEC. 4. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

Nothing in this Act (or an amendment made by this Act) shall be construed to alter or amend the Social Security Act (42 U.S.C. 301 et seq.) (or any regulation promulgated under that Act).

Amend the title so as to read: "An Act to amend the National Organ Transplant Act to provide that criminal penalties do not apply to human organ paired donation and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. INSLEE) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. INSLEE. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. INSLEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we're here today to pass the Charlie W. Norwood Living Kidney Donation Clarification Act. And like many of my colleagues, I was pleased when this bill finally first passed the House in March, and I'm happy to report now that we have an agreement with both Chambers of a provision that can pass and be signed by the President into law.

We all suffered a great loss with Dr. Norwood's loss, and we know he was the recipient of a lung transplant himself and was a committed champion of these causes while serving in Congress. So in addition to helping thousands of Americans today in a way to enhance the prospects of living donations, this bill will be a fitting tribute to Dr. Norwood and his efforts.

I also want to thank the Energy and Commerce Committee staff who've worked diligently on this for months, Jessica McNiece, Pete Goodloe, Katherine Martin and Ryan Long, getting this bill in a condition where it can be signed into law.

As many of my colleagues know, this legislation will clarify the procedure commonly known as paired organ donation to make clear that it is legal and, in doing so, will provide hope to thousands of Americans who now are waiting for transplants, particularly kidney transplants, across the United States. Paired organ donation will make it possible for thousands of people who wish to donate a kidney to a spouse, a family member or a friend but find that they're not medically compatible, still allowing them to become living kidney donors.

As of this afternoon, there are fully 97,000 candidates for organ donations waiting on the national waiting list. But there are only 28,931 transplants performed in total of 2006, and only 6,730 were from living donors. Clearly, we've got work to do.

This resolution will take a significant step towards reducing the number of patients on the waiting list and give much more hope for others to hope that, and know that their wait will not be endless.

It's imperative we make absolutely clear that there's no intent by Congress to bar this procedure. Simply put, we want this legislation to save lives immediately, and it will do so when enacted.

I also want to take a moment to salute and thank Dr. Connie Davis, who's a constituent and a friend and a very knowledgeable transplant physician from the University of Washington in Seattle. In addition to her years of caring for local transplant donors and recipients, she's advised me and others on transplant issues as chairwoman of the American Society of Transplantation, the largest organization in the world representing professionals engaged in the field of solid organ transplantation. And her help has been invaluable in putting this legislation together and making sure that those 90,000 patients get access.

So for those thousands of patients waiting today who spend costly and often arduous time on dialysis treatment, their time on the waiting list can be significantly shortened with passage of this bill.

And I want to thank my colleagues across the aisle who worked on this, Nathan Deal and others.

Madam Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of this legislation, which was originally introduced by my dear friend, the late Congressman Charlie Norwood, and has now been renamed the Charlie W. Norwood Living Organ Donation Act. As a lung transplant recipient, Charlie believed in organ donation. This good piece of legislation will help facilitate life-giving organ donation by clarifying the intent of the National Organ Transplant Act to protect the commonsense practice of paired organ donation.

A paired donation occurs when a donor who is willing to give an organ to a family member or a friend, but is biologically incompatible, donates to another patient, who also has an incompatible donor. By cross-matching two or more incompatible donor recipient pairs, more patients can receive organs and more donors can give them.

The changes we're making this afternoon help conform the bill to an amendment that was offered in the Senate during consideration. The amendment helps to ensure this bill can adapt to advances in science should organs other than kidneys be eligible for paired donation.

As we pass this bill today and later send it to the President for his signature, we honor a great Member of this House and carry forward some of his goals.

I would like to thank Mr. INSLEE for his leadership on this issue, and I would urge my colleagues to join me in support of this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. INSLEE. I yield back the balance of my time, Madam Speaker.

Mr. DEAL of Georgia. Madam Speaker, I would like to yield such time as he may consume to another colleague of the Georgia delegation, Dr. PHIL GINGREY.

Mr. GINGREY. Madam Speaker, I thank the gentleman for yielding. I thank the gentleman from Washington, our friend, Representative INSLEE, and of course Representative NATHAN DEAL.

I am proud to be here to support this resolution, H.R. 710, in honor of our colleague, the late Dr. Norwood. Representative INSLEE described the magnitude of the issue. I wasn't even aware that there were, as a physician, maybe I should be, but over 90,000 people who are on a waiting list, and a fourth of them each year get transplants, and only a very small number get a transplant from a living donor, as Representative INSLEE pointed out. And of course Representative DEAL just explained to us exactly what this cross-living donor program, how it would work. So it is an easy bill, Madam

Speaker, to support for our late and dear friend and colleague, Dr. Charlie Norwood.

Earlier this year we passed a bill honoring Dr. Norwood by naming a VA Medical Center in Augusta, Georgia, the heart of his congressional district, in honor of the great work that he did on behalf of our veterans.

I think my colleagues, Madam Speaker, know that Charlie Norwood served as a dental officer in Vietnam, in combat, got two Bronze Stars, I think a medical combat award. He was a great spokesperson on behalf of our veterans.

But also, in regard to health care, before I was even thinking about running for this great office that I hold now, Madam Speaker, Charlie Norwood had that Patient Bill of Rights. I think a lot of my colleagues would remember that. Madam Speaker, you indeed probably were here at that time. And so this is just another opportunity for us, not just to honor Dr. Norwood, but to realize that he worked so diligently on behalf of veterans issues and health care issues. So it's a great honor to be here today.

And I'll tell you, on a personal note, my colleagues, Madam Speaker, I have a senior legislative assistant, Josh Waller, whose dad, Jerry, last year died while on a waiting list for a liver transplant. That was awfully painful for me to watch that happen to the dad of one of my great staff members. So this is a wonderful opportunity for us to do something really good for these people that Representative DEAL, Representative INSLEE described that are on these waiting lists, that suffer dialysis. And as Representative DEAL pointed out, the Senate amendment just changed it a little bit so that other organs, other than kidneys, indeed, Dr. Norwood himself, as Representative INSLEE pointed out, was the recipient of a lung transplant. Unfortunately, it did not work for him. But God bless him. And I'm proud to be here today to support this bill. I urge all of my colleagues to do the same.

Mr. DEAL of Georgia. Madam Speaker, I urge the unanimous adoption of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. INSLEE) that the House suspend the rules and agree to the resolution, H. Res. 837.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. INSLEE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1733

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas) at 5 o'clock and 33 minutes p.m.

MOTION TO GO TO CONFERENCE ON H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. REYES. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Permanent Select Committee on Intelligence, I move to take from the Speaker's table the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Madam Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Hoekstra moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2082 be instructed, to the maximum extent possible within the scope of the conference, to—

(1) eliminate any House or Senate provisions providing for earmarks as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives; and

(2) insist on provisions authorizing the maximum level of funding permissible for human intelligence collection activities.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Texas (Mr. REYES) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this motion to instruct is about priorities. America continues to face threats. We are engaged in a global struggle against radical jihadists. For a time of war, for a time of threats like this, the priorities of portions of this intelligence bill are completely misplaced in critical areas.

The motion to instruct would make our priorities clearer by eliminating provisions providing for earmarks and by ensuring the maximum level of funding for increasing human intelligence collection.

Our intelligence programs should be based on only one primary consideration: what best ensures that the intelligence community is able to do its job in the best interest of the national security of the United States.

This motion would ensure that we are appropriating and authorizing funding on a bipartisan basis to critical human intelligence programs based on the merit of these programs and the intelligence we learn from them.

The unclassified National Intelligence Estimate's key judgments released publicly just yesterday illustrate how important intelligence gathering is to our national security. As we take a look at where we want to put our priorities, it is clear from what we have learned and what we understand in this committee the importance of putting resources, the necessary resources on human intelligence, and to remove them from earmarks, Members' pet projects, which don't necessarily always go through the rigorous process necessary to ensure that the funding for these projects and these programs is appropriate.

I encourage my colleagues to vote for this motion to instruct to make sure that we put the resources where they will make maximum benefit to the intelligence community.

Madam Speaker, I reserve the balance of my time.

Mr. REYES. Madam Speaker, I rise in opposition to the motion to instruct, and I yield myself such time as I may consume.

Madam Speaker, this motion is not about policy. It is not even about priorities; it is about politics. This bill that we passed, this bill that passed the House, the bill we are talking about tonight, is legislation that sets unprecedented levels of commitment for our intelligence community, to the professionals who are charged with keeping this country safe. It sets the priorities for human intelligence. It sets record levels and expenditures from the House so that those professionals that are charged with keeping us safe, keeping this Nation secure, have the necessary resources to do that job.

This legislation also prioritizes the issue of diversifying the intelligence workforce. This legislation protects this country. This legislation prioritizes those issues that are vitally important that we pass here tonight.

So for those reasons and because for the first time in history we have had care and process with this legislation, setting record levels of expenditures for our intelligence community, I urge all my colleagues to vote "no" on the motion.

Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is about priorities. It is about priorities in terms of allocating dollars to those programs which the intelligence community and the committee itself has taken a look at and thoroughly debated and thoroughly gone through and said this is where the money needs to be spent versus putting money into Members' projects.

This is not about a project for a school back home or things that we see in some of the other appropriations bills. These are national security, intelligence priority projects; and putting earmarks into this bill is something that we think is inappropriate, especially as we have gone through that process, at least for one of these, where the committee didn't go through a process where it went through the committee and wasn't identified as an earmark and we get to the floor and it is an earmark and it is for a significant amount of money and it is for programs that people have taken a look at and said: this is not a necessary program; and as a matter of fact, this is duplicative of other things that are already being done in the community or being done in the Federal Government. It is saying, no, we are not doing these earmarks, especially for those types of redundant and wasteful government spending.

It is important that as we focus on the intelligence community, that we spend the dollars where it makes the most sense. As we take a look at some of the earmarks in this bill, it is clear it is not the most effective way to spend taxpayer money in an area that is critical to the safety and the security of the American people.

It is why we have put into this motion to instruct to take earmarks out. We are going to go to conference, and we are encouraging that on the House and Senate side both that we bring a bill that is free of earmarks to the House and the Senate floor when this conference report comes out of a conference committee. We think that that sets an important principle and an important precedent for the intelligence bill to have a bill that is free from earmarks.

Madam Speaker, I reserve the balance of my time.

Mr. REYES. Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. THORNBERRY), a member of the committee.

Mr. THORNBERRY. Madam Speaker, I agree with the chairman, there are many good things in this bill. This motion to instruct raises two issues. One is that human intelligence is very important, and the motion to instruct would insist on the provisions authorizing the maximum level of funding permissible for human intelligence collection activities.

Madam Speaker, gathering intelligence through human collection is in many ways classic intelligence work, but it is more important than ever in an age of terrorism where a very small number of individuals can get together and can do great damage.

So to find out about such a group, much less to find out what their intentions and capabilities may be, we require human intelligence. Technical collection is very, very important, and we have lots of debates on this floor about one particular aspect of that. But the rest of the story is war threats are moving underground and in places where technical collection is difficult. And so human intelligence which doesn't just spring overnight, which takes months, if not years, to develop, is absolutely crucial today in the fight against radical Islamic terrorists and tomorrow against all sorts of threats.

This motion to instruct says we have to insist on the maximum funding level today so the country will be better prepared tomorrow.

But the second thing that this motion to instruct does is it tries to strengthen, I would say, the integrity and the credibility of what this committee and this Congress do.

Intelligence is really the only part of government that operates outside of the scrutiny and oversight from the press and other people and institutions outside of the government. So that puts more responsibility on our shoulders, on this institution, on the Committee on Intelligence, and on the products we produce.

So if a bill that this committee or this Congress produces has specific earmarks for specific projects in specific Members' districts, when you don't have that outside scrutiny, I think it calls our credibility into question.

□ 1745

And it clearly does so because we have had a history, unfortunately, in this institution of a problem in that area.

So this year, the motion to instruct conferees says the better course is to remove all of those earmarks, to have a bill clean of earmarks. We have funding for individual programs and individual initiatives, most of which cannot be discussed on this floor. But the better course is to fund those things, many of the good things the chairman talked about, but take away the earmarks, the specific funding for specific programs in specific Members' districts that call our credibility into question. That is why I think this motion to instruct emphasizes the important good things in this bill, but it makes it stronger by increasing its integrity and credibility, and I hope Members will support it.

Mr. REYES. Madam Speaker, I rise and yield myself such time as I may consume.

Again, unfortunately this motion is not about policy, it is not about priorities, it is not even about earmarks; it is about politics. Using politics, I think, at a time when our intelligence professionals depend on us to provide them the means and the tools and the funds with which to keep us safe is unfortunate. Nonetheless, I urge my colleagues to vote "no" on this motion.

I yield back the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I thank my colleague, and yield myself such time as I may consume.

My colleague, the chairman, is exactly right, that it is important that we give our resources to the intelligence community for the activities they believe are most important, not perhaps what an individual Member of Congress may believe is important for them. It is why we are asking in this motion to instruct for a clean bill.

As my colleague from Texas on this side of the aisle talked about earlier, there have been unfortunate cases, not only on this committee but on other committees, about Members abusing the privilege and responsibility of putting in earmarks. This takes away that responsibility. This takes away that opportunity for Members to direct funding outside of the normal course of business of the committee.

What it does is it says, let's make sure that we fully fund human intelligence capabilities. Our dedication is to provide the resources to those people who are involved in human intelligence. That is, we take a look at the various groups that have taken a look at the intelligence community since 9/11 and determined that one of the critical weaknesses we had was in human intelligence, in many different facets: that we don't have enough of those resources, we don't have the resources with the right capabilities and the right places, and those types of things. And as we take a look at where we are today, not only is that the analysis of where we were shortly after 9/11, it is also a clear indication of, in many cases, where I believe that we still are today: that we are woefully inadequate in terms of having a balanced approach, in terms of technical collection and human intelligence, and these types of things. And the weak leg, the short leg on a three-legged stool continues to be human intelligence. And what we are saying is move the money from earmarks to making sure that we fully fund this extremely important capability in the intelligence community that for far too long has been neglected, in some cases neglected by this Congress and in other cases neglected by the community.

One of, I think, the strong parts of the intel community is that on a bipartisan basis we have been putting pressure in trying to get the intel community to respond and to put in place the resources, the capabilities, and the focus on building a very effective system of human intelligence. And this is just one more step to send a clear signal to the intelligence community that says we, as policymakers, believe that you still have not done enough to build up our human intelligence capabilities, and we are taking these additional steps in this bill to make sure that these capabilities are enhanced and to send a clear signal to you that we want you and the community to do more. We want you to do more, we want you to do it sooner, we want you to do it quicker, and we need to you to do it better, because it continues to be an area that we have significant concern about.

And as we do this, what we are doing is we are taking money, again, as I identified, from programs, various sources in the media where some of these earmarks have been public and where various other government auditing agencies have taken a look at these programs and said: Wait a minute. This is duplicative, it is not effective, and it maybe doesn't even add anything to the intelligence capabilities of the United States of America.

So you have people in the intelligence community wondering and saying, if this is so important, if HUMINT is so important, then why are we funding these other types of programs, these Member requests?

This motion to instruct sends a very, very clear signal that says Member priorities are no longer Member priorities. As a matter of fact, the priority of this committee, the priority of this Congress, is to put the money where it needs to be and to put it in places that fills the gaps that we have identified in the intelligence community. And the biggest gap and the biggest area of weakness that we have today is human intelligence.

This sends a clear signal to the intelligence community that we have our priorities right; that it is about them and it is not about this House or individual Members or individual Members' districts; that it is about the bigger objective of getting things done in the intelligence community at a time when this country continues to be at risk, whether it is the nonstate actors, people like al Qaeda, other radical jihadist groups and those types of threats, or whether it is the threats that come from state actors, whether it is North Korea, whether it is Iran, whether it is Russia, whether it is Venezuela, or whatever emerging threat that is out here, it sends a very, very clear and distinct message that says those are our priorities, that is where we want to put our money, that is where the threats come from. And, as a signal of being aligned with the intelligence community, we as a committee and we as a Congress are willing, and not only willing, we are mandating, we are instructing the conferees to give up their earmarks, to give up their Member projects, to make sure that we get maximum effect for the dollars that we are spending in this area.

That is what this motion to instruct is about. It is about getting maximum effectiveness for the dollars that we allocate into the community. We spend a lot of money in this area, but we all know that some of the results that we get have not been the kind of leading edge or providing us with the insights into the threats that we would like to have. This motion to instruct says, clearly, it is not going to be about us taking money from the intelligence community and putting them into Member projects; it is going in the other direction, to make sure that if the intelligence community comes up short, but we really believe that it won't come up short, that we will be providing it with the resources that will enable it to do the job that we need it to do.

That is why this is an important motion to instruct. That is why we are asking our colleagues to support this motion to instruct, to make sure that we have got alignment between the Congress, and that we have got alignment between Congress and the intel community, and making sure that we put the dollars where they make the most difference and where they will be most effective. That is why I ask my colleagues to vote for this motion to instruct, to send a clear signal to the conferees as to where they want to go and where they need to go and what we want to see coming back from the conferees in a conference report: A bill that focuses resources on what will build this community and not what may build things within a Members' district.

Let's put the resources where they need to be. Let's put the resources addressing some of the weaknesses that this committee has identified through its oversight process over the last 12 months. Vote for this motion to instruct.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HOEKSTRA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 56 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. JONES of Ohio) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Motions to suspend the rules with regard to H.R. 3998 and H.R. 3887;

Motion to instruct on H.R. 2082; and

Motion to suspend the rules with regard to House Resolution 837.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMERICA'S HISTORICAL AND NATURAL LEGACY STUDY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3998, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3998, as amended.

The vote was taken by electronic device, and there were—yeas 326, nays 79, not voting 26, as follows:

[Roll No. 1123]

YEAS—326

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher

Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller

Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver

Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler

Wicker
Wilson (NM)
Wilson (OH)

Wolf
Woolsey
Wu

Wynn
Yarmuth
Young (FL)

NAYS—79

Akin
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Blunt
Boehner
Broun (GA)
Burgess
Burton (IN)
Calvert
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Dreier
Duncan
Flake
Foxx
Franks (AZ)

Gallegly
Gingrey
Gohmert
Goode
Goodlatte
Hayes
Herger
Hulshof
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
Lewis (KY)
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McKeon
Moran (KS)
Musgrave

Myrick
Neugebauer
Pearce
Pence
Price (GA)
Radanovich
Rohrabacher
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wilson (SC)

NOT VOTING—26

Brown, Corrine
Carson
Cubin
DeGette
DeLauro
Hall (TX)
Hinojosa
Hooley
Hunter

Jindal
Kucinich
Linder
Lucas
McHenry
Miller, Gary
Moran (VA)
Nunes
Paul

Poe
Simpson
Smith (NE)
Tancredo
Towns
Wasserman Schultz
Weller
Young (AK)

☐ 1855

Messrs. TERRY, GOODLATTE, HERGER, DAVIS of Kentucky, BURTON of Indiana, ROHRABACHER, SENSENBRENNER, DANIEL E. LUNGREN of California, BURGESS and Ms. FOXX changed their vote from "yea" to "nay."

Mr. INGLIS of South Carolina changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE JOSEPH MINISH OF NEW JERSEY

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. I would like for us to pause from votes for just a few moments in order to recognize one of our congressional brothers who passed away last week.

As many of you know, last Wednesday, former Representative Joseph Minish died at the age of 91. We have lost a great man, a great New Jerseyan and true champion of the working class.

A native of Throop, Pennsylvania, Joe was the son of a coal miner. Joe never went to college, but he served in the Army during World War II and subsequently settled in Newark, New Jersey, where he worked as a machine operator and joined the staff of the Electrical Workers Union.

He was first elected in 1962. Joe represented Essex County in the House for 22 years. Throughout his tenure, he displayed talent, intelligence and capability. More important than anything, Madam Speaker, he showed kindness to everyone.

Joe was always looking out for the little guy. And after all, isn't that why we are all here? He was unassuming. He was a humble man. But he fought with intensity on behalf of the underdog, and he is an example of the very best of what public service is all about.

He believed in what Tip O'Neill believed, and that is that all politics is local. He was legendary back home for the constituent services he provided. He did it with little flair, asked nothing in return, and just got the job done.

In Washington, Joe pushed for truth-in-lending laws and rallied against the price gouging of consumers. He was an advocate for food safety reforms, including tougher Food and Drug Administration regulation, as well as for greater access to health care for all.

I represent part of Joe's old district, and as a long-time resident of West Orange, New Jersey, Joe was a constituent of mine.

I can only hope that I represent the good people of my district with the same decency in character that Joe Minish displayed throughout his tenure. He reached across the aisle. He was a giant among men. We will miss you, my friend.

I now ask that the House take a moment of silence in his honor.

☐ 1900

MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE HENRY HYDE OF ILLINOIS

(Mr. COSTELLO asked and was given permission to address the House for 1 minute.)

Mr. COSTELLO. Madam Speaker, I regret to inform the Members that former Congressman Henry Hyde died this past Friday, November 30. Henry served in the Illinois legislature for 8 years, from 1967 to 1974. Henry was elected to the U.S. House of Representatives in 1974 and served for 32 years until his retirement after the 109th Congress.

Henry was both liked and respected by those of us who served with him. He chaired both the Judiciary and International Relations Committee, presiding over both with the same intelligence and eloquence he brought to all floor debate. Last month, President Bush presented Henry with the Presidential Medal of Freedom award, our Nation's highest civilian honor, for his meritorious service to his country.

Members should know that directly after votes this evening, Mr. ROSKAM and I have reserved a Special Order to recognize and remember the service of Henry Hyde later on this evening. Those who want to participate can do so or submit a statement.

At this time I would yield to my friend from Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the gentleman for yielding.

Madam Speaker, many of us come to Washington, D.C. for our first time and we go out and about and we introduce ourselves. And I did that as a candidate, introduced myself to people, and they had no interest whatsoever in who I was. I tried then to seek a little bit of common ground and tell them where I am from. They had no interest whatsoever in where I was from.

And then I didn't play fair. Then I said to them, I am running to succeed Congressman Hyde. At that moment, the demeanor on every single person changed. They pulled me a little bit closer, they grabbed my elbow, and they would say, Henry Hyde, let me tell you about Henry Hyde. They would tell some unbelievable story about how Henry Hyde would come down to the well of this Chamber in a packed place and with the whole country watching and do what great statesmen do, and that was to speak to the great weighty issues of the day. Or they would tell me about Henry Hyde and a kindness that he had extended to them out of the presence of anybody else, that no one would ever know about.

So it is with a great deal of regret that Mr. COSTELLO and I are here announcing the passing of a great man. This great man was my predecessor. He was known not only ultimately for what he accomplished and what he stood for but I think actually who he was.

Mr. COSTELLO. Madam Speaker, I would ask the House to observe a moment of silence in remembrance of our friend, Henry Hyde.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

WILLIAM WILBERFORCE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3887, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the bill, H.R. 3887, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 24, as follows:

[Roll No. 1124]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—2

Broun (GA)
Flake

NOT VOTING—24

Brown, Corrine
Carson
Cubin
DeGette
DeLauro
Hall (TX)
Hinojosa
Hooley
Hunter
Jindal
Kirk
Kucinich
Linder
Miller, Gary
Moran (VA)
Nunes
Paul
Poe
Smith (NE)
Tancredo
Towns
Wasserman Schultz
Weller
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining in this vote.

□ 1911

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.".

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

MOTION TO INSTRUCT OFFERED BY MR. HOEKSTRA

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct offered by the gentleman from Michigan (Mr. HOEKSTRA) which the Chair will put de novo.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HOEKSTRA. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 160, not voting 22, as follows:

[Roll No. 1125]

AYES—249

Aderholt
Akin
Alexander
Andrews
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cooper
Costa
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (NY)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Oberstar
Obey
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Rush
Ryan (WI)
Sali
Saxton
Schiff
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Sullivan
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (FL)

NOES—160

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Capps
Carney
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Cramer
Crowley
Davis (CA)
Delahunt
Dicks
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Solis
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—22

Brown, Corrine
Carson
Cubin
DeGette
DeLauro
Hall (TX)
Hinojosa
Hooley
Hunter
Jindal
Kucinich
Linder
Miller, Gary
Moran (VA)
Nunes
Poe
Smith (NE)
Tancredo
Towns
Wasserman Schultz
Weller
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised less than 2 minutes remain on this vote.

□ 1920

Messrs. NEAL of Massachusetts, WELCH of Vermont, BISHOP of Georgia, MEEK of Florida, POMEROY, SCOTT of Georgia, LIPINSKI, JACKSON of Illinois, and Ms. SCHAKOWSKY changed their vote from "aye" to "no."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENTS IN SENATE AMENDMENT TO H.R. 710, CHARLIE W. NORWOOD LIVING ORGAN DONATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 837, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. INSLEE) that the House suspend the rules and agree to the resolution, H. Res. 837.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 1, not voting 23, as follows:

[Roll No. 1126]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan

Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)

LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam

Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)

Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)

Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu

Wynn
Yarmuth
Young (FL)

NAYS—1

Conyers

NOT VOTING—23

Brown, Corrine
Carson
Cubin
DeGette
DeLauro
Hall (TX)
Hinojosa
Hooley

Hunter
Jindal
Kucinich
Linder
Miller, Gary
Moran (VA)
Nunes
Poe

Shuler
Smith (NE)
Tancredo
Towns
Wasserman Schultz
Weller
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised less than 2 minutes remain on this vote.

☐ 1928

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Postponed votes on remaining motions to suspend the rules will be taken later in the week.

APPOINTMENT OF CONFEREES ON H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. REYES, HASTINGS of Florida, BOSWELL, CRAMER, Ms. ESHOO, Messrs. HOLT, RUPPERSBERGER, TIERNEY, THOMPSON of California, Ms. SCHAKOWSKY, Messrs. LANGEVIN, PATRICK J. MURPHY of Pennsylvania, HOEKSTRA, EVERETT, GALLEGLY, Mrs. WILSON of New Mexico, Messrs. THORNBERRY, MCHUGH, TIAHRT, ROGERS of Michigan, and ISSA.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Messrs. SKELTON, SPRATT, and HUNTER.

There was no objection.

☐ 1930

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. JONES of Ohio). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WORLD AIDS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Madam Speaker, I rise today to express my strong support for the goals and ideals of World AIDS Day, which took place on Saturday, December 1. I also want to thank my distinguished colleague, Congresswoman BARBARA LEE of California, for her leadership in organizing this message hour and for introducing a resolution commemorating the occasion, which I have cosponsored.

Nineteen years after the first World Aids Day and more than 25 years since the AIDS epidemic began, the need to spread the message about this devastating disease is as critical as ever.

Worldwide, the United National Programme on HIV/AIDS estimates that 33.2 million people are living with the disease, 2.5 million of whom are newly infected.

In the United States, the Centers for Disease Control and Prevention estimates that more than 1 million individuals are living with HIV/AIDS. Tragically, communities of color and African Americans in particular are disproportionately impacted. African Americans are currently more likely to suffer from this disease, and the race gap is growing as we speak.

Despite the fact that African Americans constitute approximately 13 percent of the total United States population, they account for over 44 percent of all persons living with AIDS and 49 percent of all new HIV/AIDS diagnoses.

This trend is illustrated when the numbers are examined by subgroup as well. The CDC found in 2005 that women represented 26 percent of all new HIV/AIDS infections, with African American women 25 times more likely to be infected than white women and accounting for 64 percent of all women living with HIV/AIDS.

A 2005 CDC study of 1,700 gay men in five cities found that African American men were infected at nearly twice the rate of whites, 46 percent compared to 25 percent. In my hometown of Baltimore, only an hour's drive away, 8 percent of the men interviewed had become infected in the previous year, the highest rate in any city surveyed.

These trends persist despite there being little difference between the sexual practices of white and African American gay men. Racial disparities in HIV and AIDS can be attributed at least in part to the same factors that contribute to racial disparities in overall public health: Poor access to lifesaving care.

Researchers find that African Americans are more likely to be infected with other sexually transmitted diseases, which makes them more likely to catch or transmit HIV. Further, African Americans are less likely to be taking antiretroviral medications which can lower the concentration of the virus in the bloodstream, thereby decreasing the risk of transmission.

Madam Speaker, we cannot afford to ignore these troubling trends any longer. Nearly a quarter of a century after HIV emerged, it continues to wreak havoc upon communities across the world. We must remain vigilant in our efforts to stamp out this global pandemic for the benefit of generations yet unborn.

BAN HUMAN CLONING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Madam Speaker, earlier today in this body we observed a minute of silence to honor the great life of Henry Hyde, our distinguished former colleague from Illinois. Henry Hyde clearly established himself in America as one of the great defenders of the sanctity of human life. He was eloquent on a host of issues in his outstanding rhetorical skills, but perhaps none was he more able and capable than in defending the dignity and sanctity of human life. And this body has been engaged in a tremendous debate involving the sanctity of human life as to whether or not for years now the Federal Government should fund the experimental research called human embryonic stem cell research, which involves creating human embryos for the purpose of killing them.

President Bush, in what I believe to be one of the finest moments of his Presidency, decided to let the research go forward at the NIH, but denied funding to any more research which involved killing human embryos which had been occurring prior to the beginning of his term. This body has been engaged in a tremendous debate for years now as to whether or not the Bush policy should be overturned.

And the defenders of overturning the Bush policy have contended for years and years and years now, number one, that there was great potential from human embryonic stem cell research, which is something I and others have questioned for years. Adult stem cell research and cord blood stem cell research have been showing great potential and clinical utility cures. Embryonic stem cells form tumors. They have never been shown to be safe or useable.

But nonetheless, many people felt, myself included, that the science would outstrip this debate; and recently, I was very pleased to see the publication in two publications, Cell and Science, from two different research labs, one here in the United States involving Dr. Jamie Thompson, the researcher who originally was credited with discovering human embryonic stem cells. I would disagree, he didn't really discover them; we always knew they were there. He was just the first one to isolate them. The other is a research lab in Japan, I believe, and they have shown that you can create human embryonic stem cells from skin cells.

Why is this so important? Why is this so significant? Well, for years in this body, in this Congress, we have been trying to pass a bill to ban human cloning. Everybody agrees human cloning is bad, but there have been people in this body and in the other body contending that we only want to ban attempts to create a baby; we shouldn't ban the creation of human clones in the lab because embryonic stem cells can never be used in therapy. I could never be treated for a disease from some other embryo because my tissues would reject it; but through embryonic cloning, we could do something called therapeutic cloning.

Now, I have contended that was a science fix in that it had never been done in a research setting involving animals; and, furthermore, that it was not necessary. Now, this research shows you could scrape my skin and create embryonic stem cells from that skin scraping that would be genetically identical to me and could be used in therapies.

So why is this important? Number one, I think President Bush has been vindicated. We shouldn't be funding this research. It is ethically questionable research, and it is unnecessary.

Number two, it is now time for the Congress of the United States to put on the desk of President Bush a bill to ban all forms of human cloning because it is just not necessary.

I started out talking about Henry Hyde and the sanctity of human life. Even if you don't believe in the sanctity of human life, one thing is absolutely certain: to create embryonic stem cells in the old way you needed human eggs. Where were we ever going to get all of these human eggs from? You have to get them from women, a very ethically and morally questionable thing for us to be doing, to ask women to donate through a painful, difficult surgical procedure, to donate their eggs for a form of research that has never been validated in the lab, in animal models as being viable in clinical therapeutics.

So you don't have to invoke the sanctity of human life, but I must say I personally believe in the sanctity of human life. I believe Henry Hyde was right when he spoke over and over again on the importance of this. And it is now time for the Congress of the United States to act, put a bill on the President's desk to ban human cloning. The science is finally with us now.

MISGUIDED PRIORITIES BY ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the American people are well aware of the White House's long record of misguided priorities, fear-mongering and incompetence. But over the last few days and weeks, the administration has sunk to absolutely new lows.

First we learned that the administration is planning to slash the Department of Homeland Security's request for counterterrorism funding. The Department has asked for $3.2 billion to help States and to help cities protect their ports and transit systems and to give police, firefighters, and other first responders the tools they need to save lives.

But the administration is planning to cut the request by more than half. My State of California could lose more than $200 million under the administration's plan. These drastic and life-threatening cuts are outrageous. Just consider the administration's logic. It has spent or requested over $600 billion for the occupation of Iraq which hasn't made us any safer, yet now it wants to cut $1.8 billion out of programs that actually do make us safer.

The administration's priorities are not only twisted; they threaten the life of every single American person. But the administration's misdeeds don't end there.

A few days after we learned about the homeland security cuts, the administration launched a fear campaign to scare American people into believing that there will be massive cuts in Department of Defense personnel and operations and that Congress will be to blame. But the truth is Congress has already approved nearly half a trillion dollars for the Pentagon, enough to continue its operations.

And the majority of Congress tried to appropriate another $50 billion for our troops in Iraq, but the administration and its allies in Congress rejected the money because it was linked to the responsible redeployment of our troops which the American people are demanding.

But the final evidence of the administration's blundering came yesterday when the National Intelligence Estimate reported that Iran stopped work on its alleged nuclear weapons program way back in 2003. It now appears that the administration knew about this months and months ago, but continued to tell the world that the danger of Iranian nuclear weapons was real and getting worse.

The President went so far as to warn about World War III, and even yesterday the administration continued to raise the threat of World War III. A key section of the NIE said that Iran stopped its nuclear weapons program not because of any saber rattling, but "in response to increasing international scrutiny and pressure." And it said that "Iran may be more vulnerable to influence on the issue than we judged previously."

This tells us a lot about what works and what doesn't work when it comes to solving threats to peace. Diplomacy works. International cooperation works. Saber rattling does not work. Threatening World War III doesn't work, and carrots work better than sticks.

Our leaders in the White House have never learned these lessons, and the result has been devastating to our ability to be safe in the world. We cannot lead other nations in the fight against terrorism if they see us as warmongers, if they don't see us as peacemakers. We cannot solve the problems that cause terrorism, such as poverty and social injustice, when we have squandered our own claim to moral leadership.

Madam Speaker, it is time for a brand-new course in American foreign policy, and the first step must be the responsible redeployment of our troops out of Iraq. This will set the table for the regional and international diplomacy needed, needed for reconciliation and reconstruction in Iraq. And it will send a clear signal to the world that America is ready to be America again, and that means an America that has compassion for the people of the world and an America that stands on the side of peace once again.

□ 1945

HONORING FORMER CONGRESSMAN HENRY HYDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, one of the great things that has happened in my political life and serving in Congress is to have known Henry Hyde. Henry Hyde I think was one of the greatest Congressmen to ever serve in this Chamber. He was a man of integrity. He was honest. When he gave you his word, it was his bond. He was loved by everybody. Even during the controversial impeachment trial of Bill Clinton, he did it with honor, and he did it in a way that everybody respected him even though it was very, very controversial.

He was a great chairman. He was the chairman of both the Judiciary Committee and the Foreign Affairs Committee, and he did a great job in both areas. I served with him on the Foreign Affairs Committee and I was one of his subcommittee chairman, and I want to tell you, he was a chairman you could be proud of. He was a man who was always ready to listen and work with his subcommittee chairmen and anybody in the Congress to solve problems facing this Nation.

He was known best, I think, for the Hyde Amendment, which stopped Federal funding for abortions, and it has been known throughout the time since that bill passed as one of the great human life amendments ever presented in this body or in the other body as well. He was a fighter. He was the kind of man who was very strong-willed, who would fight like the dickens. But he had a heart that was very, very soft where his fellow man was concerned. When he was on an issue, however, he had a heart that was very, very tough, and everybody that dealt with him knew that.

He was probably one of the greatest orators who ever served in the Congress of the United States in either body. When he came down to speak, everybody listened. You could hear a pin drop. I know when a lot of my colleagues speak today they have to bring the gavel down several times to bring the House to order and ask for regular order, but when Henry Hyde came down on a great cause and spoke, you could hear a pin drop in this place because people knew he had something to say and they wanted to hear what he had to say.

I am very proud to have known Henry. I knew him for over 20 years in this body. I can't tell you or any of my colleagues how great he was and how much I held him in high esteem. He will be missed not only because he was a great Congressman, he will be missed not only because he was a great chairman, he will be missed because he was a great American.

And before I leave, I have to tell you one little story about Henry that he was so proud of. When he went to college at Georgetown University, he played on the basketball team. And one of the greatest players, if not the greatest player of that era, was a man named George Mikan, and Henry used to smile and with great pride tell everybody that when he played against George Mikan, in the second half he held him to one point. And there aren't many people who could do that.

In addition to all of this, he authored the staunchest pro-life legislation in Congress in 30 years, and headed the impeachment hearings against President Clinton. Either of those efforts would naturally incite a whole camp of enemies.

"Henry Hyde spoke of controversial matters with intellectual honesty and without rancor," said President Bush.

"He was gifted as a legislator. There was a time when the Illinois House was divided evenly and needed 89 votes to pass a bill, and nothing was getting done because of partisan wrangling. People were angry and debilitated.

"Henry stood up and said he had voted against something just because he was on the other side of the aisle, and asked the House to reconsider the last bill on its merits. They wound up going back to the last 32 bills that had failed, and he brought people back into an atmosphere of wanting to work together."

"Congressman Hyde played a big role in crystallizing the issue of abortion as central to politics and the culture," said Father Frank Pavone, director of Priests for Life. "He has always been a driving force in making it clear that abortion is not one among many issues." Hyde, a Catholic, was a vocal opponent of abortion. In 1976 Hyde attached an amendment to a spending bill that banned Federal funding for abortions.

The amendment later become known as the "Hyde Amendment" and has been at the center of the political fight over abortion since its passage.

"This erudite, scholarly man has walked with kings and kept the common touch," Bush stated. "They're quick to say it's not the same Congress without him—but that we're a better country because he was there. And colleagues will always admire and look up to the gentleman from Illinois, Henry J. Hyde."

Born in 1924, Hyde served in the House from 1975 to 2006 and retired at end of the last session. Hyde served as the chairman of the House Judiciary Committee from 1995 to 2001.

In a written statement, BOEHNER called Hyde "a constitutional scholar, a thoughtful legislator, and a passionate orator."

"But above all, he will be remembered as a gentleman who stood as a beacon for the bedrock principles of liberty, justice, and, above all, respect for life," BOEHNER said.

On November 5, President Bush awarded Hyde the Presidential Medal of Freedom, the highest honor the president can bestow on an American citizen.

Henry, we miss you, buddy. Godspeed.

WORLD AIDS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Madam Speaker, I rise this evening in recognition of World AIDS Day, which took place last Saturday, December 1.

Now, all through last week and into the weekend, events were held all around our country and throughout the world recognizing World AIDS Day. This solemn day provided us with the occasion to commemorate the lives of those who have died of this disease, more than 25 million people worldwide, and express our solidarity with those who are currently living with the disease, over 33 million people.

I had the good fortune last week to travel with the Congressional Black Caucus Foundation to South Africa, where we celebrated and commemorated World AIDS Day with Congresswoman Dr. DONNA CHRISTENSEN. Our delegation met with the Global Business Coalition on HIV/AIDS, tuberculosis, and malaria in Johannesburg. We spoke to the group about our support for increased funding for the President's Emergency Plan for AIDS Relief, or better known as PEPFAR, and the importance of the private sector in fighting the pandemic. Later, we visited an HIV/AIDS testing site located in the Zola area of Soweto, sponsored by Levi Strauss Red for Life Initiative, Centers for Disease Control, USAID, and State Department and other organizations, and I had the chance to talk to young people about the importance of getting tested and knowing their status.

Together, Congresswoman CHRISTENSEN and I helped lead by example by getting tested publicly, and we noted the very thorough pre- and post-testing counseling as well as the emphasis on maintaining confidentiality. We were very inspired to see young people sign up for testing, and some actually came up and told us that our speeches had convinced them to get tested. This really was remarkable and gave us a glimpse as to what we need to do more and more and more with our young people here in America also.

We ended our trip at the United States Embassy where we helped to hang a giant AIDS ribbon and spoke to the assembled diplomatic corps about HIV and AIDS and the importance of our collective struggle against the disease. We had an opportunity to meet with the great moral and religious leader Bishop Desmond Tutu, and Bishop Tutu had spoken earlier at the Swedish and Norweigian Embassy, and he talked about helping to fight this global HIV/AIDS pandemic just as we helped fight to end apartheid in South Africa.

It was especially important to be in Africa last week, because the discussions with regard to the reauthorization of PEPFAR will be coming up very shortly.

And tonight I must take a moment and ask that my remarks include my sympathy for Henry Hyde, Chairman Hyde's family. I thought about Chairman Hyde during our visit, because we worked together on the initial PEPFAR legislation. He was committed to address this HIV pandemic. He ensured that this bill became a bipartisan bill. And even though we didn't agree on every issue, tonight I commemorate him and I give my sympathy to his family because, as we reauthorize this, his spirit and his hard work and his legacy certainly will prevail as we move forward.

Many of the key issues which remain were addressed in South Africa as it relates to the PEPFAR reauthorization. Some of them included addressing the abstinence until marriage earmark and the onerous prostitution pledge; reducing the vulnerability of women and girls to HIV and AIDS by empowering them through my legislation, such as the PATHWAY Act; sharpening our focus on orphans and vulnerable children, which of course Chairman Hyde was committed to; better integrating nutrition and wrap-around programs. We also have to expand support for health systems and strengthen delivery of basic health care services. And, of course, I believe that we must provide $50 billion, not $30 billion as the President has asked for, but $50 billion over the next 5 years for this initiative.

And AIDS is also disproportionately affecting those who live in the Caribbean and also in black America. All across demographic ranges, African Americans are the most likely to get infected with HIV and to die from AIDS. The unfortunate reality is that to be black in America is to be at greater risk of HIV and AIDS. And the numbers are staggering, but I want to mention a few specifically.

According to the CDC, in 2005, African American women accounted for 66 percent of all new HIV and AIDS cases among women. Compared to white women, African-American women were 25 more times likely to be infected. Today, AIDS is the number one cause of death among African-American women between the ages of 25 and 34. We can no longer wait for this administration to take action. We have to take action immediately to address this pandemic.

THE 75TH ANNIVERSARY OF THE END OF PROHIBITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Madam Speaker, December 5, 1933, December 5, 2007. So, tomorrow we mark the 75th anniversary of something, and most people will just pass it by and not be aware that tomorrow marks the end of America's great and noble experiment. It is the 75th anniversary of the end of the national prohibition of alcoholic beverages.

With the repeal of prohibition in 1933, that was 75 years ago tomorrow, the United States ended a social planning policy that created organized crime in America, crowded our jails with nonviolent prisoners, corrupted our police, increased urban violence, and destroyed the lives of thousands of victims of unadulterated and poisoned substances, substances which if they were permitted would have been subject to normal market protections of fraud and quality standards. However, during prohibition, these substances which were consumed by the American people often poisoned them and caused them to lose their lives.

Philosopher Santayana told us that those who cannot learn from history are doomed to repeat it. Have we in Washington learned the lesson of prohibition that ended 75 years ago?

Why did America reject the prohibition of alcoholic beverages? Well, when government attempts to control the peaceful behavior of its citizens, it often sets in motion forces that are more dangerous than the social evil that they are trying to control. Today's war on drugs is perhaps an example.

The war on drugs has resulted in a multimillion dollar network of violent organized crime. The war on drugs has created the deaths by drive-by shootings and turf wars among gangs in our cities. The war on drugs has overcrowded our prisons. More than half of Federal prison space is occupied by nonviolent drug users. The war on drugs has corrupted our police and crowded our courts. We apparently did not learn the lesson of the prohibition of alcoholic beverages.

Today, on the campaign trail we hear new calls for prohibitions on cigarettes, on fatty foods, and even more money should be spent, yes, on the war on drugs.

But, as we mark the 75th anniversary of the repeal of prohibition, let us have the courage to learn from the mistakes of the past. Perhaps it would be better for us to focus our energies not on the supply side of drugs just as they were doing with the supply side of alcohol, but instead to focus our efforts on trying to help those people who are addicted to drugs; perhaps to try to help our young people, deter our young people from getting involved in drugs; perhaps to take a whole new approach on this, rather than this monstrous war on drugs that has done nothing but create havoc in our inner cities, making so many young people who have been arrested and their lives destroyed because they will never be able to get a decent job after one arrest being a teenager.

So many people have been hurt by the war on drugs; yet we keep it because we want to supposedly help people. Well, I would suggest that this 75th anniversary of the repeal of prohibition, which was the greatest failure of American social planning in the history of our country, let us try to commit ourselves to help ensure that our young people are dissuaded and deterred from the use of narcotics.

Let us work with those who are, indeed, addicted to narcotics and help them free themselves from this habit. But let's end this notion that we can try to control the use of narcotics in our country by simply controlling the supply. Simply controlling the supply will not work. We've got to look at the demand side, try to treat people humanely, and use the limited resources that we have in a much more constructive way, rather than just creating more police who are committed to drugs and interdiction and all the rest of the major expenses, court expenses and others that go into a war on drugs rather than an attempt to help people who are susceptible to the use of drugs.

I call the attention of my fellow colleagues to this the 75th anniversary of the repeal of the prohibition of alcoholic beverages.

☐ 2000

2007 WORLD AIDS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Madam Speaker, as you heard, last Saturday was World AIDS Day, and I join my colleagues to remind us of its goals and ideals and to support the resolution that is going to be introduced by my colleague and good friend Congresswoman BARBARA LEE to have this Congress support those goals and ideals.

We also call on our colleagues on both sides of the aisle and in both sides of the Capitol to honor this year's World AIDS Day theme, both in this Nation and abroad, to stop AIDS and keep the promise.

As you heard, Congresswoman LEE and I recently returned from South Africa, where we were inspired and motivated by the commitment of the people, young and old, to confront HIV and AIDS.

It was a distinct privilege for me to have been invited to give the keynote address at a World AIDS Day ceremony in Sekhukhune in the Greater Tabatse Region of South Africa. South Africa has the most AIDS cases of any country in the world. And while we were proud to know that it is also the country with the largest PEPFAR program, we and the rest of the world still need to do more.

From all we saw, all of the programs we witnessed that were funded, either by PEPFAR or by private corporations such as Johnson and Johnson and Humana, in Limpopo, in Zola in Soweto, in Pretoria or as it will now be called, Tshwane or in Johannesburg, and from the revised reports we have seen coming from UNAIDS, we greeted World AIDS Day with a sense of hope for all the individuals, the families and the nations in our global community who have for far too long struggled with this pandemic.

And in my keynote I drew comparisons between the HIV and AIDS in sub-Saharan Africa, in the Caribbean whose prevalence rate is second to theirs, in the African American community in the United States and in my own Virgin Islands, speaking to how people of African descent the world over are so disproportionately impacted by this virus.

But everywhere there are signs, early signs, of change and potentially promising trends, everywhere, including in the Virgin Islands and the rest of the Caribbean, everywhere except in the United States.

The HIV epidemic is more than 25 years old; and despite all that we know and all of the resources we have, the CDC is finalizing a report which will be released early next year that I understand will show that the case rate here in the U.S. is possibly more than 50 percent higher than we previously thought. Given the lack of response from this administration to the requests of the CBC and our community partners, I'm sure that it will show that the highest increases are in people of racial and ethic minority backgrounds.

Again, let me say that the theme for this in the past 2 years has been "Stop AIDS, Keep the Promise." The promise has not been fully kept anywhere, but nowhere has it fallen more short, has that promise been more empty than right here at home in this country of great resources and the most advanced medicines and technologies.

There's another part to the theme, and that is leadership, which is needed more than ever. On our part we need to lead by directing more Federal resources to HIV prevention. Beyond that, our leadership must be open to proven methods of prevention instead of limiting the good we can do and the lives we can save because of ideology and narrow politics. And the prevention we provide needs to be not of the abstinence-only kind, which our government agencies have clearly demonstrated is not effective. Lifting the ban on needle exchange alone would dramatically reduce the transmission of the disease, and developing low-cost barrier methods such as microbicides need to be given as much attention as funding the latest ARVS, but those too need to be made more affordable.

And, Madam Speaker, we need a national plan. It is clear from the fact that we are losing ground while some of the poorest areas of the world are making strides that the leadership we provide must define global as in global epidemic, or global HIV/AIDS as including this country on par with all of the others. We need to restore the 19 percent of funding that has been cut from domestic AIDS in this administration and greatly increase HIV/AIDS funding across the board. We need to fund the Ryan White CARE Act at the level it needs to be funded, more than $1 billion above the current level, to restore and re-fund the Minority Aids Initiative to build capacity in the communities that are hardest hit, and to eliminate ADAP waiting lists, where people who cannot get treatment wait to die.

We need to ensure that we expand access to information, testing services and treatment to ex-offenders who are at great risk for HIV and who after paying their debt return to their communities and families.

And we need to dramatically increase PEPFAR funding while expanding it to include all Caribbean countries and making it more flexible so it can meet the unique needs of the countries that need it.

The global report shows that when we apply the recommendations of social and scientific research and when we support and replicate programs that work, results are seen. It shows that empowering communities that are hard hit by HIV and AIDS by putting the resources, technical assistance and support in their indigenous community and faith-based organizations here and abroad produce great impact.

The most dramatic thing is that people are looking to us for leadership and we can provide it and we can start by supporting Congresswoman LEE's resolution.

WORLD AIDS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I'm pleased to join with my colleagues as we take this time to highlight the gravity of the HIV/AIDS pandemic and especially as it affects people of color throughout the world.

The Centers for Disease Control, the CDC, reported that approximately 1 million Americans were living with HIV/AIDS at the end of 2003, roughly 25 percent of whom were undiagnosed and unaware of their HIV infection.

An article in the New York Times this week noted that new HIV/AIDS case estimates are actually 50 percent higher than health experts had previously believed.

Furthermore, this infection has started to increase among children at a drastic rate. Through 2005, there have been an estimated 9,000 AIDS cases reported for children under the age of 13. HIV/AIDS is becoming a problem earlier and earlier for more and more Americans.

It is very clear that HIV/AIDS is indeed an emergency situation, especially in the African American community. According to the CDC, African Americans make up 13 percent of the Nation's population, but account for 49 percent of the estimated AIDS cases diagnosed since the epidemic began.

In addition, African American children make up approximately 63 percent of the estimated HIV/AIDS cases through 2005.

Not only are African Americans more likely to get AIDS; they're more likely to die from it, with more than half of all AIDS-related deaths being among African Americans.

We must get behind the World AIDS Day slogan, "Stop AIDS, keep the promise." We must increase funding for treatment and prevention, not reduce it by 91 percent, as this administration has done. We must invest in medical research and needle exchange programs, prevention and treatment. The more engaged we are and the stronger the determination we have, it will lead to the decrease in AIDS cases across the United States in all communities.

Madam Speaker, I'm pleased that in Chicago, a coalition of organizations, the City of Chicago Department of Public Health, the Illinois Department of Public Health, Malcolm X College, the 7th District HIV/AIDS Task Force, Walgreens drug stores, Ora Sure technologies, Abbott Laboratories, the Let's Talk Let's Test Foundation, Working Togetherness and other organizations, held 2 days of high-profile activity where there were many sites where people could come and be tested free.

And so I commend the City of Chicago's Department of Public Health, the State of Illinois Department of Public Health, and all of those hardworking groups and organizations who are working to try and put at least a dent in this problem.

WORLD AIDS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Madam Speaker, I rise in recognition of World AIDS Day 2007. As chairman of the Subcommittee on Africa and Global Health, the issue of HIV and AIDS is a particular matter of concern and importance to many of us. But it is an urgent and timely matter of global concern. It is urgent because HIV and AIDS, tuberculosis and malaria kill more than 6 million people a year.

Of the 33 million people living with AIDS today, 6 percent are children. Ninety percent of these children live in Africa, the continent least equipped to care and treat HIV-infected persons. Those numbers will increase if the world does not immediately step up efforts to halt the spread of AIDS.

The topic is extremely timely because the mandate of the President's emergency plan for HIV and AIDS, PEPFAR, expires in 2008. My colleagues and I on the House Committee on Foreign Affairs are in the midst of writing legislation to extend the PEPFAR program for another 5 years.

Congress and the President worked together to create PEPFAR in May of 2003. Now, a few short years later, according to the State Department's Office of Global AIDS Coordinator, over 800,000 people are receiving anti-retro medication in PEPFAR's 15 focus countries; 12 of those countries are in sub-Saharan Africa. Nearly 50,000 new patients join those receiving the life-saving therapy each month. We have indeed come a long way. However, the battle continues, and Congress must make decisions about how to expand and improve the program if we are to bring an end to this very terrible disease.

The biggest decision before us is how much money to devote to the program. The original legislation authorized $15 billion over 5 years. Congress actually appropriated over $19 billion over that time fighting HIV and AIDS abroad.

One year ago, I said in a speech in Nairobi, Kenya, on World AIDS Day last year that we should double PEPFAR funding. Several months later, to my surprise, I must say, President Bush also called on Congress to provide $30 billion to fight the disease over the next 5 years. After holding two hearings on the status of the pandemic, however, I do not believe that this will be enough. Analysts say that supporting universal access over the next 5 years will cost an estimated $213 billion, 70 percent of which donors are expected to pay.

If the United States shoulders its traditional share of the burden, it will cost us an estimated $49 billion, $10 billion a year for the next half decade to respond to the needs of those affected by HIV and AIDS. And this does not include the cost of malaria and tuberculosis programs. Not only are we falling short in terms of prevention and treatment of HIV and AIDS; we are not doing enough to address opportunistic diseases that kill people with AIDS, the deadliest of which is tuberculosis. In 2004, of the 9 million people who were newly infected with TB, 2 million died. However, TB is entirely curable.

And last year, the public became aware of an even greater threat, a new, more dangerous, multi-drug-resistant TB, MDR–TB strain, which is known as extensively drug resistant TB or XDR–TB. XDR–TB and its deadly linkage with HIV gained global recognition in August 6, 2006, with reports of an outbreak in a hospital in South Africa where 52 of 53 patients with HDR–TB died, half within a matter of 16 days.

Earlier this year I offered an amendment which passed in fiscal year 2008 Foreign Operations bill with $50 million additional funding to fight XDR–TB. I hope to work with our leaders to see additional funding next year.

The statistics about HIV and AIDS may seem overwhelming and the problem insurmountable, but it is not. We can bring an end to this pandemic if we work together.

□ 2015

THE SURGE OF HIV/AIDS

The SPEAKER pro tempore (Mrs. JONES of Ohio). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, the surge of HIV/AIDS is on. And although we have had an extensive decades-long effort to overcome the devastation of HIV/AIDS, I believe it is appropriate to again declare not only a national emergency but a concern for the international crisis.

Madam Speaker, you have heard my colleagues tonight, and I thank you for your presence and leadership here tonight to listen to many of our Members who have raised the question of the epidemic of HIV/AIDS. We have raised it because we have been in our districts on World AIDS Day, and I spent 24 hours, maybe 48 hours, 2 days visiting with a number of community groups meeting on the topic of HIV/AIDS. Domestically we still have a crisis, and certainly internationally.

I joined the first Presidential mission to Zambia, Zimbabwe, and South Africa a few years ago to look at the rising crisis in Africa. Now we know that thousands upon thousands, millions of children have been orphaned by both parents, single parents, or having one parent being afflicted and then losing their life with HIV/AIDS. We know that it is prevalent in Africa to have grandmothers who are taking care of six and seven and eight and nine and ten grandchildren because of the loss of their parents. I am very gratified to see the work of the Gates Foundation, the Clinton Foundation that have brought necessary medicines to those who now can live with HIV/AIDS.

But the key for us around the world and here in the United States is prevention. The largest percentage of those infected with HIV/AIDS today find themselves in the African American population. It is not just a disease that plagues the homosexual community, but it is a heterosexual disease as well. People who are hemophiliacs may be succumbed by HIV/AIDS. So the issue, as I said, is prevention, and we must work collectively together.

I believe it is important to continue research to find a cure, a vaccine for HIV/AIDS. But as well, I believe it's important to continue to educate about how the disease is transmitted, how it can be transmitted from mother to infant, and how it can be stopped.

Interestingly enough, we believe when we don't hear something, something has passed. But I will never forget going into a hut and seeing on the floor an afflicted man. He had both HIV/AIDS and tuberculosis. And who was caring for him? A 4-year-old. The only remaining healthy person in that whole area, that whole compound in Africa, was a 4-year-old taking care of an elderly dying man. When we in this world have come to that, there is a reason to raise our voices.

So I salute the various institutions in my own community, the Harris County Hospital District, Ben Taub Hospital and the researchers and doctors who are there, the Thomas Street Clinic, who are continuing to care for those who are in need, the City of Houston's Health Department, the great program that they had at Texas Southern University, along with the hip-hop community, to emphasize the need for testing and prevention. I myself have held testing events with the faith community. We intend to hold more, and the emphasis is faith, hiphop, whoever is willing to collaborate to ensure that people are tested.

I advocate for testing to be part of everyone's physical examination, that insurance companies should pay for those tests to be diagnosed. A $2 test means you get a mail-back; a $10 test means right on the spot you get a diagnosis. That's what we should be doing to help those here in America.

I also believe that we should test persons who have been incarcerated, men and women. Those going into the prison should be tested; those coming out of the prison should be tested, for that is how in many instances, besides drug utilization, that many of the HIV/AIDS individuals who receive it are infected.

Madam Speaker, this issue of HIV/AIDS is a family affair; it is a Nation's affair, and in order to save lives, we have to stand up and be counted. We cannot allow the stigma of HIV/AIDS to dominate our reason and our hearts. We must embrace those who have it and help them live the best quality of life that they can. More funding for community health clinics that will treat people with HIV/AIDS. But at the same time, we must wage a major campaign for those who are intravenous drug users, that we have clean needles; for those who have been incarcerated, that they be tested; for young people who are frivolous and believe that promiscuity is the way of life, we have to say "no." And, frankly, we have to say that testing is not a shame. It is an honor to be tested to find out, one, that you're healthy, and to be tested to find out that you need treatment and you need to be careful.

I hope, as we commemorate World AIDS Day, we recognize that it is an international circle, and that circle must never end until we find the cure for HIV/AIDS, we stamp it up, and provide people with a better quality of life.

Madam Speaker, I stand here today to recognize the importance and significance of World AIDS Day.

ABOUT WORLD AIDS DAY—DECEMBER 1ST

Established by the World Health Organization in 1988, World AIDS Day serves to focus global attention on the devastating impact of the HIV/AIDS epidemic. Observance of this day provides an opportunity for governments, national AIDS programs, churches, community organizations and individuals to demonstrate the importance of the fight against HIV/AIDS.

It has been 25 years since the first AIDS cases were reported. Since then countless researchers, health care providers, politicians, and educators have contributed to the global initiative to contain and eventually eliminate its presence in all corners of the world, a presence that has grown increasingly ominous with time.

Although HIV/AIDS is no longer a mysterious and mischaracterized entity, it retains, and rightfully so, its chilling aura as the most relentless and indiscriminate killer of our time. And though a diagnosis is no longer the sealing of an immediate fate, it is the beginning of an indefinite battle for life and for social belonging.

IMPACT ON WORLD COMMUNITY

With an estimated 33.2 million people worldwide currently living with HIV, and more than 25 million people having died of AIDS since 1981, December 1st serves to remind everyone that action makes a difference in the fight against HIV/AIDS. Let there be no mistake; we are here to acknowledge that AIDS is a deadly enemy against which we must join all our forces to fight and eliminate.

Americans should be reminded that HIV/AIDS does not discriminate. With an estimated 1,039,000 to 1,185,000 HIV-positive individuals living in the U.S., and approximately 40,000 new infections occurring every year, the U.S., like other nations around the world is deeply affected by HIV/AIDS.

IMPACT ON AFRICAN-AMERICANS

AIDS is devastating the African-American community. As of February 2006, African-Americans represented only 13 percent of the U.S. population, but accounted for 40 percent of the 944,306 AIDS cases diagnosed since the start of the epidemic and approximately half (49 percent) of the 42,514 cases diagnosed in 2004 alone. African-Americans also account for half of new HIV/AIDS diagnoses in the 35 states/areas with confidential name-based reporting.

The AIDS case rate per 100,000 population among African-American adults/adolescents was nearly 10.2 times that of whites in 2004. African-Americans accounted for 55 percent of deaths due to HIV in 2002 and their survival time after an AIDS diagnosis is lower on average than it is for other racial/ethnic groups. HIV was the third leading cause of death for African-Americans, ages 25–34, in 2002 compared to the sixth leading cause of death for whites and Latinos in this age group.

IMPACT ON AFRICAN-AMERICAN WOMEN AND CHILDREN; AND HISPANIC WOMEN

African-American women and children have been disproportionately victimized by this deadly disease. African-American women account for the majority of new AIDS cases among women (67 percent in 2004); white women account for 17 percent and Latinas 15 percent. Among African-Americans, African-American women represent more than a third (36 percent) of AIDS cases diagnosed in 2004. Although African-American teens (ages 13–19) represent only 15 percent of U.S. teenagers, they accounted for 66 percent of new AIDS cases reported among teens in 2003.

IMPACT IN HOUSTON/HARRIS COUNTY, TEXAS

The detrimental effects of AIDS have also hit home. In 2004, right here in my home district of Houston/Harris County, there were over 14,000 reported persons living with HIV (non-AIDS) and more than 8,000 reported persons living with AIDS. Sadly, there were almost 400 deaths resulting from AIDS in Houston/Harris County, Texas in 2004. This problem continues to escalate as there were more than 800 newly diagnosed AIDS cases in Harris County in 2004. In Houston alone, there were more than 1,000 reported HIV Diagnosis in 2005. We must continue to forge a tough fight to reverse all of these costly and tragic trends.

Billions and billions of private and federal dollars have been poured into drug research and development to treat and manage infections, but the complex life cycle and incessant mutation rates of HIV strains has made this endeavor difficult. Though the drugs we currently have are effective in managing infections and reducing mortality by slowing the progression to AIDS in an individual, they do little to reduce disease prevalence and prevent new infections.

Currently, the only cure we have for HIV/AIDS is prevention. While we must continue efforts to develop advanced treatment options, it is crucial that those efforts are accompanied by dramatic increases in public health education, awareness, and prevention measures.

ROUNDTABLE OF AIDS EXPERTS

Earlier this year, with the hope of bringing attention to the importance of HIV/AIDS testing in the fight to eliminate HIV/AIDS, especially in the African American community, I hosted an AIDS roundtable of AIDS experts and community leaders, in Houston, that included free voluntary HIV/AIDS testing. We discussed policy changes dealing with the AIDS crisis in our communities across the United States. I consult with AIDS experts and we vowed to work hard to create constructive and effective vehicles to address the very real need of testing within certain groups of the population.

POTENTIAL MANDATORY TESTING AMONG CERTAIN POPULATIONS AND THE PRISON POPULATION

We discussed the potential mandatory testing for certain populations as well as mandatory testing for all of the prison population. Consideration of such potential solutions is not intended to stigmatize and exploit individuals who may be suffering; it is a means of saving lives.

POTENTIAL AVAILABILITY OF TESTING AS PART OF ROUTINE PHYSICALS; MANAGED-CARE OPPORTUNITIES

Our AIDS roundtable also considered the option of making AIDS testing available as part of routine physicals. We also discussed the potential for education and preventative measures to be included in HIV managed-care programs. These are all possible solutions we considered as means of combating the HIV/AIDS crisis and to silence the sorrowful cries of the victims and many more potential victims of this deadly disease. All of us must continue to use our creative ideas to find effective ways to break the cycle of death that has been resulted from the HIV/AIDS scourge.

RYAN WHITE ACT

As your Congresswoman, I have fully and eagerly supported all legislation that has given increased attention and resources to HIV/AIDS, including the Ryan White CARE Act, which is currently slated to receive about $2.2 billion in funding for FY2007. The Ryan White Act, originally signed on August 18, 1990, is the primary source of medical care for HIV positive children, youth and pregnant women. The Ryan White CARE Act funds more than 600 sites through 91 grants in 35 states, DC, Puerto Rico, and the U.S. Virgin Islands. I know I need not convince you of the fact that this legislation, and the money it authorizes, is crucial to our national fight against HIV/AIDS.

I will continue to push hard to ensure that the purpose of the the Ryan White Act is fully funded. served and realized. I will also work hard to make sure that the Ryan White Act is tailored to the challenges that we face today.

In addition, I have supported legislation to reauthorize funding for community health centers (H.R. 5573, Health Centers Renewal Act of 2006), including the Montrose and Fourth Ward clinics right here in Houston, as well as supported legislation to provide more nurses for the poor urban communities in which many of these centers are located (H.R. 1285, Nursing Relief Act for Disadvantaged Areas). I have also supported and introduced legislation aimed to better educate our children (H.R. 2553, Responsible Education About Life Act in 2006) and eliminate health disparitis (H.R. 3561, Healthcare Equality and Accountability Act and the Good Medicine Cultural Competency Act in 2003, H.R. 90). And I will continue to endorse and push for similar legislation.

Twenty-five years from now, I hope that we will not be discussing data on prevalence and mortality, but rather how our sustained efforts have been successful. But if we are ever to have that discussion, there are a number of actions that we must take right now. We must continue research on treatments and antiretroviral therapies, as well as pursue a cure. And we absolutely have to ensure that everyone who needs treatment receives it. In order to do this, we have to increase awareness of testing, access to testing, and the accuracy of testing. Knowledge truly is power.

We must also increase funding for local health departments and community health clinics, as well as fully fund the Ryan White CARE Act.

Lastly, but perhaps most importantly, it is imperative that we work to increase funding for HIV prevention and education, so that our children will be equipped with sufficient and appropriate knowledge of this growing threat within our communities, especially within our black communities and among black women. If blacks are eleven times as likely to acquire infection, then we need to make eleven times the effort to educate. And we need to apply similar efforts in every community until HIV/AIDS becomes a memory. If not, our friends and family will be memories instead.

Community volunteers from churches and other organizations have done commendable work here in Houston. I think everyone can learn something from their selflessness and their will to serve their communities.

We need more people to follow their lead. We do not have time for excuses or hesitation. We have the passion and dedication, and we are securing more and more resources. It is up to us to get the resources where they are needed.

I implore all of us, politicians, researchers, clergy, and community leaders to continue to work on the very challenging mission of eliminating HIV/AIDS. To do this, we must continue to pass legislation that will continue to fund research, as well as prevention and treatment programs to combat HIV/AIDS. We must also increase our efforts to provide compassionate care, pursue rigorous research, educate our communities, and raise awareness. By doing this together, we will help all of our friends, relatives, and children live healthy and full lives.

ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I rise on the eve of consideration of major energy legislation here in this House. And while the President seems willing to admit that America is addicted to imported oil, which is step one, recognition, he can't seem to get much further than that. In fact, during his administration, America is now importing over a billion more barrels of imported oil every year. A billion more than when he began his administration.

So admitting we have a problem is easy. You can do it at a distance. You can mention it in your State of the Union address. That doesn't solve the crisis.

Every day that the President makes another empty veto threat against energy legislation is another day for growing our trade deficit by oil. In fact, if you look at what's happening today, nearly three quarters of what we use to drive this economy that is petroleum-based is imported. And that oil import constitutes about a third of our trillion dollar trade deficit. It's a disastrous policy. It takes away America's independence. And it keeps us addicted to a lot of places in the world that don't have democratic governments in place.

Our addiction is obvious, and the solution seems just as clear. When our Nation launched its space program and we embarked upon a national effort, we developed our domestic resources and we began to move into outer space. We can do the same in energy if we were serious. From domestically produced biofuels to wind to fuel cells, hydrogen, solar power, and geothermal, as well as clean coal technologies, the potential of our market is unlimited. But it is limited by our technological and industrial imagination.

With half as many sunny days as countries like Portugal, the world's leading solar energy producer is not the United States but Germany. Germany accounts for 15 percent of worldwide sales in solar panels and other photovoltaic equipment and has 15 of the 20 biggest solar plants. That's right. A country located in Northern Europe with no natural advantage is outperforming the rest of the world. And they are doing the same with wind power.

On wind energy, the story is much the same. Take one look at our Nation's wind map, and our wind potential is very, very clear.

This is a map of the United States, of course, with the darkest areas indicating where we are most wind rich. From rich reserves in offshore wind production along the Great Lakes to the upper plains regions whose fields howl day and night, America must act to capture that endless resource. Simply recognizing the potential is only our first step. While the United States lags behind, European companies are investing billions into our nascent wind market. As pointed out in a recent Herald Tribune article in July of 2007, a Portuguese company, Energias, paid nearly $3 billion to buy Horizon Wind Energy from Goldman Sachs. This purchase secures their parent company, Mexia, with the fourth largest wind farm capacity in the world, behind mostly European companies like Iberdrola of Spain and another Spanish company, Acciona Energia. When is our Nation going to be serious about stepping up to energy independence and capturing some of the resources that bless our land?

The key for developing our domestic industry in both wind and solar is political leadership from here in Washington. And unless we take these needed steps, America will continue to take its lead from foreign nations, and our hopes for developing true domestic new industries along with the jobs they hold will never materialize.

Mr. President, if you are serious about solving our energy crisis, I suggest you enroll in Congress's 12-step plan for recovering from our oil addiction. We will begin some of those discussions tomorrow as the energy bill is considered. Some of the steps are contained in that bill.

It's time that we invite the President to join us in shaping a new energy future for our Nation that restores our inherent economic independence by becoming energy independent and, in so doing, secure political independence for future generations.

THE ECONOMIC POTENTIAL OF A CLEAN ENERGY REVOLUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the majority leader.

Mr. INSLEE. Madam Speaker, I have come to the House floor tonight to really share some great news, and that doesn't always happen in this Chamber, and the great news is that this week we hope to take a major step forward in our effort to revolutionize the energy economy of America to bring it to a place where we can use the genius of Americans to break our addiction to Middle Eastern oil, to stop global warming, and to grow millions of good-paying green collar jobs in this country. And tomorrow or the next day we hope to have on the floor a bill that will take major strides in that direction to start facing these challenges and really recognizing the economic potential of a clean energy revolution for this country.

We have challenges associated with energy, but we who will bring this bill to the floor believe that we also have opportunities involving energy. And those of us who will be supporting this energy bill believe that we need to look at this from an optimistic, visionary, progressive can-do spirit. And if we hearken to the can-do spirit of Americans, we are going to revolutionize the way we create and use energy in this country. And when we do that, we are going to grow millions of jobs in the process.

If I can briefly just talk about the challenges that we face, and perhaps they are obvious, but I think it is important at least to note them, about why we need a new energy policy in this country. And let me start with the one that perhaps is most obvious to us, and that is that our addiction to Middle Eastern oil threatens our security. It's not a very wise policy. And we were just being briefed by a vice admiral of the United States Navy retired just about 15 minutes ago on this subject. He pointed out that it's not a very good strategic decision to be sending just under $1 million a minute of our money to people who are attacking us in the Middle East.

□ 2030

Funding your enemies is not known as a particularly brilliant strategic move. And Americans know that our national security is at risk as long as we are on the addiction train for the oil coming out of the Mid East.

So we know there is a security reason for our trying to move to a more energy independent position where we are less dependent on oil to run our economy.

Second, we know that global warming is a challenge. I'm certainly aware of this. I represent a district just north of Seattle. My county got 9 inches of rain in 24 hours the day before yesterday. And you will turn on your TV tonight, and you will see these floods. These floods and precipitation events are consistent with the models of what we will see more frequently in the Pacific Northwest with global warming. We don't want to see that happen. We're seeing it, the last 2 years, we've had these things happen. Mount Rainier National Park was shut down for the first time in 100 years last year because of one of these horrendous rainstorms.

We know that we've seen one million miles of the Arctic melt, just disappear this year, the size of six Californias disappear. We know we have a problem with global warming; we've got to face up to it.

And third, we know that we have a loss of jobs in this country. We've seen a shrinking of our manufacturing base. We've seen outsourcing of our jobs across the world. We're seeing enormous imports coming in from China and exports not going back. So we need to reorient our economy so that we can develop products for export to the rest of the world. And guess what? We have the perfect opportunity to do that in developing clean energy technologies so we can rebuild our economy, and there is a great way to do it.

I want to start by talking about the tremendous strides that Americans are making today in building a new clean energy transportation system for the United States. Now, I get really excited about this. For one reason, two days ago I was in Anaheim, California, at the electric car convention, the 23rd convention of the Electric Car Association in Anaheim, California; and I was blown away by the progress that's being made in the electrification of the automobile.

Now, we have, frankly, not made much progress in increasing the efficiency of our cars since the early 1980s. We did a tremendous thing in the seventies and eighties: we increased our fuel efficiency by over 60 percent in about 5 to 6 years, but then we stopped. Congress stopped, the President stopped, we stopped dead in our tracks from making any progress on fuel efficiency.

Well, for 30 years now we haven't made one mile a gallon improvement. Think about how pathetic that is. Since 1983, we've started the Internet, mapped the human genome, we've even invented the cup holder for our cars; but we haven't improved the mileage they're getting by even 1 mile a gallon. Well, this week, tomorrow or the next day, we hope to pass on this floor a provision that will make the first improvements in 30 years in our automobile efficiency standards that were so incredibly successful in the early years. We need to simply start getting back up on that improvement train because that's what America is about, which is constant improvement.

And we intend to raise it to 35 miles a gallon, which is certainly obtainable, and I'll talk about why we know it's obtainable in a few minutes. We know that's a very obtainable goal, and we hope to pass that. And this is why this is important. I did a little research on this; I've done a lot of research on this. I actually just recently wrote a book about this, so this is where I got a lot of this information. When you write a book about things, you tend to go out and ask a lot of people questions. And what I learned was that if we had simply continued making the same improvements in mileage that we made from 1976 to 1983, if we had simply continued on that rate of improvement, we would be free of Saudi Arabian oil today. Think of what that would have meant to our national security if we were free of that oil influence in our foreign policy. Well, we have to get back in that good habit of expecting more fuel efficient cars.

Now, we know this is capable of happening because we know essentially the technology has become better in our cars; it has simply gone to power and some other things rather than fuel efficiency. But this 35-mile-a-gallon standard I know is achievable because today I am driving a car that gets 45 miles a gallon. This car, it's convenient, it's safe, it carries five people comfortably. I'm 6 foot-2 inches, 200 pounds. It carries me and a big cherry tree in the back very conveniently. So we don't even have to wait until 2020 or 2022 to do this; we have cars that can do this today. But we know that we're going to make transitions, both in cars and trucks of all sizes, to move to more efficiency.

But I'll tell you what's coming. What's coming very shortly is not just these little incremental half-mile, one-mile, two-mile-a-gallon improvements. What is coming is wholesale giant leaps forward in automobile efficiency. And I want to show you why I know that's going to happen, or believe it's going to happen.

This is a picture of a car, the GM Volt. The GM Volt is a car that General Motors hopes to put into mass production in 5 years or so. It would be the first American mass production plug-in hybrid car. The GM Volt is a plug-in hybrid car. And the way a plug-in hybrid car works is ingenious. It has a hybrid system which runs, essentially, the wheels with electric motors. And a hybrid system works partly on an electrical battery system and part on an internal combustion engine that right now is burning gasoline, and some day will burn cellulosic ethanol or biodiesel. But what a plug-in hybrid does is it allows you to charge your batteries at night, and then for about 40 miles all you use is electricity.

So when the GM Volt comes out, you will be able to plug in your car in your garage, unplug it tonight, go about your business. For the first 40 miles, it's all electric; no carbon dioxide coming out of your tailpipe, no gasoline being burned whatsoever. And the daily usage of a car for 60 percent of Americans is less than 40 miles in one day. So when these cars become available in widespread availability, 60 percent of the trips of Americans could be all electric, without using a drop of gasoline.

Now, what happens after 40 miles is you essentially then burn either gasoline, or at some point ethanol or biodiesel, with a combination of the remaining juice in the battery to go the rest of your mileage, with just as much total range as you originally would experience with our normal cars. And when you do this, the combination of that juice in your battery you're plugged in with, and if you run the whole tank dry, you're going to get over 100 miles a gallon of gasoline. And there are cars today doing this. There are several hundred cars already doing this on the road across the country, running these plug-ins. There is quite a number of them that are Toyota Prius conversions that have been converted into these plug-in hybrids.

Now, this is not just some pipe dream. I asked GM to bring this car to Capitol Hill and they showed it to my colleagues a couple of months ago. It was at the car convention yesterday, and people were looking at it like it was the hottest thing on wheels at this convention, because it is. It gives us the opportunity to make a serious break of our addiction to Middle Eastern oil. And it gives Americans the ability to drive a car for 1 to 2 cents a mile for energy from electricity. Gasoline is costing anywhere from 9 to 12 cents a mile to operate a car right now.

So this is a tremendous break for Americans, when these cars get on the road. And we'll be talking about 100 miles a gallon of gasoline, not just 35 in our CAFE standard. GM has hundreds of millions of dollars in investment in this vehicle, and we know that this is a very serious effort in this regard.

Now, there are a couple of virtues I would like to talk about. This car gets better with age, and I'll tell you how. When you use electricity off the grid, you know, some of the electricity is produced with coal that is putting in carbon dioxide in the air and is adding to global warming gases. But as the grid becomes greener, which it will as we use more solar thermal power and as we use more wind power, the energy, the electrical juice we use, will become greener and your car will become greener. It will become a better car, a more efficient car. Now, there are only two things I know of in life that gets better over time, wine, and plug-in hybrid cars. So we're very excited about the progress of this.

I'll give you another little bonus. When you have a car like this, you can rent your batteries to the utility companies. And the utility companies are very excited about being able to ignite, when you're charging your batteries, essentially store their energy in your battery and then draw it back out, if you're not driving your car. They call it a load-leveling service. And they will pay you money for the right to use your battery. And some economists have suggested it could be a value of $2,000 to $3,000 a year. So that's a pretty sweet deal, potentially being paid by your utility company to really move forward.

So this thing is knocking them dead at the convention, and for good reason. And it shows why this 35-mile-a-gallon potential is very, very achievable. And I'm going to be very excited when we get this bill up on the floor.

With that, I would like to yield to my good friend, GEORGE MILLER, who has been leading this visionary effort for years here in the U.S. Congress.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding. And, one, I want to commend him on the success of getting provisions in this legislation on renewable electrical sources that he just pointed out will make all of this better in the future as we see a convergence of transportation, as we see a convergence of energy efficiencies in our homes and our businesses, and then to have a clean, green, and renewable way to generate that electricity. This is going to be a remarkable gift to the American people, to the American economy, to American businesses.

One of the things we've seen first and foremost is in so many instances the amount of money that is being saved by those who are investing in this effort in their businesses to make them more efficient, to make them greener, and to make them cleaner.

I am very excited that this legislation, which you have led the fight on, is also going to include the CAFE standards, the improvements in the miles per gallon that people can expect to get from cars in the future, that we will provide for 35 miles per gallon by the year 2020, which will dramatically change the transportation picture in this country, and then joined with the hybrid, with the renewable energies, can change our dependence on imported oil. And combined with other provisions of this legislation, we know that we have the opportunity to dramatically impact for the good the American economy, our climate, our environment, and the health of our neighborhoods and our cities.

So this energy bill, which many people said was not going to be possible at the beginning of this year, will be a major vote for those of us who are concerned about our dependence on foreign oil, our dependence on fossil fuels at all because of the impacts on the climate, the impacts on the health of our constituents. And it's going to be a remarkable vote when it takes place.

This legislation also provides for energy efficiency and renewable energy worker training. We're now starting to see in this country, as more and more investment is made by the private sector, that we need skilled workers who know how to work in these facilities, who understand the technology, who understand the mechanics of these operations. And that's going to provide real opportunity to working people in this country to create jobs all over this country, not just on the coast, if you will, but in the Midwest and the Southeast, in the Southwest, where wind, where other renewable energy sources are going to be developed, are going to be promoted, and are going to be utilized by those communities.

The gentleman from Washington has been in this struggle, started with the Apollo Project. This isn't quite the Apollo Project, but this is a major down payment, a major, major step, after 30 years of this Congress being shackled by the auto industry and the oil industry and others to continue a policy that has not served this country well and that continues to threaten our economic stability, our national security.

I know how much energy the gentleman from Washington has put into this legislation and put into this issue to get the public to understand something like the GM Volt. We had the automobile on the Hill a few months ago. It's a rather impressive automobile, as you pointed out. I think we probably read the same articles about the recent auto shows where it's attracting a great deal of attention, a major commitment by GM. I'm delighted to see GM now make this thrust into these new technologies, and I think that that legislation will provide further incentives for them to do that.

I read a rather interesting commentary. GM also developed a hybrid for the Tahoe, for their SUV. And in the comments about it, it's not the best hybrid in terms of mileage, if you're really concerned about mileage standards, but it's a major effort, certainly a major effort on behalf of a vehicle that's very popular with the American public.

But the interesting thing was, because of the engineering that they had to do to deal with the hybrid technology, the commentary of the auto reviewers was that they made a better car, this Tahoe was far superior to those that weren't. And they were hoping that they would then transfer the technology, the design, the engineering over to the rest of the fleet because they, in fact, would be presenting a car of higher quality, be it hybrid or nonhybrid, to the American public. And I think it's interesting to see what the spin-offs are and what this kind of engineering develops.

Mr. INSLEE. Would the gentleman yield for a minute on that point?

Mr. GEORGE MILLER of California. Yes, I would be happy to yield.

Mr. INSLEE. I think that's a really important point, that when you embark on a technological effort like this, like the original Apollo Project, we called our bill the New Apollo Energy Project because we understood when we embark on a technological journey like this, we develop all these new subordinate incidental technologies, and we've seen all the benefits from the Apollo Project.

☐ 2045

The secret of this car is the battery technology, really. Now, there is some really cool stuff. This glass weighs probably 70 percent less than normal glass. These tires are superefficient because of the way they are designed. There is a lot of weight-saving devices.

But the real genius is in the battery. There is a company called A123 Battery. A bunch of folks started it from MIT in Massachusetts. Now they are manufacturing a lithium ion battery that you use right now in your drill. You are using your big drill. Those are lithium, the new hot ones. "Hot," meaning they work, not meaning that they are physically hot. They've taken those batteries and now designed one to work in a car. And I point this out because I talked to a young man named Luke, and I am embarrassed I can't remember his last name, yesterday in Anaheim, and he was with this A123 Battery company. And I said what is the status of this? He said that it is going gangbusters. I am working in a way that all we have to do is put them in a rectangular situation rather than a cylindrical. But the look in this kid's eyes. He is in his upper twenties, and he is managing this project in his upper twenties. The look in his eyes were just glowing with this development of this brand new stuff. And he was jumping up and down being so excited. And that is the kind of spirit that we have the capability of igniting again.

Mr. GEORGE MILLER of California. This bill, when we pass it and send to the President and he signs it, it is just the beginning of this adventure in energy technologies. Earlier this year we passed an innovation bill that dealt with new technologies and encouraging research and development and innovation and discovery, and when we were putting that bill together, we were talking to the CEOs from venture capital companies, from biotech industries, from the high-tech industry. And the question came from a lot of people, when you do all this innovation, you make all this effort, training all the engineers and scientists and others, where are the jobs that result? And Craig Barrett, the former CEO of Intel Corporation and other CEOs of the major tech companies of this country chimed in and said you make an investment, the government must make an investment in energy. That will drive the next generation of technology comparable to the kinds of technologies we saw with that investment in telecommunications, in computers, in the Internet and all the things that resulted from that. Their first choice for that, to drive that technology would be energy and the need that this country and other countries are going to have to develop these sources of energy.

Again, I want to thank the gentleman for all of the work he did. I know how hard he worked, especially on that provision of the bill for the renewable energy standards that are in this legislation. I thank him for his effort on that and also on the Apollo project that kicked off a great part of this debate in the Congress.

What a difference a year makes. Under Republican rule, it took three sessions of Congress just to finish an energy bill that subsidized pollution and Hummers.

But after just 1 year of the new Democratic leadership, we are replacing those subsidies with groundbreaking steps to increase the efficiency of our vehicles, to lower energy costs, to create new jobs, and to combat global warming.

Fuel Economy. The historic fuel economy compromise is supported by labor, the environmental community, and the automobile industry. This is the first increase by Congress since 1975.

The bill will increase fuel economy standards to 35 miles per gallon by 2020 for new cars and trucks.

These provisions will save American families $700 to $1000 per year at the pump, with $22 billion in net consumer savings in 2020 alone.

It will reduce oil consumption by 1.1 million gallons per day in 2020 (one-half of what we currently import from the Persian Gulf), and reduce greenhouse gases equal to taking 28 million of today's average cars and trucks off the road.

Renewable electricity standards. This provision requires utility companies to generate 15 percent of electricity from renewable sources—such as wind power, biomass, wave, tidal, geothermal and solar—by 2020.

Green Jobs. This package creates an Energy Efficiency and Renewable Energy Worker Training Program to train a quality workforce for "green collar" jobs—such as solar panel manufacturer and green building construction worker—created by federal renewable energy and energy efficiency initiatives.

Major investments in renewable energy could create 3 million green jobs over 10 years.

Thanks to the leadership in the House by HILDA SOLIS and JOHN TIERNEY, we reported this legislation from the Education and Labor Committee. In the Senate, this important provision has been championed by BERNIE SANDERS and others.

Energy efficiency. The bill includes landmark energy efficiency provisions that save consumers and businesses hundreds of billions of dollars through 2030.

The bill will assist those who want to make their homes and offices more energy efficient, and it creates new energy-efficient appliance standards.

This reflects the successful model pursued by the State of California: cutting greenhouse gas emissions and investing in renewables will lead to economic growth.

Mr. ROHRABACHER. Let me note that I agree with the excitement and the energy that I have seen here today, and I think that there is every reason for optimism that many of the challenges that we face can be overcome by the very forces that we are talking about. I believe there are more market-driven forces, because as the price has gone up, we have unleashed a whole new exciting effort that could be profit-making and also make changes. But, as we are discussing this, there is just one thing that has concerned me on this side of the aisle. And I certainly agree with trying to increase our development of sources of energy, as Mr. MILLER was just talking about, you know, this is the type of investment we can make that will permit these entrepreneurs who respond to the market. I certainly agree that, but, as you were talking about it, we know that electricity is going to be a major factor in the success of the technologies that you are talking about, because each and every one of these we now bring electricity into play where we had internal combustion engines before. But why is it that we, when we face an energy bill like the one coming up, that we have basically written off nuclear energy as a role that it could play in providing that energy and providing us the self-sufficiency that we need in the future?

Mr. INSLEE. Well, actually, the bill, as I understand, will not be writing off nuclear energy. It has been difficult to grow largely in cost. The utilities simply have not purchased it because of its cost even though it has been very heavily subsidized by the taxpayer to the tune of billions of dollars; it still has remained so expensive, the utilities have simply not ordered new plants. It was really not Jane Fonda that ended the growth of the industry; it was simply the cost and economics of it. And this bill does not eliminate that that will be on the floor in the next week.

I want to address, I know, the gentleman from California, and a lot of these good ideas have come from California. Certainly Governor Schwarzenegger has been active in supporting this effort to move to more fuel-efficient standards, and many of them are in California.

I want to address something electricity quick, and then I want to yield to Mr. BLUMENAUER if I can. The gentleman has pointed out that if you are going to have plug-in hybrids, then you have to have electricity to run the plug-in hybrids. But tonight we are going to have some discussion about the multiple systems of clean ways to generate electricity. I want to point to one of them, a company that I have learned about, a company called AUSRA Energy, and their name came up when we were debating the renewable electrical standard.

In this bill, we have a provision that calls for 15 percent of our energy to come from clean, renewable sources by the year 2020, 15 percent clean renewable sources, and a quarter of that can also come from efficiency standards. So I was talking some time ago to some of my colleagues about this from the State of Florida in August when we had the first version of this bill, and my colleagues were expressing the concern that we couldn't do solar energy, for instance, in Florida. Now, that surprised me, because I thought on the license plates it says "The Sunshine State." Nonetheless, Florida does not have as perfect solar energy as does Arizona. There are a few more clouds in

Florida. It is maybe 10 percent not as productive as Arizona.

But a week after that conversation, I found a company called AUSRA Energy had signed a contract with a Florida public utility for I believe it is in the nature of a couple hundred megawatts, enough for thousands of homes, both in Florida and in California. And what this company does, this AUSRA company, it uses flat panel mirrors which are in these long rows oriented toward the sun. They are inclined toward a pipe. There is a pipe that is elevated towards these mirrors. It focuses the rays of the sun on that pipe. It heats the water. The water develops steam, the steam turns the turbine, and presto, you have electricity with zero CO_2 emissions, zero CO_2 emissions, and zero gasoline imports from the Middle East.

And I have looked very carefully at their projections of cost. They have a very realistic path to get to a position to produce electricity as cheaply as coal within the next decade or so. Now, this company is real. It is not a bunch of people in teepees just thinking about this. They have signed commercial contracts for the production of this electricity using this technology.

Now the reason this is so exciting to me is that previously, we have talked for years about photovoltaic energy. And most people who think about solar energy think of photovoltaic, which are basically panels that directly produce electricity from the silicone-based panels, and those are making strides that are very significant with what is called thin-celled photovoltaics. But here is an entirely new way of producing electricity using essentially radiant power, thermal power from the sun, heat to heat energy, and these work really well in tandem with natural gas producers. So we have multiple ways. We will talk about some of these others. And these new technologies just keep popping up.

I want to yield to Mr. BLUMENAUER, a leader from Portland, Oregon, which has been a great city to demonstrate how to use energy efficiently. It is the first city in America to develop a transportation system that gives people choices about how to move around the city, and as a result, it is the first city in America where people have driven less in 1 year ever in American history, and that is because of, in part, Mr. BLUMENAUER's leadership helping develop some of the land use planning and public transportation systems, besides being a great advocate for bicycle riding.

Mr. BLUMENAUER. Thank you. I appreciate the gentleman's courtesy and his continued focus on the opportunities we face with the energy legislation that is coming before us this week, and the bigger picture, the new Apollo project.

I wanted, if I could just elaborate on one point, because I think as you were talking about the compelling opportunities for new technology that are harnessed in the car of the future, I was thinking back to the situation that we faced as some of us were growing up when the United States Department of Defense was paying $100 for a transistor when they could have spent 79 cents for a vacuum tube. But that investment in technology for the future made possible the first Apollo project, sending a person to the moon, miniaturization, the electronics that harness that power. But it also spoke, I think, to the power of having strategic Federal investment and incentives.

I heard my friend from California a moment ago talking about the power of the market. Well, we are all interested, I think, in harnessing market forces wherever possible. And your response about the issue of nuclear energy, that despite massive subsidies, there hasn't been a new plant in the last 30 years because the private sector didn't think it penciled out.

I am interested in opportunities that we can have harnessing this new technology and perhaps using it in sectors like national defense where we can jump-start new technology and we can make a difference for our national security. That, as you know, has been one of the cornerstones of the Speaker's initiative. The first hearings we had on the Global Warming Committee that we both serve on were from national security experts that talked about how our dependence on expensive foreign oil, on traditional energy sources, put us at a strategic disadvantage in terms of oil supply, and it is also having an operational disadvantage for our national defense.

The current war in Iraq is the most intense, most energy-intense military operation in the history of the world. It is four times more energy intense than the first Iraq war. We are delivering gasoline to the front that we are heavily dependent on in great big tankers that might as well have bull's eyes on them at a cost of over $100 a gallon.

What you're outlining here in terms of fuel-efficient vehicles, in terms of new techniques for generating electricity, has the potential of revitalizing American defense posture to make our troops safer and more efficient as well as making battles in areas to secure oil supply less likely.

I just wanted to commend you for dealing with us today in terms of the big picture and what a difference that can make for the lives of everyday Americans in terms of where they shop, how they move, where they work and live, as well as the international arena as well where we are going to be spending $1 trillion in Iraq. This type of technology could be harnessed to make a big difference in terms of national security and technology.

Mr. INSLEE. I really appreciate Mr. BLUMENAUER's observation because it is so true. What we have seen, where we do have military product development then spins off into the civilian sector to all of our benefit. We are going to see that now. Right now the Pentagon is helping to develop a biofuels-based airplane fuel. They are very excited about not being dependent on Middle Eastern oil for the security operations of our own military, and they want to develop a biofuels-based airlines fuel. Boeing is doing the same thing on a civilian basis. They have entered into a consortium with Sir Richard Branson to develop a homegrown biofuel so you can run a jet engine. And the reason it is right to be optimistic about these things is the phenomena that Mr. BLUMENAUER talked about, and that is that things get cheaper as we build more of them and we learn more about technology.

Solar power, every time we have increased the number of units we have sold of solar power, the prices come down 20 percent. There is a curve. You can watch the price come down. It has come down over 80 percent in the last 2 decades. Over 80 percent. And the reason is, besides the fact you discover new techniques, you simply have scales of economy; the more you make of this stuff, the less it is per unit. And that is going to be true predictably for solar thermal as well as the continuation of the photovoltaic world. When we do that, the thing I want to focus on is we want to sell this technology to China.

□ 2100

We want to start putting stuff in boats and shipping it to China and India. We want to take the GM Volt and ship it to Japan. Let's start exporting these things that we grow here with homegrown technology. We know we can do that. We have done it in the past because of good old American know-how.

I want to tell one story about good old American know-how. This is a guy I got to know. We talked about electricity as a source of fuel for transportation. But there are others. There's a guy named John Plaza I met in the course of working on this. John Plaza was an airline pilot 4 or 5 years ago.

Mr. BLUMENAUER, any closing comments before you go?

Mr. BLUMENAUER. I just wanted to express my appreciation for what you're doing. I have the Rules Committee meeting now for the Energy package. I need to go represent Ways and Means. I depart, hanging on your every word.

Mr. INSLEE. We know you're going to produce a great bill for us tomorrow or the next day. Thank you for joining us.

The story of John Plaza is, to me, just a perfect example of what America is about and why this is such a great economy and a great Nation. John was an airline pilot several years ago and he said he got a little tired of flying across the country and reading a book in the cockpit, to the extent that is allowed. He decided to look around for a new opportunity to sort of do something creative.

He started to think about the ability to use biofuels to run our transportation system. John was one of the first people to make biodiesel. He started to essentially brew up biodiesel almost in his garage just a few years ago. Then he decided to make a commercial operation. So he went out and raised some money from a fellow named Matthew Tobias, who did well at Microsoft. They went out, and this is one of the part of the stories I like, they bought two big vats that were used at the Rainier Brewing Company to brew beer. They took those vats and they started to brew biodiesel in a little warehouse on the shores of the Duwamish River in Seattle.

That went so well that they went out to the capital markets and raised tens of millions of dollars to build a real first-class biodiesel facility. Now, in Grays Harbor, Washington, and this is a picture of the Imperium Energy Biodiesel plant, you will see these large tanks used for storage. The Imperium Biodiesel Company now has the capability of producing 100 million gallons a year of biodiesel. It is the largest biodiesel refinery in the world, and it started because one fellow, John Plaza, had this idea and a can-do spirit and optimism and courage enough to go out and start a business to do this.

Now, this is what America is all about. When we pass an energy bill, the kind of things we are going to do are going to help these small business people to start businesses and grow them in the field of clean energy. Now, this company has plans to build perhaps 20 refineries around the country. It is a realistic, a realistic goal to believe that we can produce 25 percent of our transportation fuels in the next 20 years or so by having homegrown biodiesel-advanced forms of ethanol and really make a dent in our oil addiction.

Now I want to, if I can, address for a minute the prospects for these biofuels because I know people have heard about corn ethanol and people have raised concerns that it's not the last word in ethanol. And it is true. Twenty-three percent of our corn now goes to the production of ethanol. It's producing high quality, effective fuel and it's working very, very well. It has some limitations in that we only use the kernel of the corn now. We only use a small percentage of the total fiber that the plants produces.

But on the horizon is an advanced form of ethanol called cellulosic ethanol. Cellulosic ethanol is an ethanol where you take the entire plant, kernel, leaves, shoots, roots, stems, stalk, corn stover, wheat straw, everything you can get your hands on, you mash it up, you mix it with an enzyme that helps break down the fibrous structure of the plants, freeze the carbohydrates. You then use the carbohydrates to distill it into alcohol or ethanol, and ethanol is an alcohol, and basically make high-quality fuel.

Now, cellulosic ethanol, the first plant in America for commercially produced cellulosic ethanol, ground was broken for it the week before last. The Range Company in Georgia is the first one that has the capability of building this advanced form of ethanol. When we do that, we will improve the amount of fuel we produce per acre by a factor of four to five times, potentially, over what we are producing in corn today, using advanced enzymes and using potentially some additional crops besides corn.

A company called Mendel Biotechnology in Hayward, I visited a few weeks ago, they have developed a plant called miscanthus. Miscanthus is a relative of sugar cane, which can grow through wide, wide areas of the Midwest. It's 10 to 12 feet tall. It uses less fertilizer than corn, it uses less water than corn, and it can produce three to four times as much fuel per acre using the cellulosic ethanol technique. They are now growing test plots of that to see how far north basically this can be grown and in what conditions.

That is not the only plant. There are several other plants. In Idaho, the first loan guarantee has been given to the Iogen Company, among six counties across the country to use essentially wheat straw left in the field as waste. They are going to bundle that up, bale it up, expose it to an enzyme, and do cellulosic ethanol using what was previously a waste product.

By the way, I misspoke. The Range Company in Georgia does not use an enzyme; they use a reactive process. It's a little different than that use of an enzyme to break down the cell structure. Both of them use basically the entire fibrous part of the plant.

The point is that corn ethanol can perhaps be considered as the first generation of biofuels. It is successful, doing a great job, with certain limits that we need to get past, and we can and will get past them if we simply use our know-how. That is what we are doing across the country in these companies, which reminds me of kind of a basic principle. The idea of our energy bill, in part, that we will be passing we hope this week, takes a position that we need to make a fundamental shift on how we think about energy. In the past, all we did was look below our feet for energy. Now we need to start looking above our shoulders and between our ears because ultimately it's intellectual capability and intellectual capacity that is the only infinite power of energy in the universe. That is what we are starting to use. And that is why America is going to do so well in the clean energy revolution, because when there is a transition technologically, America wins. When there is a transition to aeronautics, we win, as we have done with Boeing. When there is a transition to software, we win, as we have done with all our software businesses in this country. We are going to win in this clean energy transition because we do well in developing these technologies, some of which we have talked about tonight.

Now, besides biofuels, there's additional fuels under consideration. We know fuel cells have the potential to use hydrogen, which is under active consideration. At least one company will be bringing a commercial hydrogen fuel cell car to the roads in the next 2 years. There are fleets now using hydrogen fuel cells.

This is a bus transit system in the East Bay area of San Francisco. This is one of the first hydrogen fuel cell buses. They run it over a catalytic bed and they produce electricity and water. That is it. The only thing coming out of the tail pipe of this bus is water. I got the honor of the first Congressman to ever drive a bus, and I didn't hit anything. So it was a success. And I can warrant these are clean, wonderfully quiet, and people are enjoying them today down in the East Bay area.

These fuel cells, because there is an issue about the distribution of hydrogen; it's going to cost money to build a distribution system for hydrogen. They are probably going to happen first in large fleets like buses and transportation systems. But I think there is good reason to believe that we are going to see a lot more use of this in the next decade or so, particularly in these fleets, further application. So we have lots of alternatives.

Mr. ROHRABACHER. Would the gentleman yield for one moment?

Mr. INSLEE. Yes.

Mr. ROHRABACHER. On the issue, first, I'd like to compliment the gentleman on obviously his vast knowledge and research that he had done on these energy issues. I am very impressed with the presentation tonight.

Let me note that in California I worked very closely with Governor Schwarzenegger on a number of these energy issues. One of the new technologies that has emerged is the actual production of hydrogen on a portable basis. There is an inventor in California that has come up with an attachment that can go on any internal combustion engine that actually attaches to the alternator of the engine and creates electricity that goes into a liquid into the small container, which then, as we know, electricity through liquid produces hydrogen and oxygen gas, which is then put into the air intake of the engine.

The Governor, when I described this to him, and we had a lot of trouble with private companies unwilling to actually test this product out, the Governor put it on his Hummer. He said, Dana, I am giving you my Hummer. Put it on the car and I will pay for the test. The Governor actually reached out.

This type of creativity and what you're discussing tonight and a broad array of approaches to our energy challenge, I think, will carry us through. I want to compliment the gentleman on his great presentation tonight.

Mr. INSLEE. I appreciate Mr. ROHRABACHER's comments. I won't make any cracks about the need to improve the imitation. Your Governor is doing great work on this. I appreciate your sentiments.

I want to mention a point. There is a technology I had not heard of. You have mentioned this inventor who's working on this in California. One of the things that is so much fun is you learn about people doing this great work around the country. That particular invention, who knows, it may not go anywhere. Some of the things we have talked about tonight may not pan out to be commercially available. But if we have a strategy that spreads our bets and looks at multiple sources like any good investor does, you spread your investments around, some are going to work out really well, some are going to be just kind of okay, and some of them are going to be duds. And we are going to experience that in this. But because of the genius around the country, we are going to have a lot of successes. So I appreciate your comments Mr. ROHRABACHER.

I just want to point out a couple of other new cutting-edge technologies people may not have heard about that can help fulfill our need for a 15 percent renewable electric standard. This is a picture of wave-power buoys that are now going off the coast of Oregon, the first ones in the country to harness the power in waves. There's enormous energy in waves. If you have ever seen a big freighter go up and down, you understand how powerful the sea is just going up and down.

There's enough energy in a stretch off the coast of the Pacific in just a 10-by 10-mile square. If you just took a 10-by 10-mile square and captured the energy from those waves, it would produce all the electricity for California. Now we are not talking about doing that, but what is under investigation right now is the ability to use this type, and there are two or three types of these buoys, and as they bob up and down, they pressurize a column of water or hydraulic fluid or air and turn an electrical generator that runs in a wire to the shore, and you have got electricity. One of these buoys could power potentially a thousand homes. They are quite powerful.

Ultimately, they are being tested right now and we're finding there's actually more energy than we even thought. That means more stresses. We are learning a lot about the stresses, on how you deal with those stresses. But the Department of Energy has testified to us that they believe that wave power could produce 10 percent of our entire electrical needs in this country in the next couple decades. Now that is very significant. It's just this new idea.

Tidal power is a similar effort. I have a picture of that. We have tidal power that also uses a turbine that looks like a wind turbine and also can produce electricity.

One more comment I want to make about the best source of energy, and that is energy that we don't waste. Energy conservation and energy efficiency is what we need to call the first fuel. Energy that we don't waste is always the cheapest energy to buy.

□ 2115

Finding a way not to let energy escape from our house is almost always the cheapest way to save money on energy.

I just want to point out a couple, Mike and Meg Town. Mike is a teacher at Redmond High School near the Seattle area. Mike and Meg a couple years ago decided to build a home that was essentially a net zero user of electricity, in part because Mike, who was a science teacher, was always talking about this, and one day his kids said, Why don't you go build a house that does this? So he did.

Mike and Meg built a house in very wet, soggy Redmond, Washington. It is one of the wetter areas around. And what they did was they incorporated some sort of commonsense measures into their home to make it very energy efficient, with extra insulation, good windows, just sort of commonsense things, not to let air leak out from your doors, a decently insulated hot-water heater, some planting to allow solar energy to come in to heat up the home. They then put on some panels. You see these black panels on the roof, Mike actually put these on himself.

Now this is a home in wet, rainy near Seattle, Washington, that is a zero net electricity user, saving money, because his meter runs backwards. When these photovoltaic cells are producing electricity, his electric meter runs backwards. That means he is getting a credit against his electricity bill. Now he has essentially, taking into consideration some of the credits he is receiving, a zero electrical bill.

His heat, he has a very small little heater that one of these days he is going to burn wood chips, and wood chips are a biosustainable fuel, because when you burn a biological product, all you do is return CO_2 to the atmosphere that the tree or the grass took out.

I point this out because here is people doing real things in a rainy climate, saving energy the old-fashioned way, just doing kind of commonsense things, and our bill calls for provisions that will increase the standards in our homes and our appliances so that we will not waste energy. It is the first fuel, and we are going to use it in a very commonsense American way, and it is going to be a major, major part of our effort to revolutionize our energy system.

So I look forward this week to making a major step forward in the field of energy. We are going to unleash the forces of market and the entrepreneurs around the country, and the homeowners who want to save on energy bills, and the people who are getting tired of paying $3-plus for a gallon of gasoline, and the people who do not want to be addicted to Middle Eastern oil so we don't have to be exposed to security threats from that region, and the people who don't want to fund the terrorists who are attacking us, and the people who see the future of global warming as being a threat to our grandchildren.

This is something that you can unite the Nation, red and blue States, rural and urban. This helps inner-cities, it helps rural communities. It is something I hope we get broad support for.

It is going to be a great day for America when we start this clean energy revolution. It is truly something in the American can-do spirit.

GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members have five legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TRIBUTE TO THE LATE CONGRESSMAN HENRY HYDE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Illinois (Mr. MANZULLO) is recognized for 60 minutes as the designee of the minority leader.

Mr. MANZULLO. Mr. Speaker, the subject of our Special Order this evening is our dear friend, Henry Hyde.

Mr. Speaker, I would yield to Congressman ROHRABACHER from California.

Mr. ROHRABACHER. Mr. Speaker, today we remember the life of Henry Hyde. Henry Hyde was no doubt one of the greatest Members ever to serve in this Chamber. He was certainly one of the most articulate.

Let me note right off the beginning, Henry Hyde was a personal hero of mine long before I arrived here in this body in 1989. And unlike heroes who I have met over my lifetime, quite often

I have been disappointed in the heroes that I have met, Henry Hyde remained a person I admired, a hero that I admired, even after I got to work with him and got to know him personally.

Henry Hyde was, yes, a great orator, and he had a personal presence. Anyone who has ever worked or been around Henry Hyde could tell you that. Yet, these were not the qualities that made his greatness. Henry used his talents and his influence to further fundamental principles and values that reflected Henry's character and his commitment to higher ideals. He rose above politics.

What is it that Henry believed in? What were these higher ideals? Life, liberty and the pursuit of happiness.

Life. Yes, that is the first, that is the first of Henry's values. Yes, Henry was one of the greatest voices in the defense of the unborn on this planet. It was not the popular stand to take, and it still is not necessarily the popular stand to take. It was a moral imperative, however, a moral imperative that Henry felt very deeply about.

When someone believes that the issue of abortion is not an issue that concerns tissue being extracted from a woman's body, but is instead an issue that deals with the ending of a human life, the principle is clear. But the courage to advocate such a moral and principled position may not match the importance of the issue itself.

Henry spoke with such eloquence on so many issues, but on this issue, one could not help but admire him and know that it was something that was coming from his heart, and a heart that was filled with love. He was a national force in the battle to protect the unborn. This is part of his legacy and something we should not forget and we should always remember him for, because it took courage for him to lead this battle.

Henry made this issue a crusade, and he did much himself to create the movement that now I think has brought public opinion and at least the public consciousness more to what the issue is on this issue of abortion. Yes, life was Henry's number one priority.

Liberty. Henry fought for liberty as a young naval officer in the Philippines during the Second World War. I was very honored to have gone with Henry to the Philippines where he was issued a medal for his service as a young man in the Second World War. He then after the war returned home and fought the battle for liberty in both the State legislature in Illinois, and, yes, here in the halls of Congress.

Henry's war was a war for liberty and justice for all. Henry was chairman of the Judiciary Committee. And, yes, we should not forget another controversial thing about Henry. He led that Judiciary Committee at a time of an impeachment procedure against President Bill Clinton. With the sexual implications of the charges against the former President, that endeavor could have turned into a lurid political circus. Instead, Henry Hyde insisted on maintaining standards and maintaining that the issue was perjury, and that was the only issue to be approached and discussed, and he insisted on maintaining the decorum of this House under these most trying of circumstances.

After serving as chairman the Judiciary Committee, he moved on to serve as chairman of the International Relations Committee. I was honored to serve with him on that august committee, and I watched firsthand as he stepped up and he maintained his commitment not only to American security, but to human liberty. These were the paramount issues for Henry Hyde, whether our country was safe and whether human liberty was being furthered.

Yes, Henry Hyde was the chairman of the International Relations Committee and led us after 9/11, led us at a time when we went into war with radical Islam, a war in which we are currently engaged. And Henry, his courage, his strength, his character, did very much to ensure the American people that, yes, we will prevail over this monstrous evil enemy that we face.

Well, finally let me note the pursuit of happiness. All of us who knew Henry know that he was a man who enjoyed his life. He exemplified that happiness comes from more than just acquiring material wealth. Henry was a happy man because he was doing what he thought was right and was making a difference.

When he left us last year, he had dedicated his whole life to the service of our country and to those higher ideals I have just mentioned. He had every reason to be proud of the wonderful and exemplary life that he had lived.

So, tonight we remember Henry. He will be buried later on this week, but he will remain a force in this body and will remain a force in American politics for years to come, along with the Henry Clays and the Daniel Websters and the other great orators and great men of principle who have served here in Washington in the People's House and in this great Congress.

Mr. MANZULLO. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois, Congressman RAY LAHOOD.

Mr. LAHOOD. Mr. Speaker, I rise tonight to pay tribute to one of the finest public servants that I have ever known, Congressman Henry Hyde. Henry passed away last week.

Before I begin my own remarks, I want to offer a couple of comments on behalf of Congressman JESSE JACKSON, Jr., who for family reasons is not able to be here, but asked me to offer these remarks on his behalf.

He was a good friend of Congressman Hyde, someone from the other side of the aisle, but someone from our Illinois delegation. He wanted me to express his feelings that Henry was not only a good friend to him, but he was a great American; someone who loved America and someone who really made the world a better place; someone who Congressman JESSE JACKSON, Jr., called a friend.

I offer those remarks on behalf of Congressman JESSE JACKSON, Jr.

Henry made a difference. When I was asked by a reporter recently what I will remember about him, what I said was that many of us come to this place with the idea that we can make a difference. Henry Hyde made a difference. He made a difference in the lives of the people that he represented, not just in his congressional district and not just in Illinois, but in the country and in the world.

He distinguished himself by serving as Chair of two committees, the Judiciary Committee and the International Relations Committee, during deliberations of some very, very serious legislation.

Henry Hyde had the ability to change people's minds. That is almost unheard of around here. People come to the well of the House almost always knowing how they are going to vote on a particular bill. But whether it was the flag amendment, whether it was term limits, which was a part of the Contract with America in 1995, whether it was the Hyde amendment, which protected so many lives for so many unborn, whether it was impeachment or whether it was expansion of O'Hare Airport, Henry Hyde had the ability to come to this floor and persuade his colleagues of his point of view. He had a very, very uncanny ability to do that, because of his intelligence, because of the way that he presented himself, and because of the respect that the Members of this body had for this great man.

He did make a difference, and he did it with the highest level of civility and dignity. He brought great honor, great dignity to this institution, by his presence, the way he conducted his arguments on the great debates of the day, and I have no doubt that people did change their votes and change their minds. Particularly on term limits he made some very compelling arguments, and particularly on the flag amendment he made some very compelling arguments, and over a long period of 30 years, three decades, on the Hyde amendment.

☐ 2130

And even though the impeachment proceedings were very controversial, people respected the way Henry Hyde conducted those proceedings as chairman of the Judiciary Committee, in a very honorable way and a very civil way. And even those on the other side who did not agree with the impeachment proceedings, they agreed that

Henry Hyde conducted it with the highest level of honesty, integrity and civility that you can bring to this Chamber.

Every third Thursday of each month that we are in session, our delegation which now numbers 21, counting our two U.S. Senators, 19 Members and 2 U.S. Senators, have lunch together. We used to gather in Speaker HASTERT's office, and now we gather in Senator DURBIN's office. And before every delegation lunch, we could always count on Henry Hyde to tell at least one or two very, very funny stories. He was a great storyteller and he loved to tell stories.

I will never forget almost a year ago when Henry would come in the Chamber as we were departing for the final votes, and he was in a wheelchair because of his back problems, and announced to all of us over in that part of the Chamber that just a few weeks before that, about a year ago, he wed his chief of staff of 35 years and he was very, very happy. They were going to move back to Geneva, Illinois, which is a suburban part of Chicago, west of Chicago, and they were going to live happily ever after in Geneva, Illinois, which is a beautiful part of the world on the Fox River.

When President Bush announced that he was going to give Henry Hyde the Presidential Medal of Freedom, I tried to call Henry and was not able to reach him. I did send him a note. I know how proud he was. Of all of the awards and accolades that he received, I know he was proudest of his Presidential Medal of Freedom because it is the highest civilian award that the President of the United States can give to any person, and I know how proud Henry was of that.

So as a Member from Illinois who has served with Henry now during my 13 years and as former chief of staff to Bob Michel, it is difficult to think that Henry Hyde is gone. But he will be long remembered for his civility, the dignity, the high honor that he brought to the job and to the debates of very controversial issues, and was still able to maintain the collegiality of every Member of this body, both Democrats and Republicans, a great lesson for all of us and a great example for all of us of how we should treat one another and how we should conduct the debates, even when there are great differences and great opportunities for divide on these issues.

Henry stands as a lasting example. He will be remembered that you can make a difference on important issues and during debate. We honor his memory tonight which will be long remembered throughout the history of the House of Representatives. Godspeed, Henry Hyde.

Mr. MANZULLO. I yield to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. I want to thank my colleague, DON MANZULLO, for putting this together tonight. It is great to listen to my friend and colleague, RAY LAHOOD, and follow DANA ROHRABACHER. I think you will see a lot of Members speak tonight, and they will say a lot of similar things. We have colleagues from Texas, Ohio and New Jersey here, which shows the width, breadth and the reach of Chairman Hyde.

When you come to this institution as a new Member, there are people who are national figures and many people learn to become friends with them in different ways. I think one of the great privileges is when you become a colleague of one of these great figures of history, and as Dana Rohrabacher said, he meets the requirements of what you would expect and the person that you have idolized and respected over the years.

I follow RAY LAHOOD who mentioned our bipartisan luncheon. We would also get together as a Republican delegation every now and then, and at that time we had the Speaker. Before the Speaker would weigh in, he would always turn to the dean of the Illinois delegation seeking Henry Hyde's counsel, his wisdom, his experience, and his expertise. I think that is a sign of a great leader when you know who to go to; and, of course, with the great respect we had for the wisdom and the conviction of Chairman Hyde.

When Henry spoke, people really did listen. That is a lot to be said because we speak a lot and a lot of times people aren't listened to. But Henry Hyde did it, and for many of the reasons that RAY mentioned, but I think because of the great respect that people from both sides of the aisle had for Henry Hyde.

We all have our own little stories to tell. I am an individual who struggled personally with the term limits debate. Chairman Hyde would just always respectfully beat the heck out of me because of my stated position. He said, JOHN, we have term limits; they are called elections. When people talk about Henry's strong speeches on the floor about term limits, they would think he was for term limits, but Henry was adamantly opposed to term limits because he was a constitutionalist at heart. He said the Constitution allows for term limits, and that is why we go before the voters every 2 years.

After wearing me down for many, many years, I eventually moved to the Henry Hyde position on term limits.

But that is the type of person he was, not out of a view of political expediency or what is right for the public political perception at the time, but what was right for the country.

We have a lot of colleagues down here so I am not going to belabor the point. DANA ROHRABACHER said it right. I think the great way to remember Henry Hyde is to remember life, liberty and the pursuit of happiness. Life in the Hyde amendment. You can say these simply, clearly and they identify Chairman Hyde.

Again, life would be the Hyde amendment. Liberty, aid to the freedom fighters in Nicaragua and Central America and the fight against the nuclear freeze movement. Chairman Hyde, that was liberty making the hard decisions against political expediency to promote democracy and freedom.

And the pursuit of happiness, the Millennium Challenge. It is not just the pursuit of happiness for the country, it is the pursuit of happiness for the whole world.

I am honored to be able to be on the floor to take a few minutes to thank Chairman Hyde for his friendship, his mentorship. He is and will be missed. God bless you, Henry Hyde.

Mr. MANZULLO. I recognized the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I would like to associate myself with the sense of loss we all feel for the passing of Congressman Henry Hyde. As I think my colleagues know, Henry Hyde was one of the rarest, most accomplished and most distinguished Members of Congress ever to serve. He was a class act.

Henry Hyde was a man of deep and abiding faith, generous to a fault with an incisive mind that worked seamlessly with his incredible sense of humor. He was a friend and colleague who inspired and challenged us to look beyond surface appeal arguments and to take seriously the admonitions of Holy Scripture to care for the downtrodden, the vulnerable and the least of our brethren.

On the greatest human rights issue of our time, the right to life for unborn children, the disabled and frail elderly, Henry Hyde will always be known as the great champion and the great defender of life. No one was more logical, compassionate or eloquent in the defense of the disenfranchised.

Because of the Hyde amendment, countless young children and adults walk on this Earth today and have an opportunity to love, to learn, to experience, to play sports, to get married, to enjoy their grandchildren some day, to experience the adventure of life itself because they were spared destruction when they were most at risk, millions, almost all of whom have no idea how much danger they were in, today pursue their dreams and their hopes with expectations and great accomplishment.

With malice towards none, no one, even his most vociferous critics, Henry Hyde often took to the House floor to politely ask us to show compassion and respect and even love for the innocent and inconvenient babies about to be annihilated by abortion.

A Congressman for 32 years, a chairman for 6 years of the Judiciary Committee, and for another 6 years chairman of the International Relations Committee, Henry Hyde was a prodigious lawmaker. With uncanny skill, determination and grace, he crafted numerous historic bipartisan laws and commonsense policies that lifted people out of poverty, helped alleviate disease, strengthen the U.S. Code to protect victims and to get the criminals off the streets. He was magnificent in his defense of democracy and freedom both here and overseas.

One of his many legislative accomplishments includes his authorship of the President's Emergency Plan for AIDS Relief, PEPFAR, a 5-year $15 billion plan to combat HIV/AIDS, tuberculosis, and malaria. During the debate, Chairman Hyde compared the HIV/AIDS crisis to the bubonic plague of the 14th century, the black death, and challenged us to enact a comprehensive program to rescue the sick, assist the dying and to prevent the contagion from spreading.

Having served with this brilliant one-of-a-kind lawmaker, I know the world will truly miss Henry Hyde. Still, we take some comfort in knowing that Henry Hyde's kindness, his compassion and generosity will live on in the many laws he wrote to protect and enhance the lives of others. I, we, will miss this great statesman.

Mr. MANZULLO. Mr. Speaker, I recognize the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding. I must admit I feel most inadequate to the task to find words to somehow adequately eulogize this great man, this colleague, this friend of ours whom we called Henry Hyde.

I guess the most important thing I can say about him in the time that I have served in Congress, I can think of no greater champion of human life and human freedom than Henry Hyde.

When I think about the Hyde amendment and what that means to human life, that accomplishment alone is worthy of an entire Congress, and it is really the work of one United States Congressman.

Tens of thousands live today because of Henry Hyde. There can be no doubt about that, Mr. Speaker. And often in debate we hear people come to the floor and talk about we need to pass this legislation or that legislation because we need to do it for the least of these. He, more than any other, understood in the depths of his heart that the least of these are the unborn. And because of that, he was a champion. And we do properly eulogize him tonight.

You know, in debate, Mr. Speaker, it can get quite contentious. One wonders sometimes why a civil society cannot have a civil Congress. But I have no doubt that although many occasionally may have thought him wrong headed, no one in this institution ever thought he was wrong hearted because he always acted out of the purest of motives.

□ 2145

And as I hearken back to a comment that the gentleman from Illinois made before me, it is interesting to note that Henry Hyde was one of the few Members of Congress that each of us would come to this floor and actually have a greater interest in listening to him than listening to ourselves. Very few Members of this body, Mr. Speaker, command that kind of attention. But when Henry Hyde spoke, people wanted to listen because he brought the force of his intellect, he brought his humor, he brought his grace, his kindness, he brought his civility, and he brought his humility to this floor. And because of it, Mr. Speaker, I know that I am a better person and I believe that every other Member of this institution is also better for having known Henry Hyde and being able to listen to him.

We regret his loss, but we thank his family. And I am well acquainted with his son Bob, who is a resident of Dallas, as I am, and I just want to thank them for loaning him to this great institution and this great country. And, again, I know I am a better Member of Congress and a better human being because I had an opportunity to meet Henry Hyde. And I know that as he meets his Creator, there is no doubt in my mind, Mr. Speaker, that he has heard those words, "Well done, good and faithful servant."

Mr. MANZULLO. Mr. Speaker, I recognize the gentlelady from Ohio (Mrs. SCHMIDT) for 5 minutes.

Before I formally recognize her, I noted with great interest that when Mrs. SCHMIDT was elected to Congress in that special election, I don't think there was a time that I came in when Henry wasn't here that Congresswoman SCHMIDT wasn't seated right next to him talking to him, listening to him, and observing his spirit. And it is most appropriate that she speak about this great American this evening. I recognize JEAN SCHMIDT.

Mrs. SCHMIDT. Last week, I was deeply saddened to learn of the passing of former Congressman Henry Hyde. The United States lost a great statesman. I lost a role model and a valued friend. We all lost a man who exemplified civility and led a life dedicated to his country, serving others and his ideals. His story should serve as a beacon of hope for all who knew of him.

Congressman Hyde came from humble roots. He earned a basketball scholarship to college, fought in World War II, and earned a law degree. He was the American Dream.

Congressman Hyde was first elected to Congress in 1975. As a stalwart in Congress for nearly 3 decades, it was his voice of civility and passion which Members from both sides of the aisle respected and appreciated and which he is oftentimes remembered for the most. But he is most often remembered by all for the Hyde Amendment, legislation to prohibit the use of Federal taxpayer dollars for abortions in the United States.

During his years in Congress, he not only worked to protect the lives of the unborn, but he also was active in the United States and Russian relations during the Cold War, wrote legislation to address worldwide AIDS epidemic, and presided over the House impeachment proceedings of President Clinton.

Most will remember Henry Hyde for all that he was able to accomplish as a Member of Congress. I will remember him as a man who was true to his ideals and who spoke to our hopes, not our fears.

His legislative accomplishments were just a reflection of who he was. His compassion for the unborn and the weak and the forgotten was not simply a veneer pasted on for public consumption. He understood the meaning of life and championed laws to protect it from its natural conception to its natural death. He treated everyone he met as if he or she were the most important person in the world because he saw them as God's children and knew that they were.

Congressman Hyde was truly a life well lived. The country and the world have experienced a great loss. I have lost a dear friend on this floor. My condolences go out to his entire family. I truly feel privileged to have served with such a great man. And I would like to add that, when I was elected, I was excited to meet here, but I was most excited to meet Congressman Hyde. May he rest in peace in the Lord's arms.

Mr. MANZULLO. I recognize the gentleman from Virginia (Mr. GOODLATTE) for 5 minutes.

Mr. GOODLATTE. I thank the gentleman for yielding.

Mr. Speaker, it is a real honor to rise and speak of the life of a great American statesman and a true friend of the American people and a personal friend, Congressman Henry Hyde.

When I arrived here in the Congress in 1993, Henry Hyde was already legendary. He had many years before that begun work on the Hyde Amendment, which established for now some 30-plus years the principle that the American taxpayers' dollars would not be used to fund abortions. That principle has stood with us all these years and I believe will stand with us well beyond Congressman Hyde's passing. It was a great legacy.

In addition, Congressman Hyde was known as an outstanding orator, a public speaker of the first order. He brought both his keen intellect and sharp wit with his heart to the speeches that he gave on this floor, and he commanded the attention of his colleagues and often changed the minds of people who might have been very much hardened against the position that he was putting forward. He did it with considerable skill, with considerable intellect, and with considerable commitment.

When I arrived in 1993, I became very much aware of his personal attention that he gave to other Members of this House. As a new Member, he helped me through one of the more difficult committees to serve on in the Congress, the Judiciary Committee. And when we gained the majority, the Republican majority in 1994, the Republican leadership recognized Henry Hyde's capabilities and actually passed him over other Members of the Congress to make him chairman of that committee, knowing that that committee had an enormous task ahead of it because, as many will recall, in 1994, Republican Members campaigned for election on the Contract for America. What many may not realize is that of the nearly 30 bills that comprised the 10 principles that made up the Contract for America, more than half of them went through the Judiciary Committee, and Congressman Hyde shepherded each one of those through the committee and then across the floor of the House, and many subsequently passed the Senate as well and became law. And he accomplished that not just by his own hard work and dedication, but by delegating responsibility to virtually every Member of the committee on both sides of the aisle in some instances, in fact, giving new Members like myself an opportunity to play a key role in managing that legislation and offering key amendments, because he recognized the importance of operating the committee in an open and fair fashion.

His greatest challenge may have come with the impeachment of President Clinton. And I served on the committee with him during that very difficult time as well. The impeachment of the President of the United States is one of the more serious things that the Congress has to deal with, and it is certainly something that can evoke great emotions and can bring about great contention in the committee. But Chairman Hyde managed the committee with great fairness, with great attention to detail, and did so at a time when he was personally vilified and attacked in a number of different ways, most unfairly, and yet did it with equanimity, with grace, and I think commanded the respect of Members on both sides of the aisle as he handled that very, very difficult challenge, and did so, I might add, successfully in bringing forward impeachment resolutions which were sound, which passed the House of Representatives, and which I think spoke for all time about the importance of the respect of the rule of law by all of those who serve in government, even in the highest places.

Henry Hyde was an individual who believed very, very deeply in our Constitution, and he showed that through his hard, hard work for 6 years as chairman of the Judiciary Committee in passing a multitude of pieces of legislation that showed that great respect for our Constitution. But he was more than simply a believer in the rule of law. He was a believer in the human heart. And he showed that time and time again in his work with other Members of this Congress, as we have heard some mentioned here this evening, and also in his work internationally; because after he completed his work as chairman of the Judiciary Committee, he was given another important and great challenge of serving as chairman of the International Relations Committee. And I have had the opportunity to see him in action with Presidents and Prime Ministers, to see the kind of respect that he commanded from world leaders because of his leadership of that committee and because of his great concern for the promotion of American interests around the world. Those interests are very pure, interests of promoting democracy and opportunity for freedom and peace for people in every corner of the globe.

I have not had the privilege of serving on the International Relations Committee, but I have had the opportunity to serve for 14 years on the Judiciary Committee with Congressman Hyde, and I will never forget the leadership that he provided on that committee and in this Congress. He has been an inspiration to me, he has been an inspiration to millions of other Americans, and he deserves to be recognized as one of the greatest statesmen of our time. And I thank the gentleman for yielding me this time.

Mr. MANZULLO. I yield to the Congressman from Arizona, TRENT FRANKS, 10 minutes.

Mr. FRANKS of Arizona. I thank Congressman MANZULLO.

Henry Hyde was perhaps more responsible than any other Member of this body for allowing me to become a Member of Congress, and I stand here thanking him for his work and for him allowing me to come to this place.

Mr. Speaker, our moment in history is marked by mortal conflict between a culture of life and a culture of death. God put us in this world to do noble things, to love and to cherish our fellow human beings, not to destroy them. Today, we must choose sides.

Mr. Speaker, those words were spoken by one Henry Hyde, who in 1924 was born in the same State that once gave us an Abraham Lincoln who guided America through that terrible storm that brought about the end of a cancer called slavery that it had embedded itself so deeply in American policy.

That same greatness of spirit that compelled Abraham Lincoln to remind our Nation that all men are created equal also compelled Henry Hyde to spend 32 years of his life serving this body in defense of that same truth.

Mr. Speaker, Henry Hyde said, "We are the heirs of 1776, and of an epic moment in history of human affairs when the Founders of this Republic pledged their lives, their fortunes, and their sacred honor. Think of that, their sacred honor, to the defense of the rule of law. The rule of law is to safeguard our liberties. The rule of law is what allows us to live in our freedom in ways that honor the freedom of others."

Mr. Speaker, whether working to overturn the horrors of child sex slavery, of sex trafficking, or advocating to protect victims of human rights abuse, or improving the lives of children, families, seniors, and military veterans, or protecting the innocent from the threat of terrorism, or striving to bring clean water and basic sanitation to the poorest of the poor all over the world, Henry Hyde was truly a man who gave himself to the cause of honoring and protecting the equal, inherent, and profound dignity of every member of the human family.

He carried himself with such honor and dignity and true nobility, and yet never wavered in the strength or perseverance of his convictions. Like President Ronald Reagan, he carried a reputation for being a happy warrior.

☐ 2200

And, Mr. Speaker, while the hallmark of Henry Hyde's life was the compassion for all of humanity, the driving force of his work in Congress was the dedication to protecting and restoring the constitutional rights for an entirely unprotected class of humanity he called the "defenseless unborn."

Henry Hyde was instrumental in crafting legislation such as the Mexico City policy and the partial birth abortion ban. Perhaps his most world-changing initiative came in the form of the legendary Hyde amendment which passed 2 years after he first came to Washington in 1976. It prohibited the practice of taxpayers being forced to pay for abortions. The year before, taxpayer funds had provided for more than 300,000 abortions in America. Mr. Speaker, at the very least, over 1 million little souls have lived to feel the warmth of sunlight and freedom on their faces because of the Hyde amendment and the work of Henry Hyde, and that number could well be in the millions. That is a legacy no words of mine can ever express.

Mr. Speaker, Henry Hyde once said, "This is not a debate about religious doctrine or even about public policy options. It is a debate about our understanding of human dignity, what it means to be a member of the human family, even though tiny, powerless and unwanted."

Henry Hyde was a man of unwavering principle, an unflinching patriot who never hesitated to confront even the fiercest controversies once he believed that he was fighting on the side of truth, God, and human freedom. Not only did he fight tirelessly for those truths, he spoke them so powerfully that he deeply and profoundly moved the heart of America. He stirred this body on countless occasions and helped to rekindle the conscience of this Nation, and the legacy of his words will resonate long after every one of us has walked out of that Chamber for the very last time.

Last month, Mr. Speaker, Congressman Henry Hyde was honored by the President of the United States with the Presidential Medal of Freedom, the highest award that can be bestowed on any civilian. "He used his persuasive powers for noble causes" according to the President. "He was a gallant champion of the weak and the forgotten, and a fearless defender of life in all of his seasons."

Mr. Speaker, back in 1857 in the Dred Scott decision, the Supreme Court said that the black man was not a person under the Constitution, and it took a civil war to reverse that tragedy.

In the rise of the Nazi Holocaust, we saw the German high tribunal say that Jews were unworthy of being classed as humans, and a tragedy that beggars our understanding followed as a result.

Then in 1973 we saw the Supreme Court of the United States of America take from the innocent unborn children the most basic human right of all, the right to live. And in all three cases, Mr. Speaker, a great human tragedy followed. The Civil War took more lives than any war in our history. The world war that arrested the Nazi Holocaust took 50 million lives worldwide, and even saw atomic bombs fall on cities.

And today we stand in retrospect and wonder how the compassion of humanity did not rise in defense of those who could not defend themselves when such horrible atrocities might have been prevented. And yet, there and here, in the land of the free and the home of the brave, we have killed 50 million of our own children in what should have been the safe sanctuary of their own mother's wombs. They died nameless and alone, their mothers were never the same, Mr. Speaker, and all of the gifts those children might have brought to humanity are now lost forever.

Mr. Speaker, there is no way for me to add to the power of the immortal words of that gallant statesman, Henry Hyde himself. He said something I wish that every American, every person on Earth could hear. He said, "When the time comes, as it surely will, when we face that awesome moment, the final judgment, I've often thought, as Fulton Sheen wrote, that it is a terrible moment of loneliness. You have no advocates. You are there standing alone before God, and a terror will rip through your soul like nothing you can imagine. But I really think that those in the pro-life movement will not be alone. I think there will be a chorus of voices that have never been heard in this world, but are heard beautifully and clearly in the next world. And they will plead for everyone who has been in this movement. They will say to God, spare him because he loved us. And God will look at you and say, not did you succeed, but did you try?"

Mr. Speaker, Henry Hyde truly tried. And I am convinced that the day will still come in America when the warm sunlight of life will finally break through these clouds and shine once again on the faces of unborn children in this Nation. And when that day comes, history will record that it is a great champion named Henry Hyde who waged a quiet war for the defenseless unborn in the Halls of this Congress. And he reached up to hold the hand of an unseen God and reached down to hold the hand of an unnamed little baby and refused to let go until the storm was gone.

And, Mr. Speaker, if I'm wrong, and somehow America never finds its way out of this horrible darkness of abortion on demand, I know more than anything else in the world that the Lord of the universe still hears the cries of every last one of his children. And no matter who or where they are, if time turns every star in heaven to ashes, I know in my soul, as Henry Hyde knew in his, that that eternal moment of God's deliverance will come to every last one of them.

Mr. Speaker, Henry Hyde was a true and noble champion and he will live forever in our hearts and minds as a warrior for the cause of human freedom and human life. May his family, his many friends, and loved ones be comforted in the peace and assurance of knowing that their courageous father and husband and friend has been welcomed by an eternal chorus of voices and has now walked safely into the arms of God and heard him whisper, "Well done, thou good and faithful servant."

God bless Henry Hyde.

Mr. MANZULLO. Mr. Speaker, may I inquire as to the remaining time that we have.

The SPEAKER pro tempore (Mr. ALTMIRE). The gentleman has approximately 20 minutes remaining.

Mr. MANZULLO. Okay. I'll claim 5 minutes for myself.

I was elected to this Congress in 1992, was sworn in in 1993, and never got used to the name Congressman. When someone said Congressman, I would turn around and I'd look for Henry Hyde. I thought that you had to be here an unnamed number of years and garner the utmost respect of your colleagues before you could be called by that name, Congressman.

And I had the opportunity to work with Henry. I recall in either 1993 or 1994, when it was going to be very difficult because of some procedural problem for Henry Hyde to offer the Hyde amendment, and the only way that he could do that was through unanimous consent of this body. It was on I believe an appropriations bill. I sat next to Henry Hyde at this table to my immediate right, and he turned to me and he said, Don, if I can't offer this amendment, tens of thousands of children will die. And I was numbed by what he said, and also by the immense power that one person could have to intervene in the lives of those who had not, who could not see the light of day because of their circumstances.

The chairman of the Appropriations Committee, William Natcher, from Mississippi stood up in a very noisy Chamber, and he said, I ask unanimous consent in this body that the Hyde amendment be allowed in order. And I remember him peering over those glasses, this man from Mississippi who never missed a vote on the floor of the House of Representatives. One person could have said, I object, and no one did. And Henry Hyde offered the amendment that particular afternoon and it passed this body and went on to become part of the continuing law forbidding the use of taxpayers' funding for abortions. I shall never forget the sweat that was emanating from his body, how his hands were being wrung together. And I never thought it possible that one person could make that much of a difference in the United States Congress. And he made the difference to people who could never vote for him. He just did it because he said that this is the right thing to do.

And there were other occasions in my career as a Member of Congress where I would see him stand up. And when Henry Hyde stood up to speak, this noisy body of 435 independent contractors would become very quiet and listen to Henry Hyde. When the Contract with America was penned, and he handled several bills dealing with that very difficult piece of, series of legislation, in the section on product liability he allowed me to give the concluding speech on the floor because one of the companies that I represent back in Rockford, Illinois, had gone out of business on the 100th anniversary because it was sued over a machine that it had manufactured 50 years earlier. And sitting on the desk of the president of that great company was a summons starting a suit over a machine that was manufactured at the time of the House of Romanov when it ruled Russia. And he gave me the honor of giving the concluding speech on that very difficult topic.

You ask yourselves, where are the Henry Hydes of America today? Where are the orators of this House? And no one stands up because they're gone.

I would recognize the gentleman from Illinois, PETER ROSKAM, for as much time as he would consume.

Mr. ROSKAM. Mr. Speaker, you know, as I've sat and listened this evening to the tributes of Congressman Hyde, a couple of things have become clear to me, that there's an element, a great sense of loss tonight among us about a man that people on both sides of the aisle really came to respect and admire and deeply appreciate.

As I've thought about Congressman Hyde and the role that he played, he came to Congress in 1974, that was a very difficult time for the Republican Party. He's one of the few people that was successful in a campaign after the scandal of Watergate, and came in and in a way Henry Hyde was a conservative in the House of Representatives before conservative was cool. He was passionate about a strong America and understanding fundamentally what our Nation's role was in the world.

We've talked a lot over the past several minutes about Henry Hyde and his pro-life legacy. There was another passion that he had, and I think it was inextricably linked to his view of life and defending it at all ages, and that was his high view of freedom. He was a person who understood fundamentally that the United States had a very special role to play.

I was a staffer for him and remember him talking about the captive nations. That was a phrase that was used to capture the description of the Eastern Bloc nations. And you see, in Henry Hyde's district, in the Sixth District of Illinois, there were a whole host of immigrants, folks who had come to this land of America because America was free. And Henry Hyde represented that constituency well. And it was a people that had been formed largely by their suffering under a tyrannical communist regime. And when Henry Hyde came to office in 1974, in those years before the 1980 election, he was among a small group of people in the House, I think, that really understood what was at stake.

Turned out Ronald Reagan won a historic election in 1980. It was a land slide really of epic proportion.

□ 2215

And Henry Hyde was one of those people that was positioned in the House of Representatives, Mr. Speaker, to be one of Ronald Reagan's partners over the next 8 years on what has been nothing short of a transformation of American foreign policy.

Henry Hyde was a pivotal figure in the mid-1980s when the House turned to him and asked him to play a key role at the time in the Iran-Contra investigation. And I remember working for him at that time and a whole great deal of activity. And when I was looking at my boss, Congressman Hyde, during the committee hearings, every time he asked a question, every time he made a point, there was a sense of clarity about him that was just very, very inviting. He understood what was going on. He didn't shy away from a political fight, as we all know, but he had this way about him that was a way to engage people in such a way that he was able to persuade them. He was sort of the old school of American politics in that he wasn't satisfied merely to have a debate. No. This was a guy who wanted to persuade you. And his view was, look, if you knew what I knew and if you had seen what I have seen and if you understand what I understand, then surely looking at this evidence you'll be persuaded, as I am, to this way of thinking. And I think the way that he approached that, Mr. Speaker, was very inviting in a way.

Listen, he was at a pivotal point in our public life together in very difficult times for our country. But we all know, as we reflect on this great man, that he did it with a sense of duty, he did it with a sense of honor, and he did it in a way that he always upheld his oath to protect and defend the Constitution of the United States.

I remember the first time I met Henry Hyde, I was interviewing in his office, and it was when he was in the Rayburn building, room 2104 in the Rayburn building. It was, I think, an April evening, if I'm not mistaken, in the mid-1980s, and I had a chance to interview with my own congressman, Henry Hyde, to become possibly a legislative assistant. I went in. I handed him my resume. And I have an independent recollection, as I am standing here today, of Henry Hyde looking out over me in these half glasses and kind of clearing his throat looking at the resume, sort of looking it over, and I remember feeling very intimidated because at the time, after all, I was in a conversation with Henry Hyde. Well, to make a long story short, he very graciously offered me the job.

And what I will say is this. We serve with a whole cast of characters here in Congress. And we see one another many times on the floor, and we interact with one another, and we see one another in the hallways. But when you really want to get to know a Member, you ask the staff what is that person really like? The staff people who are working for that Member, out of the public view, behind closed doors in the office when nobody is around, and I will tell you this: Henry Hyde was the same person to work for as the person who would appear here on the floor of the House of Representatives. He was gracious. Now, he expected you to work hard. He expected excellence on the part of his staff, and he wanted you to do a good job. But the same pleasant man that you encountered and is fondly remembered here this evening was the same person that interacted with his staff.

You know, there are different ways to measure people. And I called Congressman Hyde on the phone in April of this year. I was walking into the Cannon building. It was an early morning. And I called him on my cell phone, and I caught him at home. It was fairly early. And I said, "Henry, I have been here for 4 months." I said, "I marvel at what you were able to accomplish during the time that you were here."

Many of us come from legislative bodies, State legislatures or county legislative bodies, and they are fairly intimate affairs, actually. They're fairly small groups of legislators that come together. But when you think of the figurative shadow that he cast on legislation for the past 30 years, it was a thing to behold.

I know he enjoyed the phone call, but it wasn't false flattery. It was actually admiration from somebody who has recently come to succeed him in Congress.

Finally, in closing, Mr. Speaker, I remember when I sat with Congressman Hyde several months before I came to this body, and at the end of a very pleasant conversation as we went back and forth on issues and talked about local politics and State politics and national politics and all kinds of issues, he said a word to me. When I share it with you, Mr. Speaker, it is going to sound like a very common thing. But when you're me and you are seated across from Henry J. Hyde, it didn't sound very common at that point. And he said to me this: He said, "Peter, this is important work in Congress. This is important work." And there was an urgency with what he was saying to me that day. And it wasn't the whimsy of an old man who was just reflecting back on 32 years of service, but it was the admonition of a statesman who had looked out over the horizon and really understood the great challenges but, even more, the great opportunities that are here for us in the United States of America.

So I know that I am joined by many, many, many Americans who considered Henry Hyde to be their congressman, to be America's congressman. And so it is with a great sense of pride and also a great sense of sadness and loss that I rise today, like so many of my colleagues, to honor his memory.

Mr. MANZULLO. Reclaiming my time, there are some great Henry Hyde stories. The first time I met him was in his office in your congressional district, and he was wearing this incredible Hawaiian shirt, and sticking out of his pocket was this oversized cigar. I had never seen a cigar that big in my entire life. And he was a connoisseur of his cigars. And I remember one time my Chief of Staff had given me this cigar. He said, "I got this and you've got to give this to Henry Hyde the next time you see him." So I was carrying this cigar in my pocket, and I needed him to sign a document, and he signed the document, and I said, "Henry, I've got this cigar for you." And I think his eyes got bigger than that cigar.

What a sense of humor, what a joy, what a thrill to have served with him. We are honored and blessed to have served with somebody by the name of Henry Hyde of Illinois.

Mr. WILSON of South Carolina. Mr. Speaker, I join with my colleagues and friends this evening to honor the life of former International Relations Committee Chairman Henry Hyde.

Throughout his 32 years in the House of Representatives, Congressman Hyde was a pioneer of conservative values and principles. As chairmen of the Judiciary Committee and the International Relations Committee, he fought to preserve the sanctity of life and to promote the tenets of freedom. His career is a testament to his character and his love for this country. It was all too fitting that President Bush honored this life and legacy earlier this year when he awarded Congressman Hyde the Medal of Freedom—America's highest civilian honor.

For those of us who had the pleasure to know Chairman Hyde personally, we were touched by his immense dedication to public service, his integrity, and the wisdom he imparted to us all. He was a founding father of modern American Conservatism promoting the expansion of freedom and the limiting of government.

I am grateful to have known and worked with this tremendous individual, and I am grateful for his service to this Nation. Our thoughts and prayers are with the entire Hyde family during this difficult time.

Mr. LIPINSKI. Mr. Speaker, I rise today to offer my deepest condolences on the loss of Congressman Henry Hyde. It is a great honor to have known him and served with Henry, a dedicated public servant whose devotion to his constituency, values, and country was rivaled by few.

Though I only shared a single term in the House of Representatives with Congressman Hyde, I felt privileged to serve with him in the Illinois congressional delegation. A man well-known for his eloquent speeches, Henry Hyde was a legend throughout Illinois and the entire country.

Throughout his 32-year tenure in the House of Representatives, Congressman Hyde proved to be an intellectual powerhouse, commanding respect for the strong arguments and stimulating debate that he brought to the House. A true statesman, Henry was known for his ability to bring opposing sides of a debate together to find a consensus for the good of the country.

In the House, Congressman Hyde was influential on matters of international importance, having chaired both the Committee on the Judiciary and the Committee on International Relations. I have particularly great respect for his eloquent voice on American foreign policy during the Cold War.

For his public service and great contributions to America throughout his career, not the least of which was his brave service in the Navy during World War II, Congressman Hyde was recently recognized with the Presidential Medal of Freedom. Awarded by the President and given only to those individuals who have made an especially meritorious contribution to the security or national interests of the United States, this is the Nation's highest civilian honor.

A man who always stayed true to his faith, Henry Hyde was unwavering in defending his values and beliefs with every word he spoke. In the end, I will always admire Henry for his basic belief that the law exists to protect the weak from the strong, and his willingness to fight for this principle.

Mr. Speaker, I rise today not only to honor Henry Hyde, a great man, but to recognize the impact he has made on our country. America no doubt will feel the loss of this man who so deeply committed himself to his country. I count myself lucky that I had the opportunity to serve with him. My thoughts and prayers are with his wife and family.

Mr. EHLERS. Mr. Speaker, I rise to pay my respects to our departed colleague, Representative Henry Hyde. I am saddened by the death of this exceptionally fine and honorable man, who so ably served not only the best interests of his constituents but, indeed, the entire nation for over 30 years in this House. Henry Hyde will be remembered in many different ways—as a skilled attorney who respected and defended the rule of law; as a stout champion of the rights of the unborn; and as a distinguished statesman who promoted peaceful and just international relations and agreements.

As I remember the life and service of Henry Hyde, one personal experience stands out in my mind. In 1984, I was involved in a closely contested race for an open Michigan State Senate seat. A prominent pro-life organization endorsed my opponent, based not on my record or his, but on unrelated reasons. This was done despite my own consistent pro-life voting record and ardent pro-life policy stance. The pro-life endorsement carried considerable weight in the district and was a noteworthy point in the campaign. Henry Hyde found out about this development, and he was outraged. He traveled up from Illinois to campaign for me, to correct what he considered a grave injustice. Of course, given the passage of the "Hyde amendment" to prevent federal funds from being used for abortions—remarkably, passed during his first term in Congress in 1974—Henry Hyde was a hero in the pro-life movement. His public endorsement of my campaign was a significant factor in my close victory.

Mr. Speaker, I consider it an honor to have known and worked closely with Henry Hyde. I know many of us feel the same way. I hope we will uphold his legacy of defending the rule of law, promoting just international relations, and protecting the sanctity of all life.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to express my sadness over the passing of our former colleague and friend, Henry Hyde, and my respect for his decades of public service on behalf of the people of Illinois.

Representative Hyde was known throughout the country as a man of strong beliefs, a public servant who fought hard for his convictions with eloquence and passion. Those of us in the House of Representatives—especially those of us served with him in the Illinois delegation—also knew him as a gentleman. Disagreements on some issues never prevented him from working with a colleague on other matters.

I was one who often disagreed with Congressman Hyde, but we were always able to talk about our differences and work together on bipartisan issues, such as investigating the causes of oil and gasoline price increases in the Chicago market, ending the genocide in Sudan and the AIDS epidemic in Africa, fighting global poverty and the proliferation of destabilizing nuclear weapons, and addressing gun violence. I always felt that I could reach out to Congressman Hyde and have an open and beneficial discussion, even on the most controversial issues. He was the only person who ever called me "Janny," a private nickname I enjoyed.

Congressman Hyde was born in Rogers Park, Chicago and went to St. George High School in Evanston. He was first elected to Congress in 1974, after already having had a distinguished career as a lawyer, World War II veteran, and member of the Illinois General Assembly. He served the 6th District of Illinois for 32 years, never forgetting his roots, his responsibilities or his values. He will be missed.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to honor the late Congressman Henry Hyde who passed away on November 29, 2007.

Representative Hyde was a man of great honor and a dedicated public servant. He served for 32 years in the U.S. House of Representatives, representing the Chicago suburbs. During that time he served as Chairman of the House Judiciary Committee from 1995 to 2001 and as Chairman of the House International Affairs Committee from 2001 to 2007.

I had the honor of serving with Mr. Hyde as a member of the House International Affairs Committee during his time as Chair. He was a thoughtful and insightful Committee Chair who was willing to mentor a new member of the other party. I will always remember Mr. Hyde's help in including three important provisions in the original President's Emergency Plan for AIDS Relief (PEPFAR). These provisions on drug resistance, orphans and vulnerable children, and tracking the sale of drugs on the black market were ensured a place in the legislation largely because of Mr. Hyde's support. I will also never forget the opportunity to travel with Mr. Hyde to Mexico, where it was evident that he was well-respected by world leaders.

One of the things I recall most clearly about Representative Hyde was his command of the English language and his oratorical skills. When Secretary Rice appeared before the International Affairs Committee, he so eloquently expressed his disappointment that the Bush Administration had failed to live up to its obligation to ensure security in Iraq.

In addition to his many years as an elected leader, Mr. Hyde was a celebrated athlete in college, a veteran, and a lawyer. In recognition of his accomplishments, in October of this year, Congressman Hyde was awarded the Presidential Medal of Freedom, our country's highest civilian honor.

On behalf of the families of Minnesota's Fourth Congressional District, we extend our prayers and sincerest condolences to his wife, children and all of the family and friends of Representative Hyde. He will be remembered in the highest regard, and I will miss him.

Mr. Speaker, please join me in paying special tribute to the life and service of Congressman Henry Hyde.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. WELCH of Vermont from the Committee on Rules (during the Special Order of Mr. MANZULLO), submitted a privileged report (Rept. No. 110–471) on the resolution (H. Res. 839) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LINDER (at the request of Mr. BOEHNER) for today on account of a death in the family.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons due to family matters.

Mr. POE (at the request of Mr. BOEHNER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CHRISTENSEN) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. POE, for 5 minutes, December 5, 6, and 11.

Mr. HASTINGS of Washington, for 5 minutes, December 5.

Mr. BURTON of Indiana, for 5 minutes, today and December 5 and 6.

Mr. JONES of North Carolina, for 5 minutes, today and December 5, 6, and 11.

Mr. CHABOT, for 5 minutes, December 6.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, December 5.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2110. An act to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office"; to the Committee on Oversight and Government Reform.

S. 2168. An act to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft; to the Committee on the Judiciary.

S. 2174. An act to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the "Paul E. Gillmor Post Office Building"; to the Committee on Oversight and Government Reform.

S. 2272. An act to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John "Marty" Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007; to the Committee on Oversight and Government Reform.

S. Con. Res. 55. Concurrent resolution commemorating the centennial anniversary of the sailing of the Navy's "Great White Fleet," launched by President Theodore Roosevelt on December 16, 1907, from Hampton Roads, Virginia, and returning there on February 22, 1909; to the Committee on Armed Services.

S. Con. Res. 56. Concurrent resolution encouraging the Association of Southeast Asian Nations to take action to ensure a peaceful transition to democracy in Burma; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. VAN HOLLEN on Tuesday, November 20, 2007.

H.R. 50. Multinational Species Conservation Funds Reauthorization act of 2007.

H.R. 465. Asian Elephant Conservation Reauthorization act of 2007.

H.R. 2089. An act to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Services Veterans Post Office".

H.R. 2276. An act to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building".

H.R. 3297. An act to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the "Nate DeTample Post Office Building".

H.R. 3307. An act to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the "Dennis P. Collins Post Office Building".

H.R. 3308. An act to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the "Lance Corporal David K. Fribley Post Office".

H.R. 3325. An act to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office".

H.R. 3382. An act to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the "Philip A. Baddour, Sr. Post Office".

H.R. 3446. An act to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the "Michael W. Schragg Post Office Building".

H.R. 3518. An act to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the "Charles H. Hendrix Post Office Building".

H.R. 3530. An act to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the "Chief Warrant Officer Aaron Weaver Post Office Building".

H.R. 3572. An act to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the "Wallace S. Hartsfield Post Office Building".

Ms. Lorraine C. Miller, Clerk of the House, also reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker on Friday, November 30, 2007.

H.R. 3963. An act to amend title XXI of the Social Security act to extend and improve the Children's Health Insurance Program, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on November 13, 2007 she presented to the President of the United States, for his approval, the following bill.

H.R. 2602. To name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the "Oscar G. Johnson Department of Veterans Affairs Medical Facility".

Lorraine C. Miller, Clerk of the House also reports that on November 26, 2007 she presented to the President

of the United States, for his approval, the following bills.

H.R. 50. To reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 465. To reauthorize the Asian Elephant Conservation Act of 1997.

H.R. 2089. To designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Services Veterans Post Office".

H.R. 2276. To designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building".

H.R. 3297. To designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the "Nate De Tample Post Office Building".

H.R. 3307. To designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the "Dennis P. Collins Post Office Building".

H.R. 3308. To designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the "Lance Corporal David K. Fribley Post Office".

H.R. 3325. To designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office".

H.R. 3382. To designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the "Philip A. Baddour, Sr. Post Office".

H.R. 3446. To designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the "Michael W. Schragg Post Office Building".

H.R. 3518. To designate the facility of the United States Postal Service located at 1430 South Highway 29 In Cantonment, Florida, as the "Charles H. Hendrix Post Office Building".

H.R. 3530. To designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the "Chief Warrant Officer Aaron Weaver Post Office Building".

H.R. 3572. To designate the facility of the United States Postal Service located at 4320 Blue parkway in Kansas City, Missouri, as the "Wallace S. Hartsfield Post Office Building".

Lorraine C. Miller, Clerk of the House also reports that on November 30, 2007 she presented to the President of the United States, for his approval, the following bill.

H.R. 3963. To amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

ADJOURNMENT

Mr. MANZULLO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 5, 2007, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the second and third quarters of 2007, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ICELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 5 AND OCT. 9, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Tanner	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Hon. John Boozman	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Hon. Jo Ann Emerson	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Hon. Jeff Miller	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Hon. Dennis Moore	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Hon. Ralph Regula	10/5	10/9	Iceland		892.81		[3] 1,382.46				2,275.27
Hon. Mike Ross	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Hon. David Scott	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Hon. John Shimkus	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Hon. Ellen Tauscher	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Hon. Tom Udall	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Melissa Adamson	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Manpreet Anand	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Kathy Becker	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Dr. Paul Gallis	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Gene Gurevich	10/5	10/9	Iceland		1,339.21		[3] 1,031.46				2,370.67
Janice McKinney	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Marilyn Owen	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Eric Richardson	10/5	10/9	Iceland		1,970.51		(3)				1,970.51
Delegation Expenses:											
Representational Funds									7,328.28		7,328.28
Miscellaneous									548.52		548.52
Committee total					35,730.69		2,413.92		7,876.80		46,021.41

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JOHN S. TANNER, Chairman, Nov. 5, 2007.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4170. A letter from the Asst. Gen. Counsel for Div. of Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program (RIN: 1840-AC88) received November 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4171. A letter from the Asst. Gen. Counsel for Div. of Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Federal Student Aid Programs [Docket ID ED-2007-OPE-0134] (RIN: 1840-AC91) received November 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4172. A letter from the Asst. Gen. Counsel for Div. of Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program [Docket ID ED-2007-OPE-0133] (RIN: 1840-0133] (RIN: 1840-AC89) received November 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4173. A letter from the Asst. Gen. Counsel for Div. of Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Academic Competitiveness Grant Program and National Science and Mathematics Access To Retain Talent Grant Program [Docket ID ED-2007-OPE-0135] (RIN: 1840-AC92) received November 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4174. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Annual Reporting and Disclosure (RIN: 1210-AB06) received November 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4175. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Certain Chemical Substances; Withdrawal of Significant New Use Rules [EPA-HQ-OPPT-2006-0898; FRL-8340-8] (RIN: 2070-AB27) received November 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4176. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; State Implementation Plan Revision to Implement the Clean Air Interstate Rule [EPA-R01-OAR-2007-0401; [FRL-8496-6]] November 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4177. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Volatile Organic Compound Emission Standards for Aerosol Coatings [EPA-HQ-OAR-2006-0971; FRL-8498-6] (RIN: 2060-AN69) received November 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4178. A letter from the Administrator and Chief Executive Officer, Department of Energy, transmitting the 2007 Annual Report of the Bonneville Power Administration, pursuant to 16 U.S.C. 839(h)(12)(B) Public Law 96-501, section 4(h)(12)(A); to the Committee on Oversight and Government Reform.

4179. A letter from the President, African Development Foundation, transmitting a letter fulfilling the annual requirements contained in the Inspector General Act of 1978, as amended, covering the period October 1, 2006 to September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4180. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for the six-month period ending September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4181. A letter from the Chairman, Broadcasting Board of Governors, transmitting in accordance with the requirements of the Accountability of Tax Dollars Act of 2002 (Pub. L. 107-289), the Board's FY 2007 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

4182. A letter from the Acting Chairman, Consumer Product Safety Commission, transmitting the Commission's FY 2007 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

4183. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4184. A letter from the Secretary, Department of Education, transmitting the Department's Fiscal Year 2007 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

4185. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4186. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4187. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2007 Report on Performance and Accountability; to the Committee on Oversight and Government Reform.

4188. A letter from the Attorney General, Department of Justice, transmitting the Department's FY 2007 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

4189. A letter from the Secretary, Department of Labor, transmitting the Department's FY 2006 Annual Report on Performance and Accountability; to the Committee on Oversight and Government Reform.

4190. A letter from the Deputy Assistant General Counsel, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4191. A letter from the President, Federal Financing Bank, transmitting the Annual Management Report of the Federal Financing Bank for fiscal year 2007, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

4192. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period April 1, 2007 to September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

4193. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4194. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's FY 2007 Performance and Accountability Report, as required by The Government Performance and Results Act of 1993 and The Accountability of Tax Dollars Act of FY 2002; to the Committee on Oversight and Government Reform.

4195. A letter from the Chairman, International Trade Commission, transmitting a copy of the Commission's Performance and Accountability Report for FY 2007; to the Committee on Oversight and Government Reform.

4196. A letter from the Chairman, John F. Kennedy Center for the Performing Arts, transmitting the report due on October 31, 2007 of the John F. Kennedy Center for the Performing Arts, pursuant to 20 U.S.C. 761(c); to the Committee on Oversight and Government Reform.

4197. A letter from the Administrator, National Aeronautics and Space Administration, transmitting in accordance with the Reports Consolidation Act of 2000, Pub. L. 106-531, the Administration's FY 2007 Agency Financial Report; to the Committee on Oversight and Government Reform.

4198. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for April 1, 2007, through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

4199. A letter from the Chairman, National Endowment for the Arts, transmitting pursuant to the "Accountability of Tax Dollars Act of 2002" and related guidance from the Office of Management and Budget, the Endowment's Performance and Accountability Report for FY 2007; to the Committee on Oversight and Government Reform.

4200. A letter from the Director, U.S. Office of Personnel Management, Office of Personnel Management, transmitting the Office's final rule — Retention Incentives (RIN: 3206-AL41) received November 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4201. A letter from the Board Memebers, Railroad Retirement Board, transmitting a copy of the Board's Performance and Accountability Report for Fiscal Year 2007, including the Office of Inspector General's Auditor's Report, Report on Internal Control, and Report on Compliance with Laws and Regulations; to the Committee on Oversight and Government Reform.

4202. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2007, through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

4203. A letter from the Commissioner, Social Security Administration, transmitting the Administration's Fiscal Year 2007 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

4204. A letter from the Acting Director, U.S. Trade and Development Agency, transmitting the Agency's Performance and Accountability Report including audited financial statements for fiscal year 2007; to the Committee on Oversight and Government Reform.

4205. A letter from the Chief, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule — Classification of Aliens as Children of United States Citizens Based on Intercountry Adoptions Under the Hague Convention [CIS No. 2098-00; DHS Docket No. USCIS-2007-0008] (RIN: 1615-AA43) received October 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4206. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Hazard Mitigation Planning and Hazard Mitigation Grant Program [Docket ID FEMA-2007-0004] (RIN: 1660-AA17) received November 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4207. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Limited Model PC-6 Series Airplanes [Docket No. FAA-2007-28157 Directorate Identifier 2007-CE-046-AD; Amendment 39-15138; AD 2007-15-09] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4208. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Enstrom Helicopter Corporation Model F-28, F-28A, F-28C, F-28C-2, F-28C-2R, F-28F, F-28F-R, 280, 280C, 280F, 280FX, TH-28, 480, and 480B Helicopters [Docket No. FAA-2007-28813; Directorate Identifier 2007-SW-09-AD; Amendment 39-15140; AD 2007-16-01] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4209. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; M7 Aerospace LP SA226 and SA227 Series Airplanes [Docket No. FAA-2006-25927; Directorate Identifier 2006-CE-52-AD; Amendment 39-15142; AD 2007-16-03] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4210. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes Equipped With Dowty Type R.352 or R.410 Series Propellers [Docket No. FAA-2007-28911; Directorate Identifier 2007-NM-002-AD; Amendment 39-15150; AD 2007-16-11] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4211. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Teledyne Continental Motors Reciprocating (TCM) Engine Models IO-550-N, TSIO-520-BE, TSIO-550-A, TSIO-550-B, TSIO-550-C, TSIO-550-E, and TSIO-550-G [Docket No. FAA-2007-28863; Directorate Identifier 2007-NE-33-AD; Amendment 39-15149; AD 2007-16-10] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4212. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Model DG-500MB Gliders and Glaser-Dirks Flugzeugbau GmbH Model DG-800B Gliders [Docket No. FAA-2007-28610; Directorate Identifier 2007-CE-058-AD; Amendment 39-15166; AD 2007-17-08] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4213. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-28253; Directorate Identifier 2007-NM-031-AD; Amendment 39-15064; AD 2007-11-07] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4214. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney (PW) JT9D-7R4 Series Turbofan Engines [Docket No. FAA-2006-23742; Directorate Identifier 2005-NE-53-AD; Amendment 39-15180; AD 2007-17-21] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4215. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2007-29071; Directorate Identifier 2007-NM-097-AD; Amendment 39-15183; AD 2007-18-03] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4216. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Airplanes [Docket No. FAA-2007-28258; Directorate Identifier 2006-NM-251-AD; Amendment 39-15181; AD 2007-18-01] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4217. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy Airplanes and Model Gulfstream 200 Airplanes [Docket No. FAA-2007-28353; Directorate Identifier 2007-NM-065-AD; Amendment 39-15174; AD 2007-17-16] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4218. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation, Ltd. Model 750XL Airplanes [Docket No. FAA-2007-27864 Directorate Identifier 2007-CE-038-AD; Amendment 39-15161; AD 2007-17-03] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4219. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S92-A Helicopters [Docket No. FAA-2007-28971; Directorate Identifier 2007-SW-32-AD; Amendment 39-15163; AD 2007-17-05] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4220. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aquila Technische Entwicklungen GmbH (AQUILA) Model AT01 Airplanes [Docket No. FAA-2007-28842; Directorate Identifier 2007-CE-064-AD; Amendment 39-15162; AD 2007-17-04] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4221. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 40 and DA 40F Airplanes [Docket No. FAA-2007-27974 Directorate Identifier 2007-CE-040-AD; Amendment 39-15164; AD 2007-17-06] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4222. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No. FAA-2006-24952; Directorate Identifier 2006-NM-107-AD; Amendment 39-15157; AD 2007-16-18] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4223. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2007-29014; Directorate Identifier 2007-NM-179-AD; Amendment 39-15165; AD 2007-17-07] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4224. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mitsubishi Heavy Industries MU-2B Series Airplanes [Docket No. FAA-2007-27191; Directorate Identifier 2007-CE-007-AD; Amendment 39-15167; AD 2007-17-09] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4225. A letter from the National Adjutant, Disabled American Veterans, transmitting the 2007 National Convention Proceedings Of The Disabled American Veterans, pursuant to 36 U.S.C. 901 and 44 U.S.C. 1332; (H. Doc. No. 110–77); to the Committee on Veterans' Affairs and ordered to be printed.

4226. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 401.—Qualified Pension, Profit-Sharing, and Stock Bonus Plans 26 CFR 1.401(I)-1: Permitted disparity in employer-provided contributions or benefits (Rev. Rul. 2007-71) received November 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4227. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2007-70) received November 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4228. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Also Part 1, 62, 162, 170, 213, 217, 274, 1016; 1.62-2, 1.162-17, 1.170A-1, 1.213-1, 1.217-2, 1.274-5, 1.1016-3.) (Rev. Proc. 2007-70) received November 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4229. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Revisit User Fee Program for Medicare Survey and Certification Activities [CMS-2278-IFC] (RIN: 0938-AP22) received November 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 236. A bill to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; with an amendment (Rept. 110–458). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1662. A bill to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities; with amendments (Rept. 110–459). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2085. A bill to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes (Rept. 110–460). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2246. A bill to validate certain conveyances made by the Union Pacific Railroad Company of lands located in Reno, Nevada, that were originally conveyed by the United States to facilitate construction of transcontinental railroads, and for other purposes; with amendments (Rept. 110–461). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3998. A bill to authorize the Secretary of the Interior to conduct special resources studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures; with an amendment (Rept. 110–462). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 2930. A bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes; with an amendment (Rept. 110–463. Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3873. A bill to expedite the transfer of ownership of rural multifamily housing projects with loans made or insured under section 515 of the Housing Act of 1949 so that such projects are rehabilitated and preserved for use for affordable housing (Rept. 110–464. Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 4043. A bill to amend the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 to preserve and expand minority depository institutions, and for other purposes (Rept. 110–465). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 4050. A bill to require the Administrator of the Federal Emergency Management Agency to issue guidance providing a process for consideration of the flood protections afforded by certain structures for purposes of the national flood insurance program (Rept. 110–466). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1759. A bill to establish guidelines and incentives for States to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program, and for other purposes; with an amendment (Rept. 110–467). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 2489. A bill to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances (Rept. 110–468). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 3690. A bill to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes; with an amendment (Rept. 110–470 Pt. 1). Ordered to be printed.

Mr. WELCH of Vermont: Committee on Rules. H. Res. 839. A resolution waiving a requirement of clause 6(a) of rules XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–471). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on November 20, 2007]

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration H.R. 3887 referred to the Committee of the Whole House on the State of the Union.

[Submitted December 4, 2007]

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration H.R. 3690 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 3079. A bill to amend the Joint Resolution Approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands, and for other purposes; with an amendment; referred to the Committee on Judiciary for a period ending not later than December 11, 2007, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 110–469, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOWNS:

H.R. 4251. A bill to authorize the Secretary of Health and Human Services to conduct a demonstration project for administering influenza vaccine to elementary and middle school students in qualified low-income schools, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT:

H.R. 4252. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 23, 2008, and for other purposes; to the Committee on Small Business.

By Mr. ALTMIRE (for himself, Mr. BUCHANAN, Ms. VELÁZQUEZ, and Mr. CHABOT):

H.R. 4253. A bill to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes; to the Committee on Small Business.

By Mr. FILNER:

H.R. 4254. A bill to amend the Internal Revenue Code of 1986 to provide a one-time increase in the amount excludable from the sale of a principal residence by taxpayers who have attained age 50; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 4255. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide assistance to the Paralympic Program of the United States Olympic Committee, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DENT:

H.R. 4256. A bill to suspend temporarily the duty on Ancamine 2422 Curing Agent; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 4257. A bill to suspend temporarily the duty on hexafluoro isopropyl methyl ether (HFMOP); to the Committee on Ways and Means.

By Mr. MICA:

H.R. 4258. A bill to establish the St. Augustine 450th Commemoration Commission, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BAKER:

H.R. 4259. A bill to suspend temporarily the duty on Nickel Carbonate (NiCO3); to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4260. A bill to suspend temporarily the duty on Cobalt Carbonate (CoCO3); to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 4261. A bill to provide the Consumer Product Safety Commission with greater flexibility in addressing consumer concerns; to the Committee on Energy and Commerce.

By Mr. HOEKSTRA:

H.R. 4262. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize additional flexibility to a State with an unemployment rate that is equal to or greater than 125 percent of the national unemployment rate to transfer funds among programs made available to such State by various provisions of that Act, and for other purposes; to the Committee on Education and Labor.

By Mr. MELANCON (for himself and Mr. GERLACH):

H.R. 4263. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for charitable contributions to private, nonprofit charities providing health insurance premium assistance and drug co-payment assistance, thereby transitioning uninsured Americans into private insurance and transitioning Medicaid patients into private insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER of Florida (for himself, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. STEARNS, Mr. BUCHANAN, Mr. BOYD of Florida, Mr. WHITFIELD, Mr. MACK, Mr. MARIO DIAZ-BALART of Florida, Mr. SPACE, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. MICHAUD, and Mr. MICA):

H.R. 4264. A bill to name the Department of Veterans Affairs spinal cord injury center in Tampa, Florida, as the "Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center"; to the Committee on Veterans' Affairs.

By Mr. ROTHMAN (for himself, Mr. PAYNE, and Mr. SIRES):

H.R. 4265. A bill to help keep students safe on school-run, overnight, off-premises field trips; to the Committee on Education and Labor.

By Ms. SCHWARTZ (for herself and Mr. MCGOVERN):

H.R. 4266. A bill to direct the Consumer Product Safety Commission to issue regulations concerning the safety and labeling of certain furniture; to the Committee on Energy and Commerce.

By Ms. SCHWARTZ:

H.R. 4267. A bill to suspend temporarily the duty on Epilink 701; to the Committee on Ways and Means.

By Mr. SESSIONS:

H.R. 4268. A bill to reduce temporarily the duty on potassium sorbate; to the Committee on Ways and Means.

By Mr. SESSIONS:

H.R. 4269. A bill to reduce temporarily the duty on sorbic acid; to the Committee on Ways and Means.

By Mr. SESSIONS:

H.R. 4270. A bill to reduce temporarily the duty on triethylene glycol bis[3-(3-tert-butyl-4-hydroxy-5-methylphenyl) propionate]; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 4271. A bill to amend the Clean Air Act to provide for a waiver of certain prohibitions and limitations on fuels and fuel additives, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUPAK:

H.R. 4272. A bill to amend chapter 15 of title 5, United States Code, to provide for an additional, limited exception to the provision prohibiting a State or local officer or employee from being a candidate for elective office; to the Committee on Oversight and Government Reform.

By Mr. STUPAK:

H.R. 4273. A bill to designate the Department of Veterans Affairs clinic in Alpena, Michigan, as the "Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic"; to the Committee on Veterans' Affairs.

By Mr. WALSH of New York:

H.R. 4274. A bill to amend title 38, United States Code, to provide for the payment of a monthly stipend to the surviving parents (known as "Gold Star parents") of members of the Armed Forces who die during a period of war; to the Committee on Veterans' Affairs.

By Mr. WELCH of Vermont (for himself, Mrs. CHRISTENSEN, Mr. WYNN, Ms. SHEA-PORTER, Mr. ALLEN, Mr. ROSS, Mr. MICHAUD, Mr. ELLISON, Ms. MOORE of Wisconsin, Mr. HARE, Mr. COURTNEY, Mr. HODES, Mr. PAYNE, Mr. COHEN, Mr. MCGOVERN, and Mr. CONYERS):

H.R. 4275. A bill to provide additional appropriations for payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981; to the Committee on Appropriations.

By Ms. MATSUI (for herself, Mr. BECERRA, and Mr. SAM JOHNSON of Texas):

H.J. Res. 65. A joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Ms. HIRONO (for herself and Mr. ABERCROMBIE):

H. Con. Res. 264. Concurrent resolution honoring the University of Hawaii for its 100 years of commitment to public higher education; to the Committee on Education and Labor.

By Ms. LEE (for herself, Mr. WAXMAN, Mrs. CHRISTENSEN, Mr. MURPHY of Connecticut, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. ELLISON, Ms. NORTON, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. MEEKS of New York, Ms. KILPATRICK, Ms. DELAURO, Mr. MCDERMOTT, Mr. ISRAEL, Mr. RUSH, Mr. DAVIS of Illinois, Mr. CUMMINGS, Mr. STARK, and Ms. MCCOLLUM of Minnesota):

H. Con. Res. 265. Concurrent resolution supporting the goals and ideals of World AIDS Day; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California:

H. Res. 836. A resolution granting the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigation into the deaths of 9 individuals that occurred at the Crandall Canyon Mine near Huntington, Utah; to the Committee on Rules.

By Mr. INSLEE:

H. Res. 837. A resolution providing for the concurrence by the House in the Senate amendment to H.R. 710, with amendments; considered and agreed to.

By Mr. MCCOTTER:

H. Res. 838. A resolution welcoming His Holiness Pope Benedict XVI on his first apostolic visit to the United States; to the Committee on Foreign Affairs.

By Mr. FRANKS of Arizona (for himself, Mr. WOLF, Mr. SMITH of New Jersey, Mr. BURGESS, Mr. KING of Iowa, Mr. PITTS, Mrs. MUSGRAVE, Ms. SCHAKOWSKY, and Mr. RAHALL):

H. Res. 840. A resolution calling for the protection of human rights and restoration of rule of law in Pakistan; to the Committee on Foreign Affairs.

By Ms. MATSUI:

H. Res. 841. A resolution honoring the career and accomplishments of Robert Carlson as a Board Member of the California Public Employees' Retirement System ("CalPERS"); to the Committee on Oversight and Government Reform.

By Mr. ROTHMAN (for himself, Mr. SCHIFF, Mr. ENGEL, Mr. HASTINGS of Florida, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. RYAN of Ohio, Mr. MORAN of Virginia, Mr. ISRAEL, Mr. FATTAH, Ms. KAPTUR, Mr. BERMAN, Ms. BORDALLO, Mr. CROWLEY, Mr. WEXLER, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Illinois, Mr. BLUMENAUER, Mr. COHEN, Ms. JACKSON-LEE of Texas, Mr. VAN HOLLEN, and Ms. LEE):

H. Res. 842. A resolution expressing sympathy to and pledging the support of the House of Representatives and the people of the United States for the victims of Cyclone Sidr in southern Bangladesh; to the Committee on Foreign Affairs.

By Mr. ROSKAM (for himself, Mr. COSTELLO, Mr. LIPINSKI, Mr. BOEHNER, Mr. SMITH of New Jersey, Mr. PITTS, Mr. MANZULLO, Mr. WELLER, Mr. JOHNSON of Illinois, Mr. LAHOOD, Mr. DAVIS of Illinois, Mr. KIRK, Mr. SHIMKUS, and Mr. BLUNT):

H. Res. 843. A resolution mourning the passing of Congressman Henry J. Hyde and celebrating his leadership and service to the people of Illinois and the United States of America; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WALSH of New York:

H.R. 4276. A bill for the relief of William Becker; to the Committee on the Judiciary.

By Mr. WALSH of New York:

H.R. 4277. A bill for the relief of Maria Manzano; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 192: Mr. GERLACH.

H.R. 270: Mr. STEARNS.

H.R. 368: Mr. GONZALEZ and Mr. CUMMINGS.

H.R. 405: Mr. SNYDER and Mr. CLAY.

H.R. 463: Mr. LIPINSKI and Mr. WELCH of Vermont.

H.R. 481: Mr. AKIN and Mr. BOOZMAN.

H.R. 522: Mr. WYNN.

H.R. 539: Mr. HALL of New York.

H.R. 549: Mrs. BIGGERT and Mr. KENNEDY.

H.R. 621: Mr. MOORE of Kansas, Mrs. CAPITO and Mr. HINOJOSA.

H.R. 627: Ms. HARMAN, Mrs. CAPPS and Mr. ROTHMAN.

H.R. 648: Mr. COHEN.

H.R. 690: Mr. MICA and Mr. SHULER.

H.R. 699: Mr. WALDEN of Oregon.

H.R. 748: Mr. PETERSON of Pennsylvania, Mr. STUPAK and Mr. ARCURI.

H.R. 760: Mr. GRIJALVA, Mr. MCCOTTER, Mr. BACA, Mr. SHULER and Ms. ESHOO.

H.R. 768: Mr. KLINE of Minnesota.

H.R. 782: Ms. CASTOR.

H.R. 821: Ms. LEE, Mrs. CAPPS, Mr. ROTHMAN, Mr. LYNCH, Mr. ROSS, Mr. COHEN, Mr. ABERCROMBIE, and Mr. SHIMKUS.

H.R. 823: Mr. SIRES.

H.R. 861: Mr. LARSEN of Washington.

H.R. 887: Mr. ACKERMAN.

H.R. 891: Mr. COLE of Oklahoma and Mr. CUMMINGS.

H.R. 897: Mr. HODES.

H.R. 962: Mr. FARR.

H.R. 984: Mr. RUSH.

H.R. 997: Mr. MCHENRY.

H.R. 1000: Mr. RYAN of Ohio, Mr. KLEIN of Florida, Mr. FILNER, and Mr. LANTOS.

H.R. 1014: Mr. LINCOLN DAVIS of Tennessee.

H.R. 1023: Ms. GIFFORDS, Mr. HILL, and Ms. HOOLEY.

H.R. 1029: Mr. WILSON of Ohio, Mr. ALTMIRE, and Mr. HAYES.

H.R. 1055: Mr. RUSH and Mr. BUTTERFIELD.

H.R. 1078: Mr. MCHUGH, Mr. VAN HOLLEN, Mr. ELLISON, and Mr. MCCOTTER.

H.R. 1108: Ms. TSONGAS and Ms. CASTOR.

H.R. 1134: Ms. NORTON, Mr. TOWNS, Mr. ROGERS of Michigan, and Mr. DEFAZIO.

H.R. 1142: Mr. BRADY of Pennsylvania.

H.R. 1146: Mr. DUNCAN.

H.R. 1166: Mr. ROSS, Mr. SHULER, Mr. ROTHMAN, and Mr. COHEN.

H.R. 1169: Mr. ROTHMAN, Mr. ROSS, and Mr. COHEN.

H.R. 1188: Mr. LOBIONDO and Mr. LARSON of Connecticut.

H.R. 1192: Mr. ALTMIRE and Mr. ENGEL.

H.R. 1194: Mr. MCCOTTER.

H.R. 1216: Mr. HONDA.

H.R. 1222: Mr. SESTAK, Mr. YOUNG of Alaska, and Mr. LATOURETTE.

H.R. 1223: Mr. SESTAK, Mr. RUPPERSBERGER, and Mr. YOUNG of Alaska.

H.R. 1280: Mr. ARCURI and Ms. LORETTA SANCHEZ of California.

H.R. 1293: Mr. SMITH of New Jersey.

H.R. 1304: Mr. COURTNEY and Ms. CORRINE BROWN of Florida.

H.R. 1310: Mr. GOODE.

H.R. 1322: Mr. SCOTT of Virginia.

H.R. 1343: Mr. MURTHA.

H.R. 1355: Mr. ALEXANDER.

H.R. 1359: Mr. HOEKSTRA and Mr. SAM JOHNSON of Texas.

H.R. 1386: Mr. CARDOZA, Ms. RICHARDSON, Mr. VAN HOLLEN, and Mr. LARSON of Connecticut.

H.R. 1409: Mr. BAKER.

H.R. 1420: Mr. JOHNSON of Georgia.

H.R. 1426: Mr. SHULER.

H.R. 1461: Mr. JOHNSON of Georgia and Mr. MORAN of Virginia.

H.R. 1474: Mr. CROWLEY.

H.R. 1497: Mr. FILNER, Mr. TOWNS, and Mr. RENZI.

H.R. 1524: Ms. MATSUI, Mr. LARSON of Connecticut, Ms. FOXX, and Mr. CHANDLER.

H.R. 1542: Ms. JACKSON-LEE of Texas, Mr. MARKEY, Mr. JACKSON of Illinois, Mr. PASCRELL, Mr. McGOVERN, Mr. CLEAVER, and Mrs. CHRISTENSEN.

H.R. 1553: Mr. YOUNG of Alaska, Mr. DUNCAN, and Mr. WELDON of Florida.

H.R. 1560: Mr. COURTNEY.

H.R. 1576: Mr. COURTNEY, Mr. KENNEDY, Mr. BARROW, and Mr. WELDON of Florida.

H.R. 1621: Mr. McGOVERN, Mr. PASTOR, and Mr. MURTHA.

H.R. 1647: Mr. WILSON of South Carolina, Mr. CANNON, Mr. LYNCH, Ms. BORDALLO, and Mr. FILNER.

H.R. 1650: Mr. BONNER.

H.R. 1653: Mr. BAIRD, Mr. RYAN of Ohio, Mr. GONZALEZ, and Mr. SHERMAN.

H.R. 1655: Mr. SHAYS.

H.R. 1671: Mr. GRIJALVA.

H.R. 1691: Mrs. CAPPS and Mr. SHERMAN.

H.R. 1746: Mrs. BLACKBURN and Mr. VAN HOLLEN.

H.R. 1791: Mr. ROSS.

H.R. 1818: Mr. ALLEN and Ms. GRANGER.

H.R. 1820: Mr. PRICE of North Carolina and Mr. SHERMAN.

H.R. 1823: Mr. SHADEGG.

H.R. 1843: Mr. CANTOR, Mr. TIBERI, and Mr. ROGERS of Michigan.

H.R. 1846: Mr. BAIRD.

H.R. 1924: Mr. RENZI.

H.R. 1927: Mr. ALLEN.

H.R. 1952: Mr. BARROW.

H.R. 1992: Ms. MATSUI, Mr. SERRANO, Mr. PAYNE, Mr. UDALL of Colorado, and Mr. WU.

H.R. 2021: Mr. KAGEN, Mr. ISRAEL, Mr. KLEIN of Florida, Mr. WAXMAN, Ms. DeLAURO, Mr. CLAY, Mr. PATRICK MURPHY of Pennsylvania, Mr. ROTHMAN, Mrs. CAPPS, Mr. FATTAH, and Mr. BERMAN.

H.R. 2032: Mr. AL GREEN of Texas.

H.R. 2040: Mr. JOHNSON of Georgia.

H.R. 2045: Ms. SOLIS.

H.R. 2046: Mr. SMITH of Washington, Mr. ANDREWS, and Mr. LARSON of Connecticut.

H.R. 2049: Mr. HALL of New York, Mr. TOWNS, and Mr. RANGEL.

H.R. 2053: Mr. STEARNS, Mr. ROTHMAN, and Mr. COURTNEY.

H.R. 2066: Mr. FILNER.

H.R. 2087: Mr. ROSS.

H.R. 2103: Mr. SMITH of Washington and Mr. GORDON.

H.R. 2116: Mr. HOLDEN, Ms. SLAUGHTER, Mrs. DRAKE, Mr. BOSWELL, Mr. HINCHEY, Mr. SIRES, and Mr. WU.

H.R. 2123: Mr. SHERMAN, Ms. WATSON, Mr. HOLDEN, and Mr. HALL of New York.

H.R. 2131: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2133: Mr. MICHAUD.

H.R. 2140: Mr. WATT and Mr. ANDREWS.

H.R. 2160: Mrs. McCARTHY of New York and Mr. WALSH of New York.

H.R. 2164: Mr. HALL of New York and Mr. NUNES.

H.R. 2169: Ms. CLARKE, Mr. ISRAEL, and Mr. UDALL of Colorado.

H.R. 2210: Mr. SCOTT of Georgia.

H.R. 2234: Mr. MOORE of Kansas.

H.R. 2266: Mr. LIPINSKI.

H.R. 2275: Mr. HUNTER.

H.R. 2287: Mr. ROTHMAN and Mr. ROSS.

H.R. 2290: Mr. BOUSTANY.

H.R. 2292: Mr. COHEN.

H.R. 2302: Mr. SOUDER.

H.R. 2329: Mr. CAPUANO.

H.R. 2353: Mr. BUTTERFIELD, Mr. McGOVERN, and Mr. GILCHREST.

H.R. 2370: Mr. FERGUSON, Mr. ALLEN, Mr. CAMPBELL of California, and Mr. SMITH of New Jersey.

H.R. 2380: Mr. ALEXANDER.

H.R. 2391: Mr. GOODE.

H.R. 2405: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2447: Ms. ESHOO.

H.R. 2464: Mr. CANNON and Ms. McCOLLUM of Minnesota.

H.R. 2472: Mr. ROSS.

H.R. 2477: Mr. RUPPERSBERGER.

H.R. 2550: Mr. RADANOVICH, Mr. RUPPERSBERGER, Mr. WELDON of Florida, Mr. MICHAUD, Mr. HERGER, Mr. LoBIONDO, Mr. HAYES, Mr. CALVERT, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. ROGERS of Kentucky.

H.R. 2567: Mr. WAMP and Mr. AKIN.

H.R. 2677: Ms. SCHWARTZ.

H.R. 2702: Ms. GIFFORDS, Mr. LAMPSON, Mr. ROTHMAN, and Mr. LANTOS.

H.R. 2762: Mr. JOHNSON of Georgia, Mr. CHANDLER, Mr. MORAN of Virginia, Ms. WOOLSEY, Mr. BACA, Mr. SESSIONS, Mr. THOMPSON of California, Mr. SMITH of Texas, and Mr. GILCHREST.

H.R. 2818: Mr. PLATTS.

H.R. 2827: Mr. ETHERIDGE.

H.R. 2833: Mr. CLEAVER.

H.R. 2866: Mr. CHABOT, Ms. VELÂZQUEZ, and Mr. TOWNS.

H.R. 2880: Mr. CONAWAY and Mr. ALLEN.

H.R. 2892: Mrs. LOWEY.

H.R. 2894: Ms. PELOSI, Mr. TANCREDO, Mr. BRALEY of Iowa, Mrs. CAPPS, and Mr. HINOJOSA.

H.R. 2903: Mr. HONDA.

H.R. 2914: Mrs. JONES of Ohio.

H.R. 2915: Mr. TOWNS.

H.R. 2928: Mr. ALLEN, Mr. TIM MURPHY of Pennsylvania, Mr. VAN HOLLEN, Mr. SCOTT of Georgia, Mr. COURTNEY, Mr. ALTMIRE, Mr. HONDA, Mr. DAVIS of Alabama, Mr. YARMUTH, Mr. SIRES, Mr. PASCRELL, Mr. KENNEDY, Ms. WOOLSEY, Mr. SHULER, Mr. LYNCH, Mr. ROSS, and Mr. COHEN.

H.R. 2932: Mrs. CAPPS.

H.R. 2933: Mr. FORBES, Mr. GONZALEZ, Mr. LINDER, Mrs. TAUSCHER, Mr. OBERSTAR, and Mr. HINOJOSA.

H.R. 2934: Mr. ARCURI.

H.R. 2940: Ms. MOORE of Wisconsin.

H.R. 2942: Mr. SOUDER and Ms. CASTOR.

H.R. 2943: Mr. PATRICK MURPHY of Pennsylvania, Mr. SCOTT of Virginia, Ms. RICHARDSON, Mrs. CHRISTENSEN, Mr. COHEN, and Mr. LAMPSON.

H.R. 2946: Ms. CASTOR, Mr. ROSS, Mr. ROTHMAN, Mr. COHEN, and Mr. SHIMKUS.

H.R. 2954: Mr. BURTON of Indiana and Ms. FALLIN.

H.R. 2994: Mr. MARKEY, Mr. GRIJALVA, Mr. GONZALEZ, Mr. PLATTS, Mr. MURTHA, Mr. RAHALL, and Mr. BERMAN.

H.R. 3001: Mr. KENNEDY.

H.R. 3005: Mr. PASTOR and Mr. SARBANES.

H.R. 3008: Mr. BOUCHER.

H.R. 3026: Mr. BAIRD.

H.R. 3036: Ms. ZOE LOFGREN of California.

H.R. 3042: Mr. ALTMIRE and Ms. BORDALLO.

H.R. 3091: Ms. HIRONO.

H.R. 3099: Mrs. CAPPS, Mr. McGOVERN, Mr. HONDA, and Mr. CARTER.

H.R. 3168: Mr. RUSH.

H.R. 3195: Mr. McNERNEY, Mr. BECERRA, and Mr. PORTER.

H.R. 3232: Mr. RENZI, Mrs. TAUSCHER, Mr. AL GREEN of Texas, Mr. BARRETT of South Carolina, and Mr. BUTTERFIELD.

H.R. 3251: Mr. CUMMINGS.

H.R. 3262: Mr. McCOTTER.

H.R. 3314: Mr. CONYERS and Mr. BLUMENAUER.

H.R. 3326: Ms. CLARKE, Mr. SHERMAN, Mr. HONDA, and Mr. ELLISON.

H.R. 3339: Ms. ZOE LOFGREN of California.

H.R. 3347: Mr. CUMMINGS.

H.R. 3368: Ms. KAPTUR, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. JEFFERSON, Mr. MARKEY, Mr. McNULTY, Mr. MEEKS of New York, Mr. BURTON of Indiana, Mr. NADLER, Mr. HASTINGS of Florida, and Mr. MICA.

H.R. 3374: Mr. ABERCROMBIE.

H.R. 3389: Mrs. GILLIBRAND.

H.R. 3404: Mr. RUPPERSBERGER and Mr. COURTNEY.

H.R. 3409: Mr. PASTOR and Mr. TOWNS.

H.R. 3426: Mr. ROSS.

H.R. 3429: Mrs. JONES of Ohio, Mr. AL GREEN of Texas, and Mr. GERLACH.

H.R. 3457: Mr. UDALL of Colorado, Mr. ALLEN, and Mr. McCARTHY of California.

H.R. 3480: Mr. TANNER.

H.R. 3481: Mr. RUSH and Mr. HINOJOSA.

H.R. 3533: Mr. LARSON of Connecticut, Mrs. WILSON of New Mexico, Mr. MOORE of Kansas, Mr. PLATTS, Ms. HOOLEY, Mr. LYNCH, Ms. FOXX, Mr. STEARNS, Mr. HINOJOSA, Mr. MEEK of Florida, Mr. MICHAUD, and Mr. TERRY.

H.R. 3543: Mr. SHULER and Mr. CUMMINGS.

H.R. 3544: Mr. KLEIN of Florida, Mrs. DAVIS of California, Ms. WATERS, Mr. SCOTT of Georgia, and Mr. WILSON of Ohio.

H.R. 3605: Ms. SCHWARTZ.

H.R. 3606: Mr. HONDA.

H.R. 3609: Mr. HONDA and Mr. CUMMINGS.

H.R. 3622: Mr. SALAZAR, Mr. BRALEY of Iowa, Mr. COURTNEY, Mr. BOYD of Florida, and Ms. WASSERMAN SCHULTZ.

H.R. 3636: Mr. STUPAK, Mr. GRIJALVA, and Mr. HONDA.

H.R. 3637: Mr. HARE.

H.R. 3643: Mr. BLUMENAUER, Ms. BORDALLO, Mr. HASTINGS of Florida, Mr. SERRANO, Ms. DeLAURO, Mr. FILNER, Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, Mr. KUCINICH, Ms. LEE, Mr. HINCHEY, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mr. PAYNE, Mr. DELAHUNT, Ms. ZOE LOFGREN of California, Mr. MARKEY, Mrs. DAVIS of California, and Ms. SOLIS.

H.R. 3646: Mr. WALZ of Minnesota, Mrs. CHRISTENSEN, Mr. HOLDEN, Mr. KELLER, and Mr. BROWN of South Carolina.

H.R. 3647: Mr. McHENRY.

H.R. 3663: Mr. SHAYS, Mr. SCHIFF, Mr. ANDREWS, Mr. KIRK, Mr. STARK, and Mr. CASTLE.

H.R. 3691: Mr. WEXLER, Mr. MARKEY, Ms. ZOE LOFGREN of California, Mr. VAN HOLLEN, Mr. LOEBSACK, and Mr. SCHIFF.

H.R. 3697: Mr. WAMP and Ms. McCOLLUM of Minnesota.

H.R. 3700: Mr. POMEROY, Mr. BOUCHER, Mr. CUMMINGS, Mr. GOODE, Mr. MELANCON, and Mr. DAVIS of Illinois.

H.R. 3726: Mrs. BOYDA of Kansas.

H.R. 3729: Mrs. BONO and Mr. GARY G. MILLER of California.

H.R. 3779: Mr. GILCHREST.

H.R. 3791: Mrs. BOYDA of Kansas.

H.R. 3793: Ms. KILPATRICK, Mr. BAIRD, Mr. FATTAH, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. MCCARTHY of California, Mr. FORTENBERRY, Mr. REYNOLDS, Mr. LINCOLN DAVIS of Tennessee, Mr. GOHMERT, Mr. BARTLETT of Maryland, Mr. SHERMAN, Mr. OBERSTAR, Mr. SCOTT of Georgia, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. SOUDER, Mr. LEVIN, Mr. HALL of Texas, Mr. BAKER, Mr. CALVERT, Mrs. MUSGRAVE, Mr. RANGEL, Mr. GOODE, Mr. FOSSELLA, Mr. WOLF, and Mr. ANDREWS.

H.R. 3797: Mr. MOORE of Kansas and Ms. JACKSON-LEE of Texas.

H.R. 3844: Mr. MORAN of Kansas.

H.R. 3854: Mr. WYNN and Mr. ANDREWS.

H.R. 3862: Mr. TOWNS.

H.R. 3865: Mr. AL GREEN of Texas, Mr. FILNER, Mr. WILSON of Ohio, Ms. MATSUI, Mr. COSTELLO, Mr. LOBIONDO, Mr. ETHERIDGE, Mr. MCINTYRE, Mr. CLAY, and Mr. COHEN.

H.R. 3881: Ms. MATSUI.

H.R. 3890: Mrs. DAVIS of California, Mr. GEORGE MILLER of California, Mr. DOGGETT, and Mr. WAMP.

H.R. 3905: Mrs. TAUSCHER, Mr. MCNULTY, Mr. HINOJOSA, and Mr. GONZALEZ.

H.R. 3918: Mr. SARBANES.

H.R. 3926: Mr. FILNER, Mr. HINCHEY, Mr. MCNERNEY, Mr. MILLER of Florida, and Ms. CASTOR.

H.R. 3932: Mr. FILNER and Ms. LEE.

H.R. 3934: Mr. BILBRAY, Mr. RENZI, Mr. UPTON, Mr. EHLERS, Mr. GRAVES, Mr. WALBERG, and Mr. BERRY.

H.R. 3938: Ms. SCHAKOWSKY.

H.R. 3939: Mr. DANIEL E. LUNGREN of California and Mr. GONZALEZ.

H.R. 3954: Mr. BRADY of Pennsylvania.

H.R. 3981: Mr. MCINTYRE, Mr. WELCH of Vermont, and Mrs. BLACKBURN.

H.R. 3995: Mr. MCGOVERN and Mr. GONZALEZ.

H.R. 4011: Mr. HINCHEY, Mr. LAMBORN, Mr. RENZI, Mrs. MCMORRIS RODGERS, and Mr. THOMPSON of California.

H.R. 4017: Mr. GARY G. MILLER of California.

H.R. 4040: Ms. SUTTON, Mr. FARR, Mr. VAN HOLLEN, Mr. REYES, Mr. HINOJOSA, Mr. VISCLOSKY, Mr. PERLMUTTER, Mr. SPACE, and Mr. MOORE of Kansas.

H.R. 4054: Mrs. JONES of Ohio, Ms. WATERS, Ms. CARSON, Mr. CUMMINGS, Ms. TSONGAS, Mr. GONZALEZ, Mr. NEAL of Massachusetts, Mr. CARNEY, Mr. HINOJOSA, Mr. SPRATT, Mr. THOMPSON of California, and Mr. DELAHUNT.

H.R. 4063: Mr. GUTIERREZ, Mr. BRADY of Pennsylvania, and Mr. LANTOS.

H.R. 4065: Ms. FOXX.

H.R. 4066: Mr. MCGOVERN, Mrs. MCCARTHY of New York, Mr. LARSON of Connecticut, Mr. ALLEN, and Mr. MICHAUD.

H.R. 4071: Mr. RAHALL, Mr. GORDON, and Mrs. CHRISTENSEN.

H.R. 4078: Mr. BOOZMAN.

H.R. 4087: Mr. BISHOP of New York.

H.R. 4088: Mr. SHIMKUS, Mr. PLATTS, Mr. DENT, Mr. YOUNG of Alaska, Mr. LATOURETTE, Ms. FOXX, Mr. KLINE of Minnesota, and Mr. GERLACH.

H.R. 4090: Mr. BILBRAY.

H.R. 4097: Mr. BRADY of Pennsylvania.

H.R. 4105: Mr. MCNULTY, Mrs. LOWEY, Mrs. DAVIS of California, Mrs. MALONEY of New York, Mr. TAYLOR, Ms. MCCOLLUM of Minnesota, Mr. FILNER, Mrs. TAUSCHER, Ms. LORETTA SANCHEZ of California, and Mr. SCHIFF.

H.R. 4119: Mr. HERGER.

H.R. 4121: Mr. BRALEY of Iowa.

H.R. 4137: Mr. SARBANES, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, Mr. HARE, Ms. HIRONO, Mr. TIERNEY, Mr. PAYNE, Mr. COURTNEY, Mrs. DAVIS of California, Mr. YARMUTH, Mr. WU, Ms. SHEA-PORTER, and Mr. SCOTT of Virginia.

H.R. 4141: Mrs. MCMORRIS RODGERS.

H.R. 4152: Ms. SUTTON.

H.R. 4157: Mr. MARCHANT, Mr. INGLIS of South Carolina, Mr. BISHOP of Utah, Mr. MCCAUL of Texas, Mr. ALEXANDER, and Mr. KLINE of Minnesota.

H.R. 4173: Mrs. MALONEY of New York, Ms. JACKSON-LEE of Texas, and Mr. HOLT.

H.R. 4174: Ms. LORETTA SANCHEZ of California.

H.R. 4176: Mr. HOEKSTRA, Mr. JONES of North Carolina, and Mr. WALBERG.

H.R. 4188: Mr. COHEN and Mr. ABERCROMBIE.

H.R. 4200: Mr. BUTTERFIELD.

H.R. 4201: Mr. RAMSTAD, Mr. WILSON of South Carolina, Mr. WESTMORELAND, and Mrs. MYRICK.

H.R. 4204: Mr. DELAHUNT, Ms. WATSON, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. HOLDEN, Ms. BERKLEY, Mr. ROSS, Ms. SUTTON, and Mr. DONNELLY.

H.R. 4205: Ms. SCHAKOWSKY and Mr. GORDON.

H.R. 4206: Mr. MOORE of Kansas and Mr. LARSON of Connecticut.

H.R. 4220: Mr. NEAL of Massachusetts.

H.R. 4229: Mr. BRADY of Pennsylvania and Mr. ENGEL.

H.R. 4237: Mr. HASTINGS of Florida.

H.J. Res. 9: Mr. HERGER.

H.J. Res. 12: Mr. HERGER.

H.J. Res. 14: Mr. FARR.

H.J. Res. 53: Mr. BLUMENAUER.

H. Con. Res. 28: Mr. SMITH of New Jersey.

H. Con. Res. 81: Mr. GONZALEZ and Mr. HONDA.

H. Con. Res. 137: Mr. LINDER.

H. Con. Res. 163: Ms. LEE, Mr. MICHAUD, Mr. WAMP, and Mr. DELAHUNT.

H. Con. Res. 194: Ms. GINNY BROWN-WAITE of Florida.

H. Con. Res. 223: Mr. CLAY and Mr. ROGERS of Kentucky.

H. Con. Res. 224: Mr. DOYLE.

H. Con. Res. 239: Mr. AKIN, Mrs. MCMORRIS RODGERS, Mr. ALEXANDER, Mr. HAYES, Mrs. BOYDA of Kansas, and Ms. FOXX.

H. Con. Res. 246: Mr. FILNER, Mr. GARY G. MILLER of California, Mr. MARSHALL, Mr. LOEBSACK, and Mr. BUYER.

H. Con. Res. 249: Mr. ELLISON, Ms. WATERS, Ms. WOOLSEY, Mr. COURTNEY, Ms. SLAUGHTER, and Mr. CONYERS.

H. Con. Res. 250: Mr. INGLIS of South Carolina and Mr. LINDER.

H. Con. Res. 261: Mr. WOLF, Mr. BRADY of Pennsylvania, and Mr. MILLER of Florida.

H. Res. 102: Mr. UDALL of Colorado.

H. Res. 106: Ms. Tsongas.

H. Res. 227: Mr. MCDERMOTT.

H. Res. 282: Ms. Richardson and Ms. GINNY BROWN-WAITE of Florida.

H. Res. 356: Mr. TIM MURPHY of Pennsylvania and Ms. Tsongas.

H. Res. 537: Mr. KIND and Mr. DAVID DAVIS of Tennessee.

H. Res. 543: Mr. RUPPERSBERGER and Mr. KLINE of Minnesota.

H. Res. 576: Mr. ALEXANDER.

H. Res. 617: Mr. KLINE of Minnesota.

H. Res. 686: Mr. JEFFERSON and Mr. TOWNS.

H. Res. 693: Mr. MORAN of Virginia and Ms. SCHAKOWSKY.

H. Res. 695: Mr. GOODE and Mr. BACHUS.

H. Res. 700: Mr. REYNOLDS, Mr. LEWIS of Kentucky, Mr. ALEXANDER, Mr. REYES, Mr. CANTOR, and Mr. ENGEL.

H. Res. 713: Mr. MCINTYRE.

H. Res. 735: Ms. WASSERMAN SCHULTZ, Mr. SCHIFF, Mr. CHANDLER, Ms. LORETTA SANCHEZ of California, Mr. LEWIS of Georgia, and Mr. DOGGETT.

H. Res. 753: Mr. GONZALEZ and Mr. MCKEON.

H. Res. 783: Mr. SPRATT and Mr. GILCHREST.

H. Res. 784: Mr. DAVIS of Kentucky, Ms. GRANGER, Mr. PENCE, Mr. POE, and Ms. ROS-LEHTINEN.

H. Res. 789: Mr. PAUL, Mr. DAVIS of Illinois, Mr. RAMSTAD, Ms. BORDALLO, and Mr. BURTON of Indiana.

H. Res. 800: Mr. KLINE of Minnesota.

H. Res. 810: Mr. STARK, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. FILNER, Mr. TIERNEY, and Mr. SCOTT of Georgia.

H. Res. 814: Mr. THOMPSON of California and Mr. FARR.

H. Res. 815: Mr. PAUL, Mr. DINGELL, Mr. ENGEL, Mr. YOUNG of Alaska, Ms. DEGETTE, Mr. BURTON of Indiana, Mr. KING of New York, Mr. BOOZMAN, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Kentucky, and Mr. PEARCE.

H. Res. 819: Mr. HONDA, Mr. ROSS, Mrs. TAUSCHER, Mr. RANGEL, Mr. MARKEY, Mr. LIPINSKI, Mr. LEVIN, Mr. MITCHELL, and Mr. GUTIERREZ.

H. Res. 821: Mr. SMITH of New Jersey, Mr. SOUDER, Ms. WATERS, Mr. KNOLLENBERG, and Mr. SALI.

H. Res. 822: Mr. BERMAN.

H. Res. 826: Mr. WYNN, Ms. SUTTON, and Ms. LEE.

H. Res. 832: Ms. JACKSON-LEE of Texas, Mr. BARTON of Texas, and Mr. MARCHANT.

H. Res. 834: Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mrs. TAUSCHER, Mr. HALL of New York, Mr. UDALL of Colorado, and Mr. SPRATT.

EXTENSIONS OF REMARKS

HONORING GUSTAVO I. PEREA

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Bucks County resident Gustavo I. Perea, the Greater Philadelphia Chamber of Commerce 2008 Business Person of the Year.

Mr. Perea is a living example of the American Dream. He arrived in the United States 46 years ago from Cuba, he is a graduate of Spring Garden College and he served in the United States Navy. He and his family settled in Doylestown—in Bucks County, PA—and he has worked for Adams-Bickel Associates, one of the largest construction firms in the Philadelphia area. Today, he serves as Chief Operating Officer for Adams-Bickel.

Mr. Perea's accomplishments don't stop with his professional career. He is a true community leader, serving on the Doylestown Borough Planning Commission, the Doylestown Borough Building Code Committee and the Bucks County Historical Society Grounds and Building Committee. His more recent community work includes his involvement with the Bucks Mont Katrina Relief Project, a community organization helping flood victims in Hancock County, Mississippi.

Madam Speaker, Gustavo I. Perea is an extraordinary example of the American Dream come true. His passion for his profession and his tireless community involvement are shining examples. His work, both professionally and in the community is inspiring, and I am honored to recognize him for his many accomplishments and contributions.

IN HONOR OF MR. GREGORY "DON" HUNSUCKER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the distinguished career of Gregory "Don" Hunsucker. After decades of dedication to the United Food and Commercial Workers Union, Don decided to retire this past August.

Don's career in the labor movement began over 3 decades ago with the Retail Clerks International Association as a special representative and organizer. He joined the United Food and Commercial Workers Union, local 1288 in 1973 as a Union Representative and rose quickly within the organization to become president and chief executive officer in 1977.

The labor community in California's San Joaquin Valley has benefited immensely from Don's leadership. While he was president and chief executive officer of the union, local 1288 represented over 11,000 United Food and Commercial Workers in Fresno, Kings, Madera, Mariposa, Merced, and Tulare Counties.

Presently, Don continues to be heavily involved in various local and statewide labor organizations. Some of these positions include president of the Western States Council of United Food and Commercial Workers Union, chair of the Northern California Caucus of UFCW, and chief executive officer of the Valley Economic Leadership Institute. He has also served on many civic and charitable boards.

Throughout his distinguished career, Gregory "Don" Hunsucker has proven to be a highly effective leader committed to excellence in his work and service to others. As he celebrates this milestone in his life and gets ready to spend more time with his wife Linda, I wish him good health and best wishes for the future.

RECOGNIZING JAKOB GREGORY-STRAMIELLO OF SPRING HILL, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam speaker, I rise today to recognize an outstanding young leader, Jakob Gregory-Stramiello, a 7th grade student at Gulf Coast Academy of Science and Technology. At 12 years old, Jakob has found a unique way to help veterans in his community and has done something that all patriotic Americans can admire; give back to the men and women who fight to preserve our rights and freedoms around the world.

This past semester, Jakob's social studies class was assigned a project inspired by the Pay It Forward Foundation. Pay it forward is a philosophy started by Catherine Ryan Hyde that claims if we help a few individuals, and they in turn help a few more individuals, pretty soon, a great many people have been helped.

Jakob was inspired by this program to take a stake in this world and change it for the better. This kind of selflessness is to be commended among young adults and is a testament to what is possible when we give children the skills and confidence they need to make a difference.

Madam Speaker, Jakob has a special place in his heart for the nation's veterans. Over the years, his family has contributed a great deal to our Nation's armed forces. Both his mother and his grandfather are former servicemembers. And for this reason, perhaps more than most, Jakob is acutely aware of the challenges faced by our returning servicemembers.

Jakob knows that despite their limitless contributions to ensuring this nation's freedoms, veterans throughout Florida still appreciate the support of their neighbors. With the holidays right around the corner, Jacob set out to make sure he could help meet the needs of less fortunate veterans and their families.

With supplies donated by Comfort Systems Heating and Air Conditioning, and a considerable amount of time and teamwork, Jakob made angel necklaces to sell around his community. Pricing the necklaces at $1 each, Jakob soon had enough money to make a sizable contribution to the veteran's action project of Hernando County. This veteran organization performs outstanding outreach to the veterans of Hernando County, including their drive to provide thanksgiving food baskets to local veterans who need them.

Madam Speaker, Congress should take a moment to recognize Jakob's efforts, because I believe we can all take a cue from his leadership and a lesson from his ingenuity. This remarkable young man has used the only assets at his disposal, his determination and his creativity, to provide the most he could for his fellow Americans. In doing so, Jakob Gregory-Stramiello has made a mighty difference for the veterans of Hernando County and I am grateful for his efforts.

IN RECOGNITION OF MR. JAMES A. "PAPPY" DUNN

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to recognize Mr. James A. "Pappy" Dunn, and his extraordinary service to our country.

Born in Georgia in 1917, James Dunn attended high school in Montgomery, AL, and graduated from Alabama State University with a degree in chemistry in 1935. During World War II, from 1942 to 1945 he served our Nation in uniform along with Allied Forces in Europe. After returning from the war, he served as a coach and principal of the Calhoun County Training School, at which he served for 47 years. In 1987, Mr. Dunn became the first African-American elected to serve as a Calhoun County Commissioner. Since then, he has established himself as a community leader dedicated to working tirelessly for the people of Calhoun County, AL.

On December 7, Mr. Dunn and his family and friends will celebrate his 90th birthday. On behalf of so many of us across east Alabama, I thank Mr. Dunn for his lifetime of service to our community and our Nation, and wish him

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

all the best at this important milestone in his life.

HONORING ALEXANDER MALLONEE OF SONOMA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Alexander Mallonee on the occasion of his retirement as Secretary-Treasurer of the North Bay Labor Council, AFL–CIO, President of the National Association of Letter Carriers Branch 183, and letter carrier for the United States Postal Service. Alex has honorably served his community for 30 years.

Mr. Mallonee's career in public service began in 1977 when he became a letter carrier and was immediately active in the union. He ascended to the presidency of Branch 183 in 1980 and became known as a highly approachable, dedicated, and principled leader. In a position that can often lend itself to conflict and acrimony, Alex firmly stood up for the rights of his members while maintaining a strong, civil dialogue with management. According to his colleagues, Alex even educated management on many social justice issues.

Mr. Mallonee's stellar work with the Letter Carriers earned him the position of Secretary-Treasurer of the North Bay Labor Council, AFL–CIO, representing member unions in Sonoma, Lake, Marin, and Mendocino counties. Under Alex's leadership, the Council's membership has grown to over 50 unions representing 30,000 working men and women in the North Bay.

Mr. Mallonee's coalition-building skills were essential in his role as a founding member of the Coalition for a Better Sonoma County, an endeavor that sought to unify progressive environmental, labor, and community groups under the shared principles of smart growth, environmental protection, social justice, and affordable housing. Alex's gift for bringing people together has resulted in a vibrant progressive movement in Sonoma County.

Mr. Mallonee's legacy will be felt long after his retirement. He is a one of a kind leader who is well-respected by the business community as well as the progressive community. He is leaving the labor movement markedly better than he found it, which is a testament to his strength of convictions and quality of character.

Madam Speaker, it is my distinct pleasure to recognize Alexander Mallonee for his many years of public service to the Northern Bay area of California, and to thank him for his many contributions on behalf of working men and women everywhere. We wish him the best as he enters this new phase of his life.

TRIBUTE TO ASTRONAUT BARBARA MORGAN

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. REYNOLDS. Madam Speaker, with great appreciation I rise today to honor an inspiring educator turned astronaut, Barbara Morgan, who has spent her distinguished career ensuring our children have the knowledge and experience to fulfill their dreams. I also rise today, Madam Speaker, to thank Barbara for visiting my district to share her inspiring story and experience with local students.

This past August, Astronaut Barbara Morgan became the first teacher to complete a mission in space. While Barbara had to wait 21 years for her trip on the *Endeavour*, she completed the legacy of teacher Christa McAuliffe, who was tragically killed in the 1986 explosion of shuttle *Challenger*, by holding education sessions in orbit for students.

As Christa McAuliffe's backup for the NASA Teacher in Space Program, Barbara witnessed firsthand the tragic *Challenger* explosion. After the explosion, Barbara returned to teaching in Idaho, but in 1998 was drawn back to NASA and trained to become an astronaut and an integral part of shuttle missions. She has logged over 305 hours in space and completed her first space flight in August 2007 as a mission specialist on the crew of *Endeavour*.

Holding the first in-orbit classroom for students aboard *Endeavour*, Barbara said her 2 careers were very similar, saying in both roles, you "explore, discover and share." In these roles, Barbara has not only made a significant impact on space exploration, but she also serves as a positive role model for students. Growing up in Fresno, California, Barbara graduated with distinction from Stanford University and started teaching on the Flathead Indian reservation at Arlee Elementary School in Arlee, Montana. Most recently, Barbara taught second, third, and fourth grades at McCall-Donnelly Elementary School in Idaho.

Throughout Barbara's life, she has set an example for others to follow. Her courage and dedication to education serves as an example for us all, especially our students. It is because of teachers like Barbara that our students have the inspiration to follow their dreams.

Madam Speaker, in recognition of her tremendous service to our children and our Nation as an educator and astronaut, I ask that this honorable body join me in honoring Barbara Morgan.

TRIBUTE TO SISTER FRANCESCA ONLEY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. SCHWARTZ. Madam Speaker, I rise today in recognition of an exceptional educator and leader in the Northeast Philadelphia community. Sister Francesca Onley has been the guiding hand at Holy Family University, a fully accredited Catholic University in Northeast Philadelphia, for 25 years. Holy Family University celebrated Sister Francesca's 25 year tenure on Thursday, November 29, 2007, at a Silver Anniversary event, with the proceeds designated to establish an endowed scholarship in her honor.

Under Sister Francesca's leadership, Holy Family attained university status, created an endowment where there was none, added 2 additional campuses, and substantially increased the number of full-time students. More recently, under Sister Francesca's direction, the University completed an education technology building, housing some of the latest technologies for preparing future teachers, including adaptive technology to help integrate disabled students into the regular classroom.

Sister Francesca recently accepted the invitation of the University's Board of Directors to continue as President through 2011. She attributes her success to the fact that she relies upon simple rules of leadership about economy, timely goals and delivering what you say you will deliver, on time! As a Sister of the Holy Family of Nazareth, Sister Francesca does not receive a salary for her work as university president.

Sister Francesca Onley grew up in the Mayfair section of Philadelphia, not far from the Holy Family campus. She graduated from Nazareth Academy High School, later becoming its principal. She earned her bachelor's degree in education and business, as well as a doctorate in higher education administration from Holy Family.

Sister Francesca serves as chairperson of the International Association of University Professors—UN Commission on Disarmament Education, Conflict Resolution and Peace. That organization's mission is to institutionalize peace education in universities around the world.

Madam Speaker, I ask my colleagues to join me in congratulating Sister Francesca Onley for her years of service to Holy Family University, her devotion to education and innovation, and her efforts to promote peace.

IN HONOR OF CONGRESSMAN JACK BRINKLEY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise to honor former Congressman Jack Brinkley, who was recently honored by the Muscogee County Democratic party with the creation of the Jack T. Brinkley Service Award.

From his humble beginnings in the community of Faceville, GA, where he and his three sisters were raised by a single mother, Pauline Brinkley, who worked as a lunchroom supervisor in Decatur County schools, Jack Brinkley went on to become a distinguished attorney, State Representative, and U.S. Representative for the third district of Georgia. Jack was quoted recently saying "Our mother always held her head up high and worked hard." Jack also learned to work hard and developed a work ethic that has followed him throughout his life.

After high school, Jack went from southwest to north Georgia where he attended Young Harris College with two other future luminaries of public service: Former Congressman Ed Jenkins and former Lt. Governor, Governor, and Senator Zell Miller. There must have been something in the water at Young Harris, because it truly nourished the seed of service in its students.

Graduating from Young Harris, Jack became a teacher for 2 years, joined the Air Force as a pilot during the Korean Conflict, and returned to receive his law degree at the University of Georgia under the GI Bill. During the same year, he met and married the former Lois Kite of Phenix City, AL, and eventually moved to Columbus in 1964 to start his law practice.

Shortly thereafter, he was elected to the Georgia House, and 2 years later he was elected to Congress from the third district, eventually serving the second longest term of any third-district Congressman since the Civil War. When he retired, he was the senior member of the Georgia House Delegation and a prominent member of the Armed Services and Veteran Affairs Committees, providing much-needed support to Fort Benning, the Robins Air Force Base, and the thousands of veterans in the area. His constituent services were without equal.

When Jack campaigned, he promised to "remember who I am; where I'm from, and who sent me." He believed in the Christian principles of friendship, made it a point to remember names, heal misunderstandings, and never miss opportunities to express congratulations or sympathy. Madam Speaker, it is my privilege to know the Honorable Jack Brinkley, and I commend and thank him for his many years of public service.

A TRIBUTE TO THE CATHEDRAL SQUARE HOMELESS PROGRAM

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. MATSUI. Madam Speaker, I rise today in recognition of the staff and volunteers of the Cathedral Square Homeless Program and the services they provide in Sacramento. Two years ago representatives of the Cathedral of the Blessed Sacrament, Cathedral St. Vincent de Paul Society, the Downtown Partnership, the California State Association of Counties, and the Pyramid Alehouse created this innovative program to help find housing for those in need. Their spirit and dedication is evident in every life they touch. I ask all my colleagues to join me in honoring some of Sacramento's finest citizens and this wonderful program.

In 2005, local residents, churchgoers and business leaders saw that homeless men and women were sleeping on the steps of the Cathedral of the Blessed Sacrament in downtown Sacramento. They then counted that over 60 homeless people were sleeping on the downtown streets each night and decided to take action.

To help the less fortunate, the Cathedral Square Homeless program was created. Administered by the Cathedral St. Vincent de Paul Society and partnered by the Sisters of Mercy, the California State Association of Counties, the Downtown Partnership and the Pyramid Alehouse, the program began providing homeless individuals with a bed in a warm house, clothing, bus passes, food, and necessary tools to achieve a self-sufficient life. This program is designed to allow individuals to become self-sufficient in 3 months.

The efforts of the volunteers who make this program work are truly admirable, and they have had some remarkable success stories. A particular gentleman entered into the program right after its inception in December of 2005. He had been homeless for 7 long and trying years. With the help of the Cathedral Square Homeless Program he was able to have a steady place to live. He was given clean clothes and help with his transportation needs. That allowed him to have the stability to apply and interview for a variety of jobs. Within 3 months, he had secured a job and has been working ever since.

The Cathedral Square Homeless Program receives a great deal of support from the Sacramento community. The Sacramento Festival of Trees is a non-profit, interfaith, community-based volunteer organization that supports this program. This year, with the help of the Cathedral of the Blessed Sacrament, East Lawn Funeral Homes and Cemeteries, Sisters of Mercy, the Church of Jesus Christ of Latter-Day Saints, the Downtown Partnership, the Interfaith Services Bureau, Westfield Downtown Plaza, and Westminster Presbyterian Church, they are hosting the first Festival of Trees and Lights. Community organizations have decorated and donated artificial holiday trees, which will be displayed during the festival. Members of the community will be invited to participate in a silent auction to purchase a tree for their home, office, or as a gift. All donations and proceeds will benefit the Cathedral Square Homeless Program.

Madam Speaker, I am honored to pay tribute to the Cathedral Square Homeless Program's unwavering commitment to the well-being of Sacramento's homeless. Over the past 2-years, their success stories have been truly inspiring. As members of the Sacramento community gather at the Festival of Trees and Lights fundraiser, I ask my colleagues to come together and honor the tireless dedication shown by the Cathedral Square Homeless Program's staff and volunteers in providing aid for those less fortunate.

TRIBUTE TO MAUREEN FESTI

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. COURTNEY. Madam Speaker, I rise today to honor Maureen Festi of West Hartford, CT, for her outstanding achievement in the field of education. After 29 years of educating youth, Ms. Festi was honored with the 2007 Preserve America National History Teacher of the Year Award on November 16, 2007.

For the past 15 years, Ms. Festi has dedicated her life to teaching the children of Earl M. Witt Intermediate School in Stafford Springs, CT. Her dedication to her field and her passion for her students are apparent in her creative and imaginative approach to the American history curriculum. Ms. Festi has devoted her life to ensuring that her pupils do not simply memorize history, but also identify its relevance in their lives today. By extending her lessons beyond the four walls of the classroom, Ms. Festi adds contemporary meaning to a study that is focused on the past. A leader and an innovator in her field, Ms. Festi is truly deserving of this national recognition.

I ask all my colleagues to join with me and the people of Connecticut in congratulating Ms. Festi for this honor and thanking her for her continued commitment to the education of the children of Connecticut.

TRIBUTE TO MUNIR MALIK

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today in support of my former law school classmate Munir Malik, who has been detained by the Pakistani government for his support for the rule of law. I have contacted the State Department and the Embassy of Pakistan urging his immediate release and an end to martial law in Pakistan.

His brother, Saeed Malik, lives in San Jose, my home town. With unanimous consent, I'd like to submit into the RECORD his Thursday op-ed in the San Jose Mercury News about his brother, Munir Malik, and the crisis in Pakistan.

TRIBUTE TO GLENN "TEX" BREWER

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. WESTMORELAND. Madam Speaker, I rise today to honor one of my personal heroes: a constituent in Fayetteville, GA, who has lived a life of exciting adventures, public service and family values.

Glenn "Tex" Brewer will retire from the Fayetteville City Council at the end of this year after serving for 16 years, many of those years as mayor pro tem.

But Brewer's civic duty in his hometown ranks as merely one of a long list of public services and great deeds. He spent most of his life serving our Nation as a career officer in the U.S. Navy, retiring as a captain.

The man's career reflected the boy's dream. A 10-year-old Brewer saw a news reel about Navy deep sea divers while he was at the local theater to see "Flash Gordon" in 1938.

When Brewer joined the Navy, however, he already had a pilot's license, so he was placed on the aviation track, where he received training in aerial and ground photography. This skill would come in handy after he graduated from the Naval Academy and switched from flight training to submarines. He soon became a highly skilled deep sea diver and an innovator in underwater photography.

In fact, Brewer was the first man to dive beneath the North Pole and to take pictures of the underside of the ice block. This was part of the USS *Seadragon*'s historic trip, the first to traverse the Arctic Ocean from Atlantic to the Pacific. The submarine traveled the Northwest Passage beneath the ice of the North Pole. The largest iceberg the crew encountered measured 1,500 feet long, 100 feet wide and 300 feet deep. Brewer's photos of the iceberg ran in Life Magazine, the New York Times and the Washington Post. The crew surfaced on the geographic North Pole and played a game of softball. A hit ball would travel through today, yesterday, and tomorrow in one play, Brewer said, adding that every view from home plate pointed south.

It wasn't all good times on the North Pole, however. On another occasion, Brewer and two crew mates were accidentally stranded for 6 hours on the ice without tools, communications equipment, or sufficiently warm clothing. It was, Brewer said, a "moment of truth" in a potentially fatal scenario.

For his work at the North Pole, Brewer received the Navy Commendation Medal; for being the first to dive at the North Pole, he was elected a member of the National Explorers Club, a distinction he called "one of the finest awards" he had ever won.

After many distinguished years in the Navy, Brewer capped off his career with a stint in the offices of the Joint Chiefs of Staff, where he worked as chief of one of the National Military Command and Control Centers. He called the job the most rewarding of his life. For his service there, he won the Legion of Merit and then retired from the Navy in 1976.

Inside the Navy and out, Brewer has always competed.

During one tour of duty, Brewer raced hydro planes in the Southern California Speedboat Club in the American Power Boat Association, where he won two national championship hydro plane races. He set world records in straight-away speed and competition speed and earned a spot in the Gulf Oil Marine Racing Hall of Fame.

In 1985, a hang-gliding accident left Brewer paralyzed from the waist down. The injury, however, didn't stymie his competitive spirit or work ethic. He returned to his ancestral home in Fayetteville, GA, and restored his family's antebellum farm. He also played wheelchair sports and won more than 60 medals, mostly in the National Paralyzed Veterans Wheelchair Games.

For the past 16 years, Glenn "Tex" Brewer has served the people of his city as a member of the city council. During Brewer's tenure, he has strongly advocated restoration of Fayetteville's historic buildings, and he has championed the needs of the city's seniors and its youth.

For his lifetime of service to his Nation and community, Glenn Brewer deserves the praise of this House. On behalf of Georgia's Third Congressional District, I would like to pay personal thanks to him for all of his good works and wish him health and happiness as he prepares to retire from the city council.

TRIBUTE TO MS. DIONNE LIEBL

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. FALLIN. Madam Speaker, today I rise to honor and congratulate Ms. Dionne Liebl; teacher at Putnam City West High School and recent recipient of the Milken Family Foundation National Educator Award.

Ms. Liebl has demonstrated what it means to be a leader to our youth and the State of Oklahoma. The task of educating young people is one of the most important responsibilities a person can assume. Her ability to give of her time and energy with dedication and enthusiasm makes her deserving of such special recognition. This award serves as a testament to the impact she has had on both her students and colleagues.

Madam Speaker, on behalf of the entire House of Representatives, please join me in congratulating Ms. Liebl on receiving this important recognition.

RECOGNIZING ARLETTA MINORE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Arletta Minore as she retires from the Genesee Regional Chamber of Commerce. Arletta was honored at a dinner on November 28 in Flint, Michigan.

Arletta is a lifelong resident of Flint. She graduated from Flint Northern High School and attended Flint Junior Community College. She was married to Jack Minore and had four children, Jeffery, Eric, Steffan, and Jennifer.

She began her career arranging print ads for the Yankee Store and moved on to organizing the print ads for the Fair Store. From there Arletta moved to the Flint Journal, giving her the opportunity to work with many advertisers. She then moved to the Chamber of Commerce and has worked there for the last 19 years, eventually becoming the office manager.

Between working and her family, Arletta managed to restore her Victorian home into the Avon House Bed and Breakfast. She has operated her business since 1985. Her interests range from forming a dance troupe with friends and her daughter and performing for several small groups, to participating in the Michigan 60 Mile Cancer Walk.

Not content to sit back and rest, Arletta has already made plans to spend her retirement spending more time with her family and working with community groups like the Crim Run and the Geoffrey Midwest Workshop. Arletta plunging into a new business venture is also a possibility.

Madam Speaker, I ask the House of Representatives to join me in congratulating Arletta Minore for her service to the Flint area and hope that she continues her involvement in the community for many, many years to come. I wish her the best as she embarks on this new phase of her life.

TRIBUTE TO G. WARREN ELLIOT AND CHERYL S. PLUMMER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. SHUSTER. Madam Speaker, I rise today to honor G. Warren Elliott and Cheryl S. Plummer, who are retiring as members of the Franklin County Board of Commissioners after 12 years of leadership. Both were honored yesterday for their longtime service to the community at a retirement ceremony in Franklin County, PA.

Both Cheryl and Warren have dedicated much of their lives to bettering the region, both as commissioners and advocates of the community. They have served Franklin County honorably, bringing about key changes to operations and programs within the county, increasing efficiency and creating and revitalizing key community initiatives. With their leadership, Franklin County has become the best economy in Pennsylvania and number 5 overall in the entire northeastern region. Their service and leadership has been fundamental to the success of the county and the quality of life of its residents. Commissioner Elliott and Commissioner Plummer jointly received the Outstanding County Commissioner of 2007 Award.

G. Warren Elliott has served as the chairman of the Franklin County Board of Commissioners for 12 years, leading one of the most successful and efficient boards in Franklin County history. Elliott has also served on numerous boards of directors, including the Franklin County Area Development Corporation and the Franklin County Conservation District. He has received multiple civic awards, including the Penn State Centennial Fellow Award and the Commissioner of the Year for Conservation Award. He also gives back to his alma mater, Shippensburg University, by serving as an adjunct faculty member. Commissioner Elliott's accomplishments are vast, and his work for the community irreplaceable. His presence will be sorely missed as he retires from his post as chairman of the board of commissioners.

Cheryl Plummer also served as a member of the Franklin County Board of Commissioners for 12 years. She has dedicated much of her career to improving human services in the county, serving as chair of the Human Services Committee in the County Commissioners Association of Pennsylvania. In addition to performing her duties as a county commissioner, Plummer led multiple community organizations, dedicating time and effort to the United Way, Chambersburg Area School District, and the Greater Chambersburg Chamber of Commerce, just to name a few. She has been recognized often for her efforts, and her dedication and leadership will be missed by her colleagues and community members.

Commissioner Elliott and Commissioner Plummer deserve great thanks, as they have brought about lasting changes and improvements to Franklin County and have vastly bettered the quality of life of the entire community. While their presence will be missed, I wish them both a happy retirement, and I am sure they will continue to volunteer and inspire others to follow in their footsteps to become leaders within society.

RECOGNIZING THE EASTERN MONTGOMERY COUNTY EMERGENCY MANAGEMENT GROUP

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize the Eastern Montgomery County Emergency Management Group for their outstanding service and dedication. They provide world-class regional training symposiums, multi-jurisdictional field training exercises and specialized training in disaster management to emergency responders throughout Pennsylvania's 8th Congressional District.

Formed in 2001, in response to the tragic events of September 11, the Eastern Montgomery County Emergency Management Group has been helping the community prepare for emergencies. The group consists of emergency management officials from across our community who are committed to work together as partners on all emergency management issues and incidents. These dedicated individuals are responsible for coordinating the community's preparation for, response to, and recovery from man-made and natural disasters.

As the son of a former Philadelphia police officer, I know how hard America's emergency responders work to keep our cities and towns safe—especially in disaster situations. The Eastern Montgomery County Regional Emergency Management Group's commitment to our community is undeniable. As their representative, I am proud to be just as committed to providing them, and our other emergency management groups with the tools and resources they need to do their jobs. After all, true homeland security means supporting those who keep our families safe.

Madam Speaker, on behalf of the families across Eastern Montgomery County, I want to thank the Eastern Montgomery County Emergency Management Group for their tireless and lifesaving efforts. They and other emergency management groups throughout our country need—and deserve—our continued support.

IN RECOGNITION OF BRIGADIER GENERAL (CA ARNG—RETIRED) EDWARD E. MUNGER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. COSTA. Madam Speaker, I rise today to recognize Retired BG Edward E. Munger who served our Nation in the California Army National Guard as well as the United States Army. A native of Fresno, General Munger is an individual who exemplifies outstanding work ethic and is certainly worthy of special recognition.

During his senior year in high school, Edward enlisted in Fresno's 185th Infantry Regiment of the California Army National Guard as a private. From there, his military career blossomed, as he progressed through staff and command positions, eventually including battalion commander of his infantry regiment.

While serving in the California National Guard, Edward owned and operated Engineered Sound, an electronics contracting business with offices in Fresno, Reno, and Las Vegas. Under his leadership, Engineered Sound landed major contracts at such landmarks as the Las Vegas Hilton, The Sands Hotel, and Caesars Palace, as well as many others in Reno and Lake Tahoe.

Various local television and radio stations have called on General Munger to comment on military operations and strategic planning. He is respected throughout the area, and remains involved in many community service organizations. Some of these organizations include: the Fresno Rotary Club, Valley Children's Hospital, and the Fresno Chamber of Commerce.

In his personal life, General Munger and his wife Tamsen have two adult children. It is both an honor and a pleasure to recognize such a great man who throughout his life has demonstrated courage and love of our country. I want to extend, on behalf of the residents of Fresno, my sincerest appreciation for his dedication and service to the country.

CELEBRATING THE CENTENNIAL OF THE DUNN HOUSE IN CITRUS COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize the centennial celebration of the historic Dunn House in Citrus County, FL. The current owners, Rev. Harvey and his wife Astrid Dunn, have had the Dunn House in their family since 1916. Originally constructed in 1907 as a field house and meeting place for the Florida Mutual Mining Company, the building was purchased and turned into a home by the Dunn family in 1916.

At the center of the phosphate boom in the 1890s and into the early 1900s, Citrus County was home to several mining companies, among them the Florida Mutual Mining Company. The company built what became known as the Dunn House in 1907, not as a home, but as a field office. Historical documents describe the house as a place for the owners and stockholders to go when they needed to conduct business in the area.

The field superintendent of the company's Floral City Mines was William Harvey Dunn, Rev. Harvey Dunn's grandfather. While many Dunn family members called the house a home, one of the Dunn family members born there, Hampton Dunn, became a well-known Citrus County historian and writer. A prolific author, Hampton is best known locally for his work, "Back Home, a History of Citrus County, Florida." A World War II veteran, Hampton also had careers as a reporter, author, editor, soldier, historian, preservationist and a crusader for traffic safety.

In 1973 Harvey and Astrid Dunn took over the Dunn House after a 20-year vacant period, working to rehabilitate and restore the home to its original state and beauty. Today the Dunn House is of the pride and joy of Citrus County residents, with its two-story, porch-over-porch house and eight original fireplaces. In fact, the front of the house faces an old abandoned mine road which existed long before the current Bedford Road. Therefore, visitors approach the property from the back and side of the house, not the front as you would at most other period homes.

Madam Speaker, the historic Dunn House is a venerable institution and tourist attraction in Citrus County, FL. The residents of Floral City take great pride in the home, and look forward to celebrating its centennial anniversary this year. I know that the Dunn family has spent many years preserving and restoring the Dunn House to its full glory, and I congratulate them on their commitment and effort.

IN RECOGNITION OF MR. WAYNE WILLIAMS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to a constituent of mine, Mr. Wayne Williams, and his steadfast service to his community.

Mr. Williams has served as the fire chief of station 18 of the Ohatchee Volunteer Fire Department since 1981. His many years of service have helped further strengthen station 18 as an institution the people of Calhoun County have always relied upon to provide safety and peace of mind. On December 6, the members of station 18 will gather to honor Mr. Williams' service during their annual Christmas Dinner.

I am proud to join the members of the Ohatchee VFD in thanking Mr. Williams for his service and wish him and his family the best at this important occasion to honor his dedication and leadership.

HONORING RICHARD SCHNEIDER OF SONOMA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Richard Schneider, who has been recognized as the City of Sonoma's 2007 Treasure Artist of the Year. Mr. Schneider is being recognized for his contributions to Sonoma and his leadership of the Sonoma Hometown Band.

Mr. Schneider was born in Leavenworth, Kansas, but moved to northern California at a young age when his father was transferred to work at Alcatraz Federal Prison. At the end of the war, the family moved north to Fields Landing in Humboldt County, where Mr. Schneider was raised in this small town and attended the local school. In 1949, the family moved to Eureka, where he participated in a band for the first time.

After graduating from Eureka High School in 1954, Mr. Schneider joined the Navy hoping to become a member of the Navy Drum and Bugle Corps. He was accepted, but was subsequently assigned to the Naval Communications School. After completing his training, he spent 2 years in Korea and 2 years in Germany. In 1959, he left the Navy and began attending Humboldt State University, where he received a bachelor of arts degree in music in 1963.

After completing college, Mr. Schneider began teaching music in the Central Valley, first in Hanford and then as a full time teacher at 3 different schools in Corcoran. In 1965, he moved to Sonoma after being hired to teach at local schools. The following year, he was transferred to the high school, where he founded the high school band with strong support from Principal Max Murray.

In 1967, Mr. Schneider founded the Sonoma Hometown Band in order to provide a musical group for the 4th of July parade. The band was initially made up of 25 high school students, but has gradually expanded as former students returned to participate and members of the community joined. Today, the band gives a half-dozen performances each year, bringing together musicians of all ages under Mr. Schneider's direction. From concerts at the Sebastiani Theatre to the 4th of July, the Sonoma Hometown Band has become an important fixture in Sonoma under Mr. Schneider's leadership.

Madam Speaker, at this time it is appropriate that we congratulate Mr. Schneider for being recognized as the City of Sonoma's 2007 Treasure Artist of the Year. As the leader of the Hometown Band, he has brought his community an exciting musical group catering to all ages, interests and skill levels.

TRIBUTE TO NASA FLIGHT DIRECTOR MATT ABBOTT

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. REYNOLDS. Madam Speaker, with great appreciation I rise today to honor a dedicated and highly respected western New York native, Matt Abbott, for his leadership in directing the recent space shuttle mission *Endeavour.*

As lead flight director on the recent space shuttle mission *Endeavour,* Matt has proven that when you put your mind to something anything is possible. Since he can remember, Matt has dreamed of working in Mission Control. When he was 6 years old, he watched on television as Neil Armstrong and Buzz Aldrin became the first men to walk on the moon. While most of Matt's friends dreamed of becoming astronauts, Matt saw the challenge and inspiration in working behind the scenes, leading the mission.

While not physically aboard the shuttle, Matt has become one of the most important members in Mission Control, as the ultimate responsibility for decisions made during the flight lies on his shoulders.

After graduating from Texas A&M, Matt started working at NASA's Johnson Space Center in Houston as a Mission Control flight dynamics officer. In this position he was responsible for monitoring the location and performance of the shuttle during flight, as well as planning maneuvers. He then took a position with the Canadian Space Agency in Montreal, working with the Canadarm2 robotic arm on the International Space Station. He eventually returned to the Johnson Space Center, where he became a flight director. Matt has worked on 40 shuttle missions in flight dynamics, including 27 launches and 11 landings.

Throughout his life, Matt has been committed to pursuing his dreams. His achievements serve as an excellent example of how to make your dreams a reality, and he serves as a true role model for children across the country.

Madam Speaker, in recognition of his tremendous service, for his leadership, his dedication to our country, I ask this honorable body join me in honoring NASA flight director Matt Abbott.

TRIBUTE TO UPPER DUBLIN TOWNSHIP

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. SCHWARTZ. Madam Speaker, I rise today to applaud the efforts of Upper Dublin Township to adopt environmentally conscious practices and to encourage use of alternative energy sources.

Upper Dublin Township currently relies on 100 percent clean, renewable energy for its municipal energy needs and encourages its residents to use clean energy for their homes and businesses. It was the Commonwealth's first municipality to switch to 100 percent clean energy.

Upper Dublin Township has demonstrated its commitment to protecting the quality of the quality of water, land and air resources. Efforts have included increasing reliance on renewable energy, creating community incentives to increase recycling, preserving open space, educating the community on sustainable practices, and reducing pesticide use through Integrated Pest Management. With much of it's land developed, Upper Dublin Township has recognized the need to focus its environmental efforts on influencing the behavior of its residents and businesses.

Madam Speaker, Upper Dublin Township sets an example of how sustainability can work for suburban communities. Thanks to policies and programs enacted by the Board of Commissioners and the Environmental Protection Advisory Board, Upper Dublin Township is helping to move the 13th Congressional District towards greater use of renewable resources.

I am proud to represent the people of Upper Dublin Township in Congress and applaud their success in working to reduce our dependence on imported sources of energy, and create a cleaner and healthier environment for future generations. I congratulate them for their critical efforts and wish them continued success with this endeavor.

IN HONOR OF SHIRLEY SHERROD

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise to honor Shirley Sherrod, who has worked determinedly for more than 20 years as the Georgia Director of the Federation of Southern Cooperatives and Land Assistance Fund, an outstanding organization dedicated to enhancing rural communities through sustained operation of family farms.

As a part of her work, Shirley has helped to run one of the countries most successful USDA Outreach and Technical Assistance Projects, providing assistance on debt restructuring, alternating crops, marketing, financial planning, recordkeeping, and farm management to minority and disadvantaged farmers. The project has operated in 4 states, and seen an increase in the number of minority-owned farms in 2 of those states.

Shirley's leadership with the Federation of Southern Cooperatives exemplifies her lifetime of dedication to her community. Shirley's work began in 1965, where as an organizer for the Student Nonviolent Coordinating Committee (SNCC), Southwest Georgia Project, she helped to start a 6000–acre land trust. She also worked with women to organize childcare and pre-school programs, and was intensely dedicated to the numerous voter registration and education projects which helped African Americans become elected officials.

A native of Newton, Georgia, Shirley received a degree in Sociology from Albany State University and later took graduate business studies at Valdosta State University. In

1989, she received a Master of Arts in Community Development from Antioch University.

As the Congressman who represents Southwest Georgia, I hold in highest regard individuals like Shirley—those tireless advocates with the courage and conviction to reach out, touch, and impact the farthest boundaries of our community. May the Second Congressional District, Georgia, and indeed the country continue to benefit from her service.

A TRIBUTE TO TINA THOMAS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. MATSUI. Madam Speaker, I rise today in recognition of Tina Thomas' years of service to the Sacramento area as a prominent attorney, philanthropist and community leader. Tina is transitioning from partner to "of counsel" at her law firm, Remy, Thomas, Moose and Manley. In doing so, Tina will now serve in an advisory capacity to the firm and have more time to assist local nonprofits. I ask all my colleagues to join me in honoring one of Sacramento's finest citizens.

Tina earned a bachelor's degree from Stephens College in Columbia, Missouri in 1975 and her juris doctor degree from the University of San Diego in 1979. Later that year, she came to Sacramento. Before choosing to practice law full time, Tina served on the faculties of California State University, Sacramento and the Consortium of California State Universities and Colleges where she was an associate professor teaching graduate and undergraduate courses on the law, environment and planning related subjects.

In the late 1970s, Tina began her legal career as an intern for the Environmental Unit of the California Attorney General's office, and then in 1979 she was hired by a local environmental attorney Michael Remy. Together Tina and Michael formed a law firm that is now known as Remy, Thomas, Moose and Manley, where Tina and Michael worked together as partners until he passed away in 2003. Since its founding, Tina has served as the firm's managing partner, with clients that include governmental agencies, local businesses and environmental organizations. Along with her partners, Tina co-authored the Guide to the California Environmental Quality Act in 2006, a book now utilized by attorneys state wide.

In her spare time, Tina has served on numerous nonprofit boards in the Sacramento area. This includes the La Raza Galeria Posada, the Conservancy International and the Sacramento Food Bank and Family Services. In addition, on a pro bono basis, Tina has represented many organizations including; WEAVE, Loaves and Fishes, Francis House and the WIND Center for Homeless Teens. Due to the support of generous individuals like her, programs such as these are able to continue to thrive, which in turn makes Sacramento a better place to live, work, and raise a family. For her dedication to the Sacramento community, Tina was named Sacramento County's "Distinguished Attorney" in 2005 by the Sacramento County Bar Association.

Personally, Tina has been a pleasure to work with and a true friend. Her compassion and spirit is a wonderful addition to the Sacramento community. She is a caring, smart and thoughtful individual, who always looks out for those in need and makes sure that their concerns are known by all who can help.

Madam Speaker, I am honored to pay tribute to my friend Tina Thomas. Tina is not only a dedicated community leader and attorney, but also is a loving mother to her children Libby, Mary Claire and Sam and wonderful wife to her husband, Bill Abbott. We all are thankful for her efforts. As Tina's colleagues, family and friends gather to honor her service, I ask all my colleagues to join me in wishing her continued good fortune in this new capacity.

TRIBUTE TO VERNON, CONNECTICUT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. COURTNEY. Madam Speaker, I rise today to recognize and celebrate 200 years of Vernon, Connecticut's rich history. Beginning in 2008, the Vernon community will commence a yearlong second centennial celebration, the "Countdown to 200", that will reflect on the past and welcome the future.

In the early 18th century, settlement began with families from East Windsor cultivating the land and laying groundwork for future development and eventual incorporation of Vernon in 1808. Throughout the 19th century and diminishing with the end of the World War II, textile factories would serve as the main economic lifeblood for the region, especially in Rockville, a town that would later be incorporated in Vernon. During the Civil War, these mills would produce textiles that would clothe Union soldiers.

While textiles formed the most notable industry in the region, agriculture had strong roots since settlement in the early 18th century. In 1965, agricultural and industrial communities were linked with the consolidation of the city of Rockville and Vernon.

Vernon has produced a number of notable figures, including Gene Pitney, "The Rockville Rocket" as well as four-time Super Bowl football champion, Bill Romanowski. Charles Ethan Porter, a renowned still life painter and former Virginia Governor, Mark Warner, also call Vernon their hometown.

The relics of earlier settlement and production, including the keystone arch tunnel on Tunnel Road, the Tower on Fox Hill, and the old textile mills, serve as a reminder of the versatility of our quaint New England town. Vernon and its residents have faced a number of problems that have notoriously afflicted small industrial towns. The Vernon community has weathered this adversity, and has and will continue to adapt and endure. I ask my colleagues to join with me and my constituents in celebrating two centuries of Vernon's history, and welcome many more to come.

ARTICLE BY SAEED MALIK

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, I would like to enter into the RECORD this article by Saeed Malik entitled, "U.S. Can't Support Both Musharraf and Ideal of Liberty."

Today, Pakistan is gripped by an existential crisis. This crisis comes just when Pakistanis were beginning to feel optimistic. An independent judiciary was taking root and the fourth estate of the press was in ascendancy. Accountability, long overdue, had finally arrived, or so the people of Pakistan thought.

The optimism was cut short this month when the U.S. ally-in-chief, Gen. Pervez Musharraf, fearing invalidation of his recent election by the Supreme Court, dissolved the court, closed the media and jailed dissidents by the thousands.

The measured and somewhat muted reaction of the Bush administration to this barbarity is not only morally bankrupt, it is downright dangerous. The fundamentalists on one side of this war on terror cannot defeat the fundamentalists on the other. Fundamentalism in any society will only be defeated and sidelined by moderates from within. By supporting Musharraf, albeit tacitly, the United States is sidelining the very moderates who must win this war. Musharraf's occasional delivery of a wanted terrorist cannot justify suppression of the fundamental freedoms of Pakistani civil society. A society thrives when its constituents take a stake in its well-being and its decision-making process.

It has been said that terrorists hate us because of our liberty and one must be either on the side of terrorists or the side of liberty. If today we do not support the Pakistanis who seek liberty, what will they think of us? Will our government deliver on this slogan when liberty is at stake in a Muslim country? Our goals are advanced by demanding restoration of the Supreme Court. We must also demand the immediate release of all judicial activists jailed after the so-called emergency. Pakistanis must realize that America stands for the rule of law and the liberty of all people. A golden opportunity to win the hearts and minds of the Pakistani masses beckons us. Sticking to support for an increasingly unpopular dictator in Pakistan will only solidify President Bush's 9 percent favorable opinion rating in Pakistan.

Although it has been generations since the CIA deposed Iranian Prime Minister Mohammed Mossadeq and installed the Shah, and decades since our government tried to forestall the Iranian revolution, Iranians have not forgotten these travesties. International relations must be based, first, on democratic principles. Propping up Musharraf negates these principles, fueling antagonism among Pakistanis.

I have a personal stake in this sad saga. My 57-year-old brother, Muneer Malik, a Santa Clara University law school graduate, has been "detained" under "preventive measures" in Pakistan's version of Guantánamo Bay. He is reportedly critically sick and without outside contact. Muneer's crime is that as president of the Supreme Court Bar Association, he was in the forefront of the movement to assert the independence of the Pakistani judiciary. Thousands of heroic lawyers have met a similar fate. Rejecting the recent purge of the Supreme Court, 13 of the 17 judges refused to take extraconstitutional oaths under a draconian "Provisional Order." Predictably, they were summarily dismissed and locked up. The few opportunists who obliged now preside over empty courts boycotted by an overwhelming majority of lawyers. If this takes hold, the judicial purge would amount to retaining the weeds while killing the flowers.

Pakistani citizens view the emergency proclamation as Musharraf's desperate attempt to hold on. Democratic stability requires an orderly, defined and predictable means of transferring power. Musharraf, like others in the dust-bin of Third World history, is trying to break this mandate, subjugating national interest to personal power. Does the self-professed "enlightened-moderate" appreciate the difference between Robert Mugabe and Nelson Mandela? Why, then, does he walk in Mugabe's footsteps?

Muneer, who is supported by Santa Clara's and Yale's law schools, along with the American Bar Association, said while free, "No army can stop the march of an idea whose time has come." I urge our government to be on the side of an advancing idea and on the right side of history. This is also the moral side and the right tactic in the war on terror.

HONORING THE MEMORY OF JAMES MYRON

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory of James 'Jim' Myron, a resident of the First Congressional District of Tennessee, who died November 19, 2007.

James Myron was a lifelong resident of Johnson City. He was co-owner of Black Tie Formalwear and Janes's Lunch Box, two staples in downtown Johnson City.

Mr. Myron was a member of the Johnson City Chamber of Commerce, the Downtown Neighborhood Association, and active throughout the community.

He was dedicated to his family. He is survived by his wife, Jane Moon Myron, who our thoughts and prayers are with during this time.

Mr. Myron enjoyed the surroundings of the First District. He was known for his love of the beautiful mountains, area lakes, and the local sports scene.

Madam Speaker, I ask you and my fellow members to join me in honoring the memory of James 'Jim' Myron, a successful businessman, a true servant of the community, and a dedicated family man. He will be missed.

HONORING THE 135TH ANNIVERSARY OF THE BORAX COMPANY

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. McKEON. Madam Speaker, it is with great privilege that I rise today to pay tribute to the 135th year of continuous business conducted by the Borax Company, which was celebrated on October 12, 2007. This occasion makes Borax one of the longest surviving mining firms in the United States. I am proud that between 1993 and 2006, the national headquarters for Borax remained in Valencia, CA, in my home district.

Borax traces its roots back to 1872, when F.M. "Borax" Smith discovered Borax in Teel's Marsh, NV. Borate deposits, which are used in insulation, textile fiberglass, detergents, ceramics, plant fertilizers, flame retardants, pest control, cosmetics, medicines, and more, were also discovered in California's Death Valley.

By 1883, teams of 20 mules were used by the company to haul Borax out of the remote Death Valley 165 miles away to Mojave. Though the mule-hauling years only lasted from 1883 to 1888, the teams continue to live on as a symbol of the company's commitment to innovation.

In 2000, Borax's global operations achieved certification for excellence in environmental management. Then in 2001, the company formed partnership with Millennium Cell to develop a safe, clean fuel alternative based on sodium borohydride. This was followed by the pit-stop of the 2002 Chrysler Natrium, the world's first sodium borohydride-powered zero-emission vehicle, at the Borax Company's national headquarters.

Today, Borax employs over 1,000 people and is acknowledged as the world leader in Borate technology, research and development. Technical support for customers, product quality, and supply reliability are the pillars of the company's commercial commitment. Borax proudly reflects a respectable commitment to ensuring that practices and products are socially, environmentally, and economically sustainable.

Madam Speaker and my colleagues, I ask that you join me in honoring the 135th year of continuous business for this admirable mining company. It is a special occasion when businesses witness such good fortune resulting from the many long hours of dedicated teamwork which are given by employees for the good of the company and its customers.

RECOGNIZING MIKE ANDERSON AS FLORIDA'S MAYOR OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Mike Anderson for his extraordinary contributions as mayor to the city of Fort Walton Beach, FL.

On November 9, 2007, Mayor Mike Anderson was selected as the 2007 Florida League of Cities Mayor of the Year. He was recognized for his "outstanding commitment and public outreach, as well as his initiative in developing innovative programs."

Mayor Anderson holds degrees from the University of Southern California, the University of Texas, and the University of West Florida. Upon graduating from USC, he joined the Air Force, which brought him to northwest Florida, where he retired in 1984. He worked with Civil Service at Eglin from 1985 to 2005 and it was during this stage in his career that he became active in the community.

He served as a city councilman for 4 years, where he served on the Okaloosa-Walton Transportation Planning Organization (TPO) and the Northwest Florida Regional TPO. In 2005, he was elected mayor of the city of Fort Walton Beach.

Mayor Anderson is also known throughout the community for his leadership roles throughout much of northwest Florida. He is currently a member of the Florida League of Cities Home Rule Council, President of the Okaloosa County League of Cities, Government Affairs Committee of the Greater Fort Walton Beach Chamber of Commerce, the Board of Directors of the Emerald Coast Marine Institute, the Okaloosa School Foundation, and many other civic organizations.

While Mayor Anderson works diligently to improve the quality of life for the members of his community, he also makes time to greet airmen as they return from service overseas, visit area businesses to show gratitude for their community support, and even congratulate residents for their award winning lawns.

His service does not stop there; he also focuses much of his attention on another passion: the youth of the community. His commitment to helping shape the children of Fort Walton Beach into well-rounded young people has inspired Mayor Anderson to introduce several youth programs. These include the Summer Youth at Work Program, the Student Award for Civic Excellence, and a Youth Committee Program. For his dedication to students in the Take Stock in Children initiative, he was presented with the Award of Excellence in Mentoring—Local Government Mentor of the Year in the spring of 2007 by the Florida Mentoring Program.

Madam Speaker, on behalf of the United States Congress, I am proud to honor Mayor Mike Anderson for his achievements and thank him for his dedicated service. His recognition by various organizations confirms his commitment to excellence and the continuous advancement of the city of Fort Walton Beach. May God continue to bless him and I wish him continued success in his career.

IN TRIBUTE TO LLOYD MICHAEL HAMMES

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. BOSWELL. Madam Speaker, I rise today to honor the life of an exceptional man, Lloyd Michael Hammes, a constituent of mine from Iowa's 3rd District. He served in the U.S. Army during World War II, was a prisoner of war, and until recently, was one of the few World War II veterans still living in the 3rd District of Iowa.

Mr. Hammes served his time during the Second World War in North Africa, where he was captured and spent time as a prisoner of war. During this imprisonment, he was shuffled around to various detainment camps throughout Europe. At the end of his service, he was the deserving recipient of the Purple Heart and three Bronze Stars.

When Lloyd returned to the United States, he met his wife, Virginia Perdue, at the Des Moines Veterans Affairs hospital. They were married, and eventually settled down near Harper, Iowa, where they lived for nearly 40 years. Lloyd Michael Hammes passed away on November 13th, at the age of 91. He will be missed greatly by his surviving family and friends, and by the Nation he so dutifully served. I ask my colleagues to join me in honoring the life and service of this courageous man.

IN RECOGNITION OF WORLD AIDS DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. DAVIS of Illinois. Madam Speaker, in recognition of the first of December as World Aids Day, I want to take a moment to highlight the gravity of the HIV/AIDS situation, particularly for the African American community. We have heard statistic after statistic; HIV/AIDS is a formidable problem across the country in all communities. Indeed, an article in the New York Times this week noted that new HIV/AIDS case estimates are actually 50 percent higher than health experts had believed. This is unacceptable. America has within it the resources to address this issue; our political leadership must take action to do so.

The Centers for Disease Control, or CDC, reported that approximately 1,000,000 Americans were living with HIV/AIDS at the end of 2003, roughly 25 percent of whom were undiagnosed and unaware of their HIV infection. Furthermore, this infection has started to increase among children at a drastic rate. Through 2005, there have been an estimated 9,000 AIDS cases reported for children under the age of 13. HIV/AIDS is becoming a problem earlier and earlier for more and more Americans.

It is very clear that HIV/AIDS is indeed an emergency situation in the African American community. According to the CDC, African Americans make up 13 percent of the Nation's population but account for 49 percent of the estimated AIDS cases diagnosed since the epidemic began. In addition, African American children make up approximately 63 percent of the estimated HIV/AIDS cases through 2005. Not only are African Americans more likely to get AIDS, they are more likely to die from it, with more than half of all AIDS-related deaths being among African Americans. Through science, research, and medical advancements, there are better treatments, prevention efforts, and a decline in AIDS diagnoses and deaths, except for African Americans.

HIV/AIDS is plaguing and destroying African American communities. Yet, I wonder how many of my colleagues or how many Americans, including African Americans, know how devastating and destructive this disease is on one population in our country. It leads to the questions: Why is more not being done? Why has this not been considered a national public health emergency? With more African American males in prison, more African American females living and dying with HIV/AIDS, what is to happen to the African American children and families?

I commend all of those individuals in my community who have pledged to do what they can. I, myself, have been publicly tested 3 times to help convince individuals to be tested, to do the things that are necessary. However, my fellow colleagues and I and all Americans need to do much more about this problem. We all must get behind the World AIDS Day slogan: "Stop AIDS: Keep the Promise." We must increase funding for treatment and prevention, not reduce it by 19 percent as this administration has done. We must invest in medical research and needle exchange programs—prevention and treatment. The more engaged we are and the stronger determination we have will lead to the decrease in AIDS cases across the United States in all communities.

A TRIBUTE TO THE LIFE OF LAWRENCE GALLAGHER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. COSTA. Madam Speaker, I rise today to honor the life of my good friend Lawrence Gallagher. Mr. Gallagher unfortunately passed away this past Thursday at the age of 68. Larry lived his life with a strong commitment to his family and to his community and is certainly most deserving of this honor.

Born in Boston, he enlisted in the United States Air Force shortly after finishing high school and was proud to serve his country with courage and distinction. At the end of his service, Larry settled in Riverside, California where he began his career in law enforcement eventually becoming the Deputy Sherriff. With a passion to serve the public, Mr. Gallagher went on to become Director of Criminal Justice Planning for the Southern California Association of Governments.

Throughout his life, he remained involved in his community by being a member of the Rotary Club, volunteering at the local YMCA, and serving on the board of directors at the South Bay Youth and Family Center. A devoted family man; he will be deeply missed by his wife, Linda; his children Donald, Dennis, Denny, and Holly; and his seven grandchildren.

Larry had a passion for water resources that led him to serve with a number of California water authorities such as: the Kern County Water Agency, the West Basin Municipal Water District and the Association of California Water Agencies. For years, I was proud to work with Larry on the water issues facing our Valley and I was fortunate enough to call him a friend. He kindly agreed to serve on the selection committee for the Jim Costa—Kern County Water Agency Water Resources Fellowship and I was grateful for his advice and wisdom.

Larry Gallagher was a man of great principle and integrity. He was my friend and I will miss him a great deal. He conducted his life with a reverence for humanity and with the philosophy of ensuring that our future generation's quality of life was protected and assured. It is with great pride that I honor him for all that he did on behalf of the San Joaquin Valley and for California.

IN RECOGNITION OF ANN CALDWELL'S SERVICE TO SOUTHERN UNION STATE COMMUNITY COLLEGE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to a constituent of mine, Mrs. Ann Caldwell, and her decades of service to Southern Union State Community College in Wadley, Alabama.

For the past 33 years, Mrs. Caldwell has served the Southern Union music department, during which time she earned many noteworthy accomplishments, including a standing invitation at Carnegie Hall in New York City. She is well known across East Alabama for her musical and leadership abilities, and she is frequently praised for directing highly successful and entertaining musical performances for the community each year. In addition to her service on campus, Mrs. Caldwell is an active member of her community and church.

I thank Mrs. Caldwell for her decades of academic and community service, and I wish her and her family all the best in the future.

HONORING JOHN R. SHAFER OF ST. HELENA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize John R. Shafer on the occasion of his receiving the 3rd Annual Making a Difference Award from the non-profit organization Healthy Moms and Babies. This award is being presented in recognition for his outstanding work in support of making healthcare accessible to all in the Napa Valley.

Mr. Shafer has always had a strong commitment to public service. At age 18 he enlisted in the Army Air Corps and flew combat missions over occupied Europe as a B–24 bomber pilot. After a long career in corporate textbook publishing, he came to the Napa Valley, as so many before him, looking for a new place to call home. John purchased a vineyard site in an area known as Stag's Leap. Although it had been idle for several years, he had a vision that it could grow to become one of the country's premier wineries. The following year, he moved his family to California to make this vision a reality.

Since then, Shafer Vineyards has grown into a world class winery and has done so while practicing and promoting sustainable, earth-friendly agriculture. Throughout his success in the wine industry Mr. Shafer has remained committed to serving his community. In addition to being a former president of the Napa Valley Grape Growers Association and a former member of the board of the Napa Valley Vintners Association, Mr. Shafer has also been active with the board of directors of the Community Health Clinic Ole since 1990. Clinic Ole is dedicated to bringing the highest quality medical and dental services to the underserved communities in Napa County and has become an essential part of the health and well being of all residents of the Valley.

In addition to his support for Clinic Ole, Mr. Shafer also spearheaded the building of the Napa Valley Vinters Community Health Center. This facility houses not only Clinic Ole, but also the Sister Ann Community Dental Clinic, Napa Emergency Women's Services and also Healthy Moms and Babies, which provides pregnancy care, education and support to women in underserved communities. By seeing this project through to completion Mr. Shafer has helped to ensure that healthcare will be available to the underserved in a way that is both coordinated and accessible.

Madam Speaker, it is fitting at this time that we thank John Shafer for his commitment an dedication to helping others and his community. His efforts have ensured that thousands of residents in the Napa Valley have access to the best medical care for themselves and their children. The Making a Difference Award is only one reflection of what will surely be a legacy that will last for many years.

TRIBUTE TO PROFESSOR MARC ZIMMER

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. COURTNEY. Madam Speaker, I rise today to recognize Professor Marc Zimmer of Connecticut College for his outstanding achievements and contributions to local, national, and international academic communities. Marc was honored with a Professor of the Year award by the Council for Advancement and Support of Education (CASE) and The Carnegie Foundation in Washington, D.C. on November 15.

Upon completing his undergraduate degree in chemistry at the University of Witwatersrand in South Africa, Marc moved to the United States where he earned his doctorate at Worcester Polytechnic Institute and worked as a postdoctoral fellow at Yale University. Marc remained in the academic community, continuing original research in the fields of chemistry and joining the Connecticut College faculty in 1990. Throughout this period, he served on numerous boards and committees in chemistry and related fields and was a featured lecturer at some of the most prestigious colleges and universities in the United States, Latin America, Europe, Asia, and Africa.

His publications in pioneering chemistry subjects have promulgated technological innovation, but just as importantly, inspired student involvement and interest. His most recent publication, "Glowing Genes", simplifies complexities of chemistry and biotechnology to a pedestrian relevancy and understanding. "Glowing Genes" explores the potential of green fluorescent protein (GFP), a glowing component in the Aequorea victoria jellyfish species, with detecting biological weapons, combating cancer, and improving agricultural production.

Academic faculties provide the foundation for education systems, and in turn, potential health, safety, and prosperity of our society. Professor Zimmer has proven to be an exemplary academic leader at Connecticut College, and more broadly through his contributions to international chemistry curriculum. These contributions will undoubtedly ensure a healthier, safer, and more prosperous society for all. I ask my colleagues to join with me and my constituents in recognizing Professor Zimmer's outstanding accomplishments and contributions and welcome many more to come.

IN MEMORY OF SEAN TAYLOR

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. MEEK of Florida. Madam Speaker, the poem below was written by poet and Capitol guide Albert Carey Caswell in honor of Sean Taylor, a Miami native and professional football player for the Washington Redskins. I rise with a heavy heart in mourning the tragic passing of Sean Taylor, a man with a bright future who left behind a loving family and scores of adoring football supporters and admirers. We pray for the Taylor family during this difficult and wrenching time. I hope these words provide some comfort to a grieving family. I humbly submit the following poem into the RECORD:

TAYLOR MADE

God Is Good, God Is Great!
All in his image, in what he has made . . . All in what he creates!
To give to this world, in what we do . . . in how we act . . . in all we say, to leave behind to view!
Into our lives as sent . . .
Messages from our Lord, Taylor Made for all of us of what life is meant . . .
To reach us, To teach us, To beseech us by people, who in our time with us is spent . . .
Taylor Made . . .
Beauty and The Beast!
As was Sean Taylor, number "21" . . . was such a fine work of art to say the least!
For Sean Taylor, was Born To Run . . .
Upon, football fields of green . . . in Sunday suns . . . in The NFL, as was this his father's fine son!
As what our Lord had so begun . . .
A quiet and caring man, with but a calm and steady hand!
Who high above all others, did stand . . . as to his teammates' hearts and souls, he ran!
Who on fields of green, brought forth such roars throughout the stands . . .
A Man of passion . . .
Who to all hearts and souls, would so inspire . . . as he would fashion!
A man of heart and soul, body and mind . . . all in his short lifetime, so portrayed in all his actions . . .
Not a hole but left by him!
But, perhaps a Void . . . that which may never so be filled again?
For only such things in life, as left . . . by those hearts who bring such inspiration all in their short breaths!
A humble, quiet caring man . . .
Who in the spotlight, did not so wish to stand . . . a family man!
Who upon fields of green, would turn into a machine . . . creating one of The NFL's greatest scenes!
For all that which is Good and Great! For all that which our Lord so makes . . .
By his hand, Taylor Made . . . he creates . . . Will not run, and Will not lie . . . with hearts of gold, will so rise!
All in that moment of truth, of which now so lies . . . but for their loved ones, will so die!
Only, The Good Die Young! Now, in Heaven Sean you run!
As so too have you, Sean our fine son . . . now with all of those Angels, too among!
As you are, but with all of those who have flown, Up To heaven . . . with our Lord, where you belong!
And in the coming years, on Sunday mornings here . . .
Whenever, we think of you Sean . . . we'll hear your voice beyond . . . all in our tears!
Remembering how you lived life, remembering how your soul burned bright . . . as with you, we'll be near!
And what God has Taylor Made!
Hush . . . hush!
Hush . . . Little baby, Don't You Cry!
Because, one day up in heaven . . . once again, you will gaze into your fine father's eyes!

TRIBUTE TO CIRCUIT JUDGE JERRY WINCHESTER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. ROGERS of Kentucky. Madam Speaker, I want to bring to the notice of the House the long distinguished career of one of Kentucky's greatest attorneys, Jerry Winchester, who is returning to private life. His career spanned the wide expanses of the profession, from private practice to prosecuting attorney and judge. He was tough but fair, diligent and prepared—attributes that command the respect of anyone who has ever witnessed him in a courtroom.

Circuit Judge Jerry Winchester is leaving the bench after 20 years of deciding major civil and felony criminal cases—the murders, assaults, robberies, and drug cases. He brought closure to victims and justice to perpetrators and there was nobody better.

His judicial circuit, made up of McCreary and Whitley Counties, has the highest caseload in Kentucky. Yet, he ran the court at a steady clip to handle the load, when it could have bogged down under less able leadership. He had few staff, and in the early years, none at all. He was the sole judge for over a decade and citizens counted on him alone for conducting speedy trials. This basic right, embodied in the sixth amendment of the Constitution, was upheld for thousands in southern and eastern Kentucky because of this one dedicated individual.

As the Commonwealth's prosecuting attorney in the 70's and 80's, Jerry Winchester was not interested in "running the numbers," or measuring success by how many people he put in prison. When offenders deserved harsh punishment, they got it. He weighed fairness and ethics to seek a punishment that fit the crime in those many cases where good judgment is the only thing that keeps justice from unraveling. The golden scales of justice were felt in the courtroom, it was witnessed over and over by judges, attorneys, victims, criminals, and juries.

Before serving as Commonwealth's Attorney, Jerry was a high school teacher, an FBI agent and a lawyer in private practice. He served as a Sunday school teacher for 35 years. These real-life experiences made him understand people better, as the best judges and attorneys do.

Now as Jerry heads into retirement he will have time to pursue his varied interests. These include taking up piano lessons with his seven-year-old grandson Jerry Paul and ballroom dancing lessons with his wife Nell. When he masters the piano and ballroom dancing he can tend to his bees and keep making honey and hunt and fish.

I am proud to know Jerry Winchester. There are only a few people like him. These rare individuals don't seek glory, and they don't have to. Faithfully adhering to legal principles as lives hang in the balance leads to its own recognition. It is unto itself and as pure as gold—it will never rust and will always shine. There is no substitute.

Madam Speaker, I commend to you and our colleagues of the House, the outstanding career and public service model of the Honorable Jerry Winchester of Kentucky.

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. AKIN. Madam Speaker, I was unable to participate in the following votes. Had I been present, I would have voted as follows: November 15, 2007: rollcall vote No. 1116, on the McHenry of North Carolina Amendment I would have voted "aye"; rollcall vote No. 1115 on the Garrett of New Jersey Amendment I would have voted "aye"; rollcall vote No. 1114 on the Price of Georgia Amendment I would have voted "aye."

TRIBUTE TO THE CHORALE MUSICAL GROUP BASED IN CHAMPAIGN, ILLINOIS

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. JOHNSON of Illinois. Madam Speaker, I rise today in honor of the Chorale musical group based in Champaign, Illinois. This musical group founded by director Julie Beyler has been performing for audiences around the State of Illinois and abroad for the past 25 years and I would like to take this opportunity to recognize this milestone in the group's history.

The Chorale is a unique blend of individuals from various walks of life who share a love for singing and performing. The organization of mixed voices performs four concerts during a season and often provides music for a variety of community events.

Since the group's inception in 1982, The Chorale has grown from a small ensemble of singers performing holiday music in the Village of Mahomet to presently having 70–75 members from numerous local communities and performing in the areas most historic venues in front of sellout crowds.

One of the group's most notable performances was in May of 1991 at the Virginia Theatre in Downtown Champaign. After three decades of being used primarily as a movie house, the Virginia Theatre made its return to hosting live performances by having the Chorale perform its "songs of America" concert. The group is proud to have been a part of returning this historic building to a performing venue once again.

Whether it is at the Virginia Theatre, community events around the state, or abroad, the Chorale offers its audience an unforgettable musical experience and I want to congratulate the members of the group for 25 years of success.

HONORING JOHN F. RUCKER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of John Rucker for his dedication and service to his community. Mr. Rucker passed away at the age of ninety on November 11, 2007 at his home in Sonora, California.

Mr. Rucker was born December 15, 1916 in Sacramento, California. He completed courses in medical technology at the Sacramento County Hospital, and was licensed in Medical Radiology Technology. He later introduced the first electrocardiogram in Tuolumne County and upon moving to Sonora in 1948 he established a laboratory at the Columbia Way Hospital. He also helped to create the laboratory and radiological departments at Sonora Hospital and Tuolumne General Hospital.

During the 1950's Mr. Rucker helped to establish Sierra Hospital. This is where he met his wife, Patricia. Mr. Rucker was elected to the Board of Directors for Sierra Hospital and was Vice-President until 1980, when the hospital was sold to Sonora Community. Mr. Rucker retired from the medical field in 1982. However, his service did not end there.

Mr. Rucker was very involved in many aspects of Tuolumne County, and held numerous elected positions. He was elected to the Sonora City Council in 1986 and again in 1998, serving more than twelve years. He was twice elected by his council colleagues as mayor, serving from 1990 to 1992 and from 1996 to 1998. He was also a member of the Sonora Planning Committee from 1982 to 1986 and was a member of the Sonora Rotary Club, serving as president in 1953 and 1954. Mr. Rucker was heavily involved in the Tuolumne County Republican Central Committee where he served as chairman in 1987.

John Rucker is survived by his wife, Patricia Rucker; his brother and sister-in-law, James and Gloria Rucker; sons and daughters-in-law John and Janice Rucker, Daniel and Erika Rucker, and Brian Rucker; and his daughter, Sally Rucker.

Madam Speaker, I rise today to posthumously honor John Rucker for his leadership and assistance in expanding the horizons for all of Tuolumne County. I invite my colleagues to join me in honoring his life and wishing the best for his family.

RECOGNIZING THE NAVY LEAGUE OF THE UNITED STATES' 2007 NATIONAL CONVENTION AND INCOMING PRESIDENT MICHAEL McGRATH

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. CRENSHAW. Madam Speaker, I would like to thank the members of the Navy League of the United States for their exemplary work in supporting our sea services. In my hometown of Jacksonville, Florida, we have two Navy bases, a Coast Guard Sector, a U.S. Marine Corps Command and a large port, so we are constantly aware of the impact your members have on our mariners.

Our area is home to several Navy League Councils, including the Mayport Council, which is one of the largest in the country and the home Council for J. Michael McGrath, your incoming National President. As Mike prepares to accept the challenges of guiding this fine organization, I want to congratulate him and wish him well. I am confident he will lead the Navy League with the same dedication and commitment your membership is accustomed to.

Following a full Navy career, Mike continued his support of the sea services through the Navy League. Both he and his wife, Gloria, are active life members. Based on his experience and insight, Mike can provide a clear and knowledgable plan for the future of this organization.

As our military is stretched in resources, organizations like the Navy League are even more important in fighting for the priorities and goals of our sea services, not only to Congress but also to local community leaders and businesses who must understand the value that our military institutions bring to local economies,

The 21st Century is still young, and the roles of the sea services are ever evolving. It will take innovative and effective leadership to weather these transformational times. I look forward to continuing to work with Mike McGrath in his new role as National President of the Navy League of the United States.

MACLE JOYCE SPICER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. GRAVES. Madam Speaker, I proudly ask you to join me in recognizing Macle Joyce Spicer of Guilford, Missouri.

Macle will be celebrating her 80th Birthday on November 25th and it is my privilege to offer her my warmest regards on achieving this important milestone. Macle is a fine citizen of Missouri and the Guilford community. It is an honor to represent Macle in the United States Congress, and I wish her all the best on this birthday and many more in the future.

HONORING MS. PRISSY GRACE ON HER RETIREMENT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to commend Ms. Prissy Grace, who has represented members of the National Association of Letter Carriers, on announcing her retirement. Ms. Grace was born in Fort Worth, Texas, in 1943, and started with the Humble Post Office in 1973. The National Association of Letter Carriers has recognized her dedication by electing her as a union steward, the first woman Member of the Year, the first woman full-time officer, in 1983, and the first woman president of their union, in 1998, and again in 2002. She was truly a pioneer and blazed a trail that women will be following for generations to come.

Ms. Grace once forced a postmaster, who belonged to the Klu Klux Klan, to integrate his station. She defended workers who refused to work in unsafe and dangerous conditions. She worked to turn a credit union, in receivership, into one of the strongest financial institutions in the State. In many other ways, too numerous to list here, she has improved the life of all the postal workers and their families in the Houston area. Her decades of service have generated the respect and admiration of the union members and Post Office management.

Not only was she a tireless defender of postal workers, but as a single mother, she raised three children who each went on to graduate from college. If ever an individual embodied the ideals of family values, freedom and feminism, she is this individual. She is also a good friend of my family and of working people in our country.

And so it is with great pleasure that I recognize Ms. Prissy Grace, for her distinguished service to the National Association of Letter Carriers, and I congratulate her on announcing her retirement.

CONGRATULATING ROBERT UGUCCIONI UPON HIS RETIREMENT AS EXECUTIVE DIRECTOR OF THE POCONO MOUNTAIN VACATION BUREAU

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Robert Uguccioni, who is retiring after an illustrious career with the Pocono Mountain Vacation Bureau where he served for more than 40 years as its executive director.

Mr. Uguccioni spent several years early in his life in the Lake Wallenpaupack region. After graduating from Hawley High School, he entered the United States Air Force where he served 4 years supervising a material control department in Japan.

Upon returning to the Pocono Mountains, he was hired as public relations director for the Lake Wallenpaupack Association and then the Pike County Tourist Promotion Agency.

In 1967, he became executive director of the Pocono Mountain Vacation Bureau which spans four counties including Monroe, Pike, Wayne, and Carbon and is the largest tourist promotion agency of its kind in Pennsylvania.

Mr. Uguccioni represents nearly 800 members and associate members in promoting the Pocono region as a travel destination. He represents the area nationally and on the State level working toward favorable tourism legislation, government-sponsored advertising programs for tourism as well as in all facets of the tourism industry affecting the Poconos and the State.

Mr. Uguccioni serves or served on a host of boards of directors of tourism related organizations and is a past president of the Pennsylvania Association of Convention and Visitors Bureaus.

On the national level, Mr. Uguccioni is involved with the American Bus Association, the American Culinary Association, the American Hotel and Motel Association, the American Society of Association Executives, the National Tour Association, the Travel Industry Association of America, National Travel Marketing Task Force, the Federal Administration Tourist Advisory Council and he is a national member of the White House Conference on Travel and Tourism.

Madam Speaker, please join me in congratulating Mr. Uguccioni for many years of service to the travel and tourism industry and in extending to him best wishes for a well-deserved retirement. Mr. Uguccioni's contributions to the travel and tourism industries have made a major impact on our regional, State, and national economies and have helped to create many job opportunities that have improved the quality of life in northeastern Pennsylvania as well as the entire Commonwealth of Pennsylvania.

HONORING THE LIFE OF SERGEANT KENNETH R. BOOKER

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. HILL. Madam Speaker, on Wednesday, November 4, 2007, the town of Vevay, Indiana, tragically lost their first son in Iraq. SGT Kenneth R. Booker died from wounds sustained from an improvised explosive device attack while on patrol in his Stryker armored vehicle in Mukhisa, Iraq.

After graduating from Switzerland County High School in 2000, Kenneth enlisted in the Army. He had already served in Afghanistan and Iraq—celebrating his 21st and 22nd birthdays respectively while serving overseas—before being deployed to Mukhisa, Iraq.

At one point, Sergeant Booker was assigned to military intelligence, but did not like being stuck behind a desk. He requested a transfer back to infantry duty, joining a Stryker Brigade Combat Unit. Sergeant Booker was well aware that his new unit was destined for Iraq.

Described by loved ones as having a tremendous sense of humor, constantly had fun, was good natured, and kind; Sergeant Booker was, simply put, a "wonderful person."

The day after Sergeant Booker's death, his mother, Becky Graham, sent a Christmas care package to her son, unknowing that he had been killed the previous day. In the care package she included a note to her son stating that if he could not be home for Christmas, Christmas would come to him.

Sergeant Booker's father always had faith that his son would be safe, but that even the best of soldiers are killed in the line of duty.

Sergeant Kenneth R. Booker was a true hero. I, with Sergeant Booker's family, the town of Vevay, and the State of Indiana mourn this brave Hoosier's premature death. His friends and loved ones are in my prayers.

CARNEGIE MELLON UNIVERSITY'S TARTAN RACING TEAM

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. DOYLE. Madam Speaker, I rise today to congratulate Carnegie Mellon University's Tartan Racing Team and its autonomous driving robot vehicle, "Boss," on placing first in the Defense Advanced Research Projects Agency's Urban Challenge, held November 3, 2007 in Victorville, California.

This contest pitted 11 autonomous vehicles against each other on a course of suburban and urban roadways. Its goal was to help develop robotics technology that can keep military personnel out of harm's way and prevent civilian automotive accidents.

Boss was the fastest of the competitors by a large margin, averaging 14 miles per hour over the approximately 55 mile course and finishing 20 minutes ahead of the second-place finisher.

Carnegie Mellon University's Tartan Racing Team has been working hard to produce revolutionary new robots that can dramatically improve driver safety. To accomplish these goals, Team Leader Dr. William "Red" Whittaker has put together a team of researchers, faculty and staff that is unparalleled in the robotics world.

I want to recognize each of these outstanding individuals by name. They are Joshua Anhalt, Hong S. Bae, Drew Bagnell, Christopher Baker, Bob Bittner, Thomas Brown, George Clancy, M. N. Clark, Dominic Dagradi, Michael Darms, Daniel Demitrish, John Dolan, Dave Duggins, Dave Ferguson, Tugrul Galatali, Michele Gittleman, Sam Harbaugh, Martial Hebert, Tom Howard, Alonzo Kelly, David Kohanbash, Maxim Likhachev, Bakhtiar Litkouhi, Nick Miller, Jim Nickolaou, Kevin Peterson, Brian Pilnick, Raj Rajkumar, Paul Rybski, Varsha Sadekar, Bryan Salesky, Sebastian Scherer, Ed Schlesinger, Young-Woo Seo, Bob Shafto, Todd Shupe, Reid Simmons, Sanjiv Singh, Jarrod Snider, Spencer Spiker, Anthony Stentz, Josh Struble, Evan Tahler, Chris Urmson, Ziv Wolkowicki, Vincent Zeng, Shuqing Zeng, Wende Zhang and Jason Ziglar.

The Tartan Racing Team's success must also be credited to its relationship with its sponsors. The longstanding Carnegie Mellon-GM Collaborative Research Lab brings hardware integration and system engineering skills to the team, for example. Tartan Racing's other partners include Caterpillar, Continental AG, Intel, Google, Applanix, TeleAtlas, Vector, Ibeo, Mobileye, CarSim, CleanPower Resources, MA/COM, NetApp, Vector CANtech and Hewlett Packard. I think we can all agree it's hard to beat a team with a bench like that.

As the Congressman representing Carnegie Mellon, and as co-chair of the Congressional Caucus on Robotics, I ask my colleagues to join me in honoring the Tartan Racing Team and Carnegie Mellon University for their innovations in robotics and for their DARPA Grand Challenge Victory.

IN RECOGNITION OF DR. SACVAN BERCOVITCH

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. McNULTY. Madam Speaker, I am most pleased to recognize the outstanding contributions of Dr. Sacvan Bercovitch, the Powell M. Cabot Professor of American Literature Emeritus of Harvard University, who has been awarded the Bode-Pearson Prize for his outstanding contributions to American studies.

Professor Bercovitch is the brother of a beloved constituent, Ninel Segal. He has been called "one of the great literary historians of the 20th century" and "one of the first American scholars to analyze the ideological and rhetorical functions of literature and to link art to political and cultural themes." Many of his works have been translated in French, German, Chinese, Italian, and others. I am pleased to insert into the RECORD the citation presented to Professor Bercovitch by the American Studies Association:

"Rare, extravagant spirits," says Emerson in his essay on History, "come to us at intervals, who disclose to us new facts in nature." Tonight it gives me great pleasure, on behalf of my fellow committee members, Elaine May and James Miller, to award the Bode-Pearson prize to one such spirit, indeed, the presiding spirit of American Studies, Sacvan Bercovitch. Through his writings, intellectual projects, and service to the Association, Professor Bercovitch has made an unparalleled set of distinguished contributions over the last 30 years. Perhaps no single literary historian has exerted the profound influence over his field that Bercovitch has, for he has been the key figure in the ideological turn of American literary study and the galvanizing source of its interdisciplinary practice. If the American Studies community is infinitely more robust than it was the last time the Association met in Philadelphia in 1983 when tonight's honoree was its president, it may well be the fruit of Sacvan Bercovitch's labors. If this sounds extravagant, know that it merely does justice to the extravagant bounty of his learning, the extravagant scope of his inquiry, the extravagantly searching range of his intellect, the extravagant intensity of his example for three generations of students, and the extravagant vitality of his commitment.

Bercovitch began his career as an Americanist with his publication, in 1966, of an essay on Cotton Mather, but he had begun his informal study of America some years before. As a Canadian from Montreal's rough-and-tumble Yiddish-speaking quarter, his fascination with U.S. culture preceded his engagement with its literary traditions. While Bercovitch never lost that connection to his past, and indeed, translated several of the great Yiddish writers of the 20th century, his own American studies took him to the New School of Social Research, Reed College, Hightstown, New Jersey, where he trained to join a kibbutz in Israel, then on to Claremont college, where he took his graduate degrees, then to Brandeis, and UC-San Diego until he arrived at Columbia, where he was to stay for 13 years before taking his last academic post, at Harvard. Like Hawthorne's Holgrave, he worked at various trades, scholarly and otherwise, all of which contributed to the swell of consciousness that resulted in two paradigm-changing scholarly works of his early career: The Puritan Origins of the American Self (1975) and The American Jeremiad (1979).

In the early 1980s, Bercovitch developed the intellectual underpinnings of the next great phase of his career, when he edited and co edited two seminal books of the era, Reconstructing American Literary History and Ideology and Classic American Literature. Let me remind you how influential those collections were when they appeared two decades ago. For the first, Bercovitch assembled an impressive line-up of scholars and literary historians whose work would resonate for years to come—like Sandra Gilbert, Walter Michaels, Werner Sollors, Wendy Steiner, Robert Stepto, and Eric Sundquist, scholars who made the case for profession only slowly—all too slowly—awakening to the realization that the literary history of the U.S. needed to be reconstructed; with Myra Jehlen, he showed that the urgency of that reconstruction was ideological and that classic American literature, the redoubt of liberal humanism, was nothing if not political, in a series of essays by Jonathan Arac, Houston Baker, Gerald Graff, Don Pease, Carolyn Porter, Jane Tompkins, and Alan Trachtenberg, among other distinguished contributors. These collections, in no small part, helped to reinvent the study of American literature and, in so doing, changed the future of this Association.

Some of you will remember vividly what the Association's meetings were like as a direct consequence of Bercovitch's term, in San Diego, New York, and Miami, and can assure people who have only recently found a home here that the intellectual ferment of these years was dizzying, especially to the extent that it matched Sacvan Bercovitch's critical example: the cultural study of literature and literary study of culture broke wide open the intellectual boundaries of the Americanists' sense of the object of scholarly inquiry. That generation of scholars who changed the way we do business, if only because they followed the ways his work so vigorously aroused the possibilities of interdisciplinary study, through what Bercovitch called the "reciprocities between symbolic and social systems." Moreover his leadership also gave the Association a new critical urgency, by moving it away from the hidebound, dry academicism that had dominated it for the previous two decades and toward public engagement. At the time there were many who resisted and not a few who resented this new direction, yet the growth of the Association might suggest just how sorely needed and how keenly received was the charge that Sacvan Bercovitch had laid before us. The ASA's sense of itself has evolved in the last ten years, and perhaps the role of cultural study of literature and the literary study of culture is not as crucial as it once was, but these changes have only been possible because of the difference that Bercovitch—his colleagues, students, and followers—first wrought.

That charge was freshly shaped in his next great contribution to American literary studies, his supervision of the new Cambridge History of American Literature, brought to completion only in the year before last. This project made bold to rewrite, not as one book or two or even the four volumes that its predecessor had essayed 70 years prior, but as eight volumes written by some thirty scholars. The task proved arduous, and perhaps its completion depended as much upon the contributors' loyalty to Bercovitch as it did their commitment to their assignment. The lesson rehearsed in page after page of the History is "dissensus," the vision of literary history that rejects easy coherence and instead accommodates the evidence of vivifying resistance out of which a fuller, truer history may be understood—the turning of the inside of literary texts out and the turning of contexts in. Bercovitch's founding idea prompted a complex way of imagining literary historiography, one that especially enlivened the understanding of students and younger scholars, so much so that the "History" that they created was largely understood to be something of a generational enterprise. Indeed, the influence of the Cambridge History can be calculated in the way its separate parts have arrived with all the authority of established wisdom; its arguments crystallize the very terms of our practice over 20 years. In this sense, its eight volumes are but the shell of a project that will outlast us all.

Bercovitch's own reading and research led him to Hawthorne and inevitably The Scarlet Letter, but I will pass over the great achievements of his scholarship, just as I also pass over the dutiful recitations of his many, many honors and awards, the editorial and advisory boards and executive committees on which he has served, the consultantships, the positions of leadership he undertook in a surprising variety of places all too numerous to mention, in order to take a final few minutes to recall his presidency of this association. In so many ways, the current ASA is a wonderful prism of his multifaceted accomplishments. Members of longer standing than I will testify that Bercovitch "saved" the ASA, by which they mean that during his tenure he undertook a major effort to resuscitate and transform the organization. At the time, ASA was wholly dependent on the University of Pennsylvania and in debt a considerable amount of money to them. Penn even held the copyright to AQ. Bercovitch mobilized a number of influential ASA members, including past president Daniel Aaron and Leo Marx, to change the modus operandi. He also realized that, most of all, the culture of ASA had to change, and beginning with a panel of luminaries devoted to the organization's future at Philadelphia in 1983, he undertook to reshape it into the entity we know today. As part of a major re-evaluation, the association took ownership of its journal, established new publishing arrangements, raised new funds, relocated to Washington, DC, shifted to annual meetings (although the planning for this began with Bercovitch, Michael Cowan eventually pushed it through). Plus, the ASA under Bercovitch began to internationalize, reinvigorating ties with the Canadian and European associations, even as it moved forcefully to diversify, naming Martha Banta as program chair of the San Diego conference, which, in turn, featured the work of several future presidents—Mary Helen Washington, Stephen Sumida, Vicki Ruiz—all of whom became involved in the organization for the first time.

In short, we might dedicate ourselves tonight to making ASA worthy of this immeasurably rich legacy. So please join with me and applaud, extravagantly, the career of Saki Bercovitch.—Gordon Hutner, Professor of American Literature, University of Illinois, Editor, American Literary History.

HONORS CHRIST EPISCOPAL CHURCH OF STRATFORD, CONNECTICUT AS THEY CELEBRATE THEIR 300TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to join the Reverend Robert Stuhlmann, members of the congregation, and the Stratford community in extending my sincere congratulations to Christ Episcopal Church as they celebrate its 300th Anniversary. This is a milestone for this community treasure and I am proud to help them celebrate.

As we gather to celebrate this anniversary, we can also reflect on the inspiration the Christ Episcopal Church had in the creation of the United States of America. The Church holds a unique place not only in Connecticut's history, but in that of our nation as well. The first parishioners of this parish were actually forced to worship secretly in people's homes to avoid harassment by the then dominant Congregationalists who had fled to the New World to escape persecution by the Church of England. In fact, many of the twelve men who established the parish were jailed for their defiance of the General Court of Connecticut which deemed there could only be one church—and it was Congregational.

Reverend Robert Stuhlmann, the 30th pastor of Christ Episcopal Church, has described the birth of the Anglican Church in the United States as mirroring that of our nation. Just eighty years after the formation of Christ Episcopal, the Church would play a direct role in the creation of our Constitution. Among the Connecticut delegation, the framers of the Constitution, was William Samuel Johnson, son of Samuel Johnson, the church's first resident priest. It is said that the Constitution took its final form based on the experiences of the Christ Episcopal parish as they encountered the opposition of an established religion in Connecticut. Samuel Johnson, who also served as the first president of Kings College, or what is known today as Columbia University, also left his mark on the Declaration of Independence. We all know the phrase "life, liberty, and the pursuit of happiness" but what many may not know is that the phrase pursuit of happiness was one which Samuel Johnson frequently used in his preaching—believing that God desires humanity to be happy.

Since its inception in 1707, Christ Episcopal Church has been an integral part of our community and has now grown to its current 223 parish families like 100-year old Clint Brelsford who has derived happiness as a parishioner for 97 years. Our churches play a vital role in our communities—providing people with a place to turn to for comfort when they are most in need. By strengthening our bonds of faith, Christ Episcopal gives its members a place to find their spiritual center and to solidify and support their values. The members of this special parish have also given much to the Town of Stratford. Throughout the years, as their membership grew so did their commitment to the enrichment of our community.

Christ Episcopal Church is so much more than simply a place of worship—it is the center of spiritual and community life for its members. For three hundred years, Christ Episcopal Church has been a fixture in Stratford. Through their ministry and outreach efforts, they have left an indelible mark on our community and continue to enrich the lives of others. I am proud to stand today and extend my best wishes to them as they mark this milestone in their history. Happy 300th Anniversary!

TRIBUTE TO MR. SHAUN HEENAN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor Mr. Shaun Heenan of the city of Dunkirk, New York, for his recent election as a member of the Chautauqua County Legislature. Following a close election victory on November 7, Mr. Heenan will represent the second district in the Legislature beginning January 1, 2008.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Heenan traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the voters of Chautauqua County.

Chautauqua County is blessed to have such strong candidates with a desire to make this county the wonderful place we all know it can be. Mr. Heenan is one of those people, and that is why, Madam Speaker, I rise to honor him today.

A PROCLAMATION HONORING THE UNIVERSITY OF IDAHO LIONEL HAMPTON INTERNATIONAL JAZZ FESTIVAL

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. SALI. Madam Speaker, I rise today in joining President George W. Bush in honoring the University of Idaho's Lionel Hampton International Jazz Festival. President Bush presented the National Medal of Arts award to University of Idaho President Timothy P. White in a White House ceremony yesterday.

The University of Idaho, located in Moscow, Idaho, is the first public university to receive this award since it was created by Congress in 1984. The award honors one of the Nation's premier jazz festivals, named in honor of the late, great jazz musician Lionel Hampton. I should note that the University of Idaho holds a special place in my heart, as I attended the university's law school, graduating in the class of 1984.

As described by the University of Idaho, "The festival began in 1967 and grew in presence and prestige through the decades. In 1985, the festival was renamed the Lionel Hampton/Chevron Festival in Mr. Hampton's honor and was rededicated as the Lionel Hampton International Jazz Festival in 2006. Mr. Hampton died in 2002 at the age of 94."

Lionel Hampton's vision of providing opportunities for professional musicians to mentor young, aspiring jazz artists has made the festival a remarkable success. A festival that began as a 1-day event has now evolved into a 4-day event that includes four concerts by professional jazz musicians, three student concerts and student performances that take place in 20 different locations on the campus and throughout the community. The festival also hosts a series of workshops.

This year's attendance included approximately 10,000 students from more than 300 schools, in addition to teachers, parents and local jazz enthusiasts. The festival has drawn leading jazz artists from around the world, including current director and six-time Grammy-nominated artist John Clayton, the late queen of jazz, Ella Fitzgerald, legendary trumpeter

Dizzy Gillespie and renowned jazz innovator Bobby McFerrin, among many others. The festival will celebrate its 41st anniversary February 20–23 of next year. I urge all my colleagues to join me in congratulating University President White, Festival Director Clayton, and former festival director Lynn "Doc" Skinner in accepting this tremendous honor on behalf of the University of Idaho.

CONGRATULATIONS TO CARROLL SENIOR HIGH AND CARROLL HIGH SCHOOL ON THEIR 5A GIRLS STATE CROSS COUNTRY STATE CHAMPIONSHIP

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. MARCHANT. Madam Speaker, it is with great pride and pleasure that I rise to honor the Carroll Senior High and Carroll High School's Lady Dragon Cross Country Team on their 2007 5A State Championship.

This is the Lady Dragon's first place win for the third consecutive year. The team learned days after the November 17th State 5A meet that they finished in first place. They were originally awarded second, following a tie breaker, but the University Interscholastic League later confirmed an error in the place results and awarded the Lady Dragon's with the top finish.

The Lady Dragon State Cross Country consists of 7 tremendous young women, including Seniors Taylor Stephens and Lauren Hill; Juniors Tara Upshaw, Lucia Xiong, Caitlin Gilbert and Jessica Ferber; and Sophomore Jessica Harper. They are coached by Robert Ondrasek.

I ask my colleagues to join me in congratulating the Lady Dragon's on a great season and their State Championship. The Carroll Senior High School and the Carroll High School deserve public recognition for this great honor and I extend my congratulations to the outstanding runners and coaching staff.

IN RECOGNITION OF MARCI NOVAK

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. SESSIONS. Madam Speaker, I rise today to recognize Marci Novak, the founder of For the Love of the Lake.

In 1995, Marci and a group of enthusiastic volunteers formed For the Love of the Lake, committed to the preservation and enhancement of White Rock Lake Park in Dallas, Texas. She envisioned turning a dirty, litter-filled lake into a clean and beautiful urban oasis. Under her leadership, For the Love of the Lake has expanded to thousands of volunteers and implemented creative new programs such as the White Rock 'n' Roll Run, Adopt-a-Shoreline, and the Celebration Tree Grove project.

Whether rain or shine, warm or cold, Marci has spent countless Saturdays at White Rock Lake over the years. As a result of her hard work, For the Love of the Lake has received countless contributions from the local community as well as grants from Dallas Park and Recreation Department. We share a common vision—a clean and magnificent environment where children can play and wild life can flourish. It was that shared vision that spurred my involvement, which began in 1995. I am grateful for Marci—for her getting me involved in such a wonderful and valuable organization and for her dedication, which has ensured that White Rock Lake Park can continue to be enjoyed by families, local citizens, and visitors.

Madam Speaker, I ask my esteemed colleagues join me in expressing our heartfelt gratitude for her passion and hard work.

A PROCLAMATION HONORING KEVIN MILLER FOR WINNING THE DIVISION III STATE GOLF TOURNAMENT

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. SPACE. Madam Speaker:

Whereas, Kevin Miller showed hard work and dedication to the sport of golf; and

Whereas, Kevin Miller was a supportive team player; and

Whereas, Kevin Miller always displayed sportsmanship on and off of the green; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Kevin Miller on winning the Division III State Golf Tournament. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007 golf season.

A TRIBUTE TO JESSE L. BLANDING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Jesse L. Blanding. Jesse was born in Lugoff, South Carolina to Bergegard and Mazie Blanding. He is 1 of 7 children, 2 boys and 5 girls.

Jesse was educated in the Lugoff School System, graduating from Jackson High School in 1962. Upon his graduation, he obtained a job with the City of Columbia as a laborer. He eventually worked his way up to machinist and later, bricklayer.

Jesse relocated to New York City gaining employment at Standard Plating where he was able to display his willingness to work hard. It all paid off when he received a promotion to foreman. After 5 years, he went to work for the Nice Fuel Oil Company. After 3 years he left Nice Fuel and went to work for Wally Fuel where he stayed for 17 years.

Jesse is a busy member of New Canaan Baptist Church. He has worked as the bus driver and maintenance person for New Canaan's bus company. Jesse's memberships in various ministries include: former president of the Male Chorus, Chairman of the Musician's Appreciation Committee, and membership in the South Carolina Club. He is instrumental in the renovation of New Canaan and its day to day upkeep.

Madam Speaker, I would like to recognize the hard work and achievements of Jesse Blanding.

Madam Speaker, I urge my colleagues to join me in paying tribute to this kind and tenacious man.

TRIBUTE TO THE SNOWBOARD OUTREACH SOCIETY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to acknowledge the great work of the Snowsports Outreach Society (SOS Outreach), based in Vail, Colorado, which is dedicated to providing outdoor recreation and confidence-building opportunities to underprivileged youth.

The snow sports industry is an essential part of Colorado's lifestyle, economy and image. Colorado's mountainous terrain and world class resorts have set the standard for the ultimate experience in sliding on snow. As co-chair of the Congressional Ski and Snowboard Caucus and an avid skier myself, I understand the importance of this outdoor activity—in all its forms—for its physical health benefits and the recreation economy of Colorado and the country's ski resorts.

SOS Outreach complements the benefits of snow sports by providing dynamic programs to 2,500 youths in need nationwide. During the current season, 2,000 Colorado participants will be enrolled in a 7-year curriculum. I am proud to support the work that they do to grow the sport and promote positive self-esteem in their participants.

Now celebrating its 14th anniversary, SOS Outreach was founded in Vail, Colorado in 1993. SOS Outreach is a grassroots, 501(c)(3) organization. Through the work of its founder and executive director, Arn Menconi and former director of snowboarding for Vail Resorts, Ray Sforzo, a charity was developed that appealed to the mountain resort's desire to build the community by serving underprivileged youth.

SOS Outreach first introduced youth to the benefits of outdoor recreation during the 1995–1996 season when they taught 40 youths snowboarding. They were provided with one day of free lessons, equipment and lift tickets. Since their first season, SOS Outreach has partnered with mountain resorts, youth agencies, foundations, corporations and individual donors to expand their curriculum and serve over 7,500 youths. SOS Outreach is further leveraging their partnerships to expand their programs and include skiing. Over 7,000 program days will be provided at 29 resorts across the country, 13 in the State of Colorado.

SOS Outreach reaches out to its participants by providing a high quality, resilience-based program that positively impacts self-esteem and ability to participate positively within their communities; supports underserved youth through adult mentorship; and encourages personal character education through SOS Outreach's 5 core values of courage, discipline, integrity, wisdom, and compassion. In using snowboarding and skiing as the carrot, SOS Outreach also sets personal, academic and athletic goals with kids and provides vocational skills training. Their curriculum is recognized nationally for its impact.

The dynamic programming they provide would not be successful without the substantial support of the following individuals and organizations. I would like to recognize and thank each of them for sustaining such a program in Colorado:

Bill Jensen and Kara Heide of Vail Resorts; Ken Gart and everyone at Specialty Sports Venture; Chris Ryman of Booth Creek Ski Holdings; Colorado Mountain Resorts for their donation of lift tickets, lessons and rental equipment; Harry Frampton and Ceil Folz of the Vail Valley Foundation; Robert Veitch of the Harold W. Shaw and Mary Louise Shaw Foundation; Linda Childers of the Daniels Fund; William Hybl of the El Pomar Foundation; Bill Cotton of Optic Nerve Sunglasses; Robert Marcovitch of K2 Inc.; Mike West of 686; Wendy and Mike Carey of Seirus; Chaos Hats; Ride Snowboards; Salomon Sports; Sutherland Foundation; Bob Hernreich; Kay and Craig Tuber; to the staff of SOS Outreach: Am & Anne Menconi, Michelle Hartel, Jon Garrou, Seth Ehrlich, Jody Link, Thersa Bisio; and, the hundreds of adults that give of themselves to be positive mentors to these young people.

Madam Speaker, I ask my colleagues to join me in thanking SOS Outreach for its great work and extending our wishes for continued success and instilling a love for the outdoors and snow sports—and personal achievement and self confidence—for many young people.

THE PASSING OF CONGRESSMAN HENRY HYDE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. COSTELLO. Madam Speaker, I rise today to honor the passing of our colleague from Illinois, Henry J. Hyde. Congressman Hyde served in the House of Representatives for over 30 years and his respect for this body and the United States of America was a hallmark of his career. Volunteering to serve in the Navy during World War II, he played basketball at Georgetown, graduated from Loyola law school and eventually chaired both the Judiciary and International Relations Committees, presiding over both with the same dignity and eloquence with which he treated all floor debate.

Henry was perhaps best known as Congress's leading voice for protecting the unborn. During his first term, he was successful in enacting the "Hyde amendment," which outlawed the Federal funding of abortion in most cases, and still stands today. But what stands out equally to many of us is the way he handled this advocacy, always arguing passionately, always arguing forcefully, but always arguing his beliefs with a grace and tact that provided for an honest exchange on the most contentious of issues. This is a great lesson for all of us today, that even when we disagree, we should debate the issues on their merits, with the highest levels of decorum.

Madam Speaker, Henry Hyde was an influential presence in the House of Representatives and both national and Illinois politics. He will not soon be forgotten, and I send my condolences to his family.

A PROCLAMATION HONORING JOSEPH AGIN FOR WINNING THE DIVISION III STATE GOLF TOURNAMENT

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. SPACE. Madam Speaker:

Whereas, Joseph Agin showed hard work and dedication to the sport of golf; and

Whereas, Joseph Agin was a supportive team player; and

Whereas, Joseph Agin always displayed sportsmanship on and off of the green; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Joseph Agin on winning the Division III State Golf Tournament. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007 golf season.

A TRIBUTE TO PAUL AJLOUNY, ESQ.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to the work and achievements of Paul Ajlouny. Paul was born in 1959 in Detroit, Michigan. He moved to Hempstead, Long Island in 1965.

Paul graduated from Chaminade High School in Mineola, New York in 1977. He earned a Bachelor's of Science Degree from American University of Beirut with a double major of Biology and Chemistry, graduating with honors. Afterwards he attended American University of Beirut's Medical School.

Paul became Vice-President of Export for Omar International Grain and Trading Company in 1983. In 1989, he left there and became a Hospital Administrator. Following his stint at the hospital, he decided to return to college and enrolled in St. John's Law School. He graduated from St. John's in 1999.

Paul now has a private practice specializing in personal injury law. His firm serves poor and disadvantaged clients throughout the Boroughs of Brooklyn and Queens. He is a member of the Nassau County Bar Association; the Trial Lawyers of America; The New York State Bar Association; and the American Bar Association.

Madam Speaker, I would like to recognize Paul Ajlouny, Esq. for his contributions to our community and for providing his legal expertise to those who need it most.

Madam Speaker, I urge my colleagues to join me in paying tribute to Paul Ajlouny.

HONORING SCOTT ADAMCHESKI

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to honor Mr. Scott Adamcheski for his exemplary courage. Scott Adamcheski is a fireman with Station No. 5 in Boulder, Colorado. On October 26, 2007 he was one of a group of firefighters who responded to a call at the Gold Run Apartment Complex.

Upon arrival Mr. Adamcheski searched one of the apartment buildings for anyone who may have been trapped by the ensuing flames. Mr. Jordan Brooks, a senior at the University of Colorado, cried for help as he lay choking on the 3rd floor. Mr. Adamcheski found the student, immediately called for backup and brought Mr. Brooks to safety through a window he had to break.

This is just one example of the risks firefighters take every day. Mr. Adamcheski's bravery was called to my attention and while I am sure he takes his actions in stride as the kind of thing he and his fellow firefighters contend with routinely, and as a part of their professional training, I think the rest of us marvel at the personal courage it takes to face fires and rescue people. In this spirit, I want to acknowledge the other firefighters at Station No. 5 in Boulder and all the firefighters in America who risk their lives us to keep our communities safe.

As a prime example of the courage and heroism that firefighters exhibit every day, and to recognize Scott Adamcheski for his service, I ask my colleagues to join with me in thanking him, and acknowledging the efforts of firefighters across America.

IN MEMORY OF GARY GALLOWAY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. GALLEGLY. Madam Speaker, I rise in memory of Gary Galloway, who passed away November 21 at the age of 56.

Gary Galloway was a detective at the Simi Valley, California, Police Department, which is an understatement of the important work he performed there. For 21 of the 29 years Gary served the Simi Valley community, he investigated child sexual abuse cases and other crimes against persons.

Twenty-one years is a long time for a detective to investigate child sex abuse cases. Most officers suffer from an understandable burnout confronting the worse a criminal can do to a child. But Gary was passionate about protecting children. He was equally a skilled and hardworking detective.

Countless lives have been protected because of Gary's diligence and professionalism. Equally, many individuals were cleared of false allegations because of Gary's dedication to the truth.

I met Gary when I was elected to the Simi Valley City Council and he was a new officer, and got to know him through many ride-alongs with him on patrol. I followed his career through my years as mayor and as congressman. He was a respected friend who I visited with just a few weeks ago during the Simi Valley Days Parade.

Gary served as a reserve officer before joining the Police Department full time in 1980. He quickly made his mark as a patrol officer and a field training officer. Then he joined the detective ranks and was assigned to child sex abuse cases. He never looked back.

Madam Speaker, I know my colleagues will join me in honoring the memory of Gary Galloway and his decades of service to public safety and particularly in his work to protect our children. In addition, I know my colleagues join me in extending our condolences to his wife, Victoria, and his adult sons, Gregory, Robert, and Darren, and to all whose lives Gary touched privately and professionally.

Godspeed, Gary.

A PROCLAMATION HONORING TYLER GERBER FOR WINNING THE DIVISION III STATE GOLF TOURNAMENT

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. SPACE. Madam Speaker:

Whereas, Tyler Gerber showed hard work and dedication to the sport of golf; and

Whereas, Tyler Gerber was a supportive team player; and

Whereas, Tyler Gerber always displayed sportsmanship on and off of the green; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Tyler Gerber on winning the Division III State Golf Tournament. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007 golf season.

A TRIBUTE TO WILLIAM B. JONES, MD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to William B. Jones. Dr. Jones is dedicated to the study of science, as he has worked endlessly to contribute his time and attention to the medical field.

Dr. Jones was educated at Morehouse College with a Bachelor of Arts degree. He later went on to attend Georgetown Medical School in Washington, DC, where he became a Medical Doctor.

Dr. Jones is fortuned with the impressive opportunity to have a private practice in Hempstead, New York. He is also the Chairman for the Department of PM&R at Island Medical Center, and Resident Physician at the Nassau County Medical Center in East Meadow, New York.

Dr. Jones is a busy member of the American Academy of Physical Medicine & Rehabilitation; the Physiatric Association of Spine, Sports & Occupational Rehabilitation; The New York State Society of Physical Medicine & Rehabilitation; Nassau Medical Association; American Medical Association; and the American Institute of Ultrasound in Medicine.

Madam Speaker, I would like to recognize the hard work and achievements of William B. Jones, MD. Madam Speaker, I urge my colleagues to join me in paying tribute to this kind and tenacious man.

CONGRATULATIONS TO CARMEL CATHOLIC HIGH SCHOOL

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. KIRK. Madam Speaker, I rise today to recognize Carmel Catholic High School in Mundelein, IL, for being named a 2007 No Child Left Behind Blue Ribbon School.

Nearly 1,500 students, ages 13 to 18, attend Carmel Catholic High School. Carmel Catholic is one of only 5 high schools nationwide to win the Blue Ribbon School award 4 times. With a great devotion to learning and academic achievement, Carmel is a faith-based community that attributes their success to the dedication and hard-work of their teachers. As a result, these students consistently score above State and national averages on standardized tests in all subject areas. In addition, it is the only high school in Illinois and one of three private high schools in the Nation to be recognized.

Carmel Catholic is among 287 schools from across the Nation chosen by the Secretary of Education to receive this acknowledgement. These schools have distinguished themselves by embodying the goals of reaching high standards and closing the achievement gap. Schools selected for this honor either have students from all subgroups that have demonstrated significant improvement or have students that achieve in the top 10 percent of their State on statewide tests.

This is a great honor for the 10th District and I congratulate the principal, Fr. Robert C. Carroll, the students, and teachers at Carmel Catholic High School for this achievement.

A PROCLAMATION HONORING MICHAEL DAGUE FOR WINNING THE DIVISION III STATE GOLF TOURNAMENT

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. SPACE. Madam Speaker:

Whereas, Michael Dague showed hard work and dedication to the sport of golf; and

Whereas, Michael Dague was a supportive team player; and

Whereas, Michael Dague always displayed sportsmanship on and off of the green; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Michael Dague on winning the Division III State Golf Tournament. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007 golf season.

A TRIBUTE TO MRS. SARAH V. KENNEDY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. TOWNS. Madam Speaker, I rise to pay tribute to Mrs. Sarah V. Kennedy. Mrs. Kennedy has served the Brooklyn community as an outstanding citizen and advocate for fair work ethics and job security.

Sarah, born in Brooklyn, NY to the Rev. Febber and Hattie Ruth Kennedy, at Coney Island Hospital is the seventh of ten siblings. She was educated in the New York City public school system. Sarah attended Clara Barton High School where she majored in Cosmetology. After graduation she continued her education by attending Brooklyn College where she majored in Early Childhood Development.

Upon completion of her studies, Sarah found employment at P.S. 80 as a Kindergarten teacher. Sarah taught for 3 years and then moved on to the New York City Housing Authority. There, Sarah worked for a grassroot federally-funded poverty program for approximately 8 to 10 years. Sarah later went on to serve as a Social Health Technician in Psychology at Coney Island Hospital and also began her involvement with DC37's Local 420 union under the leadership of the late James Butler. Sarah made it a point to become involved with the union and became the Local 420's Chapter Chairperson. As the chapter's chairperson, Sarah was instrumental in fighting for union members to receive respect, fair work ethics, and job security. Her role in the Local 420's campaign for equality assisted in preventing the closing of Coney Island Hospital by the former Mayor Giuliani.

Sarah's many accomplishments and achievements as the Local 420's Chapter Chairperson helped to catapult her into the esteemed position of being the first ever Executive Vice President for DC37, Local 420.

Madam Speaker, I would once again like to recognize the impressive achievements of Mrs. Sarah V. Kennedy. The dedication and contributions that Sarah Kennedy has given to the Brooklyn community are greatly appreciated and continue to constructively develop our district.

Madam Speaker, I urge my colleagues to join me in paying tribute to this extraordinary woman and the great things that she stands for.

TRIBUTE TO MAYOR LOU BONE OF TUSTIN, CA

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. CAMPBELL of California. Madam Speaker, I rise to pay tribute to Mr. Lou Bone, Mayor of the City of Tustin, California. Mayor Bone is one of Orange County's most dedicated, distinguished, and honorable citizens. He has had the honor to serve as Mayor of the great city of Tustin twice during his public service career, first in 2005, and now in 2007.

Lou Bone is a second generation Californian, who has lived in Tustin with his wife, Carol, since 1969. He has 40 years of business management experience as a corporate president, and small business owner. He brought his knowledge from the private sector to serve the city of Tustin in 2000.

Madam Speaker, Mayor Bone is an American Citizen with a passion for service. He has a long history of community service, including service as President of Tustin Chamber of Commerce, Chairman of the Tustin Planning Commission, and Chairman and founding member of Tustin Pride, a community based organization dedicated to making the City of Tustin more attractive.

For his service in the Tustin community as a public servant and businessman, Lou has received several notable awards which include being named Tustin Man of the Year, the California Chamber of Commerce's Small Business Advocate of the Year, and the California Secretary of State's Ingenuity in Business Award.

I know Mr. Bone's family is extremely proud of his accomplishments, as am I. He has worked tirelessly to improve his community and his efforts should be emulated by future public servants in Tustin.

Madam Speaker, I am proud to honor Mayor Lou Bone today as an outstanding American citizen and public servant.

A PROCLAMATION HONORING JOSH MILLER FOR WINNING THE DIVISION III STATE GOLF TOURNAMENT

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. SPACE. Madam Speaker:

Whereas, Josh Miller showed hard work and dedication to the sport of golf; and

Whereas, Josh Miller was a supportive team player; and

Whereas, Josh Miller always displayed sportsmanship on and off of the green; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Josh Miller on winning the Division III State Golf Tournament. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007 golf season.

A TRIBUTE TO MR. DECOSTA HEADLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Mr. DeCosta Headley. Mr. Headley has served the Brooklyn community as an advocate for social service programs and making a progressive change in our district.

Mr. Headley graduated from Shaw University in Raleigh, North Carolina, with a B.A. in Behavioral Science. He resides in East New York with his wife and two daughters.

Mr. Headley's philanthropic activities are well known throughout the East New York/Brownsville communities. He has served on various local community planning boards; and was the founder of the community's first local development corporation, resulting in over 3,000 new jobs. Mr. Headley was also the founder of the Federation of Block Associations for East New York. He spent several years as a social worker, and in the late 1970s became the executive director of numerous group homes for at-risk youth within the East New York/Brownsville communities. Among Mr. Headley's notable achievements is the Federation of Addiction Agencies, which was established to provide a drug-free treatment program in East New York and Brownsville.

As a successful entrepreneur, Mr. Headley is President of Diversified Inch By Inch, Inc., one of the city's top African-American general contracting firms. Always in the forefront of serving his community, Mr. Headley's company has built local medical and dental facilities for Oxford Health Plans, Brookdale Hospital & Medical Center, and Interfaith Medical Center. Mr. Headley has enhanced his entrepreneurial spirit by aiding local churches within the five boroughs acquire land for the use of building senior citizen housing and youth centers.

For over 16 years, DeCosta Headley served as District Leader for the 40th Assembly District in the East New York section of Kings County. Throughout his career, Mr. Headley has dedicated himself to enhancing the quality of life for his constituents. Those efforts have resulted in college scholarships, employment opportunities, affordable housing, and increased public services. Now retired from the position, he continues to play an active role in the political landscape of Brooklyn, by successfully operating the campaigns of candidates seeking seats on the city, state, and federal levels of government within and outside the state of New York. Mr. Headley's efforts have led him to receive several community awards including: The Martin Luther King, Jr. Foundation Award and the Mayor's Award for Community Service.

Madam Speaker, I would once again like to recognize the impressive achievements and contributions that Mr. DeCosta Headley has made to the Brooklyn Community. The dedication that Mr. Headley has displayed throughout his career continues to constructively develop our district.

Madam Speaker, I urge my colleagues to join me in paying tribute to this remarkable man and the great things that he stands for.

A PROCLAMATION HONORING AUSTIN YODER FOR WINNING THE DIVISION III STATE GOLF TOURNAMENT

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. SPACE. Madam Speaker:

Whereas, Austin Yoder showed hard work and dedication to the sport of golf; and

Whereas, Austin Yoder was a supportive team player; and

Whereas, Austin Yoder always displayed sportsmanship on and off of the green; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Austin Yoder on winning the Division III State Golf Tournament. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007 golf season.

A TRIBUTE TO ELIJAH T. GREEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Elijah T. Green of Bushwick, New York.

Mr. Green is currently enrolled in high school at Eastern Brooklyn Congregation for Public Service in Bushwick, New York. He previously attended PS 297, Abraham Stockton School, and IS 33, Mark Hopkins Intermediate School, located in Bedford Stuyvesant.

Mr. Green was born February 15, 1991 and 7 short years ago joined and was baptized, in June of 2000, at New Canaan Baptist Church. Since joining New Canaan Mr. Green has been actively involved with five ministries; the RJL Youth Choir, the Junior Male Chorus, the Usher Board, the Pulpit Nurses, and the anniversary Committee.

Mr. Green credits Rev. Richard J. Lawson, who has taught him the meaning of respect, leadership, devotion, pride, and most of all how to be a young man of God. Mr. Green believes that a man's steps are ordered by God.

Madam Speaker, I would like to recognize Mr. Green for his contribution to his church and community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful young man.

TRIBUTE TO MICHAEL NYE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. BERMAN. Madam Speaker, I rise to pay tribute to my good friend Michael Nye on the occasion on his retirement from California Federation of Teachers (CFT). For the past 12 years Michael has served as CFT's Secretary-Treasurer—handling all the financial matters, promoting its growth, implementing agency fees, working with independent unions gathering their support and representing CFT at political, labor and community events. Michael is a well-respected and admired man of integrity, honesty and dedication. I have had the pleasure of working with Michael for many years and know firsthand of his outstanding accomplishments and tireless dedication on behalf of teachers and organized labor.

Born in Chicago, Michael first learned about the labor movement from his relatives who were involved in the teachers and the musicians unions. He moved with his family to California, where he studied political science, history and philosophy at San Diego State University. While attending the University, he worked as an instructional aide in the San Diego Unified School District. He continued his studies at Fresno State, earning a secondary Teaching Credential in American Government. There he received a grant from the Model United Nations of the Far West to be the Registrar of the International Court of Justice. Michael taught at Lincoln High School in the San Jose United School District while studying to complete his Masters degree in political science at the Cal State University at Hayward.

Michael also taught Labor Studies at numerous Bay Area Community Colleges including San Jose City College, West Valley College, San Francisco City College and Merritt College in Oakland. And he taught Labor Studies and Political Science at San Francisco State University.

Michael's personal experience in the labor movement began at the early age of 24 when he was elected Vice President of the San Jose Federation of Teachers, AFT Local 957. Shortly thereafter he became its President. Two years later, he served as Vice President of CFT and was elected Business Manager of the Central Council of Santa Clara at the young age of 31 years.

Michael left the Bay Area 11 years ago to become the Executive Director of the Western Region of the Jewish Labor Committee in Los Angeles. In 1994, Michael was asked to accept the position of Secretary Treasurer of CFT, completing the circle in the teacher union movement started 25 years earlier. Currently Michael serves as President of the Western Region of the Jewish Labor Committee, and also serves as a board member of the United Labor Bank, a unionized and union owned bank.

I ask my colleagues to join me in saluting Michael Nye for his lifetime of service to students, teachers and the labor movement.

A PROCLAMATION HONORING THE GARAWAY GOLF TEAM FOR WINNING THE DIVISION III STATE GOLF TOURNAMENT

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. SPACE. Madam Speaker:

Whereas, the Garaway Golf Team has displayed dedication to the sport of golf; and

Whereas, the Garaway Golf Team have been supportive of their teammates; and

Whereas, the Garaway Golf Team has broadened their abilities and skills in the sport of golf; and

Whereas, the Garaway Golf Team always displayed sportsmanship on and off of the greens; now, therefore, be it

Resolved, that along with their friends, family, and the residents of the 18th Congressional District, I congratulate the Garaway Golf Team on winning the Division III State Golf Tournament. We recognize the tremendous hard work they have demonstrated during the 2007 golf season.

A TRIBUTE TO YVONNE GRAHAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and to honor our Brooklyn Deputy Borough President Yvonne J. Graham. Yvonne was born and raised in Jamaica, West Indies. She moved to New York in 1979. Yvonne has a Bachelor's Degree in Health Administration and Community Health from St. Joseph's College and a Master's Degree in Public Health from Hunter College. She also completed the Executive Program in Business Administration at Columbia University School of Business and more recently, an Honorary Doctorate of Law Degree that was conferred on her by her alma mater St. Joseph's College. Yvonne, also a registered nurse, has worked in the emergency room of Brookdale Hospital.

Yvonne has been a pioneer and a champion in the area of public health for more than 20 years. Before accepting her post as Brooklyn's Deputy Borough President, Yvonne founded and was Executive Director of the Caribbean Women's Health Association which provides comprehensive, culturally-sensitive health care, immigration, and social support services to diverse communities. Her vision was critical to the 2005 founding of Brooklyn's first Center on Health Disparities which is working to reduce cardiovascular disease, HIV/AIDS, tuberculosis, infant mortality, asthma, and diabetes among minority communities. The center is an innovative partnership with the Borough President's Office, SUNY Downstate Medical Center and the Arthur Ashe Institute for Urban Health.

Yvonne has led the effort to increase the number of women in leadership positions in government, business, and industry by spearheading the Women's Leadership Initiative. This is a partnership between academic institutions, government agencies, community-based organizations, and the private sector that brings women together for dialogue and networking.

Yvonne was instrumental in the co-naming of Flatbush's Nostrand Avenue in honor of Haitian revolutionary hero Toussaint L'Ouverture. She served on the Mayor's Committee on Immigration; the New York City HIV Planning Council; and the Mayor's Commission on the Status of Women.

Yvonne has been the recipient of numerous awards and honors for her achievements in community service, including YWCA's Women of Distinction Award; National Association of Black Social Workers' Public Citizen of the Year Award; the Marcus Garvey Medal of Honor; and the Frederick Douglass Medal of Honor just to name a few.

Madam Speaker, I would like to recognize Brooklyn Deputy Borough President Yvonne Graham for her many accomplishments and all of her efforts to ensure that our most vulnerable citizens have access to healthcare.

Madam Speaker, I urge my colleagues to join me in paying tribute to Yvonne J. Graham.

A TRIBUTE TO MR. BILLY C. HINES, PROFESSOR—ELIZABETH CITY STATE UNIVERSITY

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. BUTTERFIELD. Madam Speaker, I rise today and ask my Colleagues in the United States House of Representatives to join me in paying tribute to Professor Billy C. Hines, one of Elizabeth City State University's most accomplished Professors.

Madam Speaker, Mr. Hines is now in his 33rd year as Professor of Voice, Director of Choral Activities and Artist-In-Residence at Elizabeth City State University. He holds a Bachelor of Arts degree in Music Education from Stillman College and a Masters of Arts and Masters of Education degree in Music and Music Education from Teacher's College at Columbia University. Further, he holds a Certificate in Managing the Arts from the University of North Carolina at Chapel Hill.

Professor Hines has propelled the Elizabeth City State University Choir to a world renowned status. The University Choir, acclaimed as an "incredible group of voices," performs annually on tour throughout the United States, Europe and Africa and on campus. In May, 2005 Professor Hines arranged for the choir to travel to Nigeria, West Africa for a 15-day tour of seven cities. Its eclectic musical taste and resplendent audience appeal thrilled the standing-room only audiences everywhere they performed.

Madam Speaker, also in 2005, I am proud to announce that the University Choir was featured at the Congressional Black Caucus Foundation's Annual Legislative Conference Gospel Extravaganza under the inspiring directorship of Professor Hines. The performance was amazingly captivating.

In 1985, Professor Hines took advantage of an opportunity for his Choir to tour the Grand Bahamas Islands. Enthusiastic audiences received them everywhere they sang. In 1980, Governor James B. Hunt invited the University Choir to perform for his historic second consecutive inauguration as Governor of North Carolina.

Madam Speaker, although Professor Hines is a native of Alabama, North Carolina has adopted him as their own. He is an accomplished baritone soloist, a skilled adjudicator, clinician, and conductor. In past years he has conducted the Wayne County North Carolina School Spring Music Festival, the Junior High Honors Chorus as well as the Senior High Women's Chorus at the Summer Music Camp of the University of Wisconsin. Professor Hines has left lasting impressions with his outstanding performances with the North Carolina Junior High All-State Chorus, and with his contribution to the Edgecombe County Choral Festival.

Locally, Professor Hines has directed the Evelyn A. Johnson Community Singers for the past 25 years. The Singers are especially known for their annual rendering of Handel's Messiah, a free performance held for the public at various sites. For over 10 years Professor Hines has been invited to conduct a week-long workshop and concert of the Interstate Church Musicians and Choir Guild. Over 80 church musicians from throughout the Roanoke-Chowan area participate each year.

Madam Speaker, Professor Hines' accomplishments are limitless and I value this rare opportunity to share this abbreviated account with my Colleagues. On behalf of my Colleagues and the great state of North Carolina, I wish Professor Hines God's blessings as he continues to share his extraordinary talents with our great Nation.

A TRIBUTE TO POLICE OFFICER ANTHONY SAUNDERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Officer Anthony Saunders of the 79th Precinct. Officer Saunders was born in Bedford Stuyvesant, Brooklyn and is the second of 4 children. Officer Saunders has been married for 13 years to his wife Michelle, and from that union they have 3 beautiful children.

Officer Saunders was appointed to the New York City Police Department on July 5, 1989. He was assigned to the field training unit in South East Queens where he performed foot patrol duties within the confines of the 100th, 101st, 105th, 106th, and 113th Precincts. In October of 1991, he was transferred to the 45th Precinct in the Bronx where he served as a patrolman on the midnight shift for approximately 2 years with "above standards" evaluations. In 1993, Officer Saunders was transferred back home to the 79th Precinct where he has performed numerous duties to include the Conditions Unit, the Grand Larceny Auto Unit, the Domestic Violence Unit, and the Street Narcotics and Anti-Crime Units.

After 12 years on patrol in the heart of Bedford Stuyvesant, Officer Saunders was assigned to the Community Affairs Unit and for the past 3 years his experience and expertise has resulted in improving community relations by helping to encourage and foster a strong partnership between the community and the 79th Precinct. Officer Saunders collaborates with local officials; community-based organizations, schools, and houses of worship in Bedford Stuyvesant. He plays an active role in organizing parades, demonstrations, rallies, and various community events.

Madam Speaker, I would also like to recognize that Officer Saunders has been instrumental in closing the gap between the community and the New York City Police Department.

Madam Speaker, I urge my colleagues to join me in paying tribute to this outstanding officer of the New York City Police Department.

A TRIBUTE TO AARON S. BELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Mr. Aaron S. Bell, a recent high-school graduate, and role model. He graduated from Springfield Gardens High School in Springfield Gardens, Queens, New York in 2006, with honors. He was on the Principal's Honor Roll for 4 consecutive years. He was also selected for the Principal's Leadership Program. Mr. Bell served as a Peer-Regents Tutor. He was a 2-year 3rd Grade Teacher for a day, under the Junior Achievement Program, and was a major contributor to the formation of the SAT Prep and Peer Math Clubs. He considers his greatest high school achievement was graduating with a "Regents-Advanced Diploma."

Mr. Bell was born on December 22, 1988 at Long Island Hospital College in Brooklyn, New York, to proud parents, Steven and Robin Bell. He is their third child, and the sibling of Steven L. Bell Jr., and Shakima M. Bell.

As of December 22nd, Mr. Bell will hit the 19-year mark, as a member of the New Canaan Baptist Church. He has served on the Junior Usher Board/Usher Board #2, and as a student of the Christian Education Ministry. He has also been a faithful member of the Sunbeam, Junior Male Chorus, RJL Youth choirs, and the Youth Praise Team.

Mr. Bell has participated in and remains active as a member of the All Starts Project, Inc. He began as a student in the Development School for Youth sector, a corporate business training program, which provides corporate hands-on-training by business executives and professionals.

After graduating in the Fall of 2005, from the Development School for Youth, Mr. Bell became an active volunteer and participant in many corporate-sponsored luncheons, galas and conferences, as a host to some of New York's Top Corporation executives, such as Ernst & Young, Credit Suisse, Merrill Lynch, Winston & Strawn LLP, Latham & Watkins LLP, and many others. Currently, he is a new staff member of the Productions Team for the All Stars Project, Inc.'s Talent Show Network.

Madam Speaker, I would like to recognize Aaron S. Bell for his achievement as a young scholar, and dedicated community youth leader.

Madam Speaker, I urge my colleagues to join me in paying tribute to this very industrious individual.

A TRIBUTE TO DR. W. RUTH WHITNEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to the very distinguished, Dr. W. Ruth Whitney. Dr. Whitney is married to the Reverend Dr. Curtis L. Whitney, and is the First Lady of the Mt. Sinai Baptist Church in Brooklyn, New York. She is also a proud mother and grandmother.

Dr. Whitney received her Bachelor of Science Degree from the New York State University at Old Westbury. She earned her Masters Degree in Social Work from Adelphi University, located in Garden City, Long Island.

Dr. Whitney is an active community servant in the borough of Brooklyn, where she resides. Dr. Whitney's outstanding leadership propelled her to the forefront of movements that promote positive change and development to enhance the quality of life in many diverse communities throughout the Nation. New York Newsday named her "Outstanding Personality of the Week" in 1992. She received the "Woman of Distinction Award", presented to her by New York State Senator Velmanette Montgomery in 2001. She establishes programs for Christian education and Christian leadership throughout the Nation.

Dr. Whitney is the Assistant Dean of the Interdenominational Ministers' Wives & Ministers' Widows; Vice-President (Kings County), Ministers' Wives and Ministers' Widows Fellowship of Eastern Baptist Association; First-Vice President, New York State Interdenominational Ministers' Wives & Ministers' Widows; Vice President, Empire State Convention Ministers' Wives & Ministers' Widows; Member of the National Black Alcoholism Council, Inc.; Member of Lefferts Gardens Civic Association of Brooklyn, NY, Inc; and Co-Instructor for class: "Marriage & Family for Couples", at the National Baptist Congress of Christian Education. Dr. Whitney is also Dean, Empire Baptist State Convention Ministers' Wives & Ministers' Widows; President, Eastern Baptist Association of Ministers' Wives & Widows, Fellowship of New York; President, Baptist Ministers' Wives & Ministers' Widows of Greater New York & Vicinity; Assistant Secretary, Empire State Convention Ministers' Wives & Ministers' Widows; Founder, New Members Ministry, Mt. Sinai Baptist Church, Brooklyn, NY;

and Advisory Council Member, New York Organ Donor Network—Saving lives through organ and tissue donation.

Madam Speaker, I would like to recognize the impressive achievements of Dr. Whitney for her contribution to the betterment of communities throughout Brooklyn, New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to the very distinguished Dr. W. Ruth Whitney.

TRIBUTE TO CUB SCOUT PACK 203

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. LATHAM. Madam Speaker, I rise today to congratulate Cub Scout Pack 203 of Clear Lake and Ventura in North Central Iowa on their 50th Anniversary.

Chartered in December of 1955, Cub Scout Pack 203 provides teaching, service and leadership opportunities to approximately 50 boys in first through fifth grades. Aided by the participation of their families and adult leaders, each member practices Cub Scouting's Twelve Core Values that include citizenship, compassion, cooperation, courage, faith, health and fitness, honesty, perseverance, positive attitude, resourcefulness, respect and responsibility. Pack 203 participates in many service activities such as Earth Day events, collecting uniforms and supplies for stricken Gulf Coast scout units, and sending care packages to our military overseas.

The mission of the Boy Scouts of America is "to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law." For 50 years Pack 203 has instilled these respected values in young men, preparing them to be productive and honorable citizens in their communities.

I congratulate Cub Scout Pack 203 of Clear Lake and Ventura, Iowa, on this historic anniversary. It is an honor to represent each member of this remarkable Pack in Congress, and I wish them continued success.

TRIBUTE TO REV. DR. SAMMIE DAVIS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to a remarkable gentleman, Reverend Dr. Sammie Davis in the celebration of his 80th birthday on November 27, 2007.

A pastor for over 52 years and the only preacher at Fellowship Baptist Church for 44 years, Reverend Davis is a true pillar of the Dallas community.

A graduate of Dallas Independent School District, Reverend Davis continued to pursue his educational goals, attending Bishop College, Southern Methodist University, UCLA and earning a doctorate from the University of Asawan in Egypt.

Extending his love of family beyond his own fifteen children, Reverend Davis has worked tirelessly to improve the lives of children and youth in his community. Whether shelter, food or simple guidance was needed, Reverend Davis could always be counted on to extend a helping hand. As Founder and Executive Director of Fellowship War on Drugs Program in Dallas, he also fought to redirect the lives of those affected by drug abuse in southern Dallas.

Madam Speaker, I ask that my colleagues join me in honoring Reverend Sammie Davis on reaching the milestone year of 80, and I wish him many future years of happiness and enjoyment in his personal and professional endeavors.

FAIR TAXES FOR SENIORS!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. FILNER. Madam Speaker, I would like to call to your attention H.R. 4254, the Fair Taxes for Seniors Act, a bill I have just introduced that would provide financial relief to our Nation's senior citizens.

The Fair Taxes for Seniors Act would provide a one-time increase in the capital gains tax exemption on the sale of a home for citizens who are 50 or older. While home prices have decreased from their all-time high, the tax burden is still there for senior citizens who have lived in their home for many years. Passing this bill would give many seniors the additional money they need for nursing home care, medical costs, and other retirement expenses.

The current capital gains tax exemption works well for younger people who often move from job to job, selling their homes. The current exemption works well for people who live in areas where housing prices are below average. But it is not working for individuals who have lived in one home for 20 to 50 years and have a capital gain that is much larger than the present exemption. In other words, it is not working for seniors who live in areas with higher housing prices who end up paying thousands in capital gains taxes.

My bill would provide a one-time increase to $500,000 for a single person and $1 million for a couple in the amount that can be excluded from the sale of a principal residence for taxpayers who have reached the age of 50. Let us help our citizens over age 50 who have lived in one home for many years and who need the proceeds from the sale of their home for retirement and health care costs. An added benefit is that family members and perhaps the government will be relieved of the burden of caring for these individuals as they grow older.

I urge my colleagues to support this bill.

WORLD AIDS DAY

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today to commemorate the 19th Anniversary of World AIDS Day.

This past Friday, December 1, was World AIDS Day, a day where we pause to once again focus our attention on this deadly disease that has proved to be so devastating to so many throughout the world. Since the first diagnosis in 1981, approximately 65 million people have been infected with the HIV virus, while more than 25 million people have died of AIDS worldwide. In 2007 alone, The United Nations Programme on HIV/AIDS (UNAIDS) estimated that AIDS had killed 2.1 million people while 33.2 million people were living with HIV worldwide and of whom 2.5 million people were newly infected.

An estimated one million people are currently living with HIV in the United States, with approximately 40,000 new infections occurring each year—70 percent of these new infections occur in men and 30 percent occur in women. African Americans make up only 13 percent of the population, yet now account for 54 percent of all AIDS cases in the United States. Additionally, 64 percent of the new infections in women occur in African American women.

In order to combat this problem we must begin to educate people across this country about avoiding risky behavior and the importance of protecting yourself when engaging in sexual intercourse, but first you must know your status.

We must pay particular attention to the education of our young people with regard to the HIV/AIDS epidemic. Since the introduction of abstinence-only education 10 years ago, sexually transmitted disease rates are up. I would like to applaud the Governor of my home State of Ohio, Ted Strickland's efforts to implement a comprehensive sex education program in our schools that focuses on both abstinence and contraception. It is my hope that this is something that is implemented on a national level.

Last year I issued a challenge to all Americans, and specifically African American women who are the fastest growing segment of the population to be infected by HIV/AIDS, to get tested and know their status. Today I reissue that challenge, and I will keep pressing this issue until we are able to find a cure and bring an end to this disease.

COMMEMORATING THE 200TH ANNIVERSARY OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to celebrate two centuries of service by the National Oceanic and Atmospheric Administration (NOAA), for NOAA's continued efforts to improve our understanding of the environment and for its dedicated stewardship of the Nation's coast, waterways and wildlife.

Originally founded in 1807 to survey the early American coast, the predecessor of today's NOAA marked the creation of the Nation's first science agency. From its humble beginnings, NOAA's contribution to American history evolved to reflect the needs and expectations of a growing Nation. Even a brief selection from the catalogue of NOAA's contribution to the American experience offers an illustration of the impressive contribution NOAA and its predecessor agencies have made to American history over the years.

In 1911, after decades of offshore, open water sealing by other nations decimated the herd, the North Pacific Fur Seal Treaty was signed—the first international treaty for wildlife conservation. The agreement gave NOAA's predecessor responsibility for protecting wildlife along the American coast and was the forerunner and inspiration for laws such as the Marine Mammal Protection Act of 1972.

After World War II, what would become NOAA joined the U.S. in another great leap forward when the technological, geographic, and social landscape of NOAA's two legacy agencies—the Survey of the Coast and the Weather Bureau—were merged and their resources combined to usher in a new era of weather observations from space with the launch of the first meteorological satellite.

And, NOAA grew yet again in response to the Exxon *Valdez* Oil Spill in 1989. The spill led to the passage of the Oil Pollution Control Act of 1990 which strengthened and enhanced NOAA's capacity to respond to and help reduce impacts from hazardous material spills.

For 200 years, the National Oceanic and Atmospheric Administration and its predecessor agencies have served this great Nation by providing research to improve our understanding of the oceans and the atmosphere and has faithfully fulfilled its mandate as a steward of the environment. I am happy to add my voice to those of my colleagues as we honor today this important American institution.

TRIBUTE TO DUANE HAHN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize Duane Hahn of Eldora, Iowa, on being named a runner-up in the 2007 Excellence in Education Award, given by the Iowa State Education Association.

The Excellence in Education Award is a special recognition that was created as a way to honor many of the excellent teachers across Iowa that go the extra mile to make a difference in students' lives. Duane was nominated for this honor by several of his students and colleagues.

For the past 40 years Duane has given his time and talents to the Eldora school district, reaching out to touch the lives of many students. During his time at South Hardin High School he has instructed students in chemistry, physics, and physical science, serving as a personal motivator that inspires students to excel in the classroom and beyond. He has helped many a student through a difficult time by saying, "I promise I won't give up on you, if you don't give up on me." Often mentoring fellow teachers as well, Duane is truly an outstanding role model that has earned great respect and admiration from all who know him.

I am honored to represent Duane in Congress, and I wish him the very best as he continues to serve as a mentor and role model to the students and teachers of South Hardin High School.

TRIBUTE TO HONOR R.C. HICKMAN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with great sadness that I recognize the life and passing of R.C. Hickman of Oak Cliff, Texas. Mr. Hickman was a very prominent and well-respected photographer not only in the State of Texas, but also throughout the entire nation. As his family mourns their loss, I would like to pay tribute to the life and accomplishments of R.C. Hickman before this body of Congress and this nation.

Born in Mineola, Texas and raised in the Dallas, Hickman's exemplary photography career started during the World War II. After the war's end, he continued his professional career as a photographer at the Dallas Star Post and freelance photographer for Jet magazine.

His dreams led him to capture the likenesses of entertainers such as Sammy Davis Jr., activists Thurgood Marshall and Dr. King, and countless others whose work for civil rights. His professionalism and keen eye ignited his passion for recognizable images. Several of his photos are now housed at the Center for American History at the University of Texas at Austin. Mr. Hickman later compiled many of his pictures in the book Behold the People: R.C. Hickman's Photographs of Black Dallas, 1949–1961.

Madam Speaker, it is in earnest respect that I recognize the memory of Mr. R.C. Hickman before this body of Congress and this nation for the irreplaceable contributions he made to the community of Dallas and the State of Texas. My sincere condolences go out to his nieces Patricia Tuck, Royetta Tuck Potts of Los Angeles and Nelwyn Vaughn of Mineola. While his loss will be deeply felt, the memory of his kindness and the recollection of his good deeds will transcend into future generations.

SUPPORT PARALYMPICS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. FILNER. Madam Speaker, I would like to call your attention to H.R. 4255, the "United States Olympic Committee (USOC) Paralympic Program Act of 2007."

This legislation authorizes the Department of Veterans Affairs to provide grants to the United States Olympic Committee (USOC) to plan, develop, manage, and implement a Paralympic Program for disabled veterans and servicemembers.

Paralympics, sports for the physically disabled, traces its origins to World War II when the paralympic movement began to offer sports as a form of rehabilitation for the injured veterans of that era. Paralympic activity has a proven track record in terms of rehabilitation and improving the quality of life for the physically disabled. Paralympics also improves the mobility, vitality, physical, psychological, and social well-being of disabled veterans while reducing their incidence of secondary medical conditions.

It is particularly important that the thousands of injured military and veterans returning to the United States after service in Iraq and Afghanistan be afforded the chance to participate in such paralympic activities as part of their rehabilitation, both while on active duty and when, as veterans, they return to their home communities.

The United States Olympic Committee is particularly well-suited to plan and institute a Paralympic Program for our military and veterans. In 1998, Congress passed the "Olympic and Amateur Sports Act Amendments," which charged the USOC with the responsibility of encouraging and assisting amateur athletic programs and competitions for athletes with disabilities. Since that time, the USOC has led a resurgence in paralympic sports in the United States.

When our injured servicemembers began returning from Iraq and Afghanistan, the USOC began offering Paralympic Military Sports Camps at its training facilities, including at the USOC training facility in my district in Chula Vista, California. To date, over 1,200 injured veterans have been introduced to paralympic sports as a result of these training camps. The USOC has spent millions of dollars on this military and veteran Paralympics Program and will continue to support these efforts. However, with so many injured military and veterans, much more needs to be done.

The paralympic sports camps of the USOC last for a week at a time. The USOC is also beginning an effort to bring paralympic sports to various locations throughout the country. It is imperative that we expand these efforts so that once our injured military personnel graduate to veteran status, they will be able to participate year round in their own communities in paralympic activities as part of their continuing rehabilitation.

Under this program, the USOC will develop community-based Paralympic Programs that provide services and activities for disabled veterans and servicemembers. These activities will include instruction and competition in paralympic sports, training and technical assistance and other program-specific medical and personal care support activities necessary to create a network of community-based Paralympic Programs easily accessible to our injured veterans.

This legislation also requires the Secretary to conduct an outreach program to inform all disabled veterans about the existence of the Paralympic Program and to encourage their participation. Although non-veterans may participate in these community-based programs, the funds authorized by this legislation can only be used to support activities and services for disabled veterans and servicemembers.

The purpose of this program is to enhance the rehabilitation, readiness, and quality of life of severely injured servicemembers and veterans. There is great urgency to implement this expanded program as quickly as possible in order to motivate, teach, and inspire veterans at all stages of recovery and to return them to a lifestyle full of activity, accomplishment, and enjoyment in their own communities.

I urge my colleagues to support this important piece of legislation. We owe it to those who have given their all for their country.

WORLD AIDS DAY 2007

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. ENGEL. Madam Speaker, on December 1, 2007, we commemorated World AIDS Day, and reflected both on the lives lost so far and on our continued moral obligation to ensure we provide necessary treatment and research to assist those living with HIV/AIDS.

As a senior member of the Health Subcommittee of the House Energy and Commerce Committee, I have fought hard for increased federal dollars for New York to treat more than 111,000 New Yorkers living with HIV/AIDS today. New York remains the epicenter of the AIDS epidemic in our nation with nearly 18 percent of all HIV/AIDS cases in the United States.

Last year, during the reauthorization of the Ryan White CARE Act, which addresses the unmet primary care and health support needs of low income people living with HIV/AIDS, I led the charge to stave off the Administration's proposal to dramatically shift needed funding away from New York. This year, we were able to achieve record increases in funding nationwide for the Ryan White CARE Act in the Labor-Health and Human Service appropriations bill. Sadly, President Bush vetoed this critical legislation on November 13, 2007.

I have also introduced the bi-partisan Early Treatment for HIV Act with Speaker PELOSI and Representative ROS-LEHTINEN, which reforms rules in the Medicaid program which mandates that people be disabled by AIDS before receiving treatment. This rule is inconsistent with national health guidelines for those with HIV, which recommends early and aggressive treatment for those with HIV to keep their illnesses from progressing to AIDS. My bill will allow states to treat low-income individuals with HIV under the Medicaid program. HIV no longer has to be a death sentence with the new medical treatments available today.

Globally, we must also continue to be mindful of the 33 million individuals currently living with HIV/AIDS. Over 5,700 people die each day from AIDS related illnesses and the United States must provide adequate resources to help stop the global scourge of AIDS. As you may know, Tuberculosis is the leading infectious killer among adults with HIV/AIDS, as it preys upon these individuals with weakened immune systems. I am pleased to report that my bill, H.R. 1567, the Stop Tuberculosis Now Act recently passed the House of Representatives overwhelmingly and is currently awaiting action by the U.S. Senate. Worldwide, tuberculosis kills 1.6 million adults and 1.4 million children each year. My bill will go a long way towards providing resources to those with both HIV/AIDS and Tuberculosis.

I am proud that the AIDS Institute has decided to honor me with their "HIV/AIDS Care & Treatment Award for 2007". I am grateful for the award but am equally aware that World AIDS Day must prompt us to examine what progress we have made and reevaluate what additional steps should be taken to combat this deadly epidemic.

Madam Speaker, working together we can address both prevention and early treatment options, and hopefully one day find a cure for AIDS.

IN MEMORY OF SECOND LIEUTENANT STUART LILES

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. ROSS. Madam Speaker, I rise today to honor Second Lieutenant Stuart Liles of Hot Springs National Park, Arkansas, who died on November 13, 2007, at the age of 26, while serving our country in Afghanistan in support of Operation Enduring Freedom.

Second Lieutenant Stuart Liles graduated from Fountain Lake High School before attending the University of Central Arkansas. While in high school and college, his deep sense of unity and teamwork flourished when he joined the ROTC program which was the inspiration for his service in the Army National Guard upon graduation.

Second Lieutenant Liles served our country in the U.S. Military in the National Guard, the Army Reserves, and as an active duty soldier in the U.S. Army. His proud and honorable service will forever be remembered by our nation. He served in the 122d Aviation Support Battalion, 82nd Combat Aviation Brigade, 82nd Airborne Division based at Fort Bragg, North Carolina. His bravery, courage and dedication to the U.S. Army are exemplified by his service and leadership roles within his platoon, where he served as Platoon Leader on active duty.

Second Lieutenant Liles was a dedicated family man who adored his family dearly, and he was also a man of devout faith. As a deeply spiritual man, Liles was often proud to have the opportunity to combine two of his passions—his faith and his love of acting. In the community of Hot Springs, he will always be remembered for his portrayal of Jesus in the outdoor musical passion play, "The Witness."

Second Lieutenant Stuart Liles will be remembered as a hero, a son, a father and a husband. My deepest condolences go out to his wife Aubre Paschal Liles of Little Rock; his daughter Aurora Elisabeth Liles of Little Rock; his mother Kristen Liles Quintanella of Hot Springs; his sister Erin Long of Saint Mary's, Georgia; his brother Sean Liles of Fayetteville; and to his numerous aunts, uncles and cousins. He will be missed by his family, his community, his country and all those who knew him and called him a friend. I honor Second Lieutenant Stuart Liles for his bravery, his patriotism and his service and I will continue to keep his family in my deepest thoughts and prayers.

TRIBUTE TO HENRY HYDE

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mrs. MYRICK. Madam Speaker, I rise to honor the memory of a great man, and a dedicated member of this body. Henry Hyde was an esteemed colleague, a remarkable orator, and a true statesman. He was uniquely able to graciously disagree with other Members at a fundamental level without disrespect or contempt. In this sense, he was an example to all of us, Republican or Democrat, conservative or liberal. When he spoke on this Floor, he spoke deliberately and intelligently, crafting numerous policy speeches that will endure well into the future.

Henry was a devoted advocate for the unborn, and he never wavered on this point. For that, I am personally grateful. Much has been said on this point, but no one can say it better than Henry himself.

As he stated during a critical debate on this Floor, "One of the great errors of modern politics is our foolish attempt to separate our private consciences from our public acts, and it cannot be done. At the end of the 20th century, is the crowning achievement of our democracy to treat the weak, the powerless, the unwanted, as things? To be disposed of? If so, we have not elevated justice; we have disgraced it".

Henry Hyde was not a perfect man, and like the rest of us, I imagine he was sometimes inclined to become angry and unpleasant when confronted with the frustrating issues that make our days here in Congress so interesting. But I always respected Henry for maintaining an honorable demeanor, even in the midst of emotionally charged disagreements. In the spirit of our country's great orators, he knew that we don't promote a real debate with nastiness and sound bites, but with thoughtful consideration and a deep understanding of the issues at hand.

My heart goes out to his family during this difficult time. Surely they can appreciate the impact that Henry Hyde made on this chamber. I'm honored to have an opportunity to express my gratitude to a man whose public service changed this country for the better.

TRIBUTE ON THE BIRTH OF GRANT EVAN WILSON

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate Dave and Rochelle Wilson of Lexington, South Carolina, on the birth of their new baby boy. Grant Evan Wilson was born on October 25, 2007 weighing 7 pounds and 8 ounces. Grant joins 7 siblings—Bryce, Carly, Makenna, Caleb, Alyssa, Bennett and Owen. He has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future.

Dave and Rochelle are longtime friends, and I am so excited for this new addition to their family. On behalf of my wife Roxanne, and our entire family, we want to wish the Wilson family all the best.

TRIBUTE TO NORWALK, IOWA HIGH SCHOOL VARSITY CHEERLEADERS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate the Norwalk, Iowa, High School varsity cheerleaders on placing first in their team's first national competition.

On October 27, 2007, the Norwalk cheerleaders competed against 13 teams and emerged as champions at an official National Cheerleaders Association event at St. Francis High School in St. Louis, Missouri. The Norwalk cheerleading coach, Melissa Priest, and the parents of the 16 members of this cheerleading squad are also to be congratulated for this great accomplishment. They have instilled the importance and value of hard work, dedication, persistence and teamwork in these students, which has helped them to perform with the spirit and camaraderie required of champions.

I commend each of the Norwalk High School cheerleaders and their coach on this great accomplishment in representing their school and community. I consider it an honor to represent these cheerleaders and their coach in Congress, and I wish them continued success in the future.

TRIBUTE TO TRUE PURPOSE MISSIONARY BAPTIST CHURCH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to True Purpose Missionary Baptist Church, located in the 30th district of Texas, that has faithfully served the community for over 50 years.

Founded in 1854 by Reverend Alphonso Lopez, the church originally formed as small prayer groups meeting in the homes of its members. From this humble beginning, True Purpose Missionary Church remodeled and transformed a local tavern into a sanctuary that continues to house the congregation today. From here, they have worked tirelessly to transform the neighborhood and serve the people of the Dallas metroplex.

In particular, two of the first leaders of the church, Pastor A.L. Wilburn and Pastor James D. Parker, deserve a special honor for their service.

Pastor A.L. Wilburn served as the first pastor of True Purpose Missionary Baptist Church until his death in 1985. His leadership during his tenure brought great hope and inspiration to his congregation. A member of the Baptist General Convention, Baptist Ministers Union, Interdenominational Ministers Alliance and the Rising Star District Association, he is best remembered for his kind spirit and love of church, family and friends.

Following in his predecessor's footprints, Pastor James D. Parker served as a beacon of strength and guidance for the church. Internationally recognized as a motivational speaker, he traveled throughout the world sharing his expertise and assisting numerous organizations across the globe. Pastor Parker was a graduate of Southern Methodist University and Dallas Theological Seminary. He served the church faithfully until his death in 1989.

Thanks to the strong leadership of these two men, True Purpose Missionary Baptist Church today continues to provide a nurturing environment for its members and visitors. Madam Speaker, I ask that my colleagues join me in honoring True Purpose Missionary Baptist Church for their contributions to the Dallas community.

ROBERT CARLSON RESOLUTION

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Ms. MATSUI. Madam Speaker, I rise today to introduce a House Resolution recognizing commending the accomplishments of an outstanding Californian, Mr. Robert Carlson, upon his pending retirement from the board of administration of the California Public Employees Retirement System more commonly known as CalPERS.

Robert Carlson's distinguished career on the CalPERS board began in 1971 and will end on December 18th of this year after 36 years of devotion to the active and retired CalPERS members and their families.

Madam Speaker, on December 18th, the California Public Employees Retirement System, CalPERS, will honor Bob Carlson at its Sacramento headquarters. The event promises to be one filled with affection as CalPERS honors one of its longest serving and most beloved board of administration members.

Madam Speaker, allow me to briefly cite some of the many accomplishments and contributions of Mr. Carlson during his 36 years on the board of administration. In 1968, just prior to his initial election to the board, Mr. Carlson served as the president of the California State Employees Association, CSEA, and the first CSEA president to be elected to a second term in that position. Mr. Carlson has and continues to be a member of the California State Bar Association since 1952 after receiving his juris doctorate from the University of California, Hastings College of Law, where he was named Hastings Law School Alumnus of the Year in 1997.

During his outstanding career with CalPERS, Mr. Carlson has served 9 terms as the president of the board of administration and 5 years as its vice president. Furthermore, he has served as a member of every CalPERS board committee, where he has been considered one of the board's strongest advocates for retirees.

Madam Speaker, Mr. Carlson also led a successful effort in the California Assembly to gain passage of legislation giving CalPERS the authority to build its headquarters in Sacramento. He has been a strong voice in support of sound corporate governance principles and a champion for transparency, accountability and fulfilling CalPERS fiduciary responsibilities.

Mr. Carlson's hard work and contributions to CalPERS, its members and our State as a whole over the course of his career place him among the most distinguished citizens of our State. It is with a sense of appreciation and respect that I offer this resolution and request this body to consider it and pass it as expeditiously as possible.

Madam Speaker, I thank you and Members of this House for your attention to this important matter.

CONGRATULATING THE F.J. REITZ HIGH SCHOOL PANTHERS 2007 4A FOOTBALL CHAMPIONS

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to congratulate Coach John Hart and the F.J. Reitz High School Panthers on their 2007 4A Division Indiana State football championship. The title is the first state championship for the Panthers since 1971 and was a fitting conclusion to an outstanding season.

The Panthers defeated the Lowell High School Red Devils in the championship game by a score of 33–14 and capped off an impressive 15–0 season. Their victory is the culmination of years of hard work, dedication and sacrifice. The team and coaching staff have demonstrated outstanding talent and an unwavering commitment to achieving their goals.

The Reitz Panthers are shining examples of the idea that success in life comes to those who are willing to set goals and work hard to achieve them. They are an inspiration to me and everyone in the Evansville community who has followed their progress this season.

Congratulations again to the F.J. Reitz Panthers Football Team for an outstanding season. Go Panthers!

PASSING OF HENRY HYDE

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. SMITH of Texas. Madam Speaker, Henry Hyde was a giant in Congress. His articulateness, diplomacy and knowledge was evident to all. He sat on the Judiciary Committee from when he was first elected in 1975 and served 6 years as the Committee's Chairman. It was a privilege to serve with him.

Vivid memories of my years in Congress center on comments Henry Hyde made on and off the floor. He was a person of conviction, but never a partisan for partisan's sake. He was one of those rare individuals that when he spoke on the House floor, was listened to with respect because of his way with words and his sincerity.

We will miss him but he will be in our thoughts and prayers.

TRIBUTE TO ANNA L. ORR

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2007

Mr. LATHAM. Madam Speaker, I rise today to congratulate Anna L. Orr on the recent celebration of her 100th birthday on December 1, 2007.

Anna was born on December 1, 1907, in Wright County, Iowa. On July 17, 1927, she married Enos Orr. Anna and Enos had 10 children and have 132 direct descendants. Anna has traveled extensively during her lifetime and currently lives in her own home in Eagle Grove, Iowa. She loves going for walks to the local nursing home to visit with residents, fishing, and working in her garden.

There have been many changes that have occurred during the past one hundred years. Since Anna's birth we have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of Soviet Communism and the birth of new democracies. Anna has lived through 18 U.S. Presidents and 24 Governors of Iowa and, in her lifetime, the population of the United States has more than tripled.

I know that my colleagues in the United States Congress join me in sending warm wishes to Anna on the milestone of her 100th birthday. I am extremely honored to represent her in Congress, and I wish her happiness and health for many more years to come.

SENATE—*Wednesday, December 5, 2007*

The Senate met at 12 noon and was called to order by the Honorable BOB CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Loving Lord, give our Senators an extraordinary measure of grace to accomplish Your will. As they work under the duress of time and pressure from diverse interests, give them wisdom to make ethical decisions. Be with their staff members who run the offices and provide the information to make responsible decisions. Be with those who process the mountains of business in and out of the cloakrooms. Be, also, with those who transcribe the debates for the CONGRESSIONAL RECORD.

Lord, bless those who monitor parliamentary order, schedule, and voting records. Protect the men and women who provide security at the doors, on the floor, and on the street. Strengthen all who are a part of the Senate's support system.

We ask this in the name of He who is the light of the world. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, December 5, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today there will be a period of morning business for an hour. As normally provided, the time is equally divided and controlled with the majority controlling the first half, Republicans controlling the final portion. When that time is up, we will have to see what we can do.

OBSTRUCTIONISM

Mr. REID. Mr. President, those who watch C–SPAN and people who are watching us in other ways are many times well versed in Senate procedure. People would note today that we didn't come into session until 12 noon. With all the many things we have to do, why are we taking the morning off, so to speak? We have so much work to do. But yet most people's work day is half completed and we are just starting.

The reason is we have another example of obstructionism. The reason we had to come in late today is because we have an extremely important piece of legislation that is being marked up in a committee. The Environment and Public Works Committee has been scheduled to begin to mark up a crucial piece of legislation today, a bill that will take a major step forward in the fight against global warming. If there were ever an occasion when we had to unite as a country and as a world community to fight, it would be against the scourge of global warming which is taking place everywhere. You can't listen to the news without hearing about something global warming has affected. Yesterday on public radio there was a wonderful piece about Finland, how the glaciers are melting in Finland.

Under Senate rules, any Member has the power to object to a committee meeting after the first 2 hours after the Senate is in session. That is why we had to start the Senate late today, so that committee could go forward with its markup so they can hopefully report a bill to the floor by 2 o'clock this afternoon. Had we started at 9, they would have had to stop at 11 because we were told that Republicans would object to the hearing going forward.

Mr. McCONNELL. Would the majority leader yield?

Mr. REID. I will be happy to yield.

Mr. McCONNELL. There were no objections on this side. I think maybe the leader was anticipating an objection that did in fact not exist.

Mr. REID. That could be the case, Mr. President. We started at noon today because under the rules anyone can stop us from holding a hearing beyond that time and we were told that was what was going to happen and that is why we did this. It is very easy for people to say we didn't do it. Of course they didn't do it, but had the meeting started at 10 o'clock, they would have done it. We were told that is what they were going to do. It is easy now to come here after the fact and say we wouldn't have done that.

We can see from what is taking place in the committee, about the amendments being offered to try to stop this bill from coming forward. The committee that is meeting has one Republican who is joining with us, JOHN WARNER from Virginia. Every other member of that committee, unless there is some sudden light one of them sees, is going to vote against that bill and they indicated they would do everything they could to stop the markup from being completed today.

I am very happy that now the Republicans are saying we would not have done that. The only way we can protect ourselves, after having been given a direct warning that was what was going to take place, was start the Senate late.

If this were the only case of the Republicans doing everything they could to slow us down, then maybe it would be something that would need to be looked at very closely. But this doesn't have to be looked at very closely. It is everything that we have tried to do since we took the majority, and a slim majority it is. As we all know, about a year ago Senator JOHNSON was stricken with a bleed in the brain. He almost died. So our majority on that day went from 51 to 50—50 to 49 was our majority, and we have struggled with that until Senator JOHNSON was able to return a couple of months ago.

During this period of time this year, the Republicans have done everything they could to slow down and many times stop what we were doing. Look at the numbers. We are now at 57 cloture motions we have had to file. As I said yesterday, this is filibusters on steroids. Within a few days, it will break the record for a Congress of having clotures filed, necessary clotures filed.

We were forced to begin this session late, as I have indicated, to give the committee a chance to begin its work. It is unfortunate we have reached this point of overt obstructionism. If this Republican blocking tactic is a sign of what is going to come—we have already seen it; it can't get worse than what it already is, I don't believe—the remaining weeks are going to be interesting. We know we have been stopped from going forward on the farm bill. We tried everything we could to move forward on the farm bill. I even said you can have 10 amendments, we will have 5. They said no. I talked with Senator HARKIN today. He said—I don't know the exact numbers—I think we can do it with 17 and 14, or something such as that. I said, if you can get a deal like that, take it. We want to move forward on legislation and we are having a difficult time doing that.

Global warming is something we should be joining together to work on, to solve the problem. The work done by Senators LIEBERMAN and WARNER is bipartisan in the true sense of the word. It is a way to address global warming in an important way. Nations throughout the world are demonstrating their commitment to reducing greenhouse emissions. As we speak, there is a conference taking place in Bali. We have 10,000 people there, worried about global warming. Australia, with the change of leadership they had there in recent elections within the past couple of weeks, has now signed the Kyoto protocols. Which is the only industrialized nation not to have signed those? This administration; this country.

President Bush would not acknowledge the words "global warming" until the past 6 months. He has now at least been able to say the words and is doing some futile things to help, and even those small gestures are welcome to this country and to the world.

I want to talk a little bit more about the farm bill. I have spoken to Senator CHAMBLISS on a number of occasions. I have not sought him out. We have been on the floor and talked. I don't want to go around my friend, Senator MCCONNELL, unless I tell him I am going to do that, but I have had conversations in front of everybody. He indicates he would like to do the farm bill. We want to do the farm bill. At this time there are 287 amendments pending on the farm bill, amendments dealing with driver's licenses for illegal immigrants, all kinds of other amendments that have nothing to do with the farm bill. As a result of some of my conversations with my friends on the other side of the aisle, it does not appear we can work anything out on the farm bill.

How much more reasonable can we be? I have said if 10 and 5 is not good, how about taking, as I have just said, HARKIN and CHAMBLISS, who supposedly, according to my conversation with Senator HARKIN this morning, have now worked it out to less than 40 amendments. That will be fine, too. Let's move forward. I have even said, to show we are reasonable, have a couple of nongermane amendments. That is fine. We will be happy to take a shot at those. I don't know what they would be. I have been told—I think one of them may be dealing with driver's licenses. But we will be happy to do whatever needs to be done to help the American farmers and ranchers get some relief that they need.

We have also pending something that I think is pretty important. In addition to the farm bill, we have AMT. AMT is a buzzword for a tax proposal that was passed during a Republican administration, which had good intent when it started. Congress wanted to make sure and the President wanted to make sure that even people making a lot of money paid a little bit in taxes. But with inflation having risen its ugly head, as it does, it is affecting people no one anticipated would be affected. Right now, unless we change the AMT, people making between $75,000 and $500,000 would be hit with a tax they ordinarily would not get. The average tax, I understand, is less than $2,000. Somebody making $75,000 would get a very small tax; somebody making half a million dollars a year would be paying a larger tax.

That was not the intent of the tax. The vast majority of American people don't make 75,000 a year and they certainly don't make a half-million dollars a year.

But we want to try to change that. We want to put in a patch so it doesn't affect those people this year. We have tried everything that I know legislatively possible, that is reasonable, to take care of this. Right now, a cloture motion is ripening, our 57th, and that would be on whether we can proceed to legislate on the House-passed bill. The House-passed bill patches it, but it is all paid for. We Democrats believe that tax cuts and any new programs should be paid for. The House has passed a bill and sent it to us which does that. I have been told by my Republican colleagues that it is extremely doubtful we will get cloture on that. I hope we can get a few brave Republicans to say we want to legislate on this.

The President said we should do something to fix AMT. That being the case, why doesn't he place a call or have one of his staff call the Senate and say, Why don't you let them proceed on this? We can offer some amendments once it is there. We will try to be reasonable in what amendments we offer and they offer on this AMT fix. But I think we should at least have the opportunity to move forward. They are creating the worst of all worlds. They are going around saying we have to fix AMT, but they are not allowing us to legislate on it.

Under our Constitution, all revenue matters have to originate in the House. We have what the House wants to do. On this, I have said let's see what we can do. We will vote on the House version and we will go with the 60-vote margin. I am happy to do that. We will vote on what Senators GRASSLEY and BAUCUS have reported out of the Finance Committee here in the Senate, and that is the AMT is not paid for. I don't agree with that, but that is what the committee has done so I accept that. Also as part of that package it has certain tax extenders that are paid for. I said, Let's vote on that. No.

Senator LOTT, the Republican whip, said he wanted to eliminate AMT forever.

That is more than $1 trillion. But we are willing to vote on that. We have gotten no takers on that. I do not know how we can be more reasonable.

I do not want to get into the inner workings of the proposal made between Senator MCCONNELL and myself because I do not think that would be appropriate to talk about, some of the things. I would be happy to do that if he wants to, but some of the other suggestions made—I do not want to do my negotiating out here on the Senate floor. But I think the suggestions they have made have been very unreasonable. I don't know how we can be more reasonable than what we have done.

Now, I would hope we can work something out on AMT. As I said to my distinguished friend, the Republican leader, today, if the President wants an AMT fix and the Republicans say they want one, why can't we move forward on doing something? I do not understand why we could not do that.

One of the other alternatives I have not suggested, but maybe what we can do is have a vote on not even paying for it, which I disagree with, but if that would be the will of the Senate, fine, we could set something up in that regard. We could have those votes out of the way this afternoon. We would not have to do the cloture vote in the morning. And we would see what the will of the Senate is. The way it is going to be, I have been told that the Republicans have been given their marching orders, as happens all of the time around here, that they are not free agents, that they cannot vote to invoke cloture on this alternative minimum tax, which I think would be a shame.

As I told my friend, the senior Senator from Kentucky, we would like to finish the business of this body by 2 weeks from Friday. That is our goal. I hope we can do that. I hope we do not have to work—we are not going to work on Christmas, but I hope we do not have to work Christmas week. It is possible we may have to do that. We have a number of important issues around here. We have an energy bill that is going to be sent either today or tomorrow from the House. I spoke to the Speaker this morning. We have to complete the alternative minimum tax. I think it would be the right thing to do to see what we are going to do on the Presidents's wiretapping proposal, as to how we can make that a better piece of legislation. We have gotten something that is bipartisan that has come out of the Judiciary Committee. The Judiciary Committee has met on a bipartisan basis. They have some things they want to change on that. But if we have to jump through all of the hoops and file cloture on that, that bill—the legislation that is now in force expires I believe on February 5. I think it would be good if we can complete that before we leave. There are certain other things we need to do before we leave. But it is a lot of work to do.

There is one minor little problem I did not talk about. We have to figure out some way to fund the Government for the rest of the year, either with some type of spending program to involve the Appropriations Committee or a last resort—something that both the Republican leader and I don't want—would be a continuing resolution which, in effect, eliminates the legislative branch of Government from being involved in what money is spent in the country for the next year.

Having said that, I would hope we can hold hands here a little bit in the next couple of weeks and see what we can get done: alternative minimum tax, farm bill, spending bills for our country, and if we really get fortunate, see if we can finish the FISA legislation, the wiretap legislation.

The ACTING PRESIDENT pro tempore. The Republican leader.

AUTHORITY FOR COMMITTEE TO MEET

Mr. McCONNELL. Mr. President, first with regard to the suggestion by my good friend, the majority leader, that there was some kind of objection to the Environment Committee meeting this morning, I was unaware of one. No such warning was given to the other side. The practice is for the committees to request permission on the day they meet. We did not indicate there was any objection. The committee is, in fact, meeting. I am unaware of any objection to its meeting.

If it makes it more formal, I ask unanimous consent that the committee continue to meet.

Mr. REID. Mr. President, I think that is a wonderful gesture. I would accept that unanimous consent request that the committee be able to continue its deliberations today past 2 o'clock.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I appreciate that very much.

MOVING FORWARD

Mr. McCONNELL. Mr. President, reclaiming the floor, I know for anybody who might be watching on the outside that all of this parliamentarian talk probably makes your eyes glaze over. But the fundamental problem is this: As recently as a year ago, my party was in the majority, and I had the same problem—Senator Frist and I had the same problem my good friend from Nevada has: Our members do not want to cast any dangerous votes, any votes they do not want to cast.

The first session of the previous Congress, the 109th, was the most productive legislative session of my time here in the Senate. I recall Senator Frist and myself saying over and over and over again to our members that if we are going to pass this bill, we are going to have to give the minority their votes. And people were whining and complaining about having to cast votes. I recall the Democratic whip, the Senator from Illinois, saying: The Senate is not the House, and making the point that the minority is going to get its votes in order to advance legislation.

I understand that my good friend from Nevada gets complaints from his members about having to cast votes, but the fundamental responsibility of the majority is to pass legislation. In order to do that in the Senate—we do not have a rules committee—you have to work with the minority, and you have to give the minority side a reasonable number of amendments. That is the case on the consideration of the alternative minimum tax fix, and that is also the case with regard to the farm bill.

Now, my advice both privately and publicly to my good friend, the majority leader, on the farm bill is take it up and go forward, which is the way we have done it in the past, and it is amazing how quickly you move along. You can sometimes spend more time trying to get a consent agreement, which by its very nature requires every single Member of the Senate not to object—we could have made more progress on the farm bill by simply going to the bill, taking up amendments, and moving forward. That was my advice. It is still my advice. If we turned to the farm bill, even if we didn't have a very narrow amendment list, we would make dramatic progress and make it quickly. Why? Because I think there are significant numbers of Members of this body on both sides of the aisle who want to pass a farm bill. There may be a few who don't but a significant number do.

So here is where we are, December 5. We have nearly a full year's worth of work to finish before we adjourn for Christmas. It is a little after noon, and we are talking about why we are getting started now—I gather based on some misunderstanding about phantom objections that, in fact, did not exist on this side to the Environment Committee meeting.

We have offered our good friends a path forward on the AMT, on troop funding, on appropriations, on the Energy bill, and the farm bill. Yet we cannot seem to get the kind of bipartisan agreement that allows the minority to have some say over amendments in moving forward.

On the AMT, the chair of the Finance Committee called the Republican proposal constructive and said that it was the beginning of an agreement. That was yesterday. We want to make sure 23 million people are not ensnared by this middle-class tax hike and that the tax returns of 50 million Americans are not further delayed. The consequences of a delay will be felt by millions of taxpayers who will see a delay in their refunds next year.

It is, however, important to virtually every member of my conference that the alternative minimum tax, a tax that will never be levied and never be collected, not trigger a tax increase on a whole lot of other Americans. The effort to "pay for" the AMT is highly offensive to members on my side of the aisle, and I think the majority knows that, and the way to get the AMT and the extenders passed is not to "pay for" them—in other words, not to go out and raise taxes on a lot of other Americans in order to continue basically the status quo. We know we are never going to levy the AMT, and we are never going to collect it. The same is true with the extenders. We know we will pass that package. That is existing tax relief. Why should we raise taxes on some other Americans in order to maintain the status quo, which is the absence of an alternative minimum tax and the extension of the extenders? That is a very strongly held principle, and I believe that is the view of enough Senators to insist that is the way it goes forward.

Now, we know what they plan over in the House. They are going to send the AMT over there, and they are going to pay for it and send it back over here. I think that is a huge mistake; it is an excuse for raising taxes on a whole lot of Americans.

With regard to the remaining appropriations bills, the Democratic leader and I have had a number of constructive conversations. We are going to be talking to the administration later in the day on that subject. Any discussion of finishing up the year is going to have to include funding for the troops in Afghanistan and Iraq. We know we have had this debate a lot of times—at last count, 63 Iraq votes in the House and Senate this year. We know that even when the war was going poorly and there was great opposition to the surge, at the end of the day the funding was there. Now the surge is succeeding, and the war is going better. Why would we not continue the funding now that things are going better when even the majority, which did not favor the effort in Iraq, provided funding when it was going poorly? As part of any settlement of the 11 appropriations bills, we are going to have troop funding into next year.

On FISA, I think we have a way forward. The majority leader and I have talked about it. I think we both have the view that the underlying bill will probably be the intelligence measure. I think we should be able to construct some kind of consent agreement in that particular instance where I don't think there is much of a demand for amendments—some amendments but not a whole lot—that will allow us to go forward.

On energy, Senator DOMENICI tells me that he had an understanding with the majority leader and with the chairman of the Energy Committee in the Senate as to what would and what would not be in an energy bill that we would finally pass. It is my understanding that an energy bill that the House may act on, I gather today, I am not sure—is it today? Does someone know? It is likely to include tax hikes and utility rate increases for those of us in the Southeast. Now, in what way would an energy bill that raises taxes, when oil is about $100 a barrel, and has the practical effect of raising utility rates all across the Southeast be beneficial? My understanding was that the majority leader and Senator DOMENICI and Senator BINGAMAN agreed that was not going to be a part of the proposal. I do not know whether it will be a part of the proposal when it comes over from the House, but that agreement ought to be kept and those provisions ought to be removed.

Finally, at the risk of being redundant, let me say again on the farm bill that we have enough time. Most of the negotiations that are going on, are going on off the floor. We do have floor time. It remains my advice to the majority leader to get on to the farm bill, process amendments, and move forward. I think that would be a way to make progress. It is probably going to be very challenging to get as tight a time agreement on amendments, as tight a number on amendments as the majority leader would like. We spend so much time doing that; we could be processing amendments here on the floor and moving forward with the bill.

Let me say in conclusion that we do want to be cooperative, but the reason we have had a lot of impasse this year is because a very narrow majority is, in effect, trying to dictate amendments to the minority. That will not work in the Senate. One of the prices of being in the majority—it is better to be in the majority than not. I would rather be in majority than not. But one of the prices you pay for being in the majority is you have to take votes you do not want to take in order to advance legislation.

So I would say to my good friend from Nevada, he is going to have as much cooperation as I can possibly muster. I am anxious to help us move forward on all of these issues he and I have been discussing here this morning.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the time Senator MCCONNELL and I have used not be counted against the hour for morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I have been in the minority; I understand how that works. But the record is very clear that on rare occasions did we oppose motions to proceed. We did but on rare occasions.

Keep in mind, as I have said, during this period of time—not even 1 year yet—records for filibusters will be broken for a 2-year session.

We have involved the minority. We did it on the minimum wage. We did it on ethics and lobbying reform. We have done it on U.S. attorneys independence. When we passed a supplemental appropriations bill, there was total involvement of House Republicans and Senate Republicans. That was good. We were able to finally get money for Katrina and wildfire relief. We have worked together on veterans legislation we have done. It has been a bipartisan move forward.

One of the rewarding things for me is the work we have been able to get out of the HELP Committee. Two diametrically opposed political minds, KENNEDY and ENZI, have worked together and produced a lot of good things on which we have been able to move forward—mental health parity, the Head Start Program, a number of other items.

We have passed legislation that has paid for our troops. The only words of disagreement Senator MCCONNELL and I have had on a private basis has been over the Energy bill; that was a misunderstanding. Those things happen, and I have forgotten about that. Other than that, we do our best to represent our caucus and our country. I have no personal animosity toward my friend.

On the Energy bill, I do want to say this before we leave that. To frame this issue, understand we are in the middle of a debate on the Energy bill. The issue was whether we would have a $32 billion tax on the Energy bill. There was objection from my Republican friends. Before votes were taken, one of my friends, a Democratic Senator, stood and said: It doesn't matter what you do here. We will take care of it in conference.

I stood and said: This will not take place in conference. We will not have this matter in conference.

The problem is, we have never been able to get to conference. We tried numerous times to have a conference on the Energy bill, and they wouldn't let us do it. So now we are going to get from the House tomorrow something they have done. Republicans have been involved, Republicans in the House and in the Senate. But, remember, in the House they have a little different procedure. Because the power is with the party that has the most votes, they can do most anything they want.

I have kept my word. There is nothing that has been added in conference. We haven't had a conference. I can't control Speaker PELOSI. I hope everybody understands that. She is a strong, independent woman. She runs the House with an iron hand. I support what she does, but no one needs to come and tell me I didn't keep my word. You check the record, which we have. I said this matter would not be added in conference, and it has not been added in conference. We haven't had a conference.

I have spoken to Senator DOMENICI. He is my friend, and I have great respect for him. He has served his State and the country well. Senator DOMENICI and I have worked as the two leaders of the Energy and Water Subcommittee on Appropriations for a long time. He was either the chairman or I was. We get along very well. I talked to him last night. I explained to him the situation. I think he understands what took place. We have not had a conference. If that bill comes to us and those tax provisions are in it, we will take a look at it.

I do know this: As I have been told, the tax portion of that, if it is tied on to the Energy bill, would be $12 billion less than the one proposed in the Senate. I hope we can get some cooperation on the Energy bill. That would be great. It is something this country needs.

A couple of other things I want to say. On the farm bill, I say with the most genuine respect I can that my friend is not being fair in his description of why we don't move forward on the farm bill. Remember, the last bill we had to move forward on was Amtrak, a bill that had been in the Republican leadership for years not moving forward. We decided we would move forward on it, and we passed it. What was the first amendment offered? A tax amendment. It had absolutely nothing to do with Amtrak. We can't have these bills in the waning weeks of this Congress, when people are waiting around for all kinds of things they want to do on Iraq and Afghanistan and the military and immigration.

I guess the Republicans think they have a good issue on immigration, to bash immigrants. They have all kinds of issues they want on immigration. They are waiting in the wings to offer these amendments. We can see that on the farm bill. A number of the 287 amendments filed have been dealing with immigration. We can't open the farm bill during the time we are trying to pass FISA, trying to pass the farm bill, AMT, do our spending bills.

How much more reasonable could I be in trying to shorten the time? I said:

Republicans take 10; we will take 5. No. So Senator HARKIN comes to me and Senator CHAMBLISS. They have it down to less than 40. I said: Take the deal; we will agree to it. We don't even want time agreements on the amendments. How much more reasonable can we be? We can't be. Whatever we come up with, the Republicans would not agree to it because they do not want us to have a farm bill. So why don't they just acknowledge that. They are acknowledging it by their stopping us from having any kind of agreement.

I agree with the Republican leader, once we got on the bill, we could move forward with these amendments quickly. But that is where we are.

According to my friend—and I think these are the words he said—it is offensive to pay for these tax cuts. Let's follow this. It is offensive to pay for the tax cuts? That has been the Republican mantra for 7 years. And where are we? When President Bush took office, there was a $7 trillion surplus over 10 years. Where are we now? We are approaching a $10 trillion debt. Everything the Republicans have done with their spending has not been paid for, and their tax cuts have not been paid for.

As with the Clinton administration, we adopted pay-go. That is in our budget. If we have a program that is new, we have to pay for it. That doesn't sound unreasonable. That is what the American people want. If they buy a new car, a new refrigerator, they have to pay for it. There is only so much credit in the world. This Government has exceeded its credit limit. The credit card no longer works.

We also believe the tax cuts, which have given us red ink as far as you can see, created by the Republicans, should come to an end. If there are going to be further tax cuts, we should pay for them. That is the right thing to do. That is all we are saying with the AMT. Pay for these tax cuts. This is a tax cut. It should be paid for. I don't know what is offensive about that.

I would further say we are willing to meet the minority more than halfway—halfway, of course, but more than halfway. We have proven that as we have worked through legislation this year. It has been hard. It has been a slog. I understand how disappointed the Republicans are that we are in the majority. It was a surprise to a lot of people when last November we took the majority of the Senate. We won seats that no one expected us to win. But we are in the majority, no matter how slim. We have had some accomplishments, and we are proud of those. But more importantly, we believe in change. We believe we are agents of change for America. The Republicans are agents of the status quo. The American people will have to judge whom they want to support. Do they want to support those who want to keep things the way they are in Iraq and every other bad situation we find ourselves in as a country or do they want to move forward with us and work for change? That is where we are.

I think we are on the right side. I hope during these next couple of weeks we can work together and do some good things for the country. We are willing to go more than halfway. Take AMT, for example. Let's go over that again. I have tried everything I can, offering unanimous consent requests which have been objected to. Vote on the House bill. No. Vote on what we have in the Senate. No. Vote on what Senator LOTT wants: just to repeal it and have another trillion dollars of red ink. No. Not willing to do that.

So today I said: OK, let's vote on not even paying for it. How about that? I have heard no clamor from the Republicans, yes, that sounds like a good idea. What more could we do?

The word is that there are people—and how big the number is we don't know, but we know in the Senate it doesn't take a big majority to cause problems—there are many Republican Senators who don't want us to put the patch for AMT so they can go around, as I told Senator MCCONNELL this morning, pointing fingers at each other about whose fault it is that these people in America with $75,000 to $500,000 in income are going to get a tax increase. How much more reasonable could we be? Have we gone more than halfway? The answer is obviously yes. We want to legislate. We do not want to block things from happening.

If someone can show me how I am unreasonable with my proposal on AMT, I would be happy to sit down and talk to them. I don't know how I could be more reasonable.

The PRESIDING OFFICER (Mr. MENENDEZ). The Republican leader is recognized.

Mr. McCONNELL. Mr. President, others have been waiting patiently to speak. Let me say with regard to AMT, this is existing law we are trying to extend. With regard to the extenders, there is existing law we are trying to extend. We should not use that as an excuse to raise taxes on a whole lot of other Americans. That is something that virtually every member of my conference feels strongly about. We are going to continue to talk about it. I am still optimistic we are going to be able to get this worked out. The majority leader and I are good friends, and we are going to continue to work on all these issues in the hope that we can go forward in the few weeks remaining before Christmas.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period of morning business for 60 minutes with the time equally divided and controlled between the two leaders or their designees and with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Oregon.

(The remarks of Mr. WYDEN pertaining to the introduction of S. 2411 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNANIMOUS-CONSENT REQUEST—S. 1662

Mr. WYDEN. Mr. President, with the indulgence of the Senator from Oklahoma, at this time, on behalf of Senator KERRY, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 422, S. 1662; that the amendment at the desk be considered and agreed to; the committee-reported amendment, as amended, be agreed to; the bill, as amended, be read a third time; that the Small Business and Entrepreneurship Committee then be discharged of H.R. 3567, the House companion, and all after the enacting clause be stricken, the text of S. 1662, as amended, be inserted in lieu thereof, the bill be advanced to third reading, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate; that S. 1662 be returned to the calendar, with all of the above occurring without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, I object and will take my morning hour time to explain why.

The PRESIDING OFFICER. Objection is heard.

CREDIT CARD BILLS

Mr. COBURN. Mr. President, I say to the Senator from Oregon, I look forward to looking at the bill he just introduced. I, too, am very concerned. We had a hearing yesterday in the Homeland Security Oversight Subcommittee on credit card bills. There was some very revealing information. I think the Senator is addressing a problem we need to look at on the Senate floor. I will look at his legislation, and hopefully I will be able to cosponsor it with him.

LEGISLATIVE AND APPROPRIATIONS PROCESS

Mr. COBURN. Mr. President, let me, first of all, take a minute to talk about this bill for which unanimous consent was just requested. I think it is important in light of what the majority leader just said. Here we have a bill for which unanimous consent was requested. The American people need to understand what it means to get unanimous consent. It means all of us agree to it. It does not need to be further amended, it does not need to be changed, and it should be passed without ever having a vote on it.

This bill has a section in it that so far has lost over $3.5 billion of your money doing venture capital investing by the Small Business Administration. The OMB analysis says there is absolutely no need for this venture capital investment, especially because of the fact it has lost such a great amount of money. And venture capital investing itself is a highly risky business that requires tremendously acute knowledge and people of great acumen in terms of investing, and they lose lots of money investing.

The last thing we ought to be doing at the end of a session is passing a bill without vetting it, without debating it, without talking about the problems that are in the bill. This portion of the bill, the portion that is the Small Business Venture Capital Act, if anything, should come out of this bill. We should not reauthorize something that has lost already in excess of $3 billion, and something for which we do not get to look at the results until 10 years after it happens.

The last thing we ought to be doing is investing the American people's money in venture capital when we cannot pay for the things we need to be paying for that the American people are dependent on. I look forward to working with Senator KERRY. I have had a good relationship with him. We will sit down and talk about this bill. But I think it highlights what we need to be doing and not spending time in quorum calls but spending time debating bills.

I also want to spend a minute on this issue. I think the American people ought to be asking us about this. Here we sit, and we have one appropriations bill passed for the year that started October 1. I think I am correct. Other than the THUD bill, there has been no objection raised by the minority to proceeding to any of the appropriations bills. As a matter of fact, the choice was made not to bring up the appropriations bills in a timely manner and debate them because of the choice it was not a priority.

I do recall the tremendous criticism we rightly received for what happened last year in the appropriations process. What is going to happen? I am happy to be here for Christmas to do the business we should have already done. But let me lay out what will happen, and then let me also give a warning. At the end of sessions, what happens is we get the request to pass all sorts of legislation—much like this bill to which I just objected. Committees do good work on legislation. But a bill that has passed committee has to be agreed to by a majority of the Senators to be able to become law.

When we do unanimous consents, that means we are going to let it pass without looking at it, without amending it, and without voting on it. Well, at the end of the year, the time pressure comes. Everybody wants to get something passed. So what happens is we do a poor job of legislating because we do not look at it. We do not amend it. We do not have a debate so the American people can know about it. We just pass it.

I sent a letter to all of my colleagues today outlining and reinforcing four statements I made at the first of this year. I will object to any bill coming forward by unanimous consent at the end of the session unless it meets the requirements I laid out. That means no new authorizations unless you deauthorize something else. We are not going to grow the Government any more when we cannot pay for the Government we have. No. 2, it has to be constitutional. It has to be a true duty of the Federal Government, not an obligation of the State governments that we are going to stand up for, when they have a $6 billion to $7 billion surplus. Easily, when you look at any combination of any 10 States, they have an over $36 billion surplus totally, and we are running, in real numbers—non-Enron accounting but real numbers—a $250 billion surplus.

I am not going to allow—unless we want to put it on the Senate floor, unless we want to debate it—I am not going to allow us to pass bills at the end of the session by unanimous consent. So if you have a bill that you want to try to pass by unanimous consent, I would suggest we sit down and talk about it now, not 2 weeks from tomorrow but now. If they come in the last week, we will not have the time to look at them. So not agreeing to unanimously consider the bill as passed will be the standard fare.

Now, let's talk about the appropriations process. What we have is $23 billion more than what we agreed we are going to pass in total for the appropriations bills, not counting the emergency things we have already done that we have charged to our grandchildren. As the game is played in Washington, what will come is the pressure of chicken. We are going to play chicken because we chose not to do the appropriations bills at the appropriate time, and lots of Members have lots of earmarks in bills.

So they do not want us to continue to fund where we are. They want us to have an omnibus bill where we can have all these earmarks, about $26 billion worth of earmarks, so we can look good at home—not competitively bid, not based on priorities but based on our political priorities individually as Senators. We are going to spend about $23 billion more than what we said we are going to spend. That $23 billion is almost $300 billion over the next 10 years. And we are fighting about $80 billion on an AMT fix for 1 year. But we are not concentrating on the fact we are going to institute $300 billion worth of more spending.

I will remind my colleagues again, we do not have to raise taxes. We can eliminate the AMT. What we do not want to do, and what we fail to do, is get rid of the waste, fraud, abuse, and duplication that numbers in excess of $250 billion every year—every year—because we will not do the hard work of oversight.

So we are going to line up, and we are going to get a package from the House, and we are going to get a chance to vote on it, and the President has already said he is going to veto it if it has this excess number and all these earmarks in it. I would think this would be better than playing chicken: Why don't we live within our means like every family has to? That $250 billion comes to 20 percent of everything we spend in the discretionary budget. If you ask homeowners and families who are having a lot of pressure now, would they dare waste 20 percent of their budget, would they dare not look and reconsider how they are spending their money when it comes to their family budget, they would not. Yet we continuously refuse to do the hard work of oversight. We do not want to offend anybody. In the process we are offending the next two generations. My hope is we don't end up here at Christmas, but I was dead serious when I took my oath. I am going to defend the Constitution and I am going to work to make sure bills that are outside of that Constitution don't pass this body. I am going to defend my obligation to the next two generations and the heritage this country was built on—one generation sacrificing for the next—so future opportunity is there. I am going to do everything in my power to not let $23 billion of extra spending go through this Senate at the end of the year. Now, I may not be successful in that, but at the end of the day, I am going to sleep real well knowing I am fulfilling my oath, knowing that I know what the Constitution says. When we get outside the bounds of the Constitution, in terms of Federal responsibility, what we do is we say in name we are helping somebody and we are charging it to our grandchildren and undermining the very opportunity we all experience.

My hope is we can come together during this season and say: Let's get it right. Let's not spend a bunch of extra money. Let's put it back. We could be facing some pretty severe economic times in this country in terms of how things look, especially people who were sold homes and mortgages they didn't qualify for and now are struggling. How are we going to address that? How are we going to help them through that? How are we going to accomplish that which empowers people, not Government? We need to be working on those things. We do not need to be spending the extra money now that we may, in fact, need to spend later. We may, in fact, need to borrow money later. So we should be doing the job right the first time, staying within our means, doing what is necessary, even though it offends people who might not get something from the Federal Government through an earmark.

I believe the people of the Senate are great people. I believe, ultimately, they want what is great for this country. I know all of those who have children and grandchildren wish and hope for the very best for their lives and to experience the kind of opportunities we have had. But I wish to tell my colleagues it is at risk. It is not a small risk, it is a great risk. Mr. President, 2012 is coming fast; 2012, that day when the baby boomers are taking both Social Security and Medicare, when we start down this road of $79 trillion worth of unfunded mandates. How can we be trusted to fix those problems when we can't even live within our own budget?

I said before, about a year and a half ago on this floor, that there is a rumble in America and it is real. The American people are sick and tired of the partisan games we play. They don't want to see Republicans pointing their fingers at Democrats. They don't want to see Democrats pointing their fingers at Republicans. What they want us to do is the job of governing within our means.

Our problem is we have difficulty identifying what is most important: Our political careers or the future of the country. What gets in front of us too often is how do we look good at home rather than how do we look good in the future so we secure the promise America stands for. My hope is we will work together.

One final comment on the farm bill. We need a farm bill, but we don't need a farm bill that continues to have programs that wealthy people who aren't real farmers take advantage of—people who aren't farmers, yet suck the money out of the farm program. Twenty percent of our farmers produce 80 percent of our goods, but a large portion of the farm program goes to gentlemen farmers—doctors, lawyers, who happen to own a small acreage and then suck the programs dry for their own benefit for things they could very well afford to pay for. So the farm bill isn't going to go forward until we have an open amendment process.

I agree with the majority leader. We shouldn't have all of these votes that aren't necessarily related to the farm bill, but we should certainly fix the crop insurance program. We should certainly mandate that if you are getting a government benefit as a farmer, you ought to be a farmer. You shouldn't be an investor who is investing in making money off the hard-earned tax dollars of middle-class America. That is what too much of the farm program is. We shouldn't be setting about saying that if we are going to incentivize to get greater production, and then all of a sudden if somebody is successful at it, then you can't do it anymore. If an incentive is put in place to work, then let's make it work. We haven't done that with ethanol. We haven't said you can only produce so much ethanol. So if an incentive works, we ought to use it. But we ought to make sure the people getting those incentives are real farmers.

Again, I thank the Chair for his indulgence and I yield back the remainder of my time.

Mr. KERRY. Mr. President, today the Senate tried to call up and pass an amended version of S. 1662, the Small Business Venture Capital Act of 2007. There was objection to the bill based on a concern that it reauthorized the SBA's Small Business Investment Company Participating Securities program, a program which the Office of Management and Budget has predicted will have losses of about $3 billion.

The amendment pending before the full Senate does not reauthorize the SBIC Participating Securities program. That provision was taken out of the bill in October when the committee first circulated the proposed amendment to colleagues and the parties notified their members that the committee would like to pass the bill by unanimous consent.

Equity financing like the SBIC Participating Securities program is important to the continuum of small business financing, and testimony before our committee this summer emphasized the need for a reformed program to fill the void left by the private sector. However, as the report to S. 1662 clarifies, Congress could not find common ground with the administration on reforming the program and so the committee included a token reauthorization amount to signal to the business community that it understood the need for small equity investments and that there was support for the Small Business Investment Company program in general.

The bill reauthorizes through 2010 the Small Business Investment Company Debenture program, and the New Markets Venture Capital program. Venture capital is a critical driver of our economy and job creation. Since the creation of the SBIC program almost 50 years ago, the country has benefited from hundreds of thousands of jobs. Some examples of success stories include businesses that are now household names—Calaway Golf, Intel, Jenny Craig, Outback Steakhouse, and Federal Express. Through the SBA's New Markets Venture Capital program, which has only been making investments for a couple of years, businesses in areas with the highest national unemployment, such as in the Appalachia region of Kentucky, have gotten access to more than $48 million in patient investment capital and created hundreds of jobs with sustainable wages and health care benefits. Senator Snowe and I worked with the SBA in drafting S. 1662, and the committee of jurisdiction adopted it unanimously—by a vote of 19 to 0.

Further, we understand concerns about moving legislation last minute and we try to avoid that. In this case, our committee voted out this bill in June, giving colleagues with concerns more than 5 months to review the legislation. And in anticipation of moving this bill by unanimous consent committee staff reached out to other offices in October. We have tried for 6 weeks to discuss the bill and identify any possible concerns. We gave those offices copies of the bill, the report, the CBO cost estimate, explained what was in the amendment to be hotlined, and provided a copy of the revised CBO cost estimate that reflected striking the section that reauthorized the SBIC participating securities program and the section that triggered direct spending. The bill has a very modest cost, reduces the historic authorization levels, and has the potential to have a very positive impact on the economy, through investment and job creation. We would be happy to work with our colleagues to try and clarify any other misunderstandings and to work through any substantive concerns. I ask unanimous consent that a copy of the amendment be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Venture Capital Act of 2007".

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "low-income geographic area" has the meaning given that term in section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689), as amended by this Act;

(3) the term "New Markets Venture Capital company" has the meaning given that term in section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689); and

(4) the term "New Markets Venture Capital Program" means the program under part B of title III of the Small Business Investment Act of 1958 (15 U.S.C. 689 et seq.).

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Table of contents.

TITLE I—SMALL BUSINESS INVESTMENT COMPANY PROGRAM

Sec. 101. Reauthorization.
Sec. 102. Leverage.
Sec. 103. Investments in smaller enterprises.
Sec. 104. Maximum investment in a company.

TITLE II—NEW MARKETS VENTURE CAPITAL PROGRAM

Sec. 201. Diversification of New Markets Venture Capital Program.
Sec. 202. Establishment of Office of New Markets Venture Capital.
Sec. 203. Low-income geographic areas.
Sec. 204. Applications for New Markets Venture Capital Program.
Sec. 205. Operational assistance grants.
Sec. 206. Authorization.

TITLE I—SMALL BUSINESS INVESTMENT COMPANY PROGRAM

SEC. 101. REAUTHORIZATION.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting after subsection (e) the following:

"(f) SMALL BUSINESS VENTURE CAPITAL.—For the programs authorized under part A of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), the Administrator is authorized to make—

"(1) $2,000,000,000 in guarantees of debentures for fiscal year 2007;

"(2) $2,250,000,000 in guarantees of debentures for fiscal year 2008;

"(3) $2,500,000,000 in guarantees of debentures for fiscal year 2009; and

"(4) $2,750,000,000 in guarantees of debentures for fiscal year 2010.".

SEC. 102. LEVERAGE.

(a) IN GENERAL.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended to read as follows:

"(2) MAXIMUM LEVERAGE.—

"(A) IN GENERAL.—The maximum amount of outstanding leverage made available to any 1 company licensed under section 301(c) may not exceed the lesser of—

"(i) 300 percent of private capital; or

"(ii) $150,000,000.

"(B) MULTIPLE LICENSES UNDER COMMON CONTROL.—The maximum amount of outstanding leverage made available to 2 or more companies licensed under section 301(c) that are commonly controlled (as determined by the Administrator) may not exceed $225,000,000.

"(C) INVESTMENTS IN WOMEN-OWNED AND MINORITY-OWNED BUSINESSES AND IN LOW-INCOME GEOGRAPHIC AREAS.—

"(i) IN GENERAL.—The maximum amount of outstanding leverage made available to—

"(I) any 1 company described in clause (ii) may not exceed the lesser of—

"(aa) 300 percent of private capital; or

"(bb) $175,000,000; and

"(II) 2 or more companies described in clause (ii) that are commonly controlled (as determined by the Administrator) may not exceed $250,000,000.

"(ii) APPLICABILITY.—A company described in this clause is a company licensed under section 301(c) that certifies in writing that not less than 50 percent of the dollar amount of investments of that company shall be made in companies that, prior to that investment, are owned by women or minorities (as determined by the Administrator) or are located in a low-income geographic area (as that term is defined in section 351).

"(D) EXCEPTION.—The Administrator may, on a case-by-case basis, impose such additional terms and conditions relating to the maximum amount of outstanding leverage made available as the Administrator determines to be appropriate to minimize the risk of loss to the Administration in the event of a default.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended by striking paragraph (4).

SEC. 103. INVESTMENTS IN SMALLER ENTERPRISES.

Section 303(d) of the Small Business Investment Act of 1958 (15 U.S.C. 683(d)) is amended to read as follows:

"(d) INVESTMENTS IN SMALLER ENTERPRISES.—The Administrator shall require each licensee, as a condition of an application for leverage, to certify in writing that not less than 25 percent of the aggregate dollar amount of financings of that licensee shall be provided to smaller enterprises.".

SEC. 104. MAXIMUM INVESTMENT IN A COMPANY.

Section 306(a) of the Small Business Investment Act of 1958 (15 U.S.C. 686(a)) is amended by striking "20 per centum" and inserting "30 percent".

TITLE II—NEW MARKETS VENTURE CAPITAL PROGRAM

SEC. 201. DIVERSIFICATION OF NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) SELECTION OF COMPANIES IN EACH GEOGRAPHIC REGION.—Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c) is amended by adding at the end the following:

"(f) GEOGRAPHIC GOAL.—In selecting companies to participate as New Markets Venture Capital companies in the program established under this part, the Administrator shall have as a goal to select, from among companies submitting applications under subsection (b), at least 1 company from each geographic region of the Administration.".

(b) PARTICIPATION IN NEW MARKETS VENTURE CAPITAL PROGRAM.—

(1) ADMINISTRATION PARTICIPATION REQUIRED.—Section 353 of the Small Business Investment Act of 1958 (15 U.S.C. 689b) is amended in the matter preceding paragraph (1), by striking "under which the Administrator may" and inserting "under which the Administrator shall".

(2) SMALL MANUFACTURER PARTICIPATION.—Section 353(1) of the Small Business Investment Act of 1958 (15 U.S.C. 689b(1)) is amended by inserting after "section 352" the following: "(with a goal of at least 1 such agreement to be with a company engaged primarily in the development of and investment in small manufacturers, to the extent practicable)".

SEC. 202. ESTABLISHMENT OF OFFICE OF NEW MARKETS VENTURE CAPITAL.

Title II of the Small Business Investment Act of 1958 (15 U.S.C. 671) is amended by adding at the end the following:

"SEC. 202. OFFICE OF NEW MARKETS VENTURE CAPITAL.

"(a) ESTABLISHMENT.—There is established in the Investment Division of the Administration, the Office of New Markets Venture Capital.

"(b) DIRECTOR.—The head of the Office of New Markets Venture Capital shall be an individual appointed in the competitive service or excepted service.

"(c) RESPONSIBILITIES OF DIRECTOR.—The responsibilities of the head of the Office of New Markets Venture Capital include—

"(1) to administer the New Markets Venture Capital Program under part B of title III;

"(2) to assess, not less frequently than once every 2 years, the nature and scope of the New Markets Venture Capital Program and to advise the Administrator on recommended changes to the program, based on such assessment;

"(3) to work to expand the number of small business concerns participating in the New Markets Venture Capital Program; and

"(4) to encourage investment in small manufacturing.".

SEC. 203. LOW-INCOME GEOGRAPHIC AREAS.

(a) IN GENERAL.—Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively; and

(3) in paragraph (2), as so redesignated—

(A) in the matter preceding subparagraph (A)—

(i) by striking "the term" and inserting "The term"; and

(ii) by striking "means";

(B) by striking subparagraph (A) and inserting the following:

"(A) means a 'low-income community' within the meaning of section 45D(e) of the Internal Revenue Code of 1986 (relating to the new markets tax credit); and"; and

(C) in subparagraph (B), in the matter preceding clause (i), by inserting "includes" before "any area".

(b) APPLICATION OF AMENDED DEFINITION TO CAPITAL REQUIREMENT.—The definition of a low-income geographic area in section 351 of the Small Business Investment Act of 1958, as amended by subsection (a), shall apply to capital raised by a New Markets Venture Capital company before, on, or after the date of enactment of this Act.

SEC. 204. APPLICATIONS FOR NEW MARKETS VENTURE CAPITAL PROGRAM.

Not later than 1 year after the date of enactment of this Act, the Administrator shall prescribe standard documents for an application for final approval by a New Markets Venture Capital company under section 354(e) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(e)). The Administrator shall ensure that such documents are designed to substantially reduce the cost burden of the application process on a company making such an application.

SEC. 205. OPERATIONAL ASSISTANCE GRANTS.

(a) IN GENERAL.—Section 358(a)(4)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 689g(a)(4)(A)) is amended to read as follows:

"(A) NEW MARKETS VENTURE CAPITAL COMPANIES.—Notwithstanding section 354(d)(2), the amount of a grant made under this subsection to a New Markets Venture Capital company shall be equal to the lesser of—

"(i) 10 percent of the private capital raised by the company; or

"(ii) $1,000,000.".

(b) CONFORMING AMENDMENT AND LIMITATION ON TIME FOR FINAL APPROVAL OF COMPANIES.—Section 354(d) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)) is amended to read as follows:

"(d) REQUIREMENTS TO BE MET FOR FINAL APPROVAL.—The Administrator shall grant each conditionally approved company 2 years to raise not less than $5,000,000 of private capital or binding capital commitments from one or more investors (other than agencies or departments of the Federal Government) who met criteria established by the Administrator.".

SEC. 206. AUTHORIZATION.

Section 368(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689q(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "fiscal years 2001 through 2006" and inserting "fiscal years 2007 through 2010"; and

(2) in paragraph (2), by striking "$30,000,000" and inserting "$20,000,000".

Mr. KERRY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INFLAMED RHETORIC

Mr. SPECTER. Mr. President, I have sought recognition to comment about a statement made by the majority leader, Senator HARRY REID, yesterday that:

> . . . President Bush, he is the man who is pulling the strings on the 49 puppets he has here in the Senate.

I have had my staff advise his staff that I intended to make some comments about that so he would be notified and could come to the floor if he chose to do so. His office is right adjacent to the floor. He is a minute or 2 away. I believe that is a very inappropriate statement.

I refer to rule XIX of the Senate rules, which provides:

> . . . No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

It is my view that being called a puppet is in direct violation of that rule. I don't think there is much doubt about it. That is a term of derision, of ridicule, of censure, and it is an opprobrious term to make that statement.

I am especially concerned about it because in the immediate past there have been many Senators who have directly disagreed with the President—hardly puppets of President Bush or hardly puppets of anyone. Under our Constitution, the separation of powers makes the Congress separate from the executive branch and from the courts. That separation and that independence is something that Senators prize so very highly. So I don't take it lightly, and I don't think the other 48 of my colleagues take it lightly to be called puppets.

Let's look at the record. Within the past month, on November 8, 35 Republicans voted to override President Bush's veto of the Water Resources and Development Act. The veto was overridden; 35 disagreed with the President. It hardly sounds like there are 35 puppets there to vote to override the President's veto.

On April 11, 18 Republicans joined in support of the Stem Cell Enhancement Act of 2007. That is an issue that this Senator has worked on extensively since 1998, when stem cells first came upon the scene, and I was chairing the Appropriations Subcommittee on Health and Human Services. We have had some 20 hearings. Twice we enacted legislation to authorize the use of Federal funds for embryonic stem cell research. It doesn't sound like the 18 Senators who bucked the President's position are puppets.

On November 13, less than a month ago, 17 Republican Senators voted to support the SCHIP program, which the President was on record as opposing. He didn't like the amount of money that was involved with children's health. On November 7, 10 Republican Senators voted in support of passage of the Labor, Health, Human Services and Education Appropriations bill, despite the President's promised veto. He did veto it.

So here you have 4 situations readily at hand, where 35, 18, 17, and 10 Republican Senators disagreed with the President. It doesn't sound like the Senators are puppets in that context.

Yesterday Senator REID also complained about the necessity to file cloture some 56 times. Well, each time cloture was filed, there is a complex story behind the cloture. On a good many of those occasions, cloture was filed and the so-called tree was filled, which precluded Senators from offering amendments. There was a time when Senators proudly said that any Senator could offer any amendment on any bill at any time. There might be some limitations postcloture on germaneness or on some rules, but a practice has developed in this body to foreclose that. The jargon is the "filling the tree," and when the tree is filled, nobody can offer an amendment.

Regrettably, that has been done by Republicans as well as Democrats. When it is hard to affix blame around here for the logjam, for our inability to get much done, you can usually divide it 50/50 between the parties. So to say Senator REID has had to file cloture on 56 occasions doesn't tell you very much.

Then the issue he took up yesterday in filing for cloture on the AMT, alternative minimum tax, Senator REID filed for cloture on the House bill, which stands very little chance of passing the Senate because it is fully offset with controversial revenue raisers. Now it is true that Senate Democrats offered to remove the offsets but to keep them in place for the tax extenders. The Republican position has been that it is illogical to use permanent tax increases to offset a temporary extension of current tax policy. So there is a good reason for what is being done here.

There is no doubt the AMT has to have a fix. If it is not done, there will be some 23 million Americans who will be taxed instead of the 3 million now. So we are all dedicated to that proposition. If you take a look at the RECORD on August 2 of this year, I offered an amendment to the small business tax relief bill to repeal the 1993 AMT rate increase.

On July 20, 2007, I voted in support of a Kyl amendment to the educational reconciliation bill, which fully repealed the AMT.

On March 23 of this year, I voted in support of a Lott amendment to the budget resolution that would have allowed for repeal of the 1993 AMT rate increase.

Again, on the same day, March 23, I voted in support of a Grassley amendment to the budget resolution that would have allowed the full repeal of the AMT.

The same day, I voted in support of the Sessions amendment to the budget resolution that would have allowed families to deduct personal exemptions when calculating their AMT liability.

The RECORD is full of good-faith efforts to solve this problem. But as indicated, as stated, the course which the majority leader has taken is unsatisfactory to people on this side of the aisle. Whether it is satisfactory or unsatisfactory, it is not appropriate to call 49 Republican Senators puppets. We are trying to move through the business of the year—the people's business. We have 2½ weeks. Not a whole lot has been done. We were in on Monday; no votes. In yesterday; one noncontroversial vote. We didn't come in until noon today.

I have been around here a substantial period of time and I wonder how we are going to get through all of the unfinished appropriations bills and the many other matters that are pending on the calendar. When the majority leader makes a proposal and asks for Republican assistance, many of us have been willing to listen to what he has to say. But he doesn't improve his case when he starts calling us puppets. I wonder if he is up to the job when he resorts to that kind of a statement, which only furthers the level of rancor and insults and animosity with that kind of an insulting comment.

I would be interested in the majority leader's reply, if he cares to make one. I will be near by the Senate floor.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FARM BILL

Mr. CONRAD. Mr. President, I come to the floor to talk about the negotiations on the farm bill and to ask my Republican colleagues to think very carefully—especially the farm State colleagues—about the circumstance we face with respect to the farm bill.

The majority leader made an offer to the Republican leader during the break that we would have a chance to move forward if they could do 10 amendments on their side and we can do 5 amendments on our side; that 2 of their 10 be unrelated to the farm bill, and that we have 2 additional amendments, and the bipartisan amendments that have been filed would not count against either allocation. That offer was made to Senator McCONNELL, and Senator McCONNELL has not yet answered or counteroffered.

I hope the Republican leader will indicate how we could proceed. If there is a need for additional amendments—apparently, Senator HARKIN indicated it would be reasonable if there were 17 perhaps on their side and 14 on our side. Whatever the number is that would help us reach a conclusion would be very important for our being able to advance the legislation that came out of the committee, without a dissenting vote.

There are 21 Members of the Senate Agriculture Committee, Republicans and Democrats. This farm bill came out without a single dissenting vote. It is paid for, it is less costly than the President's farm proposal, and it has the beginnings of reform.

This is a reasonable offer. Certainly, Senator REID made it. If you look at previous farm bills, typically the number of recorded votes have been about 20 amendments, sometimes a bit more, sometimes a bit less. On average, there have been around 20 amendments that have actually been voted on. Senator REID's proposal would have 17 rollcall votes before final passage. So that would be a bit below the average. The leader has made clear that if there are some additional amendments that are required in order to advance this proposal, he is open to doing that.

The current farm bill expires this year. Farmers need to know and their bankers need to know what the rules of the road are going to be. So it is absolutely essential we get this legislation through the Senate and we have an opportunity to go to conference with the House to work out the differences in the early part of next year.

Let me make one final point, if I may. Some are saying just extend the current farm bill by a year or two. First of all, we know that if it is a 1-year extension, it will be 2 years because next year is an election year. Beyond that, our colleagues should know the baseline for writing a farm bill is based on the last 5 years of experience with farm legislation. That baseline is already down substantially because the last farm bill cost $17 billion less than the estimates at the time it was written. That baseline is going to go only in one direction for the commodity provisions at least, and that is down.

So anybody who is concerned about writing a farm bill that meets the needs of the American people—not just the commodity title but nutrition, conservation, research, and all the rest—should understand this noose is going to do nothing but get tighter. It is already very tight—very tight.

I hope our colleagues on the other side bend their best efforts to come up with a response to the proposal the majority leader made to reach conclusion, and I hope they do it soon. The clock is ticking. American farm and ranch families across this country are waiting. We should not ask them to wait past Christmas. So much needs to be done, so many decisions need to be made, but Congress needs to act now.

I yield the floor.

UNANIMOUS-CONSENT REQUEST—H.R. 3074

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany H.R. 3074, the Transportation-HUD, related agencies appropriations, 2008; that there be 20 minutes of debate with respect to the conference report, with the time equally divided and controlled between Senators MURRAY and BOND or their designees; that upon the use or yielding back of time, the Senate proceed to vote on adoption of the conference report, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, on behalf of the Republican leadership, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I have come to the floor today to make sure the record is clear on the difference between what is being said in Washington, DC, today and what is actually taking place.

Yesterday, President Bush took to the microphones to complain for the second day in a row that Congress was not getting its work done. For a second day in a row, he complained that Congress is not sending him appropriations bills that fund the most basic functions of Government. And for a second day in a row, our minority leader, Senator McCONNELL, followed suit. He came out on the Senate floor and complained that Congress has not sent the appropriations bills to the President.

Let's be clear, I made a request to pass the final conference bill for the transportation-housing appropriations bill so it could be sent to President Bush. What was the result? The Republican Senators blocked it from going to the White House, and that was not the first time that happened. They blocked the transportation-housing appropriations bill from going to the White House twice before. Mr. President, 2½ weeks ago on November 15, they blocked it; 2½ weeks ago on November 16, they blocked it; and then they blocked it again today.

Let me tell you what is going on here. President Bush and the Senate Republican leadership are trying to quietly block our progress on funding the needs of the American people while loudly complaining about our failure to make progress.

I would understand the actions of the Senate Republican leadership if our transportation-housing bill was partisan or divisive, but the conference agreement we are trying to move again today has the support of every single Republican who sat on the conference committee in the House and in the Senate. That bill originally passed the Senate with 88 votes. That conference agreement has already passed the House with 270 votes.

This is not a controversial bill. It makes critical investments in some of the most urgent needs of the American people and their local communities. That bill provides $195 million to replace the I-35W bridge that collapsed in Minnesota, an issue all of us came out on the floor and said we would move rapidly to take care of. It is sitting right here in the Senate, one step away from getting it to the President to be signed into law, and the Republican leadership said no. So they are loudly complaining about our failure to make progress.

I would understand the actions of the Senate Republican leadership if they had not taken a look at this bill and realized the critical funding in it. Besides the $195 million for the I-35W bridge, we have $1 billion in enhanced highway formula funding so all our States—all 50 States—can inspect and make repairs to their most deficient bridges, an issue we all agreed was important.

We have $75 million in new housing vouchers that will shelter homeless veterans, including our struggling veterans who have returned from Iraq and Afghanistan. This is critical funding for which our communities and our veterans are waiting.

It rejects hundreds of millions of dollars in cuts that were originally proposed by the White House, cuts that would have thrown Amtrak into bankruptcy and made the congestion at our airports worse, not better.

Our bill also includes $200 million which is urgently needed to provide housing counseling services to keep struggling mortgage holders in their homes.

I wish to take a moment to talk about that last item, the $200 million for housing counseling. This Nation is in the middle of a housing crisis. Millions of homeowners are at risk of losing their homes in the next few quarters as interest rates on billions and billions of dollars in mortgages are being adjusted upward.

On Monday, a few days ago, the President's own Treasury Secretary, Hank Paulson, and his Housing Secretary, Alphonso Jackson, made speeches on the need for Congress to address the many steps necessary to minimize this crisis. Secretary Paulson complained at a national housing forum about the number of borrowers who were entering foreclosure without contacting either their lender or their mortgage counselor. He said:

> For this public outreach campaign to be successful, there must be enough trained mortgage counselors to answer the phone when homeowners call. The administration requested funding for NeighborWorks America and other nonprofit mortgage counseling operations in its budget.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Senator's time under morning business has expired.

Mrs. MURRAY. Mr. President, I ask for 4 additional minutes to finish my statement.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, I was going to use the occasion to ask unanimous consent that following the Senator from Washington speaking, I would like to be recognized for up to 10 minutes in morning business.

Mrs. MURRAY. Mr. President, we have a number of Senators on our side seeking recognition. Perhaps we can put that together fairly quickly.

The PRESIDING OFFICER. The Chair notes that at this time, there is 5 minutes left in morning business for the Republican side. The Democratic side has used all of its time in morning business.

Mrs. MURRAY. Mr. President, I ask unanimous consent that morning business be extended to include 4 minutes for myself, the Senator from Washington——

Mr. CORNYN. I would like 10 minutes.

Mrs. MURRAY. Ten minutes to the Senator from Texas, 5 minutes to the Senator from Montana, 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, I assumed we were going to go off morning business and onto the calendar. I was going to speak for 20 minutes, so I will speak in line of appearance on the floor for 20 minutes at whatever appropriate time that is.

Mrs. MURRAY. I add that to the consent request, that if there are Republican Senators who would like intervening times, in between, we include those as well in the unanimous consent request.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Reserving the right to object, and I will not object, I express my appreciation to the Senator from Washington for allowing Republican Senators to intervene and the extent to which Democratic Members speak, I would like to make sure we have equivalent time on our side. I think we can work that out.

Mrs. MURRAY. That is included in my request. I ask additionally that Senator MENENDEZ be allowed 10 minutes as well as the end of that unanimous subsequent request.

The PRESIDING OFFICER. Is there objection? The Senator from Montana.

Mr. BAUCUS. I ask that my 5 minutes be expanded to 10 minutes.

The PRESIDING OFFICER. Does the Senator so modify her request?

Mrs. MURRAY. I do.

The PRESIDING OFFICER. The request is so modified. Is there objection to the existing unanimous consent request? Without objection, it is so ordered.

THUD APPROPRIATIONS

Mrs. MURRAY. Mr. President, as I was saying, Secretary Paulson has been complaining about the need for mortgage counseling, and he said:

> For this public outreach campaign to be successful, there must be enough trained mortgage counselors to answer the phone when homeowners call. The administration requested funding for NeighborWorks America and other nonprofit mortgage counseling operations in its budget. But the appropriations bill has yet to be finalized; Congress needs to get it done quickly.

That was not me, that was Secretary Paulson. We can do that right now. In fact, we could have done it last month. We are trying desperately to send this bill in its final stages that includes critical investment in housing counseling to the White House, just as Secretary Paulson said he wanted us to do.

The bipartisan conferees on this bill agree that the amount the President asked for was too low to meet the demand for housing counseling, given the size of the problem. Congress acted. We increased it substantially. But even though every Republican conferee on our bill signed onto that plan, we are now being blocked from sending it to the White House. I only wish the Senate Republican leadership would follow the words of Secretary Paulson and Secretary Jackson about the need for this urgent initiative.

Yesterday's Washington Post published an article on our $200 million housing counseling initiative. I ask unanimous consent to have printed in the RECORD the Washington Post article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 4, 2007]

NONPROFIT GROUPS TAKE CENTER STAGE

(By Renae Merle)

In the middle of his speech yesterday on the administration's efforts to fix the mortgage crisis, Treasury Secretary Henry M. Paulson Jr. paused to carefully spell out a toll-free telephone number that troubled homeowners can call for help.

The hotline is not staffed by government officials or mortgage lenders. Rather, the calls are answered by consumer counselors from nonprofit groups, which are taking an increasingly high-profile role in helping borrowers with mortgage problems.

The groups are acting in some cases as a buffer between lenders and homeowners. Legislation is pending before Congress that would tap NeighborWorks America, a national nonprofit group, to distribute $200 million to local counseling centers. In October, the Neighborhood Assistance Corporation of America, often a vocal critic of mortgage lenders, signed a deal with Countrywide Financial, the nation's biggest mortgage lender, to help restructure loans for struggling Countrywide clients.

However the administration addresses the mortgage crisis, "they are going to need the nonprofit community," said Kenneth D. Wade, chief executive of NeighborWorks.

His group is training new housing counselors and plans to double its counseling staff by next month. "We think every consumer needs a mortgage adviser," he said.

Nonprofit organizations around the country are already seeing a soaring demand for their services. St. Ambrose Housing Aid Center in Baltimore, which usually sees about 700 families a year, says it has met with almost 2,000 so far this year.

At the National Foundation for Credit Counseling, where about half the counselors at its member agencies focus on housing issues, President Susan Keating says: "We are very, very busy."

Government and mortgage industry officials don't often agree on what caused the mortgage crisis, what its impact will be, or how to cure it, but they all say that reaching homeowners before they go into foreclosure is difficult.

If a homeowner with an adjustable-rate mortgage that is about to reset, or one who is behind in payments receives mail from his lender offering help, the homeowner responds 3 to 5 percent of the time, according to Hope Now, a new alliance of mortgage industry and nonprofit organizations. If the offer comes from a community group, the response rate is about 25 percent. About 50 percent of homeowners who go into foreclosure do so without ever contacting their lender.

"If we are to make a difference, that number has to be reduced," Paulson said.

The best hope, many think, may be through the nonprofit community. The toll-free number Paulson touted—888-995-HOPE—has seen a spike in volume, to 3,000 calls a day from 300 a year ago.

There are 180 consumer counselors from six nonprofit groups answering those calls. That will increase to 250 by the end of the year, according to the Homeownership Preservation Foundation, which manages the hotline.

With an estimated 2 million adjustable-rate mortgages scheduled to reset in the next two years, even that likely will not be enough. "We are definitely not going to be stopping at 250," said Tracy Morgan, a spokeswoman for the foundation, which is largely financed by the mortgage industry.

The counselors focus on diagnosing the homeowners' problems, then direct them to a local community group for help or guide them through a call with their lender. The initial call usually lasts about 45 minutes as the counselor puts together a detailed budget analysis and creates an action plan for the homeowner, according to the foundation. That could include getting a second job or reducing spending. The foundation does not charge homeowners for the service.

In a separate program, the Neighborhood Assistance Corporation of America acts as a go-between, working out deals with lenders on behalf of borrowers. Under its deal with Countrywide, the Neighborhood Assistance Corporation of America has restructured about 200 loans.

Like many nonprofit groups, it has seen demand for its services climb in the past year and attributes most of the increase to homeowners with adjustable-rate mortgages. To keep up with demand, the organization is opening five offices around the country and is hiring about 30 employees a month.

"This is just the beginning. It is going to get far worse," said Bruce Marks, the group's chief executive.

Mrs. MURRAY. Mr. President, this article describes the importance of nonprofit housing counseling agencies and all they can do to help keep our mortgage holders in their homes.

Finally, I wish to say this: In the recent days, the storms in my State of Washington highlight how critical and important this bill is. Devastating mud slides and floods in my State of Washington and the State of Oregon have swamped out homes and washed out roads all across our States. It has been devastating. Families are hurting. People cannot get to work. People cannot get to where they need to go. Many of our roads are closed, including a 20-mile stretch of Interstate 5, a major artery connecting Seattle and Portland, which will be closed through Thursday, possibly longer, and the floods have virtually isolated communities across the Pacific Northwest. My heart goes out to all these families who have been affected.

We are going to be feeling the effect of this storm you have been watching on television for days, weeks, possibly months. That is not just because it caused serious damage to our roads and bridges. The closure of I-5 forced cars and trucks traveling from Seattle to Portland to detour all the way to the Tri-Cities. That is a drive that not only takes 4 hours longer, but it means our drivers have to go across a high mountain pass, not once but twice, to get to Portland. Think about the effect that is going to have on our businesses and our economy.

The impact of that storm reinforces how important transportation infrastructure is to every single one of us. We need to make those investments in our roads, in our bridges, in our airports, in our railways because one rain storm, one bridge disaster, one airport disruption can have huge impacts on our families and our economy throughout the region and throughout the country.

I am deeply disappointed the Republican leadership has said no. This is a bill that has passed the conference committee, passed the House, and it has one more step to make it to the President. It has bipartisan support. There is no reason we cannot finish this business, send it to the President, and get one of the critical appropriations bills done that he has been yelling we have been holding up. It is here. We are ready. We are waiting for a response.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I hear the distinguished Senator from Washington and other Members on that side of the aisle complain about their inability to get things done. But I have to remind them, here we are on December 5, 2007. We have been operating on a continuing resolution because the majority has failed to pass and send to the President 11 appropriations bills. We are not doing the basic work Congress is supposed to do to keep the lights on, to keep the Government working. Unfortunately, it doesn't stop there.

Mr. BAUCUS. Will the Senator yield?

Mr. CORNYN. I will not yield.

Mr. BAUCUS. I think the Senator from Washington made a point to show the Senator from Texas is incorrect.

Mr. CORNYN. I will reclaim my right to the floor.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. CORNYN. I will be glad to respond to the distinguished Senator after I conclude my remarks.

The fact now is that we have before us an effort—a misguided effort—to protect 23 or so million Americans from a middle-class tax increase. We know health care providers and physicians are going to be subjected to Draconian cuts in their reimbursement rates. We know our intelligence community needs a permanent solution to the Foreign Intelligence Surveillance Act, which will expire in February. And we know that instead of providing the funding to our troops that they need in order to protect us and our allies in the global war on terror, we are seeing strings attached, other qualifications insisted upon by the other party, which have impeded and slowed down and, indeed, to this point stopped our ability to fund our troops.

I wish to particularly, though, focus on the tax increase that, as a result of the inaction of the majority—the so-called alternative minimum tax—is going to take place unless we find some way to work our way through this issue without a tremendous tax increase on other hard-working Americans.

If there were ever a misnomer for a tax, this would be it because for an increasing number of Americans the alternative minimum tax is neither alternative, nor is it minimal.

Congress, it should be remembered, created the AMT almost 40 years ago in response to the testimony of the then-Secretary of the Treasury that 155 taxpayers paid zero Federal income tax on their 1967 tax returns. Unfortunately, but I guess predictably, this tax, created to target the very rich, the 155 who paid no taxes, has now grown to cover roughly 6 million people today and will grow to cover roughly 23 million people next year unless action is taken. It has, in the process, grown to cover more and more taxpayers and now will capture unsuspecting middle-class taxpayers by surprise unless Congress acts. This is because, unlike the regular income tax, the AMT is not indexed for inflation. This means that over time, economic growth and inflation have caused a steady increase in the number of middle-income taxpayers who will get hit by the AMT. Working parents who have children and qualify for deductions and credits under the standard tax system get a rude awakening when they discover they are subjected to the alternative minimum tax, which literally cancels out many of these deductions. This will add unnecessary complexity to the Tax Code and increase tax compliance costs and complicate taxpayers' decisions.

In recent years, Congress has enacted temporary fixes to prevent the AMT from hitting millions of taxpayers with a higher tax bill. While this solution is not perfect, it did at least limit the reach of the AMT.

Now, the Senate has considered legislation on five different occasions that would have either eliminated the AMT or greatly scaled it back. In one instance, not a single member of the majority party voted to fully repeal the AMT, and only one Democrat supported a proposal that would have rolled the increase in the AMT back to rates that took place under President Clinton. Of course, history tells us that President Clinton himself vetoed the bill that would have eliminated the AMT back in 1999.

We know the majority leader has now filed cloture on H.R. 3996, known as the Temporary Tax Relief Act of 2007. Note, Mr. President, the title, "Temporary Tax Relief." While the bill provides limited temporary relief for taxpayers, it, at the same time, permanently increases taxes on America's entrepreneurs and makes it more difficult for the United States to remain competitive in the global capital market. In other words, it makes taxpayers pay for the mistake Congress made 40 years ago when it created the AMT.

The bill makes fundamental changes to the laws affecting the taxation of partnerships. These partnerships have successfully encouraged the pooling of capital, ideas, and skills in a manner that promotes entrepreneurship and risk-taking, and, not to be overlooked, jobs. The bill raises taxes on capital formation in the United States and will increase the cost of and thus decrease the availability of capital to businesses throughout the country. The bill will severely handicap a vibrant and growing part of the U.S. economy in terms of our global competitiveness.

International competition for capital is a driving factor for business. At a time when many of us are raising concerns regarding the competitiveness of U.S. capital markets and pointing out that our economic competitors are doing everything they can to emulate the success of our capital markets, the last thing we should want to do is to put the United States and U.S. businesses to a disadvantage by increasing taxes on capital formation and driving investment dollars away to other markets. We simply can't afford for the Senate to tax long-term investments in a way that puts America at a competitive disadvantage.

Many on the other side would argue that any AMT relief should be "paid for" by raising revenue in order to neutralize the effect of the AMT cut. They say they can't just fix the AMT because it is revenue they have already anticipated. This is a revenue which, in fact, they need to fund the ever-increasing growth of the Federal Government, unfortunately demonstrated by pork-laden appropriations bills and a bloated budget. At every turn throughout the year's appropriations season, we have seen the majority push for more and more spending. Threatened with a Presidential veto, they have dared the President to veto these bloated spending bills, only to find us in the mess we are in today.

Those on the other side of the aisle have been counting on the increased revenue from the AMT to fund their growth of the Federal Government. They seem to consider the mistaken growth of the AMT to be some kind of windfall profit, and, in fact, they seem to have forgotten where the money comes from in the first place. We all should know it comes from hard-working American taxpayers, families, people in my State of Texas who already pay their fair share of taxes and can't afford to bear the burden of the Government's mistakes. So rather than fix the AMT and protect taxpayers from this unwarranted and unexpected tax increase, my colleagues would prefer to replace the AMT revenue with a new tax under a new name. I have to tell you that this kind of shell game is a too typical Washington approach.

Instead of figuring out ways to keep the hands of Washington bureaucrats in the pockets of taxpayers, this Congress ought to continue to do all it can to protect millions of middle-class taxpayers from a tax that no one ever intended for them to have to pay in the first place. Taxpayers already work for 4 months out of the year to pay their local, State, and Federal taxes. The last thing Congress should be doing is increasing the number of days American taxpayers work for Uncle Sam instead of for their families.

What is worse, Congress's inability to provide timely AMT relief will also cause unnecessary delays in processing tax returns and getting refunds to taxpayers who are entitled to them. The IRS Oversight Board, an independent board created by Congress as part of the IRS Restructuring and Reform Act of 1998, told Congress just last month that a delay threatens the IRS's ability to process returns and issue refunds in a timely manner and will impose a significant burden on taxpayers. But that is where we find ourselves today as a result of the mismanagement of our agenda.

According to the IRS governing Oversight Board, delaying the filing season by just 2 weeks would delay the processing of 6.7 million returns, putting a hold on $17 billion in refunds owed to hard-working American taxpayers. If the tax season is delayed by 1 month, this would delay 40 million returns from being processed, and $87 billion in refund checks owed to taxpayers would remain in the Federal Treasury. This is real money to real Americans, and the political games surrounding it ought to end. We should not be using the AMT relief as hostage to be exchanged for tax-and-spend policies and the growth of the Federal Government. Taxpayers can't afford it and neither can the American economy.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Montana.

Mr. BAUCUS. Mr. President, if I understand the Senator from Texas correctly, he is essentially complaining that Congress has not passed legislation to prevent the alternative minimum tax from going into effect for American taxpayers for calendar year 2007. I think that is basically what he is saying. I might say, Mr. President, there is not one Senator on the floor who disagrees with that—maybe one or two, but this Senator wants to fix AMT so Americans do not have to pay an additional tax in calendar 2007 when they are preparing their tax returns next year. I daresay virtually every Member on this side of the aisle has that same belief. We do not want to force that additional tax on Americans for all the reasons he correctly stated; namely, this was a provision which was enacted in the code back in the early 1960s intended to ensure—I think there were 200 only, very wealthy Americans who were not paying income taxes and who should pay some income taxes. That was the genesis of the alternative minimum tax. Unfortunately, as has been stated by many speakers, it was not indexed, so over the years more and more middle-income taxpayers have had to pay this additional tax, and frankly, ironically perversely, the most wealthy Americans have escaped.

So this alternative minimum tax does not do what it was intended to do. It was not a tax on the most wealthy because basically the capital gains provisions in it are so low, the net effect is the basic rate is 26 percent for the first $75,000 and 28 percent just above, and so it affects taxpayers who make between $75,000 and $500,000. That is who it hits. We want to repeal that for 2007. Virtually every Senator here wants to repeal that for 2007. We are trying to do it. We are trying to get that enacted—the repeal for 2007—so taxpayers don't pay it.

What has happened? We are being blocked. We are being blocked. Just as the Senator from Washington was trying to get an appropriations bill up, she was blocked in her effort by the other side of the aisle. Just as the President of the United States says: Congress, do your work, do your work, pass appropriations bills, he is, in effect, instructing his minions here to do the opposite—to block. That is what is happening.

The Senator from Texas, I would daresay—and it is a presumption to say this—would probably vote against efforts here on the floor to bring up a way to fix AMT. There is a cloture motion pending right now, Mr. President. It is basically on the House-passed bill to fix AMT. The leader offered a couple suggestions. What are they? One is, well, if we can't do that, let's take up the measure proposed by myself and the ranking member of the Finance Committee, Senator GRASSLEY. What does it provide? It basically says: Okay, repeal AMT. We have the AMT patch unpaid for, 2007. In addition, we have to pass these so-called tax extenders for 1 or 2 years and pay for it. Nobody seems to complain about that; the complaint is whether the AMT should be paid for. We are willing, myself and Senator GRASSLEY, to bring up and advocate the passing of that legislation. Blocked. We couldn't get consent to bring that up. Not paying for AMT but paying for extenders blocked.

Well, Mr. President, I have another suggestion. In fact, it was even mentioned by our leader. Let us bring up AMT not paid for alone. Will the Republicans object to that? So far, they have. I am waiting. Where is the Republican Party? Do they or do they not want AMT fixed in 2007? What could be easier? Bring it up—alone, unpaid for. Where are they? Why don't they accept it? What is going on here, Mr. President? What could be easier? What could be more appropriate? What could be more Republican? Lowering taxes, unpaid for. No, they do not want to do that, either, which is a good indication to me that what is really going on here—what is really going on here—is that side of the aisle will do whatever is possible to prevent the Congress from even passing legislation that is very good for the American people.

Mrs. MURRAY. Will the Senator from Montana yield for a question?

Mr. BAUCUS. I will be glad to yield.

Mrs. MURRAY. Mr. President, I ask the Senator from Montana, within the extenders package is the deduction of the State sales tax extension, something that has been granted by Congress for the last 7 years to a number of States that were, prior to a few years ago, not able to deduct their State sales tax. That is very important to people in my State. We need to have this extender passed. I wish to ask the Senator from Montana if that is one of the issues that is being blocked now by the Republicans as they object to going to this package because as we come up on the end of the year, as families are looking at what to purchase for Christmas, this is something extremely important to them. If this is not going to be extended, it will impact their incomes at a critical time, when we are facing rising gas prices, the cost of our mortgages, and people are worried about everything else.

So I would ask the Senator from Montana, is the State sales tax deduction part of that extension that is now being blocked?

Mr. BAUCUS. I say to my dear friend from Washington that it is part of the extender package that is in there. So if that were extended this year and that would go into effect, the good people of the State of Washington would not have to pay that.

Mrs. MURRAY. I thank the Senator from Montana. It is very important to our State and a number of other States—I believe Texas and other States here. I hope the Republicans don't continue to block this so we can indeed make sure our constituents are taken care of.

Mr. BAUCUS. I appreciate that. I may also say I suspect—I am only guessing here—the objection from the other side of the aisle is in part mischievous. Senators from the other side of the aisle wish to force some votes on some other measures which are not apt at this moment. What are they? President Bush's tax cuts, extending the tax cuts, extending the 2001 tax cuts. Some Senators on the other side want to force a vote on that. That doesn't expire until 2010. This is 2007; AMT applies to 2007. We have to act now. This isn't 2010.

Others wish to vote on the 2003 tax cuts, which expire—when? Again, 2010. Not now; in 2010.

I see my time is expiring. I strongly urge people to focus on what is going on here—not the rhetoric, just look at the facts. The facts are that I, as chairman of the Finance Committee, am willing and do advocate bringing up legislation to repeal the alternative minimum tax as it applies to taxpayers for 2007. There are various ways to do it. One is the House-passed bill. If that doesn't work, we will do the measure proposed by myself and Senator GRASSLEY, which is AMT, not paid for, but the tax extenders paid for. If that doesn't work, I am even willing to go so far as to see AMT alone, not paid for. That is where we should be and what we should do.

Finally, I don't know if I am known as a partisan guy. I think I tend to be perceived as somebody who tries to work things out, tries to be pragmatic, tries to get things done, not flail in a partisan manner, not engage in flowery rhetoric for the heck of it, getting headlines, and so forth. There comes a time when you have to call it like it is, say it like it is. That is what I am trying to do. I am trying to be practical and pragmatic here by calling it, saying what is going on here, and that is, despite the cries from the other side, despite the cries from the White House for Congress to fix AMT, they themselves, behind the scenes, indirectly, are blocking it. They are blocking it. They are saying one thing and doing something else.

As my father used to tell me, it is deeds, not words. They have the words but they also are blocking the deeds. I hope very much they change their minds and allow us to pass legislation here to fix AMT, because it is up to them to let us do it.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I see the Senator from Georgia is on the floor. I know it is our custom to take turns on each side of the aisle, but I ask his indulgence. I have to chair a subcommittee hearing at 2:30. Unless he has a scheduling conflict, if he would allow me to go first, I would appreciate it.

Mr. ISAKSON. As a Bears fan, I will be happy to relinquish the time to the Senator from Illinois.

Mr. DURBIN. Thank you. We need all the help we can get.

Mr. President, what I have heard this afternoon on the floor of the Senate is nothing short of incredible. The Senator from Washington came to the floor and asked to bring an appropriations bill up for us to consider. Have you noticed how much business we are doing around here? The answer is none. So there is nothing to conflict with it. We have plenty of time. Shouldn't we earn our paycheck today by doing something? The bill she wanted to bring is an appropriations bill and it is a conference report that has been signed by every Democrat and Republican—bipartisan. Everybody is agreed on it.

She asked to bring it to the floor to consider it, and there was an objection from the Senator from Texas. Senator JOHN CORNYN objected.

Senator MURRAY tried to explain what was in this bill, how important it is. He didn't waiver. He said that is it, we object to considering this bill.

Eventually she yielded the floor to Senator CORNYN who stood up and said, Do you know what is wrong with this Senate? We are not considering any appropriations bills. Just minutes before it was Senator CORNYN of Texas who objected to considering an appropriations bill. That is a matter of record.

But beyond that procedural experience, look what was in that bill. It is not just—just?—transportation and housing and urban development; $200 million is in there for housing counselors across America. What are they going to do? They are going to try to help families work themselves out of this mortgage foreclosure crisis we are facing. This money is desperately needed. Senator MURRAY worked to put it in the bill so people would have a helping hand to save their homes when they are facing foreclosure.

How big an issue is this? Mr. President, 2.2 million Americans face foreclosure on their mortgages. If they go forward with those foreclosures, 44 million American homes will lose value.

You see, the mortgage crisis is not just your neighbor's problem, it is your problem. If that house on your block is foreclosed upon, the value of your home goes down. That is a fact. So 44 million homeowners across America are waiting to see if this Government will do anything.

Senator MURRAY comes to the floor and tries to move the bill to do something. The Republicans object.

I tell you, this is an issue that strikes home in Illinois. Cook County, where Chicago is located, has the second highest number of foreclosures of any county in America—56,000 mortgage foreclosures. As a result, two out of three homes in Cook County, IL, will lose value. This is a crisis. It is not only a housing crisis, it has put our economy in a tailspin. We are trying to move and act and do something about it, and the Republicans say no. No, we don't want to do that.

That is unfortunate. It is unfortunate for the homeowners who need a helping hand. It is unfortunate for their neighbors who do not realize that this kind of effort by the Republican Senators is not in the best interests of America or its economy.

It troubles me as well because this bill includes money to rebuild the bridge near Minneapolis, the one that came crashing down, with deaths involved and real concern across America about the quality and safety of our infrastructure. Senator MURRAY, on this bill, on a bipartisan basis, puts money in—$1 billion, is it?—for bridges across

America, including the bridge in Minneapolis.

I would beg Senator NORM COLEMAN of Minnesota to speak to Senator CORNYN of Texas and ask him to take his hold off this bill, to stop objecting for the good of his own home State of Minnesota and for all of our States. I hope Senator CORNYN of Texas will reconsider his position; will remove his objection to this bill; will let us move to this appropriations bill in a timely fashion.

This is not the only time we have run into this. Senator CONRAD of North Dakota was here a moment ago, begging for the farm bill to come to the floor. Every 5 years we have a new farm bill. It takes a lot of work to put it together. It is a very important bill to Illinois and almost every State, and the Republicans have stopped it in its tracks. We waited here on this floor for 2 weeks and did nothing because the Republicans refused to reach an agreement on moving this bill forward. The Senate rules are written so that even a minority party can stop business. Senator CONRAD said, let's agree on a list of amendments. You can have yours, we will have ours, but let's get going, let's get to work. And the Republican answer is no.

It is not the first time. Fifty-six times so far this year, the Republicans have filibustered, stopping debate, stopping legislation, stopping attempts to make America better—56 times.

You might say, I am sure that goes on every day, doesn't it? No. The record in the Senate is 61 filibusters over a 2-year period of time. The Republican Senators this year are about to break the record for filibusters in one Congress in 1 year. It tells you what they are all about. It is not doing the people's business. It is not trying to solve the housing crisis, dealing with the farm issues. It is about stopping the business on the floor of the Senate. They are using that opportunity and that authority to do that.

I want to correct the RECORD. Staff just advised me that Senator SPECTER and not Senator CORNYN was directed on behalf of the Republican leadership to object to the earlier bill. I want to make it clear and apologize to my colleague Senator CORNYN—we are friends—and I misrepresented his position on that because it was, in fact, Senator SPECTER of Pennsylvania speaking on behalf of the Republican leadership, Senator MCCONNELL of Kentucky, who objected to the transportation bill. I hope the RECORD reflects that, and my apologies to Senator CORNYN for mentioning his name improperly.

But the position still stands. A Republican leadership position, directed to stop the appropriations bill, and then Republicans coming to the floor saying, Isn't it a shame we can't move appropriations bills.

The last thing I want to mention is the alternative minimum tax. This will affect 19 million Americans if we don't change it. Some are in higher income categories. Many are not. We want to make sure we correct this problem and move forward with it. I think the responsible thing to do is, if you are going to cut a tax, either raise another tax or cut spending. I think that is responsible. Republicans reject that. They say we want to cut taxes and we don't want to pay for it. We want to add to the deficit and it is OK, and they can prevail because we don't have 60 votes. It takes 60 votes to accomplish something here on the Senate floor of controversy.

So what we offered to them is their way of looking at the world. We will let you cut this tax and not pay for it, just add to the deficit, the old Republican way of doing things. You prevail. You win. And their answer? No, we won't even let you go to the bill under those circumstances. It is pretty clear; it is a question of blocking and intransigence.

In addition to the fact that the Republicans are blocking the farm bill, an attempt to deal with the mortgage crisis in America, bridge building for the State of Minnesota and all other States, and dealing with the alternative minimum tax, it is pretty clear they want this Congress to end without any accomplishments. They had a do-nothing Congress which cost them control in the last election. They are determined to do everything they can to make sure we do nothing in this Congress.

Sadly, the message to the American voters is we need more votes. If you want real change in Congress, we need more Senators to come to this floor who want to accomplish things, rather than stop things and block things. That is what we have seen repeatedly here, this day and every day during the course of the session. I had hoped a handful of Republican Senators would stand up and say: Enough. We have a responsibility to the people of this country, a responsibility that goes beyond our party responsibility. We need to pass a farm bill, we need to do something about the housing crisis, we need to give real tax relief to American families.

We are still waiting for those voices, and I hope they will come to the floor and accomplish that. In the meantime, we will continue to make our offers to the Republican leadership, to find a responsible way to move forward. I hope they will accept this opportunity and I hope we can get something accomplished. It is clear, as this empty Chamber passes hour after weary hour doing nothing, the American people are fed up with it. I think they are fed up with it enough to want real change in the next election.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

THE MIDDLE EAST

Mr. ISAKSON. Mr. President, last week the Middle East observed a historic anniversary, in fact, a historic anniversary for all of mankind, for the 29th of November was the 60th anniversary of the U.N. resolution partitioning the State of Israel and providing a homeland for the Israeli people. I had the opportunity to be in Israel while that celebration was taking place. Another event took place in Annapolis, MD, the home State of the Presiding Officer, last Tuesday, the 28th of November, when 18 Arab Nations, the Palestinian Authority, and Prime Minister Olmert of Israel met in Annapolis, to try to begin the process for the roadmap for peace in the Middle East. I think all of us are encouraged, happy, and rewarded that the result of that conference was an agreement between the Palestinian Authority and Israel to try, over the next 12 months, to reach an agreement by the end of 2008, which will in fact bring about peace in the Middle East.

All of us have great hope, but all of us have great wonder how we get from the agreement to try to actually having that happen. Since I had the occasion to be in Israel, I thought I would share for a second the fact that, as complex as the Middle East is, as challenging as the issues are that face the nation of Israel and the Palestinian Authority, there are some simple steps upon which we can build to possibly get to a true roadmap to a lasting peace in the Middle East.

There is no question, from having gone there, that the first step is security. The State of Israel deserves the security to live in peace and without intimidation and without threat. Not long ago, Israel took its settlements out of Gaza, moved those settlements out of Gaza to its perimeter. Within months, Hamas took over as the leading authority in Gaza, a Palestinian area, and instead of securing it for themselves began a method of intimidation and threat and terror against the people of Israel. Last Saturday, I stood on the last Israeli outpost overlooking Gaza, talking to an Israeli man and Israeli woman who lived in the settlement outside of Gaza, as a rocket went off and was fired into that very settlement, a practice that every day continues to take place, to intimidate, to threaten, and to terrorize.

As long as elements of terror such as Hamas and Hezbollah in Lebanon continue to disrupt, we will never be able to reach a platform upon which we can have a roadmap to peace. But security could possibly take place. I want to commend the Palestinian Authority on its initial steps in the West Bank, one village at a time, to attempt to bring about peace and security on that side of Israel and in that area of the dilemma.

I met with the Foreign Minister, Riyad Maliki, of the Palestinian Authority, who passionately convinced me that he and his leadership are interested in seeing to it that they deliver on that security, because they understand that without security there can never be any peace, without peace there can never be a Palestinian State.

This President, George Bush, whom I commend for bringing about the Annapolis conference, was very courageous 6 years ago when as President of the United States he declared he would support a homeland and security for the Palestinian people, right after the Palestinians and the people of the Middle East accepted and acknowledged Israel's right to exist and respected its state.

I believe the desire is in the Palestinian people to have their homeland. I believe the will is there to see to it that is accomplished. But as long as terror, through the elements of Hamas and Hezbollah, continue to threaten and intimidate the people of Israel, it will never happen.

So the first step, following that agreement at Annapolis, is for the Palestinian Authority to secure Gaza and to secure the West Bank. But you do not go to the Middle East, as I have four times in the last 5 years, and not realize in the end it is also all about Iran.

As long as there are state sponsors of terrorism, whether it be Hezbollah or Hamas or whether it be infiltration of terrorists or IEDs into Iraq, you can never truly have peace and security.

But this President deserves great credit for setting up the conference at Annapolis. Condoleezza Rice deserves great credit for five times traveling to the Middle East, from one Arab state to the other, encouraging those states to attend. It should not go unnoticed by anybody, us in America and Ahmadinejad in Iran, that when finally pressed, the 18 Arab states all came to Annapolis because, in the end, they all want peace. But in the absence of security and the presence of terror it cannot happen.

I commend our President for bringing about the conference in Annapolis. I commend the people of Israel for making the first step in Gaza and acknowledge their concern now that that first step has only been rewarded with acts of terror against their own people and encourage the Palestinian Authority to continue to work in the West Bank, and later in Gaza, to root out terrorism, bring about security, so the State of Palestine and the State of Israel can live in harmony. And for us in the free world, one of the biggest threats to our security is lessened because people are living together in peace and not in terror and not in fear.

In closing, I wish to acknowledge the great ally we have in Israel, the resilience of their people, to that young man and woman I met on the hill overlooking Gaza, who daily meet the threats of rockets coming from terrorists, and let them know that we in America are with them, and one day peace and security can become a reality if we begin to get the security in the areas of the West Bank and in Gaza.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

OBJECTIONS

Mr. DORGAN. Mr. President, what is happening in the Senate is going to give frustration a new meaning. I cannot begin to explain how unbelievably frustrating it is for people elected to come to this body, they say the greatest deliberative body, to be at parade rest day after day after day, unable to move because of two simple words uttered almost routinely every day by the minority: I object. I object to everything. I object. I object.

Mark Twain once was asked if he would engage in a debate. And he said: Of course, as long as I can take the negative side.

They said: We have not told you what the subject is.

He said: That does not matter. The negative side will take no preparation.

It takes no preparation to say "I object," to take the negative side of everything. Yet that is what has happened. We have people posing as a set of human brake pads, determined to stop everything in the Senate. Maybe that would make not much difference if there were not things that were so urgent and in need of being done.

I sat here for a while this afternoon and saw something quite stunning. My colleague stood up and said, on the appropriations bill that passed the Senate by a wide margin, over 80 votes on transportation-housing and so on, she wanted to bring the conference report up to the Senate. There was an objection by the Republican leader of the Senate: I object.

Then, immediately afterwards, Senator CORNYN from Texas stood up and said: I do not understand what all of the problem is, the way the majority is running this place, why do we not get appropriations bills to the floor of the Senate?

This was immediately after his side had already objected to bringing an appropriations bill to the floor of the Senate. It is as if they think no one is watching. These are illusionists who provide no illusion. Nobody is watching, they think. This is all done in broad daylight. They say: We object to bringing appropriations bills to the floor of the Senate. Then they stand up and seek recognition and ask: Why are you not bringing appropriations bills to the floor of the Senate? Do they believe people do not watch and listen and understand?

It is absolutely beyond me. Now, let me describe this "I object" strategy. I object to appropriations bills, they say. Do you know this year we even had to file a cloture petition to shut off a filibuster on a motion to proceed to the appropriations bill that would fund homeland security needs.

We are in this process of waging a war on terrorism to protect our country, and we cannot bring a bill to the floor earlier this year on homeland security appropriations to fund the programs without having a filibuster by the other side on a motion to proceed, not even on the bill, but a motion to proceed to the bill. That describes what the other side has done all year long.

Now, in December, they come to the floor and they say: Well, where are the appropriations bills? Well, I will tell you where they are; you objected to all of them. You took all the action necessary to try to prohibit us from moving these appropriations bills. That is the case.

Alternative minimum tax, they call it AMT. It is a fancy way of describing an alternative tax system that recalculates your tax. It is going to affect millions more Americans. We should fix that. Why have we not fixed that today? Because the other side has objected. The Republican leader has objected. That is why we have not fixed it.

The farm bill. Why have we not finished the farm bill? Because the Republicans have objected. We wanted to come out here and finish it. We have made unanimous consent requests. We have an offer in front of them now with the amendments and so on, but they continue to object.

I have said often, if farmers behaved the way this Congress—and especially the minority—behaves, they would not have a crop to plant because they would not get time. They would not have a crop to harvest if they got it planted because they would not have time. They would object. They would not milk the cows when the cows were fresh. I mean they would not have a crop or cows. You cannot put all these things off, nor should the Senate put them off.

An energy bill. Well we tried to go to conference on an energy bill. There was an objection on the Republican side. So now we are hoping to try to be able to consider an energy bill that comes from the House. I hope we can round up the votes for it. But we never got to conference because of an objection on the Republican side.

Now my colleague, as I listened this afternoon, said the proposal on the alternative minimum tax by the Democrats was more taxes on the American people, a substitution of taxes and to accommodate the growth of Government.

Let me take both those proposals. This issue of the growth of Government is fascinating to me because this President has proposed more spending than any President in the history of this country, by far. We have in front of this body right now a proposal by this President for $196 billion, none of it paid for, to support the war in Iraq and Afghanistan.

Now, $196 billion, that is $16 billion a month, $4 billion a week, all of it added to the Federal debt, none of it paid for. We have someone over there stand up and say we are the big spenders, we are the ones who want to spend money, after the President has asked for $196 billion in additional spending that he wants.

He said that $22 billion we wanted to invest in this country was too much money. We were $22 billion apart, with respect to the President's budget and our bipartisan approach on the appropriations committee. He said: No, that is too much money, that $22 billion to invest in our country's roads and bridges and health care and energy. That is too much money to invest in our country, but I want $196 billion, none of it paid for, all of it outside the budget, for my priorities, the President said.

It is interesting to me that even as we are told by my colleague from Texas and others that this is growth in spending and that somehow the profligate spenders are on this side of the aisle, and I must say I have held now 12 hearings on the issue of waste, fraud, and abuse in the countries of Iraq and Afghanistan in the prosecution of these wars. Waste, fraud, and abuse by contractors, a massive amount of money shoveled out the door by this administration to contractors.

Let me tell you what the result has been: A blind eye. No one seems to care. You want some nails? I know where there are 50,000 pounds of nails lying in the sand. You know where it is? In the country of Iraq, 50,000 pounds of nails lying in the sands of Iraq in a pile.

You know why? Because the contractor ordered the wrong size. But it did not matter, throw them away, reorder. It is a cost-plus contract. The American taxpayers are picking up the tab. Do you want to see waste, fraud, and abuse? This is a hand towel provided to American soldiers.

I ask unanimous consent to show the item on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. This was provided to American soldiers by the subsidiary of Halliburton Corporation. They ordered hand towels under their contract for the American soldiers. Well, guess what. The guy who ordered these was the order manager sitting in Kuwait. His name was Henry Bunting. He came and testified before my hearing. He said: I ordered these towels, but I ordered white towels, plain white towels. My supervisor said: You cannot do that. You need for our name, Kellogg, Brown and Root, the subsidiary of Halliburton, to be embroidered on the towel.

He said: Well, that is going to triple the cost. He was told: It does not matter. It is a cost-plus contract. The American taxpayer pays for this. Katy bar the door. Spend whatever you like. The American taxpayer will pay for it. Two hundred and twenty million dollars to a contractor to rehabilitate health clinics in Iraq. The $220 million is gone. The contractor has it all, and there are 20 health clinics built.

And a physician goes to the Health Minister and says: I want to see these 220 health clinics the American taxpayer paid for; the Health Minister of Iraq said: Well, those, you have to understand, are "imaginary" clinics.

Seven thousand six hundred dollars a month to rent an SUV, $45 a case for a case of Coca-Cola, $85,000 trucks that have a flat tire and they are left beside the road to be torched in Iraq because they cannot fix a flat tire.

American taxpayer is going to pay for all of that. It is a cost-plus contract. You have a truck with a plugged fuel pump, do not worry, leave it behind. Yeah, it will get torched, but the American taxpayer pays for that. So when I hear somebody talking about profligate spending, I say to them this: We have had four votes on the floor of the Senate to set up a Truman Committee of the type Harry Truman led dedicated to root out waste, fraud, and abuse.

Four times we lost that vote. I am proud to tell you every Member of the Senate on this side of the Senate voted with me, but four times we have lost because there are some who talk a lot about spending but do not care how much is spent.

This is the greatest waste, fraud, and abuse that has occurred in the history of this country with this profligate contracting. I have only described the tip of the iceberg. I could spend an hour out here telling you stories about the way the American taxpayer has been fleeced by the massive amount of money that is shoveled out the door and the $196 billion the President now wants; a substantial portion of it will also go to corporations and still no one is watching the store. Still no one is watching the store. In Iraq itself, $8.9 billion is missing. Think of that. I daresay no one is looking for it.

Growth in government has a pretty hollow sound, it seems to me. The growth of spending, the waste, fraud, and abuse that is occurring under the nose of this administration, an administration that seems unconcerned, is the most significant waste, fraud, and abuse in the history of this country. We need to stop it. I will offer again the issue of a Truman commission to set up a special committee to investigate this and put an end to it.

On the question of who pays taxes, my colleague says: This is fixing the alternative minimum tax, but you are charging some others additional taxes. Let me remind my colleague who is going to pay additional taxes. The person who ran a hedge fund last year and made $1.7 billion was the highest paid person in this country that we know. If you are adding that up, if someone asked: What is your monthly salary, that person would have to say, it is about $145 million a month. Some would ask: What do you earn in a day. About $4.5 million a day. That is a pretty big salary.

Do you know something more interesting about that? The people earning at that level are paying an income tax rate in most cases of 15 percent. Think of that. There are no Americans going to work this morning working in ordinary jobs who are paying 15 percent income tax. I guarantee they are paying much more.

One of the richest men in the world, Warren Buffett from Omaha, said in his offices they got permission from his employees to figure out what happened with respect to the percentage of taxes paid by the employees. It turns out in that office, the lowest tax rate paid in his office is paid by the second richest man in the world, Warren Buffett. He said that is an outrage.

He said: I pay a lower percent of taxes from my income than my receptionist does. That is an outrage. Some want to correct that. I do.

My colleague from Texas would say: You are going to hurt people engaged in capital accumulation. Well, it seems to me the issue is one of fairness. Why is it that one group of people who makes hundreds of millions gets to pay a 15-percent tax rate. But a whole lot of other people who work hard all day, take a shower at night because their labor is important, come home with a meager paycheck and haven't made much progress with their salary in recent years, they look at their tax bill and are paying 25, 30, 35 percent, plus their Social Security taxes.

When my colleague talks about the growth of government, I say: Look in the mirror. When my colleague talks about taxes, I say: Look in the mirror and ask yourself whether you want a fair tax system.

More important than that, I want to talk for a moment about priorities. When we are told that $196 billion ought to be made available, none of it paid for, for the President's priorities, and we don't have enough money for things at home, I ask a question about this young lady. Her name is Ta'shon Rain Littlelight. She is a beautiful young Indian girl from the Crow Reservation in Montana. Ta'shon was 5 years old. Ta'shon died.

I held a hearing in Montana with Senator TESTER on the Crow Reservation. This little girl's grandmother came to the hearing and held up this picture. She said Ta'shon died a very painful death, was in pain month after month. The kind of health care that should have been available to diagnose an illness which later became terminal was not available to this little girl. So she lived a painful last 3 months with a terminal illness and never got the health care she should have received. Not enough money for that, just not enough. Yes, this 5-year-old girl died. Not enough money for Indian health to deal with her.

I have shown my colleagues a picture of a little girl named Avis Littlewind. She was 14. She is dead as well. She took her own life. She lay in bed 90 days in a fetal position, missing school, 90 days, and somehow it didn't raise alarms anywhere. She took her own life. No mental health treatment, no mental health treatment available on that reservation for that young lady.

I have shown my colleagues a picture of a woman brought into an emergency room—a Native American woman, as well. She had an 8-by-10 piece of paper attached to her thigh by a piece of masking tape, being transported on a hospital gurney from the ambulance to the hospital with a piece of paper attached by masking tape to her thigh that said to the hospital: If you accept this patient, understand that the contract health care money is gone for the year. You accept this patient on your own dime and at your own risk, this patient with a heart attack.

We don't have enough money for our domestic needs. The President says: No, I want $196 billion for my priorities. I have just described the massive waste, fraud, and abuse with respect to the priorities of contracting in Iraq. I care about Indian health care for a lot of reasons. I chair the Indian Affairs Committee. We have struggled desperately to try to get the money we need for Indian health. That money is not available. Why? Because investment at home is not the priority. The fact is, these issues are life or death for a little girl like Ta'shon Rain Littlelight. This Congress can do something about it.

One hundred years from now, we will all be dead. But historians can understand who we were. They can look at what this country decided to do, what kind of decisions this Senate made by what we spent our money on. What did we think was important? Someone once asked the question, if you were charged with the task of writing an obituary for someone you had never met, and the only information you had was the check register from that person's checkbook, what could you write about that person? What you could write about that person is what you knew that person to value based on what they spent their money on. What did they invest in, contribute to? What was important to them? What was their value system?

The same will be true when historians evaluate what was important to us, what our value system was. So we have this dispute these days with President Bush and those on the other side of the aisle who are loyally supportive of the President's priorities at this point. I am not suggesting that we shouldn't work together. In fact, all of us have reached out to say: Let's find a way to reach compromise. But on issue after issue after issue—the alternative minimum tax, the Energy bill, the farm bill, appropriations bills—we have had great difficulty getting anything other than a cold shoulder from the White House. Democracy works and this system of government works only with compromise. It is the only way it can work.

The majority leader was here today once again seeking an opportunity to have unanimous consent requests agreed to or negotiated. The farm bill is an awfully good example. We have now sent to the other side a list of things that we hope perhaps they might agree to. And if they don't agree to that, to give us a list back. Let's find a way to have common lists of amendments to bring the farm bill to the floor and finish it. That is a reasonable thing to do. Yet we can't get that done, can't get the first baby step in the right direction. All we get is hot air, a lot of rhetoric, discussion such as I heard this afternoon that somehow the majority is a group of profligate spenders, and the majority wants to increase taxes. What a bunch of nonsense. It is completely at odds with the facts. It is as if they believe that there are not cameras here and this isn't being recorded.

I was thinking, as I was sitting here, about a story I heard when I was a kid of Joseph Montgolfier from rural France. The story was in 1783. He was sitting in a big, overstuffed chair looking at his fireplace in his country home. And as he watched the fireplace he saw sparks and smoke go up the chimney. As he contemplated the smoke and the sparks, he thought: There is something taking the smoke and sparks up the chimney. That must be some sort of energy. And so several months later he was in a meadow in rural France with burlap bags he had dampened and straw he was burning and he fashioned the first balloon. And it was the first recorded evidence of powered flight. He discovered that hot air rises and used hot air to lift a balloon.

I was thinking about hot air today because I listened to what is supposed to somehow pass for informed debate, and it is nothing but hot air. Why don't you pass the appropriations bills. OK. Let's try one. I object, he says.

I don't understand that at all. Don't ask us to pass bills you are going to object to, if you are going to continue to stall and object. If you want us to pass legislation, appropriations, energy, AMT, if you want us to pass legislation, come to the floor this afternoon. Let's work together and work out a process by which we pass legislation that advances this country's interests. It is not as if we don't have significant challenges and significant interests. We do.

No one in this Chamber can suggest somehow that with the price of oil bobbing at around $90 to $100 a barrel that we don't have serious challenges and a need to pass an energy bill. The House of Representatives is doing an energy bill. We did one in the Senate prior to this. We tried to go to conference, and there was objection. So we couldn't even get to conference. But we will, I think and I hope, have the Energy bill the House is going to pass and then send over to the Senate next week. There is an urgent need to have conservation, efficiency, and renewable energy, as well as continue to use fossil fuels without injuring the environment. We can do all of those things, and should, but we will need some cooperation. We are not asking for the Moon. We are just saying this country faces obvious challenges.

No one party can do it alone. We have a 51–49 majority. All we need is some cooperation. All we need is for people who continue to come day after day after day with a two-word vocabulary, "I object," to see if they can't add a few words and say "I accept."

Let's work together. Let's join together to get things done. That is all we are asking. We only have a few days left in this session, probably a maximum of 12 or 13 days. I would hope all of us who are paid to work here and do the public's business would want to make those days productive on behalf of the country. We live in a great place. We should give thanks every day for this opportunity. Let's find a way to address these issues, invest in this country's priorities, pass an energy bill that we can be proud of that makes us less dependent on foreign oil, pass an AMT bill that is going to help avoid increased taxes for a lot of Americans who do not deserve to have an increased tax bill. We can do all of those things if we work together.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is in a period of morning business.

Mr. GRASSLEY. Mr. President, I ask unanimous consent, if there is discussion of AMT today, that my remarks be placed in the RECORD at that point.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMT

Mr. GRASSLEY. Mr. President, I am pleased we are finally discussing solutions to the alternative minimum tax problem that is poised to swallow 19 million more filers this year. I would have rather gone through this process several months ago but better late than never.

Over the course of the year, I have given many speeches analyzing the AMT and describing the problem it poses for middle-class taxpayers in great detail. On February 12, I gave a speech on the history of the AMT. On February 13, I highlighted how the AMT affects individual income tax liabilities. On February 15, I discussed ways to reform the AMT and made the case that complete repeal is the best way to deal with the AMT.

Incidentally, I made the case that dealing with the alternative minimum tax 1 year at a time could be problematic, and current events have proven me right.

On March 20, I pointed out the Democrats' budget had no room for AMT relief, not even for 1 year. On March 22, I explained why we need to repeal the AMT. On April 18, I made an appeal for quick action on the AMT to help taxpayers making estimated payments who are already paying the price for the lack of action in Congress. On May 14, I explained why the AMT relief or repeal should not be paid for with a tax increase someplace else on other people. On May 17, I criticized the conference report on the fiscal year 2008 budget resolution for not realistically addressing the alternative minimum tax problem. On that same day, I gave another speech exposing how Democratic offsets to the AMT relief would result in massive tax increases on other people.

On June 13, I discussed the inadequacy of the lead trial balloons House Democrats were floating as possible fixes for the AMT. This was to mark the occasion of the second quarter estimated tax payments coming due because we had taxpayers who file quarterly already being hit by the lack of action on the part of the Congress.

On July 24, I introduced legislation to protect taxpayers who should have been making estimated payments for 2007 but weren't because they did not realize Congress was failing to protect them from the AMT. In other words, if they didn't have to pay the AMT in 2006, why would they think they had to pay the AMT in 2007? By not doing it, they were violating our tax laws, probably innocently.

On September 19, I marked the occasion of the third quarter estimated tax payments coming due by again discussing the AMT problem and how little congressional leadership was doing about it.

I just cited 12 speeches delivered on the Senate floor over the past year. That doesn't even include press conferences, Finance Committee meetings, and other events where I have talked about the need for repeal of the AMT or, in the case of a shorter term fix, just making sure it was fixed for this 1 year and kicking the can down the road. I have been talking about the alternative minimum tax literally all year now. House Democrats finally managed to introduce a bill on October 30, and the majority leader turned to it in the Senate right before the Thanksgiving recess. Democratic leadership cannot blame Republicans for their own failure to act until almost literally the last minute.

As I said, I am glad we are finally discussing solutions, and the Senate leadership seems to realize that the AMT should not be offset. I also want to thank my good friend, Chairman BAUCUS, for all his hard work this year, and for several years, to protect middle-income taxpayers from the alternative minimum tax. Chairman BAUCUS is doing our country a great service now by trying to work out a compromise between those who want to pay for the AMT relief and extenders with a tax increase and those who are opposed to tax increases to offset AMT. He has consistently, meaning chairman BAUCUS, avoided bitter partisanship and always worked to do the right thing.

Those obsessed with pay-go—and for the public watching, that is pay as you go—those who are obsessed with pay-go, who want to raise more taxes to pay for a tax that was never meant to raise revenue, are punishing the American taxpayers for their obsession. Unfortunately, right now, I cannot support a package with roughly $45 billion of offsets in it for the extenders, even though the AMT relief is not offset.

I am still reviewing some of the revenue raisers, but my issue is not with the raisers themselves. I will only support a raiser if I think it is good policy and will not support a raiser simply for the revenues.

I am concerned then if we send this package to the House, they will try to use the offsets not for what we put them in for, for the extenders, but send it back to us as offsets against the AMT, increasing taxes on others to pay for a tax that was never meant to be collected, and then still not get the extenders passed, as we should be passing them right now.

The House has shown it does not respect the need to get 60 votes in the Senate, and I do not expect that to change right now. If the majority leader is serious about reaching a compromise, and really respects the minority, as he claims, he needs to get his colleagues in the House on board. I have been around long enough not to make it too easy to stab me in the back by having things that even leadership in the House has suggested could happen with this tax ping-pong operation that might go on here.

It is unfortunate congressional leadership took so long to deal with the alternative minimum tax and that some are still putting an obsession with pay-go and narrow partisan interests over the wellbeing of their own constituents. We can talk until we are blue in the face, but the bottom line is we need to change the tax laws with respect to the alternative minimum tax. That law change needs congressional action and a Presidential signature, and anything else is just plain talk.

I would like to end this part of the remarks I am making today with a suggestion. I hope we get all parties to an agreement by changing the law on the AMT patch. By all parties, I am referring to House Democrats, House Republicans, Senate Democrats, Senate Republicans, and, of course, nothing is going to happen if the President can't sign it. Without an agreement, we will not get a law. And without a law change, this is what is going to happen: 23 million families face an unexpected tax increase that is going to average about $2,000 per family. Without a law change, we make worse the filing season fiasco for yet another 27 million families and individual taxpayers. That is on top of the 23 million who, for the first time, are being hit by the alternative minimum tax.

So here is my suggestion. It is simple. It is black and white. It is in a letter from Chairman RANGEL and Chairman BAUCUS and ranking Republicans MCCRERY in the House and myself for the Republicans in the Senate Finance Committee. We are the senior tax-writing committee members from the Congress. That letter was dated October 31 this year assuring Treasury Secretary Paulson and Acting IRS Commissioner Stiff that we would work to pass an AMT patch bill expeditiously. That letter contains the test that ought to be applied to any proposal in substance and process on an AMT patch.

Let me remind you, this is a bipartisan letter by the most senior tax-writing Members of the Congress. And it starts with "we," meaning Chairman RANGEL, Chairman BAUCUS, and ranking Republican members, MCCRERY and GRASSLEY. Here is what that sentence says:

> We plan to do everything possible to enact AMT relief legislation in a form mutually agreeable to the Congress and the President before the end of the year.

That is the end of the quote, but I want to put emphasis within that quote on these words: Passing legislation in a form mutually agreeable to the Congress and to the President before the end of the year, meaning the end of 2007. Chairmen RANGEL and BAUCUS and their ranking members made it clear in this letter.

Mr. President, I ask unanimous consent the letter I have been referring to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TAX WRITERS NOTIFY IRS OF UPCOMING AMT FIX

FINANCE WAYS AND MEANS LEADERS INTEND TO PREVENT TAX FROM AFFECTING MORE AMERICANS, URGE IRS TO BEGIN PLANNING NOW FOR ACCURATE TAX FORMS

WASHINGTON, DC.—Leaders of the congressional tax writing committees notified the Internal Revenue Service (IRS) today of imminent changes to the alternative minimum tax, and encouraged the agency to plan now to produce accurate tax forms for the 2007 filing season. Senate Finance Committee Chairman Max Baucus (D-Mont.), House Ways and Means Chairman Charles Rangel (D-N.Y.), Finance Ranking Republican Chuck Grassley (R-Iowa), and Ways and Means Ranking Republican Member Jim McCrery (R-La.) sent a letter to Acting IRS Commissioner Linda Stiff, indicating their intention to complete legislation preventing the AMT from affecting any additional American taxpayers for 2007. The AMT was originally meant to ensure that wealthy Americans paid some income tax, but without indexing for inflation it has begun to affect middle-income American taxpayers.

The text of the Tuesday letter follows here.

OCTOBER 30, 2007.

Ms. LINDA E. STIFF,
Acting Commissioner, Internal Revenue Service, Washington, DC.

DEAR ACTING COMMISSIONER STIFF: Under present law, more than 23 million taxpayers will be subject to higher taxes in 2007 unless legislation is enacted to limit the reach of the Alternative Minimum Tax (AMT). We realize that this fact is causing concern for many taxpayers and is creating administrative difficulties for the IRS as the agency prepares for the upcoming filing season.

As the leaders of the Congressional tax-writing committees, we want to assure you that legislative relief is forthcoming so that no new taxpayers will be subject to the AMT for taxable year 2007. To accomplish this, we are committed to extending and indexing the 2006 AMT patch with the goal of ensuring that not one additional taxpayer faces higher taxes in 2007 due to the onerous AMT. In addition to allowing the personal credits against the AMT, the exemption amount for 2007 will be set at $44,350 for individuals and $66,250 for married taxpayers filing jointly.

We plan to do everything possible to enact AMT relief legislation in a form mutually agreeable to the Congress and the President before the end of the year. We urge the Internal Revenue Service to take all steps necessary to plan for changes that would be made by the legislation.

Thank you for your immediate attention to this matter.

Sincerely yours,

MAX BAUCUS,
Chairman, Committee on Finance.
CHARLES E. GRASSLEY,
Ranking Member, Committee on Finance.
CHARLES B. RANGEL,
Chairman, Committee on Ways and Means.
JIM MCCRERY,
Ranking Member, Committee on Finance.

Mr. GRASSLEY. Now, our leaders in both the House and the Senate need to back up the tax writers. We Senators need to pass a package that is agreeable to the President and to the House. What do we all agree on? We agree the patch needs to get done right now. So that is the base of what should pass the Senate, if we are to get a law enacted. House and Senate Democrats insist on offsets for a patch.

The old joke is that you better make certain the light at the end of the tunnel isn't a train coming toward you. Unfortunately, the joke is on the American people when it comes to the upcoming tax-filing season. Because of the failure of the Congress to act, the taxpayers are going to feel as if they have been hit by a freight train come April 15. The sad part is this was not necessary. Congress could have done the right thing. Congress could have acted. We have never in this century gone this late without passing the AMT patch and having it in place. The IRS and the Treasury have made it clear that the failure to act would cause very real problems in the filing season, in terms of confusion and in terms, especially, of a delay in providing taxpayers their refunds.

I am astonished when I hear that some in the Democratic leadership are telling reporters these claims of a filing fiasco are all somehow a bluff. The Democratic leadership certainly didn't think the problems of the filing season were a bluff when we were delayed in passing an extenders package last year. That is when the Republicans were in control. I strongly advocated then that we needed to pass the extenders package and warned of its negative impact on the filing season, and I was not listened to by my Republican leadership. But Democrats, now in the majority but back then in the minority, joined me in those statements. Now the clamor is much smaller with the alternative minimum tax which will affect 25 million taxpayers and will be, in many ways, significantly more disruptive to the filing season than the extenders delay last year.

As you can see from a chart I have here—I am going to ask my staff to hold that chart up. We all know the story of Chicken Little. But every once in a while, Chicken Little is right. When it comes to the filing season, the sky is falling.

It is important that my colleagues understand that by failing before Thanksgiving, we have already gummed up the works. As my colleagues can see from this next chart, the deadline of October 15 for finalizing forms and instructions has already passed. We have passed the November 7 deadline for printing the tax forms—as you can also see in the chart—and the absolute drop dead date for printing was November 16.

Every week that we don't act, this problem will get worse and worse.

I should make it clear that we are not only hearing from the IRS that the delays have created a filing fiasco; the tax preparer community is making it clear that the problems are real and they are big.

We recently received a letter from the independent IRS Oversight Board that voiced "grave concerns about the serious risks to the 2008 filing season if legislation to change the AMT is delayed."

The IRS Oversight Board makes it clear that there is a big, big difference from Congress passing AMT relief this week as opposed to the third week of December. The board specifically says that another 2 or 3 week delay by Congress could mean that another 31 million taxpayers will face a delay in filing returns and that another approximately $70 billion in refunds could be delayed.

These numbers would be on top of the 6.7 million taxpayers who already face a delay in filing returns and the $17 billion in refunds that are going to be delayed because we have not acted to pass the AMT "patch."

So if we continue to dilly-dally and delay on AMT relief until Christmas, it will be a total of 37.7 million return filings delayed and $86.9 billion in refunds delayed. These delayed refunds are not just paper; they represent real money that many working families are counting on to help them to pay the bills, make an important purchase or even have an important medical procedure done.

To be blunt, we are already in the soup and it is a question of how bad it is going to get.

I recently joined the ranking member of the Ways and Means Committee in writing to Ms. Stiff, the Acting Commissioner of the Internal Revenue Service, asking that the IRS do the following:

No. 1, take steps to educate taxpayers about the possible changes in the law and tax forms;

No. 2, work closely with the tax preparation community to keep them aware of the IRS to update programming and minimize delays and to encourage the tax preparation community to inform their clients and consumers about likely delays in processing returns and distributing refunds;

No. 3, ensure that all IRS call center employees are fully informed about the status of the tax filing season and can provide accurate and timely information to callers;

No. 4, within available resources, increase staffing of IRS call centers to accommodate the increased call volume that will likely result from taxpayer confusion.

I think these steps will allow us to do the best we can with a very bad hand. But there should be no doubt, the real answer is to pass AMT relief and pass it now.

For many years now, and certainly many times this year, I have tried to shed light on the monstrosity that is the alternative minimum tax and how the failure to index the AMT for inflation threatens middle-class taxpayers. While I have consistently fought for full repeal of the alternative minimum tax, I have had to be content with enacting a series of provisions, since 2001, to increase the exemption amounts pertaining to the AMT to prevent new taxpayers from being caught by it. However, similar action has not yet been taken for tax year 2007. Despite plenty of advanced warning, congressional leadership's failure to act means that time for proactive action has already passed.

The IRS is printing tax forms and making other arrangements to process tax returns submitted for the upcoming filing season. Any legislative fix undertaken now to check the advance of the AMT will not eliminate a problem, but will only manage it. Despite being deeply disappointed that congressional leadership has not seen fit to act faster, I was hopeful that the magnitude of around 19 million additional tax filers paying the AMT for tax year 2007 was finally beginning to hit home. The AMT finally seemed to be getting the attention it deserved, but recent rhetoric has again put me into a negative frame of mind.

Rather than offer new ideas and insights into how to solve the AMT problem, which in the case of many would be to offer any ideas at all, some of my colleagues are merely recycling the same old and tired talking points of years past. More specifically, I'm referring to the accusation, made by left-leaning think tanks and also by the House Committee on Ways and Means majority, that advocates of tax relief in 2001 and 2003 deliberately—I want to emphasize they are accusing use of deliberately using the AMT as a trick to minimize the revenue cost to the Federal treasury as a result of those policies. While it is true that some families benefit less from 2001 and 2003 tax relief than they otherwise would have, to say this is by design, as is indeed done in a Committee on Ways and Means press release issued on November 14, is absolutely ridiculous.

Republicans have consistently fought, even before the 2001 tax relief bill, to curtail and eradicate the alternative minimum tax. In 1999, congressional Republicans passed the Taxpayer Refund and Relief Act of 1999, which completely repealed the AMT, and this bill was vetoed by President Clinton.

Getting back to the Ways and Means press release of November 14, in it I myself am cited as critiquing President Bush for not doing more in his 2001 and 2003 tax packages to counteract AMT effects. I do absolutely want to make clear that despite my belief that the AMT was also a pressing problem at that time, I wholeheartedly supported tax relief in 2001 and 2003 and still think it was absolutely the right thing to do. In fact, I think the provisions in both bills should be made permanent.

In order to counteract the effect of the AMT, Congress passed and President Bush signed into law a series of provisions to increase AMT exemption amounts to keep inflation from pushing new tax filers into the clutches of the AMT. If Ways and Means Democrats were serious in their implied concern for the effectiveness of 2001 and 2003 tax relief, they could do two very simple things: First, House Democrats could make 2001 and 2003 tax relief permanent; second, they could fully repeal the AMT. Of course they have shown no sign of doing either of these two things. In fact, opposition to the 2003 tax relief package was so intense among Democrats that the Vice President was called upon to break a tie during a vote in the Senate.

The provisions of the 2001 and 2003 tax relief bills were not made permanent because doing so might have made it impossible for the bills to overcome Democratic opposition. I believe that including AMT repeal in those bills would have had the same effect.

Aside from being quoted in the November 14 Ways and Means press release, I found it unintentionally humorous in that it reveals that House Democrats are doing exactly what they accuse Republicans of having done since 2001. While they accuse Republicans of using the AMT as a budgeting gimmick, they are using the AMT as a gimmick to make it appear they are easing the tax burden when they are not.

In the release, Ways and Means Chairman RANGEL is quoted saying "The house passed a bill to prevent the AMT from hitting 23 million families this year without hurting the economy by adding to the national debt."

What this means is that the House is protecting some people from the AMT by subjecting other filers to additional taxes. This is the same as if your community's animal control officer caught a rabid dog on your street and let it go someplace else across town. Your problem appears to have been immediately solved, but in the longer-term, the fundamental problem still exists. The fundamental problem with the AMT is the massive amount of unintended revenue it is forecast to collect, and the unwillingness of many of my colleagues to forego that revenue.

If Ways and Means Democrats are serious in their appeal to the administration regarding the AMT to "work with Congress to do the right thing and kill it," they will abandon any notion that revenues not collected because of AMT relief or repeal ought to be offset.

Finally, I want to address the baseless claim that the Bush administration's tax priorities were responsible for the AMT problem on a technical level.

This exact point was raised in 2005 by Democratic Ways and Means staffers in a letter to "Tax Note," a prominent publication for tax professionals. At the time I requested that the nonpartisan Joint Committee on Taxation look into this matter. Their analysis showed that, as I have long maintained, the biggest problem with the alternative minimum tax was it was never indexed for inflation.

In response, I received from the Joint Committee on Taxation a letter dated October 3, 2005. I have requested an update of that document and will discuss the updated numbers as soon as they are available. That estimate could be interpreted to indicate that if the Bush tax cuts were repealed, alternative minimum tax revenues could be expected to drop by $302 billion, or 27 percent.

At the time, the Joint Committee on Taxation estimate also found that extending and indexing the hold-harmless provision in effect at the time would reduce alternative minimum tax revenues by around $667 billion, or 59 percent. Of course, the analysis of this question is complicated by the fact that the variables we are examining overlap and interact with each other. But responsible analysis of available information certainly does not support the allegation that the tax relief packages signed by the President in 2001 and 2003 are responsible for the explosion of the alternative minimum tax. If anything, House Democrats and their pet think tanks have illustrated the fallacy of using projected revenue reductions as a proxy for percentage causation.

Madam President, I ask unanimous consent that the October 2005 Joint Committee on Taxation revenue estimate I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, Oct. 3, 2005.

MEMORANDUM

To: Mark Prater and Christy Mistr
From: George Yin
Subject: AMT Effects

This memorandum responds to your request of September 29, 2005, for an analysis of the portion of the AMT effect (AMT liability plus credits lost due to the AMT) which can be attributed to the failure to adjust the AMT exemption amount to inflation, assuming alternatively that the EGTRRA and JGTRRA tax cuts ("tax cuts") are either permanently extended or repealed. We also explain how this information compares to information previously provided to you on August 31, 2005 and September 16, 2005.

For the purposes of this analysis, we have first assumed that the tax cuts are repealed. The first set of figures in Table 1 compares the AMT effect under this assumption if, alternatively, (1) the AMT exemption amount hold-harmless provision is not extended beyond 2005; (2) such provision is extended permanently; and (3) such provision is extended permanently and indexed after 2005. The second set of figures presents the same comparison under the assumption that the tax cuts are permanently extended. All of the information provided in this table was previously provided to you in our September 16, 2005 memo, except in a different format.

TABLE 1

Item	AMT effect (billions of dollars)
Tax Cuts Repealed:	
(1) Hold-harmless provision not extended	399.9
(2) Hold-harmless provision extended permanently	212.0
(3) Percentage of AMT effect attributable to failure to extend hold-harmless provision (((1)–(2))/(1))	47%
(4) Hold-harmless provision extended permanently and indexed	169.7
(5) Percentage of AMT effect attributable to failure to extend and index hold-harmless provision (((1)–(4))/(1))	58%
Tax Cuts Extended Permanently:	
(6) Hold-harmless provision not extended	1,139.1
(7) Hold-harmless provision extended permanently	628.5
(8) Percentage of AMT effect attributable to failure to extend hold-harmless provision (((6)–(7))/(6))	45%
(9) Hold-harmless provision extended permanently and indexed	472.0
(10) Percentage of AMT effect attributable to failure to extend and index hold-harmless provision (((6)–(9))/(6))	59%

In the information provided to you on August 31, 2005 and September 16, 2005, we analyzed the portion of the AMT effect attributable to the tax cuts. In the analysis described above, we identify the portion of the AMT effect attributable to failure to adjust the AMT exemption amount to inflation. There is, however, interaction between these two contributing factors to the AMT effect. In order to avoid double counting of interactions, a stacking order is imposed. The apportionment of effects to each contributing factor will vary depending on the stacking order, even though the total effect remains constant.

This phenomenon is illustrated by Tables 2 and 3 below. The first two columns of Table 2 show the portion of the AMT effect attributed to the tax cuts, consistent with the information provided on August 31, 2005 and September 16, 2005. The second two columns of Table 2 show the portion of the AMT effect attributable to the failure to extend and index the hold-harmless provision, consistent with the information provided in Table 1 above. Note that if these two contributing factors were completely independent of one another, the information in Table 2 would suggest that the two factors together contribute to more than 100 percent of the AMT effect. In fact, as shown in Table 3, the two factors together contribute to only 85 percent of the AMT effect. Thus, there is substantial overlap between these two factors.

TABLE 2

Item	AMT effect (billions of dollars)	Item	AMT effect (billions of dollars)
Baseline	1,139.1	Baseline	1,139.1
Repeal tax cuts	399.9	Extend and index AMT hold-harmless provision	472.0
Difference	739.2	Difference	667.1
Percentage of baseline	65%	Percentage of baseline	59%

TABLE 3

Item	AMT effect (billions of dollars)
Baseline	1,139.1
Repeal tax cuts and extend and index AMT hold-harmless provision	169.7
Difference	969.4
Percentage of baseline	85%

Mr. GRASSLEY. Madam President, as I said, I will discuss those updated numbers when they are given to me by JCT.

I mentioned earlier that the argument that our recent tax policies are responsible for the wild growth in the alternative minimum tax is an old and a very tired argument, intellectually dishonest. The Ways and Means press release of November 14, 2007 refers to a letter of March 6, 2001, sent by Mr. RANGEL to President Bush.

I just talked about a Democratic staffer making the same point in Tax Notes in 2005. I am not bothered by these arguments in and of themselves. They are based upon poor analysis, if that, and it is easy for me to respond to them. What does bother me, however, is that clearly many people are more interested in trying to make cheap political points than actually dealing with the alternative minimum tax. If House Democrats were concerned about the tax burden, they would repeal the alternative minimum tax without raising taxes on other taxpayers to replace revenue that was never supposed to come into the Federal Treasury, because these 23 million middle-income taxpayers were never supposed to be hit by the alternative minimum tax, because it was only meant to be paid by the superrich.

I have made the point many times, that this alternative minimum tax was never meant as a revenue source, and I do not care if I made it twice in a row, three times in a row, it is a fact of life: These 23 million people were never meant to pay it. The alternative minimum tax is only supposed to hit the superrich—it was an unsuccessful attempt—when the alternative minimum tax was passed in 1969, to promote tax fairness. This point has not been challenged.

Rather, my friends in the House and elsewhere have distorted that argument into a claim that Republicans intended to use the alternative minimum tax to secretly diminish the impact of the 2001 and 2003 tax relief packages. I have shown how that argument is flawed every time it is dug out of the closet by someone. The alternative minimum tax certainly is not a secret. But it is a mystery how so many people can engage in so much pointless discussion when what we need now right now, actually several months late, is urgent action.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, what is the pending business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. SALAZAR. I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FARM BILL

Mr. SALAZAR. Madam President, I come to the floor to plead with my colleagues that we move forward to address the issues of agriculture and rural communities and food security for our country in moving forward with consideration and passage of the 2007 farm bill. In this Chamber, there needs to be more champions of rural America and agriculture. Those farmers and ranchers around our Nation who today are the ones working to provide food for the tables of all of America, those farmers and ranchers, when you meet them—because when you shake their hand in communities in my State, places such as Lamar or Craig or down in Dove Creek, in my home area of the San Luis Valley, Manassa, it is a rough hand. It is a rough hand that is weathered through the difficult times of having had to eke out a living from the soil and what oftentimes is a very difficult time.

Rural America, in my opinion, is part of the forgotten America. Rural America has been forgotten by Washington, DC for far too long. Rural America has been forgotten by this President and this administration for far too long.

Now we have an opportunity with legislation crafted in the spirit of bipartisanship, through the leadership of Senators HARKIN and CHAMBLISS and a number of other members of the Agriculture Committee and the Finance Committee, under the leadership of Senators BAUCUS and GRASSLEY, to make sure that rural America is not forgotten. We have an opportunity to open a new chapter of opportunity for rural America. We can do this with the 2007 farm bill.

Rural America is in trouble. When you look at this map of the United States, when you look at both the red and yellow zones, they are all part of what we consider to be rural America. There are about 1,700 counties in what is characterized as rural America in this great land of ours, the United States. More than half of those counties have been declining in population. Across the heartland of the United States, you see great swathes of red where we see towns and communities that are withering on the vine. This 2007 farm bill will help revitalize rural America in a way that has not happened before.

When we look at the towns and counties across each one of the 50 States, I am sure any one of us could find many places such as this storefront in Brush, CO where half of the main street in many of the towns has essentially been closed down. This is the main street of Brush. There is a for sale sign on this building. When you go to the towns in my native valley, in Conejos County, Costilla County, I can tell you that in the town of Antonito, CO, at one point in time, 15 years ago, there were four or five gas stations on the main street. Today there is one gas station. I remember a few years ago there were multiple grocery stores. Today there is one small grocery store. I haven't done the count when I have gone through the main street of Antonito, as I often do back in the San Luis Valley, but I would guess that 60 to 70 percent of the entire main street of the town has been boarded up and is either not being used or is for sale.

The town of Antonito, like the town of Brush, like so many towns and communities across rural America, is calling out for Congress to do something to help revitalize rural America. We, in the 2007 farm bill that has been crafted in the best spirit of bipartisanship, are attempting to do so. It will be a shame for Washington, DC and for this Chamber to allow the politics of obstructionism we see going on here to essentially kill the promise of rural America represented in the 2007 farm bill.

Over the last several days and over the last month, we have seen many efforts to try to move forward to a conclusion. Yet we haven't been able to move forward because there is a filibuster in place. I have heard the majority leader come to the floor and say: Let's move forward and consider the farm bill. We will make an agreement where we will allow 10 Republican amendments and 5 Democratic amendments and 2 other amendments, a total of 17 amendments. What has happened when he has propounded that unanimous consent request? It has been objected to. He has said, as Senator HARKIN has suggested, let's take 10 amendments on either side or 12 amendments on either side. Let's come up with an agreement that puts us on the pathway of making the farm bill even better through the amendment process but getting the farm bill passed.

Yet what is happening in our inability to move forward? There are objections on the other side because there is a paradigm that has become evident in this place. And that is to try to slow walk any kind of progress we might be able to make on this legislation, on AMT, on the Energy bill, or anything else.

We hopefully will find the courage in this Chamber to make sure that the public purposes for which we were elected will ultimately triumph over the politics of division which we see taking place. Doing nothing is not an option. Obstructionism essentially is leading to that result of doing nothing.

The farmers and ranchers of America don't see this as a Democratic and Republican issue. They want results. They want us to work together to try to get results and to pass this 2007 farm bill.

I urge my colleagues to redouble their efforts to try to find agreement so we can move forward, so we can have a farm bill that is good for America.

As we talk about the farm bill, it is also important, as my good friend from North Dakota, Senator CONRAD, has said, to understand that this is much more than just about conservation and energy and rural development, the things I care so much about. It is also about another thing all of us care a lot about, and that is the nutrition of those who are most vulnerable in society. That is why in this farm bill about 67 percent of all the money that goes into this farm bill actually goes into nutrition programs for America. Yes, newspapers across the country that sometimes are critical of the commodity parts of the farm bill are wrong, because they don't focus on the other parts of the legislation. They don't talk about what we do for nutrition in this farm bill. They don't talk about what we are trying to do with the fresh fruits and vegetables program included in this bill at a level which has never been done before.

For my small State of Colorado, what it basically means is there is going to be $45 million available to provide fresh fruits and vegetables to those young kids in our schools so they can grow up healthy and learn in the schools they currently attend. What we are doing is, we are spreading what has been a pilot program for fresh fruits and vegetables across the entire 50 States. That is a good program. We should remind Americans that when we talk about the farm bill, we are talking about nutrition.

I also want to talk a bit about one aspect of this farm bill and that is title 9, the energy part. When I look at what is happening across America today, I think that the energy opportunity for America presents one of the signature opportunities for this Nation and for this world in the 21st century. There is no doubt that we have come to realize, progressives and conservatives, Democrats and Republicans, that the addiction we have to foreign oil is something that must end. It is in the fields of rural America that we will find a significant part of the answer to get rid of our dependence on foreign oil. That conclusion is one that will sustain a clean energy revolution in our country for not only years but for decades to come. We will find ways of harnessing the power of the Sun, the power of the wind, the power of biofuels, the power of geothermal capacities to get us to the point of energy independence.

When I think about the fact that Brazil, a Third World country in South America, could become an energy-independent country and we here, the most powerful Nation on the globe, have not been able to do that, we have gone in reverse, we have had a failed energy policy. When we have gone from a point in time in the 1970s when Richard Nixon, then President, coined the term "energy independence" and President Jimmy Carter stood before the Nation and said we had to attack our energy addiction with the moral imperative of war, at that point we were importing 30 percent of the oil from foreign countries. Today, in March of this year, we imported 67 percent of our oil from foreign countries. So we need to become energy independent and, yes, this farm bill in title 9 invests significant resources in rural America that will help us become energy independent.

This picture is a wind farm in Prowers County, CO. We invest significant resources in wind power in my State, not only for these larger wind farms which can produce several hundred megawatts of power but also for small farms and industrial areas where you see these small windmills that can actually produce enough electric generation to meet all the needs of a farm or a small business area or to help make sure we are providing electricity to places that are remote and far away.

When we look at this 2007 farm bill, one of the marquis aspects of this bill is that it helps create a new opportunity for rural America and helps us grow our way to energy independence. On that one ground alone, we should all be willing to move forward to come up with an agreement that will allow us to move this farm bill forward.

Two years ago, when I went back to Colorado, shortly after having been elected to the Senate, I asked people to try to find a place where I could go and visit an ethanol plant. There were none at that time. Today we now have four ethanol plants like the one that is located in Sterling, CO in this picture. We are just beginning to see the energy revolution that is revitalizing that whole red part of the eastern plains of the State of Colorado. This farm bill will help us move forward in that continuing positive direction.

Another aspect of this bill which is so important, and we must keep reminding people, is conservation. When you think about conservation and what this farm bill does, this is the most significant investment ever made in conservation in the history of the United States under this farm bill. Through these investments we will be able to help make sure the water—which is the lifeblood of our rural communities; which is the lifeblood of the Nation; which is the lifeblood, certainly, of my State, which is the mother of rivers in the western part of the United States of America—that we are able to take advantage of using the water resources of our country in a positive and constructive way.

Shown in this picture is an EQIP project which is in northern Colorado, where you can actually see an EQIP project which is conserving water in the livestock tanks that have been placed out here on this ranch.

But it goes beyond water tanks and water conservation. There are also a whole host of other programs that we deal with in conservation. There is a Grassland Reserve Program. There is a Conservation Reserve Program. There is a CSP. There is a Wetlands Reserve Program.

This picture is taken of a pond which has been restored in the northern part of my State which is part of the Wetlands Reserve Program that helps us make sure we have quality wetlands.

I want to make this quick point about conservation. When you think about the people who care about our land and our water, farmers and ranchers know about the importance of land and water because they know that is their way of life. If they do not take care of their land and water, they know the next year's crop is not going to be there because their way of living is taken away from them. So farmers and ranchers are among the best environmentalists, among the best conservationists we know.

Seventy percent of our lands across this great United States of America are owned by farmers and ranchers. So the conservation program that we have in the national farm bill, in this 2007 farm bill, is absolutely essential for us to be able to protect the lands and waters of these United States.

So I hope all of the conservation organizations that are out there, knowing we are working on the farm bill today, and the millions of Americans who care about conservation make sure their Senators know we should move forward on this farm bill in order to achieve the conservation objectives of this farm bill. They should let their Senators know this gridlock, this obstructionism we see is allowing politics to triumph over the very important public purposes which we are trying to achieve in conservation.

Let me finally say, there are many other aspects of this farm bill which are important, including the safety net which takes a small portion, about 13 percent or so, of the entire farm bill budget, and that is the support system to make sure we are able to keep farmers and ranchers on the land.

As part of what we have done in trying to be innovative and moving forward with programs that will help rural America and will help farmers and ranchers, we, for the first time, under the leadership of Senator BAUCUS and Senator GRASSLEY, have included a fund to be able to deal with the disasters that affect rural America so often.

In this picture behind me, you see what has become the norm in my State over the last 6 years, where we have seen some of the record droughts in Colorado. In fact, we had the most severe drought in my State of Colorado in almost 500 years just a few years ago which devastated agriculture across the State from corner to corner.

Shown in this picture is a cornfield in Washington County. Now, some people will see this cornfield, and they will say: It looks like a bunch of dead plants. A farmer looks at this cornfield, and a farmer sees a dream—a dream that will not be realized.

In this picture, a farmer will look at it, and the farmer will remember the day when he went out and tilled the soil, when he fertilized the soil, when he planted the seed. The farmer will look at this picture, and he will remember the day when he saw the first green come through the soil as these corn seeds became plants.

In this picture, he also will see the dream he had at that point, which was that he would be able to produce enough corn from his farm to be able to make a living, to be able to pay off the operating line at the bank, to be able to make the mortgage payment for the land. The farmer will see a lot in this picture. Yet we have not had a responsible disaster program for agriculture in Washington, DC, for the longest of times. So every time there is a disaster somewhere, we have to come multiple times to the Senate, to the Congress, to try to find disaster emergency relief, which takes a lot of time.

We have been through that effort dozens of times over the last 20 years. So it is time we fund a permanent disaster fund, which is included in this legislation, thanks to the leadership of Senator BAUCUS and Senator GRASSLEY and other members of the Finance Committee who have worked on this issue so hard.

Let me, in conclusion, say once again, I have come to the floor to speak about the farm bill because it is something we can easily do. We have 2½ weeks before Christmas. This is legislation we have worked on for a very long time. Under the leadership of Senator CHAMBLISS, several years ago, he held hearings on reforms to the farm bill all over this country. Under the leadership of Chairman HARKIN, this year, the first hearing on the farm bill was held in my State in Brighton, CO, in Adams County, one of the largest agricultural counties in my State. The effort has yielded a farm bill which is a good farm bill which should allow us to move forward to have a final farm bill coming out of the Senate.

Now we have seen, again, Senator REID come to this floor, and he has said to the Republican leadership: We want to move forward on the farm bill. Senator REID has said: We will take 10 Republican amendments to 5 Democratic amendments. Let's have a debate on those. Let's set up some time constraints on that debate, and let's get down to the point where we can have a final vote on this very important bill. Yet the answer is: We object—on the other side—to anything happening here on this farm bill.

I am hopeful the champions of rural America, the champions of agriculture on the Republican side, come over to join us to help us move this farm bill forward.

I hope the people of America put pressure on the Members of the Senate to move forward to bring us to a conclusion on this 2007 farm bill so at the end of the session we can go home for Christmas and we can say we have done something good for the food security of our Nation.

We ought to remember that sign on my desk that says: "No Farms, No Food." "No Farms, No Food." Every American eats. This farm bill is essential to make sure we maintain the independence and the food security we have had with food in America.

I am very hopeful we are able to move forward with this farm bill.

PAYING FOR THE ALTERNATIVE MINIMUM TAX

Mr. LEVIN. Madam President, I rise today to urge my colleagues to support fairness in our Tax Code and fiscal responsibility in our budgets and appropriations.

Sometime in the next 2 weeks, the Senate will likely be asked to vote on legislation to fix the alternative minimum tax—what we call the AMT. The issue before us is not whether the AMT ought to be fixed. Fixing it is the only fair thing to do for America's middle-class families. The real issue is whether we are going to fix it in a way that is fiscally responsible, so that we do not leave our children and our children's children to foot the bill—yet again—for our spending.

After 6 years of runaway deficits and Tax Code revisions that have disproportionately benefited the wealthiest among us, Democrats committed during the 2006 election that we would reinstitute fiscal responsibility. We pledged to play it straight with taxpayers: we said we will not run up deficits with the cost of new legislation; we will pay for what we legislate. That pledge applied to program increases, to new programs, and to tax cuts. The Democrats' fiscally responsible, pay-as-you-go pledge is the only way we have been able to temper deficit spending that has once again become the norm in Washington over the past 7 years.

So far we have held firm on the so-called "pay-go" commitment. But fixing the AMT carries a cost of $51 billion, and pressure is mounting on the Senate to break that commitment and add to the record $9 trillion national debt that is already threatening future generations. In the name of fairness and fiscal responsibility, the Senate should resist that pressure.

President Bush has recently used the rhetoric of fiscal responsibility.

President Bush said, "You have to have some fiscal discipline if you want to balance the federal budget."

The distinguished minority leader, Senator MCCONNELL added that it is time "to get us out of the business of political theater and back to the business of governing in a fiscally responsible way."

I agree with those sentiments even if they are 6 years too late. But being fiscally responsible as we fix the AMT will require the Senate to do more than talk the talk about fiscal discipline; it will require the Senate to walk the walk by paying for any tax reductions, and not paying for them by increasing the national debt.

Unfortunately, some of our Republican colleagues have a blind spot: they call for fiscal discipline when Congress wants to pay for an earmark or a new program, but when tax cuts are on the line, fiscal discipline is suddenly tossed into the legislative trash can. True fiscal discipline means we have to look at the bottom line for taxpayers no matter what kind of legislation we are debating, including a fix for the AMT.

The AMT was intended, when adopted in 1969, to ensure that every American with significant income contributes at least some taxes to this great country. It was designed to stop the highest income taxpayers from using tax loopholes to escape contributing one thin dime to Uncle Sam, ensuring that they shoulder their fair share of the tax burden.

The AMT included exemptions to make sure that middle class Americans were not forced to pay higher AMT taxes instead of their normal tax burden. But in recent years the AMT has gone wrong. The problem is that the AMT's exemptions protecting the middle class have not been adjusted for inflation, and the AMT is now loading additional taxes onto the backs of working families who already pay their fair share.

In 2006, 4 million taxpayers had to pay higher taxes due to the AMT. In 2007, with no fix, 23 million Americans will have their taxes increased because of the AMT. That includes 830,000 taxpayers in Michigan, which is 18 percent of all the taxpayers in the State. Only a few of these Michigan taxpayers are upper income, and most are not taking advantage of unfair tax loopholes. But if they are caught by the AMT, all 830,000 Michiganders could be hammered with hundreds or even thousands of dollars in additional taxes.

There is a consensus in Washington that the AMT exemptions ought to be expanded so that the AMT impacts only upper income Americans, and not middle class Americans already working hard just to get by. The only issue is whether we are going to pay for it.

Protecting the middle class from AMT taxes in 2007 will cost the Treasury about $51 billion over 10 years. Faced with this cost, the House has taken the fiscally responsible course of action. It has sent us a bill, H.R. 3996, which would protect the middle class from the AMT sledgehammer in a way that is revenue neutral and does not add to our national debt.

The House bill includes three fiscally responsible provisions that would raise $52 billion to pay for the AMT fix. These measures would ensure fairness in the taxes levied on stock profits and in the taxes paid by hedge fund managers. Each provision represents an important tax reform in its own right that merits our support as a matter of tax fairness.

The first of the House measures would require stock brokers to start reporting the cost basis of the securities they sell for their clients on the 1099 forms that brokers already send to those clients and to the Internal Revenue Service, IRS. Reporting the cost basis on these forms is a simple way to help ensure that the stock owners accurately report to the IRS any profits earned from the sales of the stock, and it enjoys broad, bipartisan support. It is expected to generate about $3.4 billion in added tax revenues over the next 10 years.

The next two House provisions would affect the income taxes paid by hedge fund managers, a small group of investment advisers who are among the wealthiest in America today.

Hedge funds are private investment funds accessible only to wealthy individuals and large institutional investors. The experts who decide how to invest these dollars are typically called hedge fund managers. In 2006, there were about 2,500 hedge funds registered with the Securities and Exchange Commission, SEC. Hedge funds take money only from sophisticated investors such as pension funds, university endowments, and individuals who have at least $5 million in investments. By taking investment dollars only from sophisticated investors, hedge funds can avoid complying with SEC regulations that apply to mutual funds and other investment funds available to the general public.

Last year, press reports indicate that the top U.S. hedge fund manager made $1.7 billion in compensation. That's billion. The average compensation for the top 25 hedge fund managers was around $570 million. Each. Think about that. For comparison, the 2006 median income for U.S. households was less than $49,000, which is less than one ten thousandth of the income collected by those top hedge fund managers.

Hedge fund managers make their money by charging their clients a management fee equal to 2 percent of the funds provided to the hedge fund for investment and, in addition, by taking 20 percent of the profits earned from those investments. The 20 percent share of the investment returns from hedge funds is known as "carried interest." Under current law, most hedge fund managers claim that this carried interest qualifies as capital gains subject to a maximum tax rate of 15 percent, rather than as ordinary income subject to a maximum tax rate of 35 percent.

When hedge fund managers take 20 percent of their clients' investment returns, they are being compensated for managing those client funds; they are not collecting profits from investing their own money. Characterizing this compensation as capital gains is a tax dodge that has been allowed to go on for too long. This tax loophole allows hedge fund managers to pay a 15-percent capital gains rate on millions—or even billions—of dollars in income. Meanwhile, a receptionist in the same office receiving a $50,000 salary pays at a regular tax rate. Making a salaried worker pay a higher tax rate than the managers who are making hundreds of millions of dollars is a tax travesty, and it has got to stop.

The House bill would restore fairness by putting an end to this tax loophole. The second provision of the House bill would make it clear that the 20 percent carried interest is, in fact, taxable as ordinary income, making hedge fund managers pay the same income tax rates as ordinary Americans. If enacted, it would raise about $25.6 billion over 10 years, half the cost of fixing the AMT.

The third provision in the House bill would address a smaller group of hedge fund managers—those routing their compensation through offshore corporations located in tax havens.

The hedge fund managers participating in this tax dodge typically don't live or work in the tax haven where the offshore corporation is incorporated. The offshore corporation often doesn't have any physical presence in the tax haven either—it functions as a shell company with no full-time employees or physical office. The whole arrangement is a phony setup to enable the hedge fund manager to appear to get paid outside the United States, direct the offshore corporation to place the compensation in an offshore retirement plan, and defer payment of any U.S. taxes on that compensation until sometime in the future. In the meantime, the offshore corporation can invest the funds tax free and accumulate investment returns for the hedge fund manager. The result of all this tricky maneuvering is that hedge fund managers are able to defer U.S. income taxes and circumvent parts of the U.S. Tax Code that limit tax free contributions to retirement plans. Some are able to defer paying taxes on hundreds of millions of dollars of annual income.

The House bill would put an end to this offshore tax dodge by requiring hedge fund managers to pay taxes on any earnings from their deferred offshore compensation, as those earnings accrue. The tax-free ride would be over. If enacted, this provision would raise $23.8 billion over 10 years.

Requiring accurate reporting of stock profits, applying the same tax rates to carried interest as to the income of ordinary Americans, and taxing deferred offshore investment income are provisions that promote tax fairness and make a lot of sense. Together, these three House provisions would raise more than $52 billion over 10 years, enough to pay for the entire $51 billion AMT fix so that we can protect middle class Americans from the AMT sledgehammer without running up the national debt.

So why is the Senate hesitating to enact the House bill?

Some claim that forcing hedge fund managers to pay their fair share of taxes would somehow put an end to the capitalist spirit in America. Whatever the merits of the argument for lower taxes on capital gains, those arguments certainly do not make any sense when applied to income earned for servicing and managing other peoples' capital. Surely the person who earned $1.7 billion would have had that same capitalist spirit and zeal for investing whether his take home pay was $1.7 billion or $1.1 billion.

Some of my colleagues argue that the Senate just should add the $51 billion cost of the AMT fix to the deficit and leave it at that. But when some taxpayers are given a free ride, the rest will inevitably be asked to make up the difference, whether it is through increased debt or higher taxes down the road. We all know that there is no free lunch, and there is no free tax cut, and history shows that when upper income groups avoid paying taxes, the middle income groups end up footing the tax bill. Unfortunately, some continue to grasp onto the fiscally irresponsible attitude that, in just the last 7 years, has added $3.5 trillion to the $9 trillion debt ditch already threatening the economic well-being of the next generation. And they would dig that debt ditch deeper—instead of paying for the AMT tax cut—primarily to protect hedge fund managers from paying their fair share of taxes.

I don't understand how some can claim that the deficit matters when the debate is over $22 billion in appropriations for health, education or veterans, but not when the issue is $51 billion in tax benefits for the wealthiest Americans.

The bottom line is that the House found the political will to impose tax fairness on hedge funds when they passed H.R. 3996. The Senate can and should do the same. If we don't—if we give in to the pressure to break the pay-as-you-go rules that have so far held firm in the Senate—it will be that much easier to break the rules again in the future. Giving up on pay-go would let down American taxpayers who are counting on us to act responsibly and pay for what we legislate.

If the Republican filibuster continues and succeeds, and if we cannot muster 60 votes to break it, we would then be forced with the choice of raising taxes on 23 million working families or violating our pay-as-you-go rules. I would protect my constituents at the expense of an even deeper national debt. But we don't have to go that way, and we shouldn't. With the House bill we can protect our constituents from unintended tax increases, we can ensure fairness in the tax code, and we can avoid increasing the Federal deficit.

I urge my colleagues, Republicans and Democrats, to take a look at the tradeoffs presented in the House bill. The House bill will allow us to fix the AMT for a year, and at the same time ensure that the wealthiest among us contribute their fair share to this great country. I urge my colleagues to take seriously Congress's commitment to fiscal responsibility as well as fairness, and to pass H.R. 3996.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be terminated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Morning business is closed.

TEMPORARY TAX RELIEF ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3996, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Mr. REID. Madam President, it is my understanding there is a motion to proceed that is now before the Senate. I ask to withdraw it.

The PRESIDING OFFICER. Without objection, the motion is withdrawn.

Mr. REID. What now is the pending business?

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Pending:

Harkin amendment No. 3500, in the nature of a substitute.

Reid (for Dorgan/Grassley) amendment No. 3508 (to amendment No. 3500), to strengthen payment limitations and direct the savings to increased funding for certain programs.

Reid amendment No. 3509 (to amendment No. 3508), to change the enactment date.

Reid amendment No. 3510 (to the language proposed to be stricken by amendment No. 3500), to change the enactment date.

Reid amendment No. 3511 (to amendment No. 3510), to change the enactment date.

Motion to commit the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions to report back forthwith, with Reid amendment No. 3512.

Reid amendment No. 3512 (to the instructions of the motion to commit to the Committee on Agriculture, Nutrition, and Forestry, with instructions), to change the enactment date.

Reid amendment No. 3513 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 3514 (to amendment No. 3513), to change the enactment date.

CLOTURE MOTION

Mr. REID. Madam President, it is my understanding there is a cloture motion on the Harkin substitute amendment at the desk.

The PRESIDING OFFICER. The motion having been filed pursuant to rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Harkin substitute amendment No. 3500 to H.R. 2419, the farm bill.

Tom Harkin, Russell D. Feingold, Jon Tester, Dick Durbin, Benjamin L. Cardin, Frank R. Lautenberg, John F. Kerry, Ted Kennedy, Byron L. Dorgan, Barack Obama, Ben Nelson, Amy Klobuchar, Sherrod Brown, Sheldon Whitehouse, Tim Johnson, Jim Webb, Hillary Rodham Clinton.

Mr. REID. Mr. President, I now ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. REID. Mr. President, I move to proceed to calendar No. 487, H.R. 3996—I am happy to see my friend, the distinguished Senator from Georgia on the floor. I believe my friend from Georgia knows how hard I have tried to get some way to proceed forward on this farm bill. We don't have farms in Nevada. We do have some. We have lots of ranches. As I have said on the floor before, the one crop we are very proud of is onions. We are the largest white onion producer in the world—in the United States—I am sorry. And in Lyon County, we produce lots of stuff: onions, garlic, and in Mason Valley, lots and lots of alfalfa. The greenbelts of Nevada are shrinking because of the population growth we have. But we still have ranches—ranches that were owned by Bing Crosby—I mean that were famous ranches. They still are. But even they are being hit by the population growth.

We are very proud of our ranching community. There are things in this farm bill that have direct impact on my constituency in the State of Nevada. That is one reason I have tried everything I know to move to this bill.

We have tried moving forward amendment by amendment. The Dorgan amendment under the bill is still pending. That is a bipartisan amendment. I have suggested let's have X number of amendments, and finally I got so desperate I said let's have the Republicans have 10 amendments and we will have 5. Still no takers on that. We heard from Senator HARKIN today who said: Senator CHAMBLISS and I now have the amendments down to less than 40. I said: Oh, good. Let's enter into an agreement that we will have 40 amendments, or whatever it is, and we will proceed to work on those. No time agreements. No deal.

The only agreement we have had on this bill is we have locked in a finite number of amendments. But it is 287 amendments—287 amendments—with issues that are so pertinent to the farm bill, like immigrants' driver's licenses, just for beginners. There have been some suggestions: Well, why don't you just move to the bill. We are in the waning days of this year, and we have to proceed and complete a number of issues. But I was a little bit lax. I said: Well, maybe we are working here, trying to work together on things, and the Amtrak bill hasn't been done for 5 or 6 years and people are crying for something to be done about this. We have one Republican Senator for years who has tried to kill Amtrak. He came very close to it a few times and we always were able to survive. So this year, I said let's move to it. On a bipartisan basis we had people who wanted to do that bill. We opened it up. What is the first amendment? A tax measure. A tax measure. We finally got that bill passed. But we can't on this farm bill open it up.

I have heard the distinguished Republican leader come forward and say: Well, that is what we have done in the past. I have been through this before, but let me repeat for everyone: The average number of nongermane amendments on farm bills has been one—one per bill—one. In my efforts to be fair and to move forward, I said, OK, on the 10 amendments the Republicans want to do on this bill, we will have two of them nongermane. I didn't ask what they would be. There was no taking of that. So I have done literally everything I can do.

The farming and ranching community of this country, they know why we are not moving forward on the farm bill. They know what is going on: The Republicans do not want to move on the farm bill. Maybe they don't care about it. Maybe they think it would be some kind of a victory for Democrats who are in the majority in the Senate—not much of a majority, but we are in the majority. I don't understand what this is all about. But Friday morning we are going to have a cloture vote again. Is that so unreasonable that if people believe in the farm bill, then they would still have 30 hours to offer amendments relating to the farm bill? They would have to be germane amendments. But what would be wrong with that?

We have had one cloture motion. It has been defeated. We have waited weeks now. We have offered all kinds of suggestions to move forward. We have not heard a single proposal back from the Republicans other than to say: Well, open it up for amendments. Open it up for amendments so we can ask that we initiate a flat tax, or open it up to an amendment that we push forward on Bush's tax cuts that have put this country into such a terrible hole financially. That is what the plan is, and we are not going to be a part of that plan. We want to do a farm bill. We want to do it fairly and reasonably.

While we are talking about schedule, I have spoken to the Speaker several times today and she is going to complete either today or tomorrow an energy bill. That being the case, that will come here as a message from the House and we will have a cloture vote on that. The way things now are, if it gets here tomorrow, we will file a cloture motion on that and we will have a vote on that Saturday. So everyone should know that unless there is an agreement to change that, we will have a vote on Saturday. We have Senators leaving for Bali and Senators wanting to go to some celebration at Pearl Harbor, and a lot of other places people want to go. But the country has a lot of business that needs to be attempted to be completed, and we are going to do that. I hope we can work together to solve some of these issues.

But to show the futility of our trying to progress, take, for example, the AMT, this tax proposal which was passed by a former Republican administration. Unless we place a so-called patch on it, 20 million people or so will have an added tax. Some who make as much as $75,000 to $500,000 will be affected by this legislation if we don't do something to patch it. I have done everything I can except turn a back flip off of the Presiding Officer's chair to see if we can figure out a way to move forward on AMT. I ask: How could we be more reasonable than what we have suggested?

The House has passed a bill. It is over here. I said: Let's vote on that by unanimous consent. Let's vote on it. In addition to voting on that, let's vote on Senator LOTT's proposal. Senator LOTT's proposal is to do away with the AMT. The only problem with that is it would cost about $1 trillion, but we are willing to vote on it. Senator GRASSLEY and Senator BAUCUS have a measure out of the Finance Committee that says we are going to have tax incentives, which people believe in, and they are all paid for. With that is an AMT that is not paid for. Nope, we can't do that. I said: Well, I have a new idea. Let's have a vote and not pay for it. Nope, can't do that. So if there were ever a book on being reasonable, I hope they include a paragraph or two about what we have tried to do the last few days. We have tried to be reasonable.

Think about this: What else could we agree to do on AMT? They don't want to vote on it if it is paid for. They don't want a vote if it is half paid for, they don't want a vote if it is repealed, and they don't want a vote if it is not paid for. I don't know what other iterations of this anyone could come up with, but I think I have covered the basics. We have been told by the Republicans no vote on any of them.

If there is a closure of this congressional session and the AMT hasn't passed, it can be directed where most everything is directed—with the Republicans marching in lockstep with the White House. The Republicans. If there is no AMT patch, it is the fault of the Republicans. They won't let us vote on anything.

So I say through the Chair to the distinguished Senator and my friend from Georgia: Do you know how we can complete the farm bill?

Mr. CHAMBLISS. Mr. President, first, I thank the majority leader for coming down to the floor and providing one more chance to discuss this. I regret that the majority leader has taken this action to file cloture. But I can tell you what the answer is and I can tell you how to complete the farm bill. This is our fifth week on this bill, literally. We had 2 weeks before the Thanksgiving recess. We have been out 2 weeks, and our staff has been working extremely hard during those 2 weeks, and here we are back in the fifth week. If we had had an open process initially, this farm bill would be in conference today. I think that still can happen. The distinguished majority leader referred to the number of amendments that are out there. I don't remember what the number was, but 286, I believe, is what he said, and I think that is correct. A little over half of those were Democratic amendments and about half were Republican amendments. We have hotlined our bill once again today, and through work of the staff on both sides, we have cut our number in half again today, and I daresay I can cut it by two-thirds in very short order. So we are moving south. We are moving in the direction of getting amendments not only that are germane, but as the distinguished majority leader said, we have always had a couple of nongermane amendments on farm bills. As I looked at the list of the Democratic amendments, there were a number—I daresay more nongermane amendments on there than there were amendments that are germane to the farm bill. So I don't think it serves any purpose for us to argue about the germaneness or nongermaneness, obviously, with the exception of the cloture vote, what effect it will have on that.

But here is my point. This has been a bipartisan effort, as the majority leader knows. I worked very closely with Senator HARKIN and Senator CONRAD and we have developed not only a bipartisan farm bill, but we, in a bipartisan way, have been whittling down the amendments. We are going to continue to do that, in spite of the cloture motion being filed, and I am very hopeful that whether it is Friday of this week or Monday of next week or Tuesday of next week, whatever the date may be, we can come back to the majority leader as well as the minority leader and say: OK, here is where we are. This is the final number of amendments that we can finally have votes on, and if no agreement can be negotiated on that basis, then perhaps we can't come to some conclusion of it. But we have stood ready from day 1 to have an open process of amendments being filed, amendments being debated, and votes on those amendments, and some of those amendments I have significant disagreements with. But I was willing to debate those amendments and if we win, we win; if we don't win, we don't win, and we move on, but we get a bill off the floor of the Senate. The House passed their bill in July, and here we are in December and our work has not been completed.

I would simply say to the majority leader, if he asks me, as he did, how can we get a farm bill? Let's start it. Call it up. Let's let amendments be filed, debated, and voted on. I assure you we will move this farm bill. I am here Saturday, Sunday, nights, holidays, whatever the majority leader suggests.

We are here to do a farm bill, and I think I also speak for Senator HARKIN that he will be here, and we will get this done.

Mr. REID. Mr. President, Senator HARKIN told me today Senator CHAMBLISS and he had agreed to about 40 amendments; is that valid?

Mr. CHAMBLISS. We have not agreed to that. We have been working together.

Mr. REID. See, Mr. President, this is the problem we have all the time. The Chairman, Senator HARKIN, said Senator CHAMBLISS and he had agreed to have less than 40 amendments. I said, fine. But it is always this rope-a-dope—no, it is not 40; we are still working on it. Of the 287, half of those are gone. And I guess half of that would be 143. We are down on the Republican side. Maybe they can get rid of two-thirds of them.

There is always some reason we cannot go to the bill. It is very easy to say if we had had an open process, we could have been to conference. That is foolishness. I repeat, we know what farm bills are. It takes a while to work through them. But in recent history, we have averaged one nonrelevant amendment per farm bill. I am willing to take nonrelevant amendments, but no one will tell us what they will agree to. I agreed to 10, 5, and then Senator HARKIN said we can have 40. I said sign them up, let's do 40.

The ranking member of the committee says: Well, we are still working on it. That is what we have had. I want all ranching and farming families to hear what is going on here, which has gone on for weeks. Whether the purpose is to stop Democrats from passing a farm bill, I don't know. Maybe the ranking member simply doesn't want a bill. There may be reasons for that. We had a bipartisan bill. Twenty percent of the Senate voted on the bill. Twenty-one Members of the Senate are members of the Agriculture Committee, and they voted to report the bill out here. But there has been no movement on it. Cloture is ripening now, and we will move forward.

To show what is going on, we have filed cloture on AMT, the bill that came from the House. We filed cloture on the farm bill; we are going to file cloture tomorrow on the Energy bill. Everything we do, we have to procedurally go through all of these hoops because the Republicans are on steroids as it relates to filibusters. They are going to break all records. They will break a 2-year record this year. I think the American people are seeing what is going on.

The Republicans are demanding the status quo, in spite of our accomplishments. We have had a lot of accomplishments, Mr. President. We can run through the list, but we need not do that. But there have been large, significant, and important accomplishments. Accomplishments are not enough. We believe in changing the status quo. We believe in the agents of change. They are agents of keeping things the way they are.

The American people want things changed, and we want to be part of that change. We hope we will be joined by our Republican colleagues to change a few things. Let's have a new farm bill. Let's not have to extend the farm bill that is now in existence. Let's try to do something with AMT, rather than walk out of here and have people saying it is too bad the Democrats didn't do AMT.

I have said that I defy anybody to come up with a way to do AMT other than the way I have suggested: Vote on the House bill, which is fully paid for; do the Lott proposal, which eliminates it and costs a trillion dollars; do what Senators GRASSLEY and BAUCUS reported, that we pay for the extenders, not for the AMT. This morning I suggested don't pay for it. But, no. Silence.

I am disappointed but not surprised at how we have been treated today.

Mr. CHAMBLISS. Mr. President, let me respond to the distinguished majority leader by saying that when he says I don't want a farm bill, nothing could be further from the truth. I already voted for this farm bill. I am ready to vote for this farm bill that came out of the Agriculture Committee tonight.

But when he says also that they are the advocates of change, what he is proposing is a change in the process when it comes to farm bills. We do think the status quo on farm bills is the direction we ought to go, which is a free and open amendment process, to let the will of the Senate operate relative to farm policy.

This is a critical 5-year bill for every farmer and rancher in America. If we limit the ability of folks to certain areas of concern, then we are not giving every farmer and rancher in America the opportunity to have their case made in the Senate. So I simply say I am ready to bring a farm bill to the floor. I have been ready for 5 weeks to do it. Senator HARKIN and I have not even had a discussion today about 40 amendments. I am not sure where that came from. There has been absolutely no conversation between Senator HARKIN and myself about that.

I am prepared to move forward. If the majority leader will call up the farm bill, let's start the amendment process, debate, and votes. I am here to do it.

Thank you.

Mr. REID. Mr. President, I appreciate the Senator from Georgia talking about his experience here. But I have a little bit of experience, too. I have been here a quarter century. I know how farm bills work. Anybody can look at the record. Farm bills have been handled the way I have talked about them being handled.

If the Senator from Georgia so likes this bill that he voted for, what would be wrong with voting cloture with us and allowing people who have germane amendments to the farm bill to offer them? What in the world is wrong with that? I say, respectfully, that the Senator is speaking out of both sides of his mouth when he is saying he supports this bill, when he is not willing to vote for cloture and accept germane amendments. He wants some other process so they can deal with driver's licenses for illegal immigrants and other issues that have nothing to do with the farm bill. They are trying to send a message. I have said we will accept x number of amendments, and I spoke to Senator HARKIN and he said they worked on this today. I thought he had spoken to the Senator from Georgia. Maybe it was staff driven, but he said they agreed to 40 amendments. I said sign the deal up. Or let's agree to 50 amendments. But we cannot get any agreement. We are in a rope-a-dope, Mr. President.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, this sounds somewhat similar to the discussion the majority leader and I had earlier today, so I will not belabor this. Sometimes it is harder to get a consent agreement limiting Members' opportunities to offer amendments than it is to call up a bill and process amendments, which is the way we have done farm bills in the past.

Six years ago, a Democratic majority filed cloture a couple times and cloture was not invoked. The bill was put aside, and we came back later and finished it in a week, with no consent agreements, no limitations, nothing. We disposed of the amendments. That is the way to pass this bill.

With regard to the AMT, this is a bill upon which there is a possibility of a consent agreement limiting amendments. In fact, I offered one yesterday that would limit the AMT consideration to four amendments. So we can get, on the AMT, a consent agreement that would make that possible to be dealt with in short order.

I repeat my request of the majority leader to take a look at that and see if we cannot enter into a consent agreement to wrap up the AMT.

Regarding floor time, we have spent the whole day doing nothing. Today, we could have been on the farm bill processing amendments and moving us down that path. Senator CHAMBLISS indicated, before I came to the floor, that the list on our side could be significantly narrowed. Why don't we, at some point, look at that, and we will have fewer and fewer amendments to deal with. I don't know what we intend to do on the floor next week, but if most of the work of the Senate right now is going on in negotiations off the floor, why not be doing the farm bill on the floor and processing amendments and moving forward like the Senate normally does?

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is interesting that when you offer to the Republicans the opportunity to have a farm bill and debate the issues on the bill, they reject it. They want to debate a lot of other things. They want to bring up a lot of other issues. I recall the list of amendments, including one from the Senator from Alaska regarding the *Exxon Valdez* litigation. That is an important issue, but is it a farm bill issue? Would the Senator from Georgia argue with me that that has no place on the farm bill? Why would that be on the list? I am sure it is a valid idea.

When it comes to AMT, 19 million Americans are going to get hit with this tax if we don't do something. The Senator from Kentucky says we should engage in a debate on the Senate floor on the flat tax. What? Yes, the flat tax. That is one of their amendments. They want to toss out the entire Internal Revenue Code and replace it with a flat tax. We have to argue that before we take up the AMT. That is what we are hearing from the Republicans.

Does that sound like it is responsible, like it addresses the issues we were sent to deal with? Every time we get to a substantive issue, Senator REID comes to the floor and says let's narrow the amendments, have the debate, and decide it up or down. We will give you your chance to offer amendments related to the bill, and we will see how it ends. How much fairer can that be? They reject it.

Time and again, they reject it because they don't want us to achieve anything in this session. Fifty-six times this year they have created a filibuster situation. Now, people who don't follow the Senate may not know what that means, but if you saw "Mr. Smith Goes to Washington" and watched Jimmy Stewart crumple at his desk when he had run out of steam and could not talk anymore, that is what a filibuster is all about. That is what the Republicans are all about—talk, talk, talk—or in the modern era, recess, quorum call, recess, quorum call.

Some Senator said to me it reminds him of when Abraham Lincoln contacted a general during the Civil War and said: If you are not going to use the Army, can you let me use it to execute the war?

If we are not going to use the Senate floor to do the business of the American people, can we set up a flea market or something, so that something positive is happening?

The Republicans are determined to stop anything substantive from happening. We want to take up the AMT tax and protect 19 million taxpayers. They are going to stop us. When they stop us, they are going to blame us. We saw that earlier in the day. The Republican leadership stopped a bill, and a Senator said we are just not taking up appropriations bills. They cannot have it both ways.

I listened to Senator REID, and I detected a note of frustration. How many weeks have we wasted trying to get through a farm bill that passed overwhelmingly on a bipartisan basis? They want to consider an amendment on the *Exxon Valdez* spill on the farm bill. I am sorry, but there are important things in that bill that need to pass, and they should not be held hostage to the whim of every Senator on the Republican side who has an idea. I am sure we could have a spirited debate about the future of the flat tax. But it is getting close to Christmas, and we are supposed to get this done before we leave. We will never get it done if every Senator on the Republican side who dreams up another debate topic is given another half day or 2 days to pursue it.

At some point, leadership involves responsibility. At this point, I think the Republicans are being irresponsible because they refuse to let us do the people's business. They want to protect the status quo. They don't want this to change. They want to make this a do-nothing Congress just like the last Congress, when they were in charge. We are trying our best to avoid that. The honest answer may be that we need more votes on this side of the aisle so we can stop this, so we can move ahead and make some real changes in farm policy and tax policy. We would not reach that point if the Republican strategy continues—filibusters and blocking, coming up with excuses, and spending months on a bill that should have taken days.

That is their plan, their policy. That is what they believe in. That is the best they can offer the American people. That is why the Republican Party leadership in the Congress has been summarily rejected by the American people. They are sick of it. They want bipartisan cooperation, progress, and they want change.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to morning business, with Senators permitted to speak therein, with Senator AKAKA speaking for up to 5 minutes, Senator MENENDEZ for up to 15 minutes, Senator MURRAY for up to 5 minutes, and Senator WYDEN for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

COMMENDING THE UNIVERSITY OF HAWAII WARRIOR FOOTBALL TEAM

Mr. AKAKA. Mr. President, I rise today to commend the University of Hawaii Warrior football team, which completed the first undefeated season in the team's history, securing a first-ever appearance in the Sugar Bowl on New Year's Day.

Facing powerful schools from across the country, this dedicated, hard working, selfless team found the courage, strength and discipline to emerge victorious from every challenge. A spirit of support and teamwork, as well as confidence under pressure, made this historic undefeated season possible.

In addition to their victories on the field, the Warrior football players have also introduced viewers to the diverse cultures they represent. They have become positive role models for young people not only in Hawaii, but in Samoa, Australia, around the South Pacific and in communities across the United States.

They have made many people proud.

They honor the people and land of Hawaii before every game. They have shared our unique culture with the world.

The Warriors have brought the people of Hawaii together, united in supporting this incredible team that continues to defy the odds. I join the people of Hawaii in congratulating the University of Hawaii Warrior football team and rooting for victory in the Sugar Bowl New Year's Day in New Orleans.

As we say in Hawaii, "Hana Hou," do it again! Go Warriors!

The PRESIDING OFFICER. The Senator from Oregon.

COUNTY PAYMENTS

Mr. WYDEN. Mr. President, I thank my colleagues, especially Senator MURRAY and Senator MENENDEZ, for their courtesy. I will be brief.

Today the House and Senate announced a historic package to address the energy crisis facing our Nation. But in addition, as part of that important legislation, the agreement contains more than $1.8 billion in desperately needed funding for our Nation's rural schools, counties, and communities.

Without the safety net funding provided as part of the energy legislation, rural communities across this country could literally be wiped off the map. Without this critical funding, rural counties across America will once again be staring down into a precipice and a future filled with closed schools, terminated services, and deteriorating roads. Within months, pink slips could again be sent to teachers and to county workers.

Fortunately, some help for those rural communities is now on the way. The energy package contains an extension of the Secure Rural Schools Program that I authored in 2000. This proposal closely mirrors the legislative proposal that was crafted with Senators BAUCUS, BINGAMAN, REID, and myself, a proposal that passed overwhelmingly in this body by a 74-to-23 vote as an amendment that I offered to the war emergency supplemental spending bill last spring.

Specifically, the new energy package provides 4 more years of funding for the Secure Rural Schools Program, commonly known as the County Payments Program. A year of full funding for the payment in lieu of taxes program has also been included. By providing funds through 2011, this deal gets our rural counties off the fiscal roller coaster and back to stable funding so they can get at the real work of planning for the future. Today's announcement would mean $1.8 billion in critical funding for school and road programs across America.

In our home State of Oregon, particularly when folks are suffering because of the bad weather, it would mean hundreds of millions of dollars for schools and public safety, roads, and other essential county services. This program has been a successful one. It has been built around collaboration among counties, environmentalists, timber interests, and others, and the funds are absolutely critical to our rural communities.

The legislation that has been agreed to today, the Energy bill, is very important to our country's future. But equally important is the legislation known as the County Payments Program for rural communities.

I am grateful to my colleague, Senator MURRAY, and Senator MENENDEZ, who have been waiting patiently for the chance to make this announcement, and it is my hope that with the unflagging support of rural folks from across the country that this much-needed energy legislation will move forward and the country can look to a brighter future for rural communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

WASHINGTON STATE FLOODS

Mrs. MURRAY. Mr. President, I thank my colleague from New Jersey for allowing me to speak before he does. I wish to speak today because, as we all know, in the last several days, the Pacific Northwest has been hit by devastating storms. We have seen wind and dangerous floods and mud slides that have cut off our roads, our homes, cut off power to literally thousands in my State.

Today, the pouring rain thankfully has subsided a bit, but thousands of people are coping with the damage in my State, in my region. We will not know the full impact of this storm for some time, but our Governor has already estimated that the cost is going to be in the billions of dollars.

My heart goes out to everyone in my home State of Washington and in Oregon who are coping with the aftermath of this tremendous storm. Those people are in my thoughts constantly. I am working with all of our State, local, and Federal entities to be sure everyone gets all the service and support they need at this critical time.

I especially thank and mention our Governor, Governor Gregoire of Washington State. She has been very strong in her leadership throughout this disaster and has been working tirelessly to coordinate the rescue efforts.

I especially today send a very heartfelt thanks to all of our rescue workers. They have been working out in these torrential rains, night and day, rescuing people from flooded homes and vehicles. They have been flying in supplies to people who are stranded. They have been working very hard to clear roads and railways that are still tonight swamped.

So far, the Navy, the Coast Guard, the National Guard, and all of our agencies have rescued about 300 people by helicopter alone. This is our State's largest aerial search-and-rescue operation in over a decade.

Let me paint a picture for all my colleagues of the damage that has occurred so far.

Parts of southwest Washington now look like a sea of brown water. Homes are flooded up to their roofs. Entire communities have been isolated by swamped roads. Out on our coast, winds of up to 100 miles an hour have knocked out power to literally thousands of homes. People feel very isolated today. They don't have power, they don't have telephones, and, in some areas, it is very tough to even assess how bad the damage is yet because we cannot even get to these people who do not have power or telephones.

I know a lot of relatives in the region and across the country are desperately trying this evening to reach their loved ones who have been affected, and our office, along with Governor Gregoire, Senator CANTWELL, and others, is doing everything we can to help.

Finally, I wish to mention one of the hardest hit areas, and that is Interstate 5. This is the major artery that links Portland, OR, and Seattle, WA. That highway has been closed since Monday, and some are saying it is going to be several more days before we even get it open. This has forced cars and trucks that are traveling from Seattle to Portland or Portland to Seattle to detour through the Tri-Cities. For those who don't know my State, that means they have to go over a mountain pass that is snow packed right now, take 4 extra hours, if the roads are good and the snow and ice has not stopped them on the pass used to get to Portland. So this is a major nightmare in our area.

It is very hard to explain the impact of all this damage, but estimates of cost to businesses from delays on that highway alone have been placed at $4 million a day to our businesses that rely on this major artery to get their goods quickly and safely back and forth.

As I said in a speech earlier today on the floor, the impact of these storms reinforces how important our transportation infrastructure is to absolutely everyone. We are all one rainstorm, one bridge disaster away from huge impacts to our economy and to families' lives.

Again, I wished to come to the floor this evening to send my heartfelt thanks to everyone who is working so hard in my State of Washington and to all those people who have been affected so devastatingly by these storms. They are all in my thoughts every minute. My heart goes out to them, and I know everyone stands ready to be by their side.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

COST OF THE IRAQ WAR

Mr. MENENDEZ. Mr. President, for more than 4 years now, President Bush has been declaring victory or progress in Iraq. The thousands of soldiers who have lost their legs, gone blind or suffered horrible nightmares might be finding it hard to celebrate. The families of those men and women might not be cheering very loud about the President's view of success. Thousands more whose children, whose mothers and fathers are lost forever might be finding it hard to share in the latest cries of victory.

Yes, the number killed last month dropped to 37, and we certainly rejoice in the fact that fewer soldiers are dying. That is still another 37 families who have no reason to rejoice. More American troops have died this year than any other year.

No matter how much military progress has been made in Iraq, that kind of security can only go so far. No amount of troops will force Iraqi politicians to agree on a fair distribution of oil revenues. No Abrams tank can build trust between Shiites and Sunnis.

The whole point of this surge was to create the conditions necessary for Iraqis to make political progress. But 2 weeks ago, the Washington Post ran a headline that said: "Iraqis Wasting an Opportunity, U.S. Officers Say."

Iraqi security forces are still unable to operate on their own. Any cease-fire between factions could evaporate in minutes. We started drawing down troops to pre-surge levels, but we have to wonder whether we are going to be told again we have to re-surge, do it all over again because the Iraqi Government and security forces are largely still at square one.

Our generals in Iraq have been the first to admit that a solution to the country's conflict has to be more than a military solution; it has to be a political solution. A political solution is up to Iraqi leaders. Right now there has been practically zero progress on the core critical issues necessary to bring a lasting peace.

The administration set 18 benchmarks for the Iraqi Government to meet. They have barely met three. So is it time to turn up the pressure or let them keep squabbling while Americans pay and Americans die?

There is more corruption in Iraq than almost anywhere else on the face of the Earth. We simply don't know where our money is going. It is a pit of quicksand when it comes to money. Some estimates say that as much as a third of the money we spend on Iraqi contracts and grants winds up unaccounted for or stolen—a third of billions of dollars, with a lot of it going straight to Shiite or Sunni militias. Let me repeat that: $1 out of every $3 we pay gets either lost or stolen—lost or stolen. Even after billions and billions and billions of dollars in funding, Iraqi society is still dysfunctional.

American money went toward improving, for example, municipal water systems in Iraq. The Iraqis now break open the pipes and steal the water. American money went toward books for schools. Iraqis steal them from the Ministry of Education and sell them on the street at three times the price. Government officials have sold the furniture right out of their offices. That is what the American taxpayers are funding.

So is it time to change our strategy, or do we ignore the corruption while Americans pay and Americans die? Here is the message we send to Iraqi politicians by sending them a blank check with no expiration date: Continue your squabbles. We will continue to see the loss of American life and continue to empty our treasury for you for as long as you like. That message is: You can sit back while Americans pay and Americans die. I think it is time for a different message, Mr. President.

After seeing a surge in the military that has lasted for months do nothing about a splurge of corruption that has lasted for years, the conclusion we have to draw from that is clear: The only way Iraqis will take charge of their own country and make the tough compromises necessary to form a functional society is when they believe we won't be there forever. That is the only way. It is long past time for the Iraqi Government to take charge, and the only way they are going to step up is if we begin to transition out. A reduction in fighting is not an excuse for a reduction in planning for our involvement to end.

The fact is, the violence has not stopped and the costs of this war have only gone up. The war is costing us $10 billion or so per month. The debt our Government is taking on, and that taxpayers are going to be responsible for, is exploding at the rate of $1 million a minute. I heard our colleagues earlier today, when I was Presiding Officer, talk about fiscal responsibility and what we bequeath to the next generation. Well, we are bequeathing them $1 million a minute of debt, because none of the money the President asked for is paid for—none of it. Yet when we try to invest in America, we are told there is no money for it. But it is okay to continue to saddle the next generation of Americans with a huge debt, $1 million a minute.

When the numbers are that high, every American taxpayer has to ask him or herself a basic question: How does the President plan to pay for the war?

Well, last week, we got a small part of that answer. He wants to cut funding for counterterrorism at home. According to a leaked administration document, President Bush wants to cut counterterrorism funding for cities by more than half. When I saw that article, I had to do a double-take. When I read that, I thought the report had to be wrong. It had to be wrong. Coming from the State of New Jersey, which lost 700 people—700 of my fellow citizens on that fateful day, and coming from a nation that lost 3,000 fellow Americans—to hear that we are going to continue to pump money into this war, a blank check, unpaid for, but that we will not take care of our security here at home, that had to be wrong.

His reported budget would slash funding for police, firefighters, and rescue workers. It could mean fewer security guards at ports, less reliable detection of explosives, and less training for security personnel. Basically, it would undermine the entire effort to prevent terrorism that our Nation realized that September day, one of the most urgent challenges we have ever faced. Cutting counterterrorism funding is simply outrageous.

Now I certainly hope the Congress is not going to stand for it, and the people who live in those cities definitely will not stand for it. But is it necessary to remind the President how important it is to protect our homes and families from terrorist attacks? Do we have to say that we must do everything within the bounds of possibility and the law to prevent a terrorist attack from happening again? And this suggestion that we are ultimately spending our efforts and lives and national treasure there so we don't have to spend it here is a falsehood. That is a falsehood.

Is anyone here in America going to feel safer at the end of the day when counterterrorism funding is cut for their hometown security, which as we found out on that fateful day on September 11 is how we responded—with local police, local firefighters, local emergency management? It was not the Federal Government but the local public safety entities. Is that a risk President Bush wants to take, to cut what amounts to .06 percent of the Federal budget, especially when the war in Iraq has eaten up $455 billion and counting; when the amount he wants to take away from police and firefighters, the people who respond, should, God forbid we have an attack, is an amount we spend in Iraq every 5 days? The money we are talking about for protecting us here at home in America is what we spend every 5 days in Iraq. What are our values? What are our priorities, Mr. President?

The President has requested $1 billion for the Iraqi police, but he wants to cut funding for the community-oriented policing program that fights crime in America's communities. So he will spend anything on the streets of Baghdad, but he suddenly thinks we should be stingy when it comes to security on the streets of our hometowns. The President wants a blank check for Iraq, but nothing for America.

That ties into what you have been seeing on the floor over the last several days. The reason we can't get appropriations bills out is because Republicans object to the type of domestic priorities the American people elected a new majority to achieve. He wants a blank check for Iraq, but nothing for America. From children's health to cancer research to crucial water resources, the President has vetoed what is most essential: our health, our safety, and in essence, our liberty. He has repeatedly said it is all too expensive. Meanwhile, he is requesting $200 billion more to fight a war in Iraq that has achieved nothing for any of us; that has ultimately seen the deaths of thousands of Americans and has left us more disliked around the world as a nation than at any other point in recent history. He wants a blank check for Iraq, but nothing for America. If he submits a budget that cuts funding for counterterrorism, I think he will truly be laying a final brick in the Department of Homeland Hypocrisy.

In high school many of us read George Orwell's book "1984," which was about a nightmare world where words mean the exact opposite of what they should mean. America is starting to understand what the word "security" means to the President. He apparently thinks funding firefighters, police officers, and emergency responders is excessive, but he wants to spy on Americans without warrants, he wants to tap people's phones without any oversight, he condones procedures even the U.S. Army itself considers torture, he wants to throw people in jail without trials, and he basically ignores the most basic tenets of the justice system of the United States since the Constitution came into effect in 1789.

President Bush wants to cut funding to stop terrorism in order to fund a war that has created terrorists. We didn't have al-Qaida in Iraq before we invaded Iraq. We have al-Qaida in Iraq after we invaded Iraq.

America isn't just ready to turn the page on this administration; we are ready for a whole new book. I hope, as we move forward, we can get some of these domestic priorities that the Nation wants to see. I cannot believe we would spend $200 billion for Iraq but not a fraction of that to be able to ensure that millions of American children can have health care. I cannot believe we would spend $200 billion more for Iraq but not enough to handle police, firefighters, and emergency management in our communities across the landscape of this country. I cannot imagine approving $200 billion for Iraq but not being able to deal with the alternative minimum tax relief, a measure Senator REID has tried to bring to the floor.

On issue after issue, the obstructionism, the roadblocks, the coordination between the White House and our colleagues here in the Senate to impede the progress the American people want to see is incredible, as it is equally incredible to continue this course by asking for a blank check for Iraq, but nothing for America.

PERU FREE TRADE AGREEMENT

Mr. HARKIN. Mr. President, I am a longtime supporter of policies designed to open foreign markets to our Nation's exports through trade agreements. I have fought to break down barriers that many other countries have erected to block our exports and to create unfair advantages. The fact is that mutually beneficial trade agreements serve to improve farm income and create jobs here at home, and American consumers receive benefits as well, including lower prices and a greater variety of goods.

I supported the fast track procedure in the 1988 Trade Act. I voted for the North American Free Trade Agreement and the Uruguay Round GATT Agreement. However, trade agreements are not only about commercial transactions. Trade agreements also have major environmental impacts, and they have major implications for the legal rights and working conditions of laborers. All of these factors must be carefully considered in determining whether to support a given trade agreement.

Certainly, there are modest positives in this Peru Free Trade Agreement. The American Farm Bureau Federation has estimated that the agreement would generate a net increase in U.S. agricultural exports of more than $700 million annually once the agreement is fully implemented in 2025. I note, however, that, in today's dollars, that would represent only roughly one-half of 1 percent of current U.S. agricultural exports.

In addition, this agreement would level the playing field for the United States vis-à-vis other major agricultural exporters in South America. Both Brazil and Argentina enjoy preferential access into Peru's markets because of Peru's associate membership in Mercosur, and this FTA would make it easier for our products to compete with exports from Brazil and Argentina. However, I have always considered these country-by-country trade deals to be far less than ideal. It would be far better to negotiate a successful global trade agreement under the auspices of the World Trade Organization.

Despite these modest benefits, I believe that, on balance, the Peru Free Trade Agreement falls short. I am particularly concerned about the agreement's deficiencies with regard to fighting child labor.

As many of our colleagues know, I have been working to reduce abusive and exploitative child labor around the world for a decade and a half. I first introduced a bill on this issue in 1992. Over the years, I have worked hard to improve the labor provisions in various trade measures, concentrating particularly on abusive and exploitative child labor. I believe strongly that trade agreements should support and reinforce existing international child-labor standards, not undercut them. On this criterion, the Peru FTA falls short.

According to the best estimates by the International Labor Organization, ILO, there are at least 218 million child laborers between the ages of 5 and 17 in today's global economy. Of these 218 million child laborers, more than 100 million have never seen the inside of a classroom. An estimated 126 million children are working under the most hazardous circumstances in mines, in fishing operations and on plantations. These children are being robbed of their childhoods. Many are being denied an education. They are deprived of any hope for a brighter future. In the years ahead, they will grow up illiterate and exploited, and this will create a wellspring of future social conflict and strife, and even terrorism.

We have made progress in recent years by increasing funds for programs to rehabilitate child laborers through our contribution to the ILO's International Program for the Elimination of Child Labor. In 2000, I successfully amended the Trade and Development Act with a provision directing that no trade benefits under the Generalized System of Preferences, GSP, will be granted to any country that does not live up to its commitments to eliminate the worst forms of child labor. I required that the President submit a yearly report to Congress on the steps being taken by each GSP beneficiary country to carry out its commitments to end abusive and exploitative child labor.

I want to explain clearly to my colleagues what I mean when I refer to abusive and exploitative child labor. I am not talking about children who work part time after school or on weekends. There is nothing necessarily wrong with that. What I am referring to is the definition set out by ILO Convention 182 on the Worst Forms of Child Labor. This is not just a Western or a developed-world standard; it is a global standard that has been ratified by 163 countries. It was ratified by Peru in 1999. The United States was the third country in the world to ratify this convention.

It is true that we have made some modest progress in including labor protections in this Peru Free Trade Agreement. But we all know that labor protections in trade agreements mean nothing in the absence of political will to enforce them. I am also concerned that, on the very same day that the deal to include new labor provisions in the Peru FTA was announced, the president of the U.S. Chamber of Commerce said, "We are encouraged by assurances that the labor provisions cannot be read to require compliance with ILO Conventions." Clearly, this statement sends a powerful message that the labor provisions in the Peru FTA should be ignored.

Under the Peru deal, the only party that can seek enforcement of labor violations in Peru is the U.S. administration. There is no mechanism for an outside party, such as a nongovernmental organization, to bring a complaint, as exists under the GSP. This would actually take us, and the world, a step backward when it comes to protecting children. That is right. This free-trade agreement with Peru, which replaces GSP provisions in governing trade between our two countries, will take us backward with respect to combating abusive and exploitative child labor.

Under the current U.S. GSP provisions, the President now must report to Congress annually regarding Peru's child labor practices. Under GSP, if Peru is not meeting the obligations that it undertook as a signatory to the ILO Convention 182, if it is not acting to eliminate the worst forms of child labor, then trade sanctions are imposed immediately to require enforcement in Peru of internationally recognized standards. This protects children. It also ensures that our workers will not be subjected to unfair competition from abusive and exploitative labor abroad. Unfortunately, under the Peru Free Trade Agreement, trade sanctions are not automatic.

I remind our colleagues that we voted 96 to 0 to include those protections, which I offered to GSP. It was a Harkin-Helms amendment, and it received unanimous, bipartisan support. None of us wanted to have those child labor protections undercut by our trade negotiators in an agreement with Peru or any other country but that is exactly what has happened. Now, because of fast-track rules which don't allow us to amend this legislation, we won't even be able to vote to restore the GSP protections in this agreement. If we vote for this trade agreement, we are voting to remove the protections that all of us who were here in 2000 voted to put in place.

On the matter of child labor, this Peru Free Trade Agreement takes us in the wrong direction. Abusive and exploitative child labor is wrong as a matter of principle. And it is also wrong as a practical matter. Our workers and our small businesses should not have to compete with abused and exploited child laborers abroad.

I am sorry to say that this is not an academic or rhetorical issue in the case of labor practices in Peru. Peru is far from the worst Government, even in our hemisphere, when it comes to meeting its international obligations to protect children from abusive and exploitative labor. I don't mean to single out Peru. But there is broad agreement among international observers—including our own Department of Labor, the Department of State, UNICEF and the International Labor Organization—that the problem of abusive child labor persists in that country. As many as 1.9 million Peruvian children between the ages of 6 and 17 are working rather than attending schools as they should. There are an estimated 150,000 child laborers in the capital city of Lima alone. The Government of Peru may be seeking to reduce the problem, as it should, but we should not be weakening our sole existing trade mechanism that allows us to monitor its progress. That is not the way forward for free and fair trade. And it is certainly not the way to lift up the Peruvian economy. Abusive child labor perpetuates the cycle of poverty across generations. No country has achieved broad-based economic prosperity on the backs of working and exploited children.

Mr. President, I appreciate that improvements were made to this agreement thanks to my Democratic colleagues in the House. But this remains a flawed agreement, one that we are not allowed to correct through amendments. I was eager to support an agreement promoting freer trade with Peru, but I cannot support a flawed agreement that takes a step backward from current law.

INTERNATIONAL VOLUNTEER DAY

Mr. FEINGOLD. Mr. President, today I am pleased to recognize the United Nations International Volunteer Day for Economic and Social Development, IVD. I strongly support international volunteering because of the mutual personal and cultural benefits it yields to both those who volunteer and those who benefit from volunteer efforts. Volunteering is one of the more meaningful ways for us to address very significant needs and develop a common understanding throughout our interconnected world.

Volunteering overseas regularly changes perspectives for the better. My constituents often share their stories about these international experiences, and I am always pleased to hear them talk about how it broadened their understanding and deepened their compassion for other cultures. Today, some of the greatest threats to our national security are based on, or feed upon, a false impression of who the American people are and what we care about. To reverse these erroneous impressions we need to share and make clear the qualities of empathy and kindness that are central to our heritage. American volunteerism abroad is not only a simple act of benevolence—an effort to improve the lives of others—but it is also one of our best resources to create greater, more meaningful interaction and common points of reference and to build strong relationships throughout the world.

Claudia from Milwaukee wrote me recently about her first international volunteer experience. She said, "I have always had a desire to travel and explore. . . . Most recently, I had the opportunity to volunteer internationally with Cross-Cultural Solutions in Lima, Peru . . . which brought out every emotion we have. While in Lima, I worked with the elderly of Villa El Salvador, many of whom are abused, neglected and in poor health. Villa El Salvador, which is outside of Lima, is a shantytown built on the sand dunes in 1970. The warmth and love felt from the people was unbelievable. I also had the opportunity to participate in home visits. Seeing how people live with very little, most with only one or two rooms, many with dirt floors and some having no indoor plumbing, makes me realize that it's not the possessions we have in life but life itself. . . . We are one world, one planet. We do need to share it as one."

I believe every American should have the opportunity to volunteer overseas and experience firsthand, like Claudia, how crucial this kind of assistance is to building meaningful personal understanding and international relationships as well as contributing to the development of nations. For this reason, I introduced the Global Service Fellowship Act, S. 1464, which creates an international volunteer program designed to provide more opportunities for people-to-people engagement. The bill reduces two key barriers that Americans face when volunteering overseas—cost and time limitations. First, the Global Service Fellowship Act reduces financial barriers by awarding fellowships that can be applied towards airfare, housing, or program costs, to name a few examples. By providing financial assistance, the Global Service Fellowship Program opens the door for every American to be a program participant—not just those with the resources to pay for it.

Second, this bill offers flexibility in the length of time for which an individual can volunteer. I often hear from constituents who do not seek opportunities to participate in Federal volunteer programs because they cannot leave their jobs or family for years at a time. The Global Service Fellowship Program provides a commonsense approach to the time constraints of many Americans who seek volunteer opportunities by offering a timeframe that works for them—from a month up to a year.

My bill would broaden the spectrum of Federal volunteer opportunities already made available by our Government. Given the increasingly negative perception of the United States overseas, we need more support for international volunteerism now more than ever. My constituents who engage in such opportunities are proof of how we can both inform ourselves of the needs and nature of our foreign neighbors and also directly change attitudes about the United States for the better.

For these reasons, today marks a special day for me and, in particular, for my constituents who have shared with me their stories of hope and fulfillment from their international experiences. It is my wish that all of us will have these types of experiences and that this day will remind us of—and encourage us to participate in—the very meaningful opportunities and benefits offered by international volunteer initiatives.

ADDITIONAL STATEMENTS

TRIBUTE TO ED SHINODA

● Mr. AKAKA. Mr. President, I would like to commend Ed Shinoda for receiving the Organization of Chinese Americans', OCA, Asia Pacific American Corporate Achievement Award. October 19, 2007, he was recognized in Las Vegas, NV, for his work at the United States Parcel Service, UPS, as a Pacific region manager. He has been at UPS since 1975, where he started as a part-time loader.

The OCA was founded in 1973 to advance the social, political, and economic well-being of Asian Pacific Americans. With 50 chapters across the Nation, including one in Hawaii, OCA helps citizens achieve their aspirations and improve their lives. The organization also facilitates the development of leadership and involvement in the community.

The Asia Pacific American Corporate Achievement Award was given to twelve individuals this year. This national program recognizes the achievements of Asian Pacific Americans in the corporate world, and their service to the community. Those honored were nominated by their employers, and then selected by a panel of judges.

Ed is currently the UPS Hawaii Operations Manager and is responsible for all UPS operations in Hawaii. Throughout his time at UPS, Ed has served in various leadership positions and is now one of the highest ranking Asian Pacific Americans at UPS. Ed not only works hard at UPS, but also in the community. He has participated in programs such as Neighbor-to-Neighbor, Global Volunteer Week, and the United Way campaign.

In addition to working hard and being involved in the community, Ed also supports fellow Asian Pacific American communities. He has served in organizations such as the Honolulu Japanese Chamber of Commerce, the Honolulu Chamber of Commerce, and the Hong Kong Business Association. He helped found "A Safe Place," an organization which works with children whose parents have been incarcerated. Ed is a hard-working individual, and I wish him and his family a warm aloha and best wishes.●

HALEIWA SUPER MARKET CENTENNIAL

● Mr. AKAKA. Mr. President, I would like to take this opportunity to congratulate the Haleiwa Super Market of Haleiwa, HI, on celebrating its 100-year anniversary. The store was opened by Kasaku Sakai, a Japanese plantation contract worker, and has since been run by four generations of the Sakai family.

Since opening in 1907, the store has expanded from a small grocery store to a full service supermarket. The business has changed locations several times in order to accommodate the store's increasing size. It has provided the residents of Haleiwa town with an invaluable resource throughout its many years. For example, during WWII, the store operated by credit, and its customers were not required to pay interest on their outstanding balances. Debts were often forgiven for families that were unable to pay. Now, both tourists and locals stroll the aisles of the Haleiwa Super Market for its fresh produce, fish, wines, and its line of Haleiwa Super Market logo items.

For 100 years, the Haleiwa store has remained a family run business. Everyone in the family has contributed to the business since the time they were young. It is now operated by Robert and Roy Sakai. They credit the success of the company to their great employees.

People continue to enjoy the Haleiwa Super Market for its friendly employees and family atmosphere. Many people have helped to keep the market a flourishing business, and although we cannot name them all, we honor them through the celebration of the centennial anniversary. Without the support and dedication of the owners, employees, and customers of the Haleiwa Super Market, the store could not have survived these 100 years.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

REMEMBERING BROTHER J. STEPHEN SULLIVAN

● Mrs. CLINTON. Mr. President, on January 9, 2007, Brother J. Stephen Sullivan, Manhattan College's 17th president from 1975 to 1987, passed away at the age of 86 in Lincroft, NJ. A noted teacher, scholar, theologian, and administrator, Brother Sullivan served Manhattan College tirelessly for more than a quarter century. A champion for Catholic higher education, he was dedicated to establishing new programs, which enhanced the landscape of the college. He is credited with fully implementing the transformation of Manhattan College into a coeducational institution and ensuring the integration of women into the entire curriculum. The college had become coed just prior to Brother Sullivan's move into the president's office. Brother Sullivan touched and enriched the lives of so many, and I am pleased to ask to have the below moving tribute to the life and accomplishments of Brother Sullivan, written by Brother Luke Salm, F.S.C., a longtime professor and trustee of Manhattan College, printed in the CONGRESSIONAL RECORD.

The material follows.

The Late Brother J. Stephen Sullivan, F.S.C., President, Manhattan College, Bronx, New York

"What is so rare as a day in June?" says the poet. June 25, 1920 was a rare day, indeed, that saw the birth of Jeremiah Thomas Sullivan to the delight of his parents, Bridget Quirk and John Joseph Sullivan. The child grew in wisdom, age and grace in a typical Irish Catholic family in the Boston suburbs, a family that would give to the Church not only this Christian Brother but also a Jesuit priest and a Sister of Charity. In due time, young Jeremiah attended the distinguished Boston Latin School, but after two years, contact with the Brothers in nearby Waltham was the instrument of Providence that led him to heed the divine call to become a disciple of St. John Baptist de La Salle. With joy and fervor he entered the junior class in the Barrytown, New York, juniorate in 1936. The novitiate inevitably followed, where, on September 7, 1938, he was invested with the religious habit and given the name Brother Casimir Stephen.

In those days, the year of novitiate in Barrytown was followed by the scholasticate at De La Salle College in Washington in an extension program of The Catholic University. The scholasticate was supposed to continue the spiritual formation begun in the novitiate, while at the same time and often more successfully, providing a solid academic grounding for future assignments to classroom teaching. Brother Stephen was one of those chosen souls, lured by Brother Charles Henry, into the major in Latin and Greek that was usually reserved for the intellectual elite. Brother Stephen did very well and graduated magna cum laude and Phi Beta Kappa.

There was more to the scholasticate experience than prayer and study; manual labor and recreational activities provided humanity and balance. In the early 1940s, Brother Abdon Lewis presided over the student tailor shop where Brother Stephen was assigned to the ironing board. Monastic silence was rarely observed and duels were fought, sometimes with words, sometimes with yardsticks. In a student production of Shakespeare's Julius Caesar, Brother Stephen played the cameo role of Cicero opposite Brother Leo Chorman's Cassius. Although always willing to wax eloquent as occasion warranted, Brother Stephen never attained the oratorical eloquence for which the historical Cicero has been known through the ages. Student athletics were also much in vogue in those days, with organized leagues on Thursday afternoons and in the summers, but Brother Stephen, like most of his fellow Latin majors, such as Austin O'Malley, James Kaiser, Joseph Warganz and Luke Salm, never got beyond handball and an occasional try at the free-for-all version of basketball known as horse-O. Leo Chorman was an exception.

After four years, the carefree student days, as all good things do, came to an end. In September 1943, Brother Stephen and his classmates set forth to face the challenges of the classroom, extracurricular activities, graduate study and community life. For Brother Stephen, the venue was St. Peter's in Staten Island, where he taught mostly Latin, his major, but also, as needed, algebra, geometry, English, history and French. After school and during summers, he pursued successfully a master's degree in Latin at Manhattan College under the direction of the rigorous and relentless Brother Alban Dooley. In 1948, Brother Stephen was assigned to St. Mary's in Waltham, Massachusetts, as teacher and sub-director of the community. He was, thus, able to be close to his family and at the same time attend courses at Boston College, earning a second M.A., this time in philosophy.

With such a strong background in classical languages and philosophy, in 1953 Brother Stephen was sent back to The Catholic University to study for the doctorate in sacred theology, a program only recently made available to the Brothers. In addition to full-time study, the assignment also involved full-time teaching of the classics and theology to the scholastics and, in due time, administrative duties as pro-director and director of studies. One of his signature courses was on God, One and Three, that earned for him the nickname "God." When Brother Cornelius Luke, the Visitor General, heard of it, he was not amused. Writing under the inspired direction of Father Eugene Burke, Brother Stephen successfully defended his thesis on what the Council of Trent had to say about grace and merit, was awarded the STD degree in 1959, and then assigned to Manhattan College.

At Manhattan, Brother Stephen was an important addition to the department of theology, still in the process of becoming an academic department with a qualified and professionally active full-time faculty. Brother Stephen regularly attended the meetings of the Catholic Theological Society and the College Theology Society for which he served as treasurer from 1960 to 1970. He authored the article on merit for the New Catholic Encyclopedia and his collection of articles entitled Readings in Sacramental Theology was published by Prentice-Hall. Meanwhile Brother Abdon Lewis was nudging Brother Stephen in the direction of administration, at first having him assist in the dean's office, then urging Brother Gregory to name him academic vice president and later executive vice president and Provost. Thus, Brother Stephen became a hands-down choice to become president of the College when Brother Gregory Nugent resigned in 1975.

By that time, the student unrest of the late 1960s had pretty well quieted down, the cooperative program with the College of Mount St. Vincent was well underway, and Manhattan itself had officially gone coed, bringing and ever-increasing number of female students to the campus. In 1978, Brother Stephen presided over the celebration of the College's 125th anniversary that was followed in the next year by the construction of the Draddy Gymnasium. During his presidency, programs for teaching the handicapped were introduced, as well as an M.B.A. program and courses in professional ethics, biotechnology and computer science. In 1979, he was awarded an honorary doctorate of laws by La Salle College in Philadelphia. Determined to keep the Brothers in the forefront, he commissioned Fabian Zaccone to paint a new mural for the reredos in the College chapel, which was renamed the Chapel of De La Salle and his Brothers. He had the same painter do a mural for the president's dining room depicting the successive Brother Presidents and their contributions to the College. For the tercentenary of the Institute in 1980, he sponsored a series of lectures that were then published. In addition, he made arrangements to have the shrine of St. De La Salle in St. Patrick's Cathedral redecorated to include the newly canonized Brothers Miguel and Mutien-Marie.

Although Brother Stephen certainly enjoyed being president, not all his record breaking twelve years in that office were full of sweetness and life. There were the inevitable conflicts with administrators and faculty, and some serious problems with a declining enrollment and consequent financial strain. He had always been close to his family and in constant touch with his brother John, a Jesuit priest at Boston College, and Sister Margaret de Sales, who was then principal at Paramus Catholic High School. He felt very deeply the deaths of his mother, his older sister, and that of his brother John. In 1980, Brother Stephen suffered the first of a series of heart attacks that eventually required surgery. After having organized and financed the first session of the Buttimer Institute of Lasallian Studies, it was a disappointment for him when the facilities of the College proved inadequate and the program was moved to California. Eventually it became clear to Brother Stephen that he no longer had the energy to complete his third five-year term. On his retirement from office in 1987, more than 600 guests gathered at a banquet in the Draddy Gymnasium to honor his achievement. In that same year, the College of Mount St. Vincent honored him with the honorary doctorate in humane letters.

After leaving Manhattan College, Brother Stephen moved to Lincroft, where he took charge of the development office. He initiated an outreach program to the entire Lasallian family, especially relatives of the Brothers and former Brothers, based on the concept of stewardship for the Lasallian tradition. "Associates in Stewardship" was a constant theme in his quarterly publication called Lasallian Notes. He took special care to celebrate the lives of the deceased Brothers and to keep in contact with their families, most notably through the annual Memorial Mass. Involved as he was in public relations for the district, Brother Stephen never lost his association with Manhattan College. He rarely missed a formal college event, alumni gathering, funeral or social occasion, traveling from Lincroft by hired limo when he could no longer drive and serving as a kind of informal public relations person for the College. When the strain of his very active retirement proved to be too much for his declining physical resources, he retired reluctantly but gracefully in 2004, at age 83, and took up residence in De La Salle Hall. There, he died peacefully on January 9, 2007.

—Luke Salm, F.S.C.●

TRIBUTE TO GEORGE TOOKER

● Mr. SANDERS. Mr. President, I wish to acknowledge the lifetime work of the artist George Tooker. Earlier this month, President Bush presented him with the National Medal of Arts, our Nation's highest and most prestigious award for artistic excellence.

George Tooker, born in New York City, is a resident of Hartland, VT. After studying English literature at Harvard and then studying painting at the Art Students League of New York, he found a world of modern possibilities in the medieval and Renaissance medium of egg tempera, helping to begin a revitalization of that technique. The choice of egg tempera gave his paintings an archaic and otherworldly feel, creating wonderfully rich juxtapositions as Tooker often used contemporary subjects and circumstances as the theme of his work.

For instance, many of his paintings convey images of modernity and alienation while using colors, surface finishes, and techniques that hearken back to the long tradition of art history. But they do more, of course; the reference to that long tradition of culture foregrounds the current manifestations of that culture, which George Tooker addresses as his subject.

Although some have seen elements of fantasy in his paintings, George Tooker has been explicit; he seeks not an escape into a dream world but, rather, the creation of a new approach to realism. "I am after painting reality impressed on the mind so hard that it returns as a dream, but I am not after painting dreams as such, or fantasy," he once said.

His haunting works often highlight the increased social isolation that has accompanied the pressures of modernization on everyday life. He deals with society and its very real consequences; although many of his paintings retain a magical and stylized feel, at their heart are images that have the capacity to reveal and reflect many of the deepest feelings each viewer of Tooker's work encounters in his or her own life in the contemporary world.

I commend Mr. George Tooker for his important contributions to American art and congratulate him on receiving the National Medal of Arts. We in Vermont are proud of his accomplishment.•

RECOGNIZING MAINE MACHINE PRODUCTS COMPANY

• Ms. SNOWE. Mr. President, with tremendous enthusiasm, I recognize Maine Machine Products Company, a phenomenal small business from my home State of Maine that manufactures products for various hi-tech industries. Because of its hard work and dedication to leading its field, Maine Machine Products was recognized with the Maine Development Foundation's Champion of Economic Development Award at the Foundation's annual meeting on October 5, 2007. Headquartered in South Paris, Maine Machine Products has a history replete with innovation and success, and is a company highly deserving of such an aptly titled award.

Founded in 1956 by Roland Sutton, Maine Machine Products is a custom precision manufacturer of components and assemblies whose products are sent to global high-technology markets including those serving the defense and aerospace, telecom and fiber optic, and semiconductor markets. Located in a temperature-controlled 75,000-square-foot building in western Maine, Maine Machine Products employs roughly 150 highly skilled workers who consistently produce products of the finest quality for these vital industries. Always seeking to be on the cutting edge of technology, Maine Machine Products earlier this year began working with the Mazak Integrex e-Series, which is the most advanced multitasking machine in custom precision manufacturing. The machine allows the company to complete all operations, such as turning, boring, and drilling, in a single setup, increasing productivity and efficiency. Additionally, the firm has upgraded its Clean Room, where it tests and finishes semiconductor equipment, by expanding it and making other improvements.

More than merely adding to its existing infrastructure, Maine Machine Products has made significant contributions to both its employees and the western Maine community. Two programs, in particular, demonstrate the attention that the company pays to its workers and aspiring manufacturing personnel. First, Maine Machine Products makes use of the machine operators skills training grant, MOST, program, that assists firms with the training of their computer numerical control, or CNC, operators. In addition, the program attempts to fill open CNC positions with nontraditional workers by training individuals and matching them with employers. In MOST's inaugural season, 52 incumbent Maine Machine Products employees received training through the program, and the company hired 6 new employees who participated.

Through a second program, Maine Machine Products gives scholarships to students who are enrolled in the Machine Tool Program at Central Maine Community College based in Auburn. Since its inception in 1974, Maine Machine Products' scholarship program has sponsored 47 scholarships. The program provides a work-study program to students who qualify, and—most fittingly—many graduates of the scholarship program are presently employed at Maine Machine Products.

Maine Machine Products has filled a specific niche in the precision custom manufacturing industry for over five decades, and it continues to be a market leader. With measured expansion and sustained growth throughout the years, Maine Machine Products has excelled in a highly technical and competitive field. I wish everyone at Maine Machine Products continued success and growth in the years to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:37 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1429. An act to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

At 2:43 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. REYES, HASTINGS of Florida, BOSWELL, CRAMER, Ms. ESHOO, Messrs. HOLT, RUPPERSBERGER, TIERNEY, THOMPSON of California, Ms. SCHAKOWSKY, Messrs. LANGEVIN, PATRICK J. MURPHY of Pennsylvania, HOEKSTRA, EVERETT, GALLEGLY, Mrs. WILSON of New Mexico, Messrs. THORNBERRY, MCHUGH, TIAHRT, ROGERS of Michigan, and ISSA.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Messrs. SKELTON, SPRATT, and HUNTER.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 710) to amend the National Organ Transplant Act to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1662. An act to authorize the Secretary of the Interior to seek limited reimbursement for site security activities, and for other purposes.

H.R. 2246. To provide for the release of any reversionary interest of the United States in and to certain lands in Reno, Nevada.

H.R. 3887. An act to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other persons.

H.R. 3998. An act to authorize the Secretary of the Interior to conduct special resources studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures.

H.R. 4118. An act to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event at Virginia Polytechnic Institute & State University.

At 3:42 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2371. An act to amend the Higher Education Act of 1965 to make technical corrections.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. SKELTON, SPRATT, ORTIZ, TAYLOR, ABERCROMBIE, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mr. MCINTYRE, Mrs. TAUSCHER, Messrs. BRADY of Pennsylvania, ANDREWS, Mrs. DAVIS of California, Messrs. LARSEN of Washington, COOPER, MARSHALL, Ms. BORDALLO, Messrs. UDALL of Colorado, HUNTER, SAXTON, MCHUGH, EVERETT, BARTLETT of Maryland, MCKEON, THORNBERRY, JONES of North Carolina, HAYES, AKIN, FORBES, WILSON of South Carolina, TURNER, KLINE of Minnesota, and Mrs. DRAKE.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. BOSWELL, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. HOEKSTRA.

From the Committee on Education and Labor, for consideration of sections 561, 562, 675, 953, and 3118 of the House bill, and sections 561, 562, 564, 565, and 3137 of the Senate amendment, and modifications committed to conference: Mr. GEORGE MILLER of California, Mr. COURTNEY, and Mr. WALBERG.

From the Committee on Energy and Commerce, for consideration of sections 311–313 and 1082 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. WYNN, and Mr. BARTON of Texas.

From the Committee on Foreign Affairs, for consideration of sections 831, 833, 1022, 1201, 1203, 1204, 1206–1208, 1221, 1222, 1231, 1241, 1242, title XIII, and section 3117 of the House bill, and sections 871, 934, 1011, 1201–1203, 1205, 1211, 1212, 1214, 1215, 1217, 1219, 1232, title XIII, sections 1511, 1512, 1532, 1533, 1539–1542, 1571, 1574–1576, 1579, 3134, and 3139 of the Senate amendment, and modifications committed to conference: Mr. LANTOS, Mr. ACKERMAN, and Ms. ROS-LEHTINEN.

From the Committee on Homeland Security, for consideration of section 1076 of the Senate amendment, and modifications committed to conference: Mr. THOMPSON of Mississippi, Mr. CARNEY, and Mr. DANIEL E. LUNGREN of California.

From the Committee on the Judiciary, for consideration of sections 582, 672, 673, and 850 of the House bill, and sections 824, 1023, 1024, 1078, 1087, 1571–1574, 1576, 1577, 1579, and title LII of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Mr. BERMAN, and Mr. SMITH of Texas.

From the Committee on Oversight and Government Reform, for consideration of sections 325, 326, 328–330, 604, 653, 674, 801, 802, 814, 815, 821–824, 1101–1112, 1221, 1231, and 1451 of the House bill, and sections 366–370, 603, 684, 821, 823, 842, 845, 846, 871, 902, 937, 1064, 1069, 1074, 1093, 1101–1106, 1108, 1540, 1542, and 2851 of the Senate amendment, and modifications committed to conference: Mr. WAXMAN, Mr. TOWNS, and Mr. DAVIS of Virginia.

From the Committee on Science and Technology, for consideration of sections 846, 1085, and 1088 of the Senate amendment, and modifications committed to conference: Mr. GORDON of Tennessee, Ms. GIFFORDS, and Mr. EHLERS.

From the Committee on Small Business, for consideration of sections 828, 1085, 1088, 4001, 4002, 4101–4103, 4201–4203, and 4301–4305 of the Senate amendment, and modifications committed to conference: Ms. VELÁZQUEZ, Mr. ALTMIRE, and Mr. CHABOT.

From the Committee on Transportation and Infrastructure, for consideration of sections 523 and 1048 of the House bill, and sections 311–313, 353, 1070, 2853, 2855, 2863, 5101, 5202, and 5208 of the Senate amendment, and modifications committed to conference: Mr. OBERSTAR, Mr. COSTELLO, and Mr. GRAVES.

From the Committee on Veterans Affairs, for consideration of sections 525, 1421, 1433, and 1453 of the House bill, and sections 701, 710, 1084, 1611, 1612, 1621, 1626, 1634, 1641, 1654, 1662, and 1702–1712 of the Senate amendment, and modifications committed to conference: Mr. FILNER, Mr. MICHAUD, and Mr. BUYER.

From the Committee on Ways and Means, for consideration of section 536 of the Senate amendment, and modifications committed to conference: Mr. RANGEL, Mr. STARK, and Mr. CAMP of Michigan.

At 6:12 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2517. An act to amend the Missing Children's Assistance Act to authorize appropriations; and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1662. An act to authorize the Secretary of the Interior to seek limited reimbursement for site security activities, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2246. An act to provide for the release of any reversionary interest of the United States in and to certain lands in Reno, Nevada; to the Committee on Energy and Natural Resources.

H.R. 3887. An act to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes; to the Committee on the Judiciary.

H.R. 3998. An act to authorize the Secretary of the Interior to conduct special resources studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2416. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals and replace it with an alternative tax individuals may choose.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4082. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–4083. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007-235—2007-264); to the Committee on Foreign Relations.

EC-4084. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to the United Kingdom to support the maintenance, repair and modification services for the C-130J and C-130K Aircraft; to the Committee on Foreign Relations.

EC-4085. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed amendment to a manufacturing agreement relative to the export of defense services to Russia for the RD-180 Liquid Propellant Rocket Engine Program; to the Committee on Foreign Relations.

EC-4086. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense services to Saudi Arabia for the operation and maintenance of the Saudi Air Defense Forces HAWK and PATRIOT Air Defense Missile Systems; to the Committee on Foreign Relations.

EC-4087. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement involving the export of technical data to France for the initial development and subsequent manufacture of Complimentary Metal Oxide Semiconductor Application Specific Integrated Circuits; to the Committee on Foreign Relations.

EC-4088. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Israel for the manufacture of certain Alternate Mission Equipment; to the Committee on Foreign Relations.

EC-4089. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of two commercial communications satellites to international waters for launch under the Sea Launch program or to Russia and Kazakhstan for launch; to the Committee on Foreign Relations.

EC-4090. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles relative to a commercial communications satellite; to the Committee on Foreign Relations.

EC-4091. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition that was filed on behalf of workers from the Nuclear Materials and Equipment Corporation in Apollo, Pennsylvania, to be added to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-4092. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Annual Reporting and Disclosure" (RIN1210-AB06) received on November 20, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4093. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Applications for Food and Drug Administration Application Approval to Market a New Drug; Revision of Postmarketing Reporting Requirements" (Docket No. 2000N-1545) received on November 20, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4094. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; General Hospital and Personal Use Devices; Classification of Remote Medication Management System" (Docket No. 2007N-0328) received on November 20, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4095. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy, nomination, and designation of an acting officer for the position of Assistant Secretary for Public Affairs, received on November 20, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4096. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination for the position of Deputy Secretary, received on November 20, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4097. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Corps' Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4098. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period of April 1, 2007, to September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4099. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the Department's annual financial report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4100. A communication from the Acting Secretary of Veterans Affairs, transmitting, pursuant to law, the semiannual report of the Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4101. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4102. A communication from the Director, Institute of Museum and Library Services, transmitting, pursuant to law, the agency's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4103. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Semiannual Report of the Administration's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4104. A communication from the Attorney General, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4105. A communication from the Acting Director, U.S. Trade and Development Agency, transmitting, pursuant to law, the Agency's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4106. A communication from the Chief Acquisition Officer, General Services Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-21" (FAC 2005-21) received on November 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4107. A communication from the Archivist of the United States, transmitting, pursuant to law, the Organization's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4108. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the eight audit reports issued during fiscal year 2007 relative to the Agency and the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-4109. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department's Semiannual Report of the Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4110. A communication from the Director, Center for Pay and Leave Administration, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Recruitment, Relocation, and Retention Incentives" (RIN3206-AK81) received on November 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4111. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4112. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4113. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the six-month period ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4114. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled "Employment of Veterans in the Federal Government—Fiscal Year 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-4115. A communication from the Secretary of Energy, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4116. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4117. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4118. A communication from the Chairman, Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Semiannual Report of the Service's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4119. A communication from the Special Counsel, transmitting, pursuant to law, the Office's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4120. A communication from the President of the United States, transmitting, pursuant to law, an alternative plan for locality pay increases payable to civilian Federal employees covered by the General Schedule; to the Committee on Homeland Security and Governmental Affairs.

EC-4121. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4122. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of United States Attorney for the Middle District of Pennsylvania, received on November 16, 2007; to the Committee on the Judiciary.

EC-4123. A communication from the White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of action on a nomination for the position of General Counsel, received on November 16, 2007; to the Committee on Veterans' Affairs.

EC-4124. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information and discontinuation of service in an acting role for the position of United States Attorney, received on November 20, 2007; to the Committee on the Judiciary.

EC-4125. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities under the Civil Rights of Institutionalized Persons Act; to the Committee on the Judiciary.

EC-4126. A communication from the Director of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Transfer of Duties of Former VA Board of Contract Appeals" (RIN2900-AM73) received on November 20, 2007; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 704. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information (Rept. No. 110-234).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1178. A bill to strengthen data protection and safeguards, require data breach notification, and further prevent identity theft (Rept. No. 110-235).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1780. A bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent (Rept. No. 110-236).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1858. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act , and for other purposes.

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2045. A bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Mr. ENSIGN, Ms. STABENOW, and Mr. MARTINEZ):

S. 2408. A bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program; to the Committee on Finance.

By Mr. DEMINT (for himself, Mr. ENZI, and Mr. VITTER):

S. 2409. A bill to direct the Architect of the Capitol to ensure that the Pledge of Allegiance to the Flag and the national motto "In God We Trust" are each displayed prominently in the Capitol Visitor Center on a permanent basis and to prohibit the Architect from removing or refusing to include language or other content from exhibits and materials relating to the Capitol Visitor Center on the grounds that the language or content includes a religious reference or Judeo-Christian content; to the Committee on Rules and Administration.

By Mr. KYL (for himself and Mr. SUNUNU):

S. 2410. A bill to require the Federal Communications Commission to either grant or deny a Petition for Reconsideration within 1 year after such Petition is first submitted; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. OBAMA):

S. 2411. A bill to require the establishment of a credit card safety star rating system for the benefit of consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. OBAMA, Mr. DURBIN, Mrs. CLINTON, Mr. BIDEN, Mr. DODD, and Mr. KERRY):

S. 2412. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

By Mr. ENZI (for himself and Mrs. FEINSTEIN):

S. 2413. A bill to provide death and disability benefits for aerial firefighters who work on a contract basis for a public agency and suffer death or disability in the line of duty, and for other purposes; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Mr. GREGG, Mr. COBURN, Mr. GRAHAM, Mr. CORKER, Mr. DEMINT, Mr. BUNNING, and Mr. ENZI):

S. 2414. A bill to amend title XVIII of the Social Security Act to require wealthy beneficiaries to pay a greater share of their premiums under the Medicare prescription drug program; to the Committee on Finance.

By Mr. REID (for Mrs. CLINTON):

S. 2415. A bill to require the President and the Office of the Global AIDS Coordinator to establish a comprehensive and integrated HIV prevention strategy to address the vulnerabilities of women and girls in countries for which the United States provides assistance to combat HIV/AIDS, and for other purposes; to the Committee on Foreign Relations.

By Mr. DEMINT:

S. 2416. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals and replace it with an alternative tax individuals may choose; read the first time.

By Mr. BROWNBACK (for himself and Mr. BYRD):

S. 2417. A bill to amend title 31, United States Code, to require the inscription "In God We Trust" to appear on a face of the $1 coins honoring each of the Presidents of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY (for himself, Mr. GRASSLEY, and Mrs. FEINSTEIN):

S. 2418. A bill to ensure the safety of imported food products for the citizens of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MURKOWSKI, and Mr. BIDEN):

S. Res. 388. A resolution designating the week of February 4 through February 8, 2008, as "National Teen Dating Violence Awareness and Prevention Week"; to the Committee on the Judiciary.

By Mr. ALLARD (for himself, Mr. SALAZAR, Mr. TESTER, Mr. ISAKSON, Ms. COLLINS, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. CONRAD, Mr. DORGAN, Mr. DOMENICI, Mr. HATCH, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FEINSTEIN):

S. Res. 389. A resolution commemorating the 25th Anniversary of the United States Air Force Space Command headquartered at Peterson Air Force Base, Colorado; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 453

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 453, a bill to prohibit deceptive practices in Federal elections.

S. 458

At the request of Mrs. LINCOLN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 458, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 522

At the request of Mr. BAYH, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 561

At the request of Mr. BUNNING, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 602

At the request of Mr. PRYOR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 602, a bill to develop the next generation of parental control technology.

S. 661

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 694

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 814

At the request of Mr. SPECTER, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 827

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 827, a bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes.

S. 884

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 884, a bill to amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, and for other purposes.

S. 910

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 910, a bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 1019

At the request of Mr. COBURN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1019, a bill to provide comprehensive reform of the health care system of the United States, and for other purposes.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1430

At the request of Mr. BROWNBACK, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1551

At the request of Mr. BROWN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1551, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1731

At the request of Mr. CORNYN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1731, a bill to provide for the continuing review of unauthorized Federal programs and agencies and to establish a bipartisan commission for the purposes of improving oversight and eliminating wasteful Government spending.

S. 1910

At the request of Mr. REED, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1910, a bill to amend the Internal Revenue Code of 1986 to provide that amounts derived from Federal grants and State matching funds in connection with revolving funds established in accordance with the Federal Water Pollution Control Act and the Safe Drinking Water Act will not be treated as proceeds or replacement proceeds for purposes of section 148 of such Code.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2058

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2071

At the request of Mrs. FEINSTEIN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2088

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2088, a bill to place reasonable limitations on the use of National Security Letters, and for other purposes.

S. 2129

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2129, a bill to amend the Internal Revenue Code of 1986 to establish the infrastructure foundation for the hydrogen economy, and for other purposes.

S. 2133

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2133, a bill to authorize bankruptcy courts to take certain actions with respect to mortgage loans in bankruptcy, and for other purposes.

S. 2140

At the request of Mr. DORGAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Delaware (Mr. CARPER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2279

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2307

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2307, a bill to amend the Global Change Research Act of 1990, and for other purposes.

S. 2332

At the request of Mr. DORGAN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2334

At the request of Mr. BARRASSO, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2334, a bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2344

At the request of Mr. MENENDEZ, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2344, a bill to create a competitive grant program to provide for age-appropriate Internet education for children.

S. 2347

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2355

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2355, a bill to amend the National Climate Program Act to enhance the ability of the United States to develop and implement climate change adaptation programs and policies, and for other purposes.

S. 2356

At the request of Mr. COLEMAN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2356, a bill to enhance national security by restricting access of illegal aliens to driver's licenses and State-issued identification documents.

S. 2372

At the request of Mr. SMITH, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2400

At the request of Mr. SESSIONS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2400, a bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes.

S.J. RES. 22

At the request of Mr. BAUCUS, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Virginia (Mr. WEBB), and the Senator from Montana (Mr. TESTER) were added as cosponsors of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. ENSIGN, Ms. STABENOW, and Mr. MARTINEZ):

S. 2408. A bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program; to the Committee on Finance.

Mr. KERRY. Mr. President, seven thousand Americans die every year because of preventable adverse drug events. Tens of thousands of more are injured. Meanwhile, of the three billion prescriptions that are written each year, doctors report that nearly one billion of them required a followup for clarity, costing our health care system billions of dollars a year. That is why I am pleased to join my colleagues Senator ENSIGN, Senator STABENOW and Senator MARTINEZ to introduce critical legislation to help bring our health care system into the 21st century through electronic prescribing, e-prescribing, of medications in the Medicare program.

The benefits of e-prescribing are clear and compelling. When a doctor "writes" an electronic prescription, a computer or handheld device warns of potentially dangerous interactions or allergies or informs a physician whether a particular drug is covered by a patient's insurance. It also tells the physician whether a chemically identical generic alternative is available at a fraction of the price. The path to a more modern, accountable health care system starts with health information technology. The path to robust health information technology starts with e-prescribing.

This legislation would provide permanent funding for physician payment bonuses in Medicare to help offset the costs of acquiring e-prescribing systems and to incentivize the use of the technology. The bill would also require all physicians in Medicare to use e-prescribing starting in 2011—1 year later than the Institute of Medicine recommended in their recent study. We have talked long enough about using technology to stem perpetually rising health care costs and poor quality, and our legislation takes an important step to do something about it.

I want to give particular credit to Mark Merritt and his team at Pharmaceutical Care Management Association, PCMA, for their hard work and leadership. PCMA is responsible for a seminal study in this field, which showed for the first time that broader adoption of e-prescribing will not only save lives, but will also save billions of dollars for patients, payers and taxpayers alike. Perhaps most importantly, PCMA created a strong and diverse coalition of health care stakeholders to advocate for this legislation, including business, labor, consumer advocates, physicians, health plans, pharmacists, and drug manufacturers. The PCMA-led coalition has worked diligently on Capitol Hill in support of this important issue. They have educated Congress on e-prescribing and are helping to make sure that we get the policy right.

The Medicare E–MEDS Act gets it right. The standards and interoperability for e-prescribing are in place; the technology is affordable; and, most importantly, the dramatic benefits for patients and health care purchasers—especially the Federal Government—are overwhelmingly clear. This bill is a solid step towards addressing these important issues in the delivery of our Nation's health care. It is time that Congress act to save lives and increase efficiency in America's health care system.

Mr. President, I ask for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to the printed in the RECORD, as follows:

S. 2408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Electronic Medication and Safety Protection (E-MEDS) Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Patient safety is an important issue and a priority among patients, providers, insurers, businesses, and government entities alike.

(2) Adverse drug events are defined by the Institute of Medicine as "any injury due to medication".

(3) According to the Institute of Medicine, more then 1.5 million preventable adverse drug events occur every year in the United States.

(4) Studies indicate that at least 530,000 preventable adverse drug events occur each year among the Medicare population, and cost the Federal Government upwards of $887,000,000, or $1,983 per person.

(5) Electronic prescription drug programs, or e-prescribing, provide for the electronic transmittal of prescription information from the prescribing health care provider to the dispensing pharmacy and pharmacist.

(6) Electronic prescribing provides formulary and coverage information before a prescription is written to better inform the patient and prescriber of lower cost options, including generics.

(7) E-prescribing can help to eliminate medical errors, injuries, hospitalizations, and even death that can result from illegible prescriptions and bad drug interactions, in addition to reducing patient medication nonadherence.

(8) The Institute of Medicine recommends that all physicians create a plan to implement and use e-prescribing technology by 2010.

SEC. 3. INCENTIVES FOR USE OF E-PRESCRIBING UNDER MEDICARE.

(a) BONUS PAYMENTS.—Section 1833 of the Social Security Act (42 U.S.C. 13951) is amended by adding at the end the following new subsection:

"(v) INCENTIVE PAYMENTS FOR PHYSICIAN USE OF E-PRESCRIBING.—

"(1) ONE-TIME BONUS FOR START-UP COSTS.—

"(A) IN GENERAL.—If the Secretary determines, based upon coding in claims submitted under this part over a duration specified by the Secretary, that a physician meets a threshold volume or proportion (as specified by the Secretary) of claims for physicians' services for individuals enrolled under this part that—

"(i) are classified (under section 1848) as evaluation and management services;

"(ii) include the making of a prescription that could under law be made using the electronic prescription drug program; and

"(iii) use the electronic prescription drug program for such prescription,

the Secretary shall make a payment to the physician, in addition to any other payment under this part, of the amount specified in subparagraph (B). Not more than one payment may be made under this subsection with respect to any physician.

"(B) AMOUNT.—The payment amount under subparagraph (A) shall be, in the case of a physician that meets the conditions of subparagraph (A) for a period that begins during—

"(i) 2008 or 2009, $2,000;

"(ii) 2010 or 2011, $1,500; or

"(iii) 2012 or a subsequent year, $1,000.

"(2) ON-GOING BONUS FOR USE OF E-PRESCRIBING.—

"(A) IN GENERAL.—If the Secretary determines, based upon coding in claims submitted under this part over a period specified by the Secretary, that a physician uses the electronic prescription drug program for prescribing at least a threshold volume or proportion (as specified by the Secretary) of claims for physicians' services for individuals enrolled under this part, in addition to the amount of payment that would otherwise be made under this part for physicians' services by the physician that are classified as evaluation and management services under section 1848, there also shall be paid to the physician an amount equal to 1 percent of the allowed charges for such services. In applying the previous sentence, there shall not be taken into account claims for prescriptions written for controlled substances which may not under law be prescribed using the electronic prescription drug program.

"(B) APPLICATION TO PHYSICIAN SHORTAGE BONUSES.—The additional payment under this paragraph shall be taken into account in applying subsections (m) and (u).

"(3) AUDITING.—Provisions applicable to the auditing of claims for payment and enforcement of false claims under this part shall apply to claims for payment under this subsection.

"(4) ELECTRONIC PRESCRIPTION DRUG PROGRAM DEFINED.—In this subsection, the term 'electronic prescription drug program' means the program established under section 1860D–4(e).".

(b) REQUIREMENT FOR USE OF E-PRESCRIBING.—Section 1848(a) of such Act (42 U.S.C. 1395w–8(a)) is amended by adding at the end the following new paragraph:

"(5) ADJUSTMENT IN FEE SCHEDULE FOR FAILURE TO USE E-PRESCRIBING.—

"(A) IN GENERAL.—Subject to subparagraph (B), effective for physicians' services furnished on or after January 1, 2011, in the case of such services—

"(i) that are classified as evaluation and management services under this section; and

"(ii) in connection with which there was one or more prescriptions made that could have been made, but were not all made, under the electronic prescription drug program,

the fee schedule amount otherwise applicable under this section shall be reduced by 10 percent.

"(B) WAIVER.—The Secretary may waive the application of subparagraph (A) until January 1, 2012, or January 1, 2013, as specified by the Secretary, in cases of demonstrated hardship or unforeseen circumstances specified by the Secretary.".

SEC. 4. REPORTS ON E-PRESCRIBING.

(a) CMS REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Centers for Medicare & Medicaid Services shall submit to Congress a report on progress on implementing e-prescribing under the Medicare electronic prescription drug program under section 1860D–4(e) of the Social Security Act (42 U.S.C. 1395w–104(e)).

(2) ITEMS INCLUDED.—Such report shall include information on—

(A) the percentage of Medicare physicians that utilize the electronic prescription drug program;

(B) the estimated savings resulting from the use of e-prescribing; and

(C) progress on reducing avoidable medical errors resulting from the use of e-prescribing.

(b) GAO REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the impact of implementation of such program on physicians.

(2) ITEMS INCLUDED.—Such report shall include information on—

(A) factors influencing the adopting of e-prescribing by physicians; and

(B) the impact of this Act on physicians practicing in individual or small group practices and on physicians practicing in rural areas.

By Mr. WYDEN (for himself and Mr. OBAMA):

S. 2411. A bill to require the establishment of a credit card safety star rating system for the benefit of consumers, and for other purposes; to the Committee on Banking, Housing, And Urban Affairs.

Mr. WYDEN. Mr. President, credit card debt is hitting American families like a wrecking ball, with our families already being hammered by skyrocketing fuel prices and the subprime mortgage mess. We have seen credit card debt go up almost 25 percent in the last 3 years. I have brought to the floor a typical credit card agreement that millions of our citizens enter into. It is 44 pages long. You can't see it from the chair, but it goes on and on and on with small print. It is very obvious to me that buried in all of this legalese, buried in all of this technical jargon, is a variety of sneaky terms that end up hurting consumers because it is not possible to understand what is in much of the key provisions of these agreements. For example, we understand folks in New Jersey, Oregon, or anywhere else pay a lot of attention to the interest rate provision. They pay a lot of attention to the annual fee provision. But they don't notice a lot of the little disclosures that end up hidden in the legalese that can end up making the real cost of credit significantly higher.

Last week, I met with students across the State of Oregon. A lot of them, with the financial aid cutbacks, are now walking on an economic tightrope. They balance their food bills against their fuel bills and their fuel bills against their housing costs. They are on an economic tightrope. They are getting buried in credit card debt. Very often they find, for example, that if they have a credit card, and they are late on another payment with someone else, their credit card interest rate ends up going up as a result. There may be a small provision in their existing credit card agreement that allows it, but nobody, for the most part, knows about it.

Students would say their interest rates would double almost overnight with virtually no notice. They would not be given any clear communication about what is going on. They would just find their costs would arbitrarily skyrocket, and they would again be unable to pay their bills.

Now, I recognize in a free society folks have a constitutional right to be foolish, to rack up charges that would not be wise, but they can do so anyway in a free society. I do not think most people will do that, certainly not the students I met with in Oregon last week, if it is possible to understand the terms of these credit cards in straightforward, plain and simple English rather than see the key provisions buried in all kinds of legalese that you would have to be a wizard to sort out.

So I am proposing today, with the support of our colleague, Senator OBAMA from Illinois, that the Federal Reserve, which has great expertise in this area, set up a safety rating system for credit cards—not one that evaluates credit card companies on provisions that are appropriately evaluated in the marketplace, but on safety matters—for example, whether a credit card company gives the consumer adequate notice before they change terms; whether, for example, they highlight the key kinds of changes rather than bury them in the small print.

I think the Federal Reserve, with the technical expertise they have and the independent judgment they bring to these financial questions, is the ideal place to develop and operate a safety rating system. Such a system has worked quite well for new cars. When you have a rating system for cars, people can understand how they would be protected in a crash. The legislation I am offering will tell people whether credit card companies are treating them fairly and disclosing the key provisions so that a free market can work.

So under the rating system I propose today with Senator OBAMA, it would be required for credit card companies to put on the card itself, put on the various promotional materials they are using, stars which, in effect, would be granted on the basis of the Federal Reserve's independent judgment as to whether the key safety criteria are being met.

I am very hopeful that at a time when our citizens are being pounded by powerful economic forces, particularly in the energy and housing field, there could at least be bipartisan agreement that the Senate could support transparency, disclosure, changes in the credit card business, so our consumers—and millions are using these credit cards during this holiday season—can understand the agreements they are getting into.

The students I met with last week are taking steps now to better police what is going on in the credit card field. On several campuses in Oregon, they have moved the credit card companies off campus. Yet the credit card companies continue to flood the students with promotional material.

I was told, for example, about one program where students were brought into a room where money was essentially floating in the air, where it was as if you would be going to a financial paradise if you just signed up for one of these credit card agreements.

I am not proposing heavy-handed regulation. I am not proposing one-size-fits-all government. I am proposing that an agency with the expertise to make sure there is disclosure, that the forms and agreements are printed in simple English—that that kind of information be rewarded in the marketplace. If companies are not willing to do it, the American people could find that out as well.

That is the kind of simple, straightforward approach—with disclosure, transparency, in simple English—that makes sense for the digital age. With the Federal Reserve completing that first safety rating, all Americans could get that kind of information quickly and conveniently. That is what is in the interest of the American people with respect to this credit card debt issue at a critical time.

I hope my colleagues will support the legislation I introduce today with Senator OBAMA.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. OBAMA, Mr. DURBIN, Mrs. CLINTON, Mr. BIDEN, Mr. DODD, and Mr. KERRY):

S. 2412. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I will reintroduce a bill to repair and strengthen the presidential public financing system. Bipartisan support is a key element of successful campaign finance reform efforts, and I am therefore delighted that the junior Senator from Maine, Sen. COLLINS, has agreed to be the principal cosponsor of the bill.

The Presidential Funding Act of 2007 will ensure that this system will continue to fulfill its promise in the 21st century. The bill will take effect in January 2009, so it will first apply in the 2012 presidential election.

The presidential public financing system was put into place in the wake of the Watergate scandals as part of the Federal Election Campaign Act of 1974. It was held to be constitutional by the Supreme Court in Buckley v. Valeo. The system, of course, is voluntary, as the Supreme Court required in Buckley. Every major party nominee for President since 1976 has participated in the system for the general election and, prior to 2000, every major party nominee had participated in the system for the primary election as well.

In the 2004 election, President Bush and two Democratic candidates, Howard Dean and the eventual nominee JOHN KERRY, opted out of the system for the presidential primaries. President Bush and Senator KERRY elected to take the taxpayer-funded grant in the general election. President Bush also opted out of the system for the Republican primaries in 2000 but accepted the general election grant. Several of the leading candidates for President in the 2008 election are not participating in the primary system, and it remains to be seen whether either major party candidate will accept public funds in the general election.

It is unfortunate that the matching funds system for the primaries has become less practicable. The system protects the integrity of the electoral process by allowing candidates to run viable campaigns without becoming overly dependent on private donors. The system has worked well in the past, and it is worth repairing so that it can work in the future. If we don't repair it, the pressures on candidates to opt out will increase until the system collapses from disuse.

This bill makes changes to both the primary and general election public financing system to address the weaknesses and problems that have been identified by participants in the system, experts on the presidential election financing process, and an electorate that is increasingly dismayed by the influence of money in politics. First and most important, it eliminates the state-by-state primary spending limits in the current law and substantially increases the overall primary spending limit from the current limit of approximately $45 million to $150 million, of which up to $100 million can be spent before April 1 of the election year. This should make the system much more viable for serious candidates facing opponents who are capable of raising significant sums outside the system. The bill also makes available substantially more public money for participating candidates by increasing the match of small contributions from 1:1 to 4:1.

One very important provision of this bill ties the primary and general election systems together and requires candidates to make a single decision on whether to participate. Candidates who opt out of the primary system and decide to rely solely on private money cannot return to the system for the general election. Candidates must commit to participate in the system in the general election if they want to receive Federal matching funds in the primaries. The bill also increases the spending limits for participating candidates in the primaries who face a nonparticipating opponent if that opponent raises more than 20 percent more than the spending limit. This provides some protection against being far outspent by a nonparticipating opponent. Additional grants of public money are also available to participating candidates who face a nonparticipating candidate spending substantially more than the spending limit.

The bill also sets the general election spending limit at $100 million, indexed for inflation. If a general election candidate does not participate in the system and spends more than 20 percent more than the combined primary and general election spending limits, a participating opposing candidate will receive a grant equal to twice the general election spending limit.

This bill also addresses what some have called the "gap" between the primary and general election seasons. Presumptive presidential nominees have emerged earlier in the election year over the life of the public financing system. This has led to some nominees being essentially out of money between the time that they nail down the nomination and the convention where they are formally nominated and become eligible for the general election grant. For a few cycles, soft money raised by the parties filled in that gap, but the Bipartisan Campaign Reform Act of 2002 fortunately has now closed that loophole. This bill allows candidates who are still in the primary race as of April 1 to spend an additional $50 million until funds for the general election are made available. In addition, the bill allows the political parties to spend up to $25 million between April 1 and the date that a candidate is nominated and an additional $25 million after the nomination. The total amount of $50 million is over three times the amount allowed under current law. This should allow the "gap" to be more than adequately filled.

Obviously, these changes make this a more generous system. So the bill also makes the requirement for qualifying more difficult. To be eligible for matching funds, a candidate must raise $25,000 in matchable contributions—up to $200 for each donor—in at least 20 States. That is five times the threshold under current law.

The bill also makes a number of changes in the system to reflect the changes in our presidential races over the past several decades. For one thing, it makes matching funds available starting 6 months before the date of the first primary or caucus, that's approximately 6 months earlier than is currently the case. For another, it sets a single date for release of the public grants for the general election—the Friday before Labor Day. This addresses an inequity in the current system, under which the general election grants are released after each nominating convention, which can be several weeks apart.

The bill also prohibits Federal elected officials and candidates from soliciting soft money for use in funding the party conventions and requires presidential candidates to disclose bundled contributions. The bundling provision builds on a provision contained in ethics and lobbying reform bill enacted earlier this year. It requires presidential candidates to disclose all bundlers of $50,000 or more.

The purpose of this bill is to improve the campaign finance system, not to advance one party's interests. In fact, this is an excellent time to make changes in the Presidential public funding system. The 2008 presidential campaign, which is already underway, will undoubtedly be the most expensive in history. A number of candidates from both parties have opted out of the primary matching funds system, and some experts predict that one or both major party nominees will even refuse public grants for the general election period. It is too late to make the changes needed to repair the system for the 2008 election. But if we act now, we can make sure that an updated and revised system is in place for the 2012 election. If we act now, I am certain that the 2008 campaign cycle will confirm our foresight. If we do nothing, 2008 will continue and accelerate the slide of the current system into irrelevancy.

Fixing the presidential public financing system will cost money, but our best calculations at the present time indicate that the changes to the system in this bill can be paid for by raising the income tax check-off on an individual return from $3 to just $10. The total cost of the changes to the system, based on data from the 2004 elections, is projected to be around $365 million over the 4-year election cycle. To offset that increased cost, this bill first amends the Energy Policy Act of 2005 to allow the Bureau of Land Management to implement new user fees for processing oil and gas permits. It also amends the Geothermal Steam Act of 1970 to increase the yearly maintenance fee and one-time location fee for holders of more than 10 mining claims on federal land to $150 and $50 per claim, respectively, and imposes a 4 percent royalty on the gross income from mining on existing claims. Finally, it amends the Public Rangelands Improvement Act of 1978 to use a state's fee formula to establish the grazing fees for federal land in that state.

Though the numbers are large, this is actually a very small investment to make to protect our democracy and preserve the integrity of our presidential elections. The American people do not want to see a return to the pre-Watergate days of unlimited spending on presidential elections and candidates entirely beholden to private donors. We must act to ensure the fairness of our elections and the confidence of our citizens in the process by repairing the cornerstone of the Watergate reforms.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Presidential Funding Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Revisions to system of Presidential primary matching payments.
Sec. 3. Requiring participation in primary payment system as condition of eligibility for general election payments.
Sec. 4. Revisions to expenditure limits.
Sec. 5. Additional payments and increased expenditure limits for candidates participating in public financing who face certain nonparticipating opponents.
Sec. 6. Establishment of uniform date for release of payments from Presidential Election Campaign Fund to eligible candidates.
Sec. 7. Revisions to designation of income tax payments by individual taxpayers.
Sec. 8. Amounts in Presidential Election Campaign Fund.
Sec. 9. Regulation of convention financing.
Sec. 10. Disclosure of bundled contributions to presidential campaigns.
Sec. 11. Repeal of priority in use of funds for political conventions.
Sec. 12. Offsets.
Sec. 13. Effective date.

SEC. 2. REVISIONS TO SYSTEM OF PRESIDENTIAL PRIMARY MATCHING PAYMENTS.

(a) INCREASE IN MATCHING PAYMENTS.—

(1) IN GENERAL.—Section 9034(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking "an amount equal to the amount" and inserting "an amount equal to 400 percent of the amount"; and

(B) by striking "$250" and inserting "$200".

(2) ADDITIONAL MATCHING PAYMENTS FOR CANDIDATES AFTER MARCH 31 OF THE ELECTION YEAR.—Section 9034(b) of such Code is amended to read as follows:

"(b) ADDITIONAL PAYMENTS FOR CANDIDATES AFTER MARCH 31 OF THE ELECTION YEAR.—In addition to any payment under subsection (a), an individual who is a candidate after March 31 of the calendar year in which the presidential election is held and who is eligible to receive payments under section 9033 shall be entitled to payments under section 9037 in an amount equal to the amount of each contribution received by such individual after March 31 of the calendar year in which such presidential election is held, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person after such date exceeds $200.".

(3) CONFORMING AMENDMENTS.—Section 9034 of such Code, as amended by paragraph (2), is amended—

(A) by striking the last sentence of subsection (a); and

(B) by inserting after subsection (b) the following new subsection:

"(c) CONTRIBUTION DEFINED.—For purposes of this section and section 9033(b), the term 'contribution' means a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address, but does not include a subscription, loan, advance, or deposit of money, or anything of value or anything described in subparagraph (B), (C), or (D) of section 9032(4).".

(b) ELIGIBILITY REQUIREMENTS.—

(1) AMOUNT OF AGGREGATE CONTRIBUTIONS PER STATE.—Section 9033(b)(3) of such Code is amended by striking "$5,000" and inserting "$25,000".

(2) AMOUNT OF INDIVIDUAL CONTRIBUTIONS.—Section 9033(b)(4) of such Code is amended by striking "$250" and inserting "$200".

(3) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR GENERAL ELECTION.—Section 9033(b) of such Code is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ", and"; and

(C) by adding at the end the following new paragraph:

"(5) if the candidate is nominated by a political party for election to the office of President, the candidate will apply for and accept payments with respect to the general election for such office in accordance with chapter 95, including the requirement that the candidate and the candidate's authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004.".

(c) PERIOD OF AVAILABILITY OF PAYMENTS.—Section 9032(6) of such Code is amended by striking "the beginning of the calendar year in which a general election for the office of President of the United States will be held" and inserting "the date that is 6 months prior to the date of the earliest State primary election".

SEC. 3. REQUIRING PARTICIPATION IN PRIMARY PAYMENT SYSTEM AS CONDITION OF ELIGIBILITY FOR GENERAL ELECTION PAYMENTS.

(a) MAJOR PARTY CANDIDATES.—Section 9003(b) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) the candidate received payments under chapter 96 for the campaign for nomination;".

(b) MINOR PARTY CANDIDATES.—Section 9003(c) of such Code is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) the candidate received payments under chapter 96 for the campaign for nomination;".

SEC. 4. REVISIONS TO EXPENDITURE LIMITS.

(a) INCREASE IN EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES; ELIMINATION OF STATE-SPECIFIC LIMITS.—

(1) IN GENERAL.—Section 315(b)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)(1)) is amended by striking "may make expenditures in excess of" and all that follows and inserting "may make expenditures—

"(A) with respect to a campaign for nomination for election to such office—

"(i) in excess of $100,000,000 before April 1 of the calendar year in which the presidential election is held; and

"(ii) in excess of $150,000,000 before the date described in section 9006(b) of the Internal Revenue Code of 1986; and

"(B) with respect to a campaign for election to such office, in excess of $100,000,000.".

(2) CLERICAL CORRECTION.—Section 9004(a)(1) of the Internal Revenue Code of 1986 is amended by striking "section 320(b)(1)(B) of the Federal Election Campaign Act of 1971" and inserting "section 315(b)(1)(B) of the Federal Election Campaign Act of 1971".

(b) INCREASE IN LIMIT ON COORDINATED PARTY EXPENDITURES.—Section 315(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(2)) is amended to read as follows:

"(2)(A) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds $25,000,000.

"(B) Notwithstanding the limitation under subparagraph (A), during the period beginning on April 1 of the year in which a presidential election is held and ending on the date described in section 9006(b) of the Internal Revenue Code of 1986, the national committee of a political party may make additional expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party in an amount not to exceed $25,000,000.

"(C)(i) Notwithstanding subparagraph (B) or the limitation under subparagraph (A), if any nonparticipating primary candidate (within the meaning of subsection (b)(3)) affiliated with the national committee of a political party receives contributions or makes expenditures with respect to such candidate's campaign in an aggregate amount greater than 120 percent of the expenditure limitation in effect under subsection (b)(1)(A)(ii), then, during the period described in clause (ii), the national committee of any other political party may make expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such other party without limitation.

"(ii) The period described in this clause is the period—

"(I) beginning on the later of April 1 of the year in which a presidential election is held or the date on which such nonparticipating primary candidate first receives contributions or makes expenditures in the aggregate amount described in clause (i); and

"(II) ending on the earlier of the date such nonparticipating primary candidate ceases to be a candidate for nomination to the office of President of the United States and is not a candidate for such office or the date described in section 9006(b) of the Internal Revenue Code of 1986.

"(iii) If the nonparticipating primary candidate described in clause (i) ceases to be a candidate for nomination to the office of President of the United States and is not a candidate for such office, clause (i) shall not apply and the limitations under subparagraphs (A) and (B) shall apply. It shall not be considered to be a violation of this Act if the application of the preceding sentence results in the national committee of a political party violating the limitations under subparagraphs (A) and (B) solely by reason of expenditures made by such national committee during the period in which clause (i) applied.

"(D) For purposes of this paragraph—

"(i) any expenditure made by or on behalf of a national committee of a political party and in connection with a presidential election shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party; and

"(ii) any communication made by or on behalf of such party shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party if any portion of the communication is in connection with such election.

"(E) Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.".

(c) CONFORMING AMENDMENTS RELATING TO TIMING OF COST-OF-LIVING ADJUSTMENT.—

(1) IN GENERAL.—Section 315(c)(1) of such Act (2 U.S.C. 441a(c)(1)) is amended—

(A) in subparagraph (B), by striking "(b), (d)," and inserting "(d)(3)"; and

(B) by inserting at the end the following new subparagraph:

"(D) In any calendar year after 2008—

"(i) a limitation established by subsection (b) or (d)(2) shall be increased by the percent difference determined under subparagraph (A);

"(ii) each amount so increased shall remain in effect for the calendar year; and

"(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.".

(2) BASE YEAR.—Section 315(c)(2)(B) of such Act (2 U.S.C. 441a(c)(2)(B)) is amended—

(A) in clause (i)—

(i) by striking "subsections (b) and (d)" and inserting "subsection (d)(3)"; and

(ii) by striking "and" at the end;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) for purposes of subsection (b) and (d)(2), calendar year 2007.".

(d) REPEAL OF EXCLUSION OF FUNDRAISING COSTS FROM TREATMENT AS EXPENDITURES.—Section 301(9)(B)(vi) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(vi)) is amended by striking "in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 315(b)" and inserting the following: "who is seeking nomination for election or election to the office of President or Vice President of the United States".

SEC. 5. ADDITIONAL PAYMENTS AND INCREASED EXPENDITURE LIMITS FOR CANDIDATES PARTICIPATING IN PUBLIC FINANCING WHO FACE CERTAIN NONPARTICIPATING OPPONENTS.

(a) CANDIDATES IN PRIMARY ELECTIONS.—

(1) ADDITIONAL PAYMENTS.—

(A) IN GENERAL.—Section 9034 of the Internal Revenue Code of 1986, as amended by section 2, is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) ADDITIONAL PAYMENTS FOR CANDIDATES FACING NONPARTICIPATING OPPONENTS.—

"(1) IN GENERAL.—In addition to any payments provided under subsections (a) and (b), each candidate described in paragraph (2) shall be entitled to—

"(A) a payment under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after the beginning of the calendar year preceding the calendar year of the presidential election with respect to which such candidate is seeking nomination and before the qualifying date, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person exceeds $200, and

"(B) payments under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after the qualifying date, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person exceeds $200.

"(2) CANDIDATES TO WHOM THIS SUBSECTION APPLIES.—A candidate is described in this paragraph if such candidate—

"(A) is eligible to receive payments under section 9033, and

"(B) is opposed by a nonparticipating primary candidate of the same political party who receives contributions or makes expenditures with respect to the campaign—

"(i) before April 1 of the year in which the presidential election is held, in an aggregate amount greater than 120 percent of the expenditure limitation under section 315(b)(1)(A)(i) of the Federal Election Campaign Act of 1971, or

"(ii) before the date described in section 9006(b), in an aggregate amount greater than 120 percent of the expenditure limitation under section 315(b)(1)(A)(ii) of such Act.

"(3) NONPARTICIPATING PRIMARY CANDIDATE.—In this subsection, the term 'nonparticipating primary candidate' means a candidate for nomination for election for the office of President who is not eligible under section 9033 to receive payments from the Secretary under this chapter.

"(4) QUALIFYING DATE.—In this subsection, the term 'qualifying date' means the first date on which the contributions received or expenditures made by the nonparticipating primary candidate described in paragraph (2)(B) exceed the amount described under either clause (i) or clause (ii) of such paragraph.".

(B) CONFORMING AMENDMENT.—Section 9034(b) of such Code, as amended by section 2, is amended by striking "subsection (a)" and inserting "subsections (a) and (c)".

(2) INCREASE IN EXPENDITURE LIMIT.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

"(3)(A) In the case of an eligible candidate, each of the limitations under clause (i) and (ii) of paragraph (1)(A) shall be increased—

"(i) by $50,000,000, if any nonparticipating primary candidate of the same political party as such candidate receives contributions or makes expenditures with respect to the campaign in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of paragraph (1)(A) (before the application of this clause), and

"(ii) by $100,000,000, if such nonparticipating primary candidate receives contributions or makes expenditures with respect to the campaign in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of paragraph (1)(A) after the application of clause (i).

"(B) Each dollar amount under subparagraph (A) shall be considered a limitation under this subsection for purposes of subsection (c).

"(C) In this paragraph, the term 'eligible candidate' means, with respect to any period, a candidate—

"(i) who is eligible to receive payments under section 9033 of the Internal Revenue Code of 1986;

"(ii) who is opposed by a nonparticipating primary candidate; and

"(iii) with respect to whom the Commission has given notice under section 304(j)(1)(B)(i).

"(D) In this paragraph, the term 'nonparticipating primary candidate' means, with respect to any eligible candidate, a candidate for nomination for election for the office of President who is not eligible under section 9033 of the Internal Revenue Code of 1986 to receive payments from the Secretary of the Treasury under chapter 96 of such Code.".

(b) CANDIDATES IN GENERAL ELECTIONS.—

(1) ADDITIONAL PAYMENTS.—

(A) IN GENERAL.—Section 9004(a)(1) of the Internal Revenue Code of 1986 is amended—

(i) by striking "(1) The eligible candidates" and inserting "(1)(A) Except as provided in subparagraph (B), the eligible candidates"; and

(ii) by adding at the end the following new subparagraph:

"(B) In addition to the payments described in subparagraph (A), each eligible candidate of a major party in a presidential election with an opponent in the election who is not eligible to receive payments under section 9006 and who receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1) of the Federal Election Campaign Act of 1971 shall be entitled to an equal payment under section 9006 in an amount equal to 100 percent of the expenditure limitation applicable under such section with respect to a campaign for election to the office of President.".

(B) SPECIAL RULE FOR MINOR PARTY CANDIDATES.—Section 9004(a)(2)(A) of such Code is amended—

(i) by striking "(A) The eligible candidates" and inserting "(A)(i) Except as provided in clause (ii), the eligible candidates"; and

(ii) by adding at the end the following new clause:

"(ii) In addition to the payments described in clause (i), each eligible candidate of a minor party in a presidential election with an opponent in the election who is not eligible to receive payments under section 9006 and who receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1) of the Federal Election Campaign Act of 1971 shall be entitled to an equal payment under section 9006 in an amount equal to 100 percent of the payment to which such candidate is entitled under clause (i).".

(2) EXCLUSION OF ADDITIONAL PAYMENT FROM DETERMINATION OF EXPENDITURE LIMITS.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(4) In the case of a candidate who is eligible to receive payments under section 9004(a)(1)(B) or 9004(a)(2)(A)(ii) of the Internal Revenue Code of 1986, the limitation under paragraph (1)(B) shall be increased by the amount of such payments received by the candidate.".

(c) PROCESS FOR DETERMINATION OF ELIGIBILITY FOR ADDITIONAL PAYMENT AND INCREASED EXPENDITURE LIMITS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(j) REPORTING AND CERTIFICATION FOR ADDITIONAL PUBLIC FINANCING PAYMENTS FOR CANDIDATES.—

"(1) PRIMARY CANDIDATES.—

"(A) NOTIFICATION OF EXPENDITURES BY INELIGIBLE CANDIDATES.—

"(i) EXPENDITURES IN EXCESS OF 120 PERCENT OF LIMIT.—If a candidate for a nomination for election for the office of President who is not eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary election in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of section 315(b)(1)(A), the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

"(ii) Expenditures in excess of 120 percent of increased limit.—If a candidate for a nomination for election for the office of President who is not eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary election in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under section 315(b) after the application of paragraph (3)(A)(i) thereof, the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

"(B) Certification.—Not later than 24 hours after receiving any written notice under subparagraph (A) from a candidate, the Commission shall—

"(i) certify to the Secretary of the Treasury that opponents of the candidate are eligible for additional payments under section 9034(c) of the Internal Revenue Code of 1986;

"(ii) notify each opponent of the candidate who is eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 of the amount of the increased limitation on expenditures which applies pursuant to section 315(b)(3); and

"(iii) in the case of a notice under subparagraph (A)(i), notify the national committee of each political party (other than the political party with which the candidate is affiliated) of the inapplicability of expenditure limits under section 315(d)(2) pursuant to subparagraph (C) thereof.

"(2) General election candidates.—

"(A) Notification of expenditures by ineligible candidates.—If a candidate in a presidential election who is not eligible to receive payments under section 9006 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1), the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

"(B) Certification.—Not later than 24 hours after receiving a written notice under subparagraph (A), the Commission shall certify to the Secretary of the Treasury for payment to any eligible candidate who is entitled to an additional payment under paragraph (1)(B) or (2)(A)(ii) of section 9004(a) of the Internal Revenue Code of 1986 that the candidate is entitled to payment in full of the additional payment under such section.".

SEC. 6. ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS FROM PRESIDENTIAL ELECTION CAMPAIGN FUND TO ELIGIBLE CANDIDATES.

(a) In General.—The first sentence of section 9006(b) of the Internal Revenue Code of 1986 is amended to read as follows: "If the Secretary of the Treasury receives a certification from the Commission under section 9005 for payment to the eligible candidates of a political party, the Secretary shall, on the last Friday occurring before the first Monday in September, pay to such candidates of the fund the amount certified by the Commission.".

(b) Conforming Amendment.—The first sentence of section 9006(c) of such Code is amended by striking "the time of a certification by the Comptroller General under section 9005 for payment" and inserting "the time of making a payment under subsection (b)".

SEC. 7. REVISIONS TO DESIGNATION OF INCOME TAX PAYMENTS BY INDIVIDUAL TAXPAYERS.

(a) Increase in Amount Designated.—Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence, by striking "$3" each place it appears and inserting "$10"; and

(2) in the second sentence—

(A) by striking "$6" and inserting "$20"; and

(B) by striking "$3" and inserting "$10".

(b) Indexing.—Section 6096 of such Code is amended by adding at the end the following new subsection:

"(d) Indexing of Amount Designated.—

"(1) In general.—With respect to each taxable year after 2008, each amount referred to in subsection (a) shall be increased by the percent difference described in paragraph (2), except that if any such amount after such an increase is not a multiple of $1, such amount shall be rounded to the nearest multiple of $1.

"(2) Percent difference described.—The percent difference described in this paragraph with respect to a taxable year is the percent difference determined under section 315(c)(1)(A) of the Federal Election Campaign Act of 1971 with respect to the calendar year during which the taxable year begins, except that the base year involved shall be 2008.".

(c) Ensuring Tax Preparation Software Does Not Provide Automatic Response to Designation Question.—Section 6096 of such Code, as amended by subsection (b), is amended by adding at the end the following new subsection:

"(e) Ensuring Tax Preparation Software Does Not Provide Automatic Response to Designation Question.—The Secretary shall promulgate regulations to ensure that electronic software used in the preparation or filing of individual income tax returns does not automatically accept or decline a designation of a payment under this section.".

(d) Public Information Program on Designation.—Section 6096 of such Code, as amended by subsections (b) and (c), is amended by adding at the end the following new subsection:

"(f) Public Information Program.—

"(1) In general.—The Federal Election Commission shall conduct a program to inform and educate the public regarding the purposes of the Presidential Election Campaign Fund, the procedures for the designation of payments under this section, and the effect of such a designation on the income tax liability of taxpayers.

"(2) Use of funds for program.—Amounts in the Presidential Election Campaign Fund shall be made available to the Federal Election Commission to carry out the program under this subsection, except that the amount made available for this purpose may not exceed $10,000,000 with respect to any Presidential election cycle. In this paragraph, a 'Presidential election cycle' is the 4-year period beginning with January of the year following a Presidential election.".

(e) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8. AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND.

(a) Determination of Amounts in Fund.—Section 9006(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: "In making a determination of whether there are insufficient moneys in the fund for purposes of the previous sentence, the Secretary shall take into account in determining the balance of the fund for a Presidential election year the Secretary's best estimate of the amount of moneys which will be deposited into the fund during the year, except that the amount of the estimate may not exceed the average of the annual amounts deposited in the fund during the previous 3 years.".

(b) Special Rule for First Campaign Cycle Under This Act.—

(1) In general.—Section 9006 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) Special Authority To Borrow.—

"(1) In general.—Notwithstanding subsection (c), there are authorized to be appropriated to the fund, as repayable advances, such sums as are necessary to carry out the purposes of the fund during the period ending on the first presidential election occurring after the date of the enactment of this subsection.

"(2) Repayment of advances.—

"(A) In general.—Advances made to the fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the fund.

"(B) Rate of interest.—Interest on advances made to the fund shall be at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.".

(2) Effective date.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 9. REGULATION OF CONVENTION FINANCING.

Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is amended by adding at the end the following new subsection:

"(g) National Conventions.—Any person described in subsection (e) shall not solicit, receive, direct, transfer, or spend any funds in connection with a presidential nominating convention of any political party, including funds for a host committee, civic committee, municipality, or any other person or entity spending funds in connection with such a convention, unless such funds—

"(1) are not in excess of the amounts permitted with respect to contributions to the political committee established and maintained by a national political party committee under section 315; and

"(2) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office.".

SEC. 10. DISCLOSURE OF BUNDLED CONTRIBUTIONS TO PRESIDENTIAL CAMPAIGNS.

(a) IN GENERAL.—Paragraphs (1) through (3) of section 304(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(i)) are amended to read as follows:

"(1) IN GENERAL.—

"(A) DISCLOSURE OF BUNDLED CONTRIBUTIONS BY LOBBYISTS.—Each committee described in paragraph (6) shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person reasonably known by the committee to be a person described in paragraph (7) who provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the covered period, and the aggregate amount of the bundled contributions provided by each such person during the covered period.

"(B) DISCLOSURE OF BUNDLED CONTRIBUTIONS TO PRESIDENTIAL CAMPAIGNS.—Each committee which is an authorized committee of a candidate for the office of President or for nomination to such office shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person who provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the election cycle, and the aggregate amount of the bundled contributions provided by each such person during the covered period and such election cycle. Such schedule shall include a separate listing of the name, address, and employer of each person included on such schedule who is reasonably known by the committee to be a person described in paragraph (7), together with the aggregate amount of bundled contributions provided by such person during such period and such cycle.

"(2) COVERED PERIOD.—In this subsection, a 'covered period' means—

"(A) with respect to a committee which is an authorized committee of a candidate for the office of President or for nomination to such office—

"(i) the 4-year election cycle ending with the date of the election for the office of the President; and

"(ii) any reporting period applicable to the committee under this section during which any person provided 2 or more bundled contributions to the committee; and

"(B) with respect to any other committee—

"(i) the period beginning January 1 and ending June 30 of each year;

"(ii) the period beginning July 1 and ending December 31 of each year; and

"(iii) any reporting period applicable to the committee under this section during which any person described in paragraph (7) provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold.

"(3) APPLICABLE THRESHOLD.—

"(A) IN GENERAL.—In this subsection, the 'applicable threshold' is—

"(i) $50,000 in the case of a committee which is an authorized committee of a candidate for the office of President or for nomination to such office; and

"(ii) $15,000 in the case of any other committee.

In determining whether the amount of bundled contributions provided to a committee by a person exceeds the applicable threshold, there shall be excluded any contribution made to the committee by the person or the person's spouse.

"(B) INDEXING.—In any calendar year after 2007, section 315(c)(1)(B) shall apply to each amount applicable under subparagraph (A) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amount applicable under subparagraph (A), the 'base period' shall be 2006.".

(b) CONFORMING AMENDMENTS.—Subsection (i) of section 304 of such Act (2 U.S.C. 434) is amended—

(1) in paragraph (5), by striking "described in paragraph (7)" each place it appears in subparagraphs (C) and (D);

(2) in paragraph (6), by inserting "(other than a candidate for the office of President or for nomination to such office)" after "candidate"; and

(3) in paragraph (8)(A)—

(A) by striking ", with respect to a committee described in paragraph (6) and a person described in paragraph (7)," and inserting ", with respect to a committee described in paragraph (6) or an authorized committee of a candidate for the office of President or for nomination to such office,";

(B) by striking "by the person" in clause (i) thereof and inserting "by any person"; and

(C) by striking "the person" each place it appears in clause (ii) and inserting "such person".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to reports filed under section 304 of the Federal Election Campaign Act of 1971 after January 1, 2009.

SEC. 11. REPEAL OF PRIORITY IN USE OF FUNDS FOR POLITICAL CONVENTIONS.

(a) IN GENERAL.—Section 9008(a) of the Internal Revenue Code of 1986 is amended by striking the period at the end of the second sentence and all that follows and inserting the following: ", except that the amount deposited may not exceed the amount available after the Secretary determines that amounts for payments under section 9006 and section 9037 are available for such payments.".

(b) CONFORMING AMENDMENT.—The second sentence of section 9037(a) of such Code is amended by striking "section 9006(c) and for payments under section 9008(b)(3)" and inserting "section 9006".

SEC. 12. OFFSETS.

(a) REMOVAL OF PROHIBITION ON INCREASING FEES FOR PERMITS.—Section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924) is amended—

(1) by striking subsection (i); and

(2) by redesignating subsection (j) as subsection (i).

(b) DISPOSAL OF MONEYS FROM SALES, BONUSES, RENTALS, AND ROYALTIES.—Section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019) is amended to read as follows:

"SEC. 20. DISPOSAL OF MONEYS FROM SALES, BONUSES, RENTALS, AND ROYALTIES.

"Subject to section 35 of the Mineral Leasing Act (30 U.S.C. 192), all funds received from the sales, bonuses, royalties, and rentals under this Act (including payments referred to in section 6) shall be disposed of in the same manner as funds received pursuant to section 6 of this Act or section 35 of the Mineral Leasing Act (30 U.S.C. 192), as the case may be.".

(c) ROYALTY FOR HARDROCK MINING.—The Revised Statutes are amended by inserting after section 2352 (30 U.S.C. 76) the following:

"SEC. 2353. RESERVATION OF ROYALTY.

"(a) DEFINITION OF LOCATABLE MINERAL.—In this section:

"(1) IN GENERAL.—The term 'locatable mineral' means any mineral, the legal and beneficial title to which remains in the United States and that is not subject to disposition under—

"(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

"(B) the Act of August 7, 1947 (commonly known as the 'Mineral Leasing Act for Acquired Lands') (30 U.S.C. 351 et seq.);

"(C) the Act of July 31, 1947 (commonly known as the 'Materials Act of 1947') (30 U.S.C. 601 et seq.); or

"(D) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

"(2) EXCLUSIONS.—The term 'locatable mineral' does not include any mineral that is subject to a restriction against alienation imposed by the United States and is—

"(A) held in trust by the United States for any Indian or Indian tribe (as defined in section 2 of the Indian Mineral Development Act of 1982 (25 U.S.C. 2101)); or

"(B) owned by any Indian or Indian tribe (s defined in section 2 of that Act).

"(b) ROYALTY.—Except as otherwise provided in this section, production of all locatable minerals from any mining claim located under the general mining laws, or mineral concentrates or products derived from locatable minerals from any such mining claim, as the case may be, shall be subject to a royalty of 8 percent of the gross income from mining.

"(c) LIABILITY FOR PAYMENT.—The claim holder or any operator to whom the claim holder has assigned the obligation to make royalty payments under the claim, and any person who controls the claim holder or operator, shall be liable for payment of royalties under this section.

"(d) ROYALTY FOR FEDERAL LAND SUBJECT TO EXISTING PERMIT.—The royalty under subsection (b) shall be 4 percent in the case of any Federal land that—

"(1) is subject to an operations permit on the date of enactment of this section; and

"(2) produces valuable locatable minerals in commercial quantities on the date of enactment of this section.

"(e) FEDERAL LAND ADDED TO EXISTING OPERATIONS PERMIT.—Any Federal land added through a plan modification to an operations permit that is submitted after the date of enactment of this section shall be subject to the royalty that applies to Federal land under subsection (b).

"(f) DEPOSIT.—Amounts received by the United States as royalties under this section shall be deposited into the general fund of the Treasury.".

(d) HARDROCK MINING CLAIM MAINTENANCE FEE.—

(1) FEE.—

(A) IN GENERAL.—Except as provided in section 2511(e)(2) of the Energy Policy Act of 1992 (30 U.S.C. 242(e)(2)), for each unpatented mining claim, mill, or tunnel site on federally owned land, whether located before, on, or after enactment of this Act, each claimant shall pay to the Secretary, on or before August 31 of each year, a claim maintenance fee of $150 per claim to hold the unpatented mining claim, mill, or tunnel site for the assessment year beginning at noon on September 1.

(B) RELATION TO OTHER LAW.—A claim maintenance fee described in subparagraph (A) shall be in lieu of—

(i) the assessment work requirement in section 2324 of the Revised Statutes (30 U.S.C. 28); and

(ii) the related filing requirements in subsections (a) and (c) of section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744).

(C) WAIVER.—

(i) IN GENERAL.—The claim maintenance fee required under subparagraph (A) shall be waived for a claimant who certifies in writing to the Secretary that on the date the payment was due, the claimant and all related parties—

(I) held not more than 10 mining claims, mill sites, or tunnel sites, or any combination of mining claims, mill sites, or tunnel sites, on public land; and

(II) have performed assessment work required under section 2324 of the Revised Statutes (30 U.S.C. 28) to maintain the mining claims held by the claimant and all related parties for the assessment year ending on noon of September 1 of the calendar year in which payment of the claim maintenance fee was due.

(ii) DEFINITION OF ALL RELATED PARTIES.—In clause (i), with the respect to any claimant, the term "all related parties" means—

(I) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the claimant; or

(II) a person affiliated with the claimant, including—

(aa) a person controlled by, controlling, or under common control with the claimant; or

(bb) a subsidiary or parent company or corporation of the claimant.

(D) ADJUSTMENT.—

(i) IN GENERAL.—Not less than 5 years after the date of enactment of this Act, and every 5 years thereafter, or more frequently if the Secretary determines an adjustment to be reasonable, the Secretary shall adjust the claim maintenance fee required under subparagraph (A) to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(ii) NOTIFICATION.—Not later than July 1 of any year in which an adjustment is made under clause (i), the Secretary shall provide claimants notice of the adjustment.

(iii) APPLICATION.—A fee adjustment under clause (i) shall be effective beginning January 1 of the calendar year following the calendar year in which the adjustment is made.

(2) LOCATION FEE.—Notwithstanding any other provision of law, for each unpatented mining claim, mill, or tunnel site located during the period beginning on the date of enactment of this Act and ending on September 30, 1998, the locator shall, at the time the location notice is recorded with the Bureau of Land Management, pay to the Secretary a location fee, in addition to the fee required by paragraph (1), of $50 per claim.

(3) DEPOSIT.—Amounts received under paragraph (1) or (2) that are not otherwise allocated for the administration of the mining laws by the Department of the Interior shall be deposited into the general fund of the Treasury.

(4) CO-OWNERSHIP.—The co-ownership provisions of section 2324 of the Revised Statutes (30 U.S.C. 28) shall remain in effect except that the annual claim maintenance fee, if applicable, shall replace applicable assessment requirements and expenditures.

(5) FAILURE TO PAY.—Failure to pay the claim maintenance fee required by paragraph (1) shall conclusively constitute a forfeiture of the unpatented mining claim, mill, or tunnel site by the claimant and the claim shall be considered to be null and void by operation of law.

(6) OTHER REQUIREMENTS.—

(A) RELATION TO OTHER LAW.—Nothing in this section changes or modifies the requirements of subsections (b) or (c) of section 314(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744).

(B) CONFORMING AMENDMENT.—Section 2324 of the Revised Statutes of the United States (30 U.S.C. 28) is amended by inserting "or section 12(d)(1) of the Presidential Funding Act of 2007" after "Act of 1993,".

(e) GRAZING FEES.—Section 6(a) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905) is amended by striking "the $1.23 base" and all that follows through "previous year's fee" and inserting "an amount determined in the same manner as the State in which the land is located determines the amount of fees charged for public grazing on land owned by the State, as determined by the Secretary of Agriculture and the Secretary of the Interior, as appropriate".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 13. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to elections occurring after January 1, 2009.

SECTION-BY-SECTION ANALYSIS

SECTION 1: SHORT TITLE

SECTION 2: REVISIONS TO SYSTEM OF PRESIDENTIAL PRIMARY MATCHING PAYMENTS

(a) Matching Funds: Current law provides for a 1-to-1 match, where up to $250 of each individual's contributions for the primaries is matched with $250 in public funds. Under the new matching system, individual contributions of up to $200 from each individual will be matched at a 4-to-1 ratio, so $200 in individual contribution can be matched with $800 from public funds.

Candidates who remain in the primary race can also receive an additional 1-to-1 match of up to $200 of contributions received after March 31 of a presidential election year. This additional match applies both to an initial contribution made after March 31 and to contributions from individuals who already gave $200 or more prior to April 1.

The bill defines "contribution" as "a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address."

(b) Eligibility for matching funds: Current law requires candidates to raise $5,000 in matchable contributions (currently $250 or less) in 20 states. To be eligible for matching funds under this bill, a candidate must raise $25,000 of matchable contributions (up to $200 per individual donor) in at least 20 states.

In addition, to receive matching funds in the primary, candidates must pledge to apply for public money in the general election if nominated and to not exceed the general election spending limits.

(c) Timing of payments: Current law makes matching funds available on January 1 of a presidential election year. The—bill makes such funds available six months prior to the first state caucus or primary.

SECTION 3: REQUIRING PARTICIPATION IN PRIMARY PAYMENT SYSTEM AS CONDITION OF ELIGIBILITY FOR GENERAL ELECTIONS PAYMENTS

Currently, candidates can participate in either the primary or the general election public financing system, or both. Under the bill, a candidate must participate in the primary matching system in order to be eligible to receive public funds in the general election.

SECTION 4: REVISIONS TO EXPENDITURE LIMITS

(a) Spending limits for candidates: In 2004, under current law, candidates participating in the public funding system had to abide by a primary election spending limit of about $45 million and a general election spending limit of about $75 million (all of which was public money). The bill sets a total primary spending ceiling for participating candidates in 2008 of $150 million, of which only $100 million can be spent before April 1. State by state spending limits are eliminated. The general election limit, which the major party candidates will receive in public funds, will be $100 million.

(b) Spending limit for parties: Current law provides a single coordinated spending limit for national party committees based on population. In 2004 that limit was about $15 million. The bill provides two limits of $25 million. The first applies after April 1 until a candidate is nominated. The second limit kicks in after the nomination. Any part of the limit not spent before the nomination can be spent after. In addition, the party coordinated spending limit is eliminated entirely until the general election public funds are released if there is an active candidate from the opposing party who has exceeded the primary spending limits by more than 20%.

This will allow the party to support the presumptive nominee during the so-called "gap" between the end of the primaries and the conventions. The entire cost of a coordinated party communication is subject to the limit if any portion of that communication has to do with the presidential election.

(c) Inflation adjustment: Party and candidate spending limits will be indexed for inflation, with 2008 as the base year.

(d) Fundraising expenses: Under the bill, all the costs of fundraising by candidates are subject to their spending limits.

SECTION 5: ADDITIONAL PAYMENTS AND INCREASED EXPENDITURES LIMITS FOR CANDIDATES PARTICIPATING IN PUBLIC FINANCING WHO FACE CERTAIN NONPARTICIPATING OPPONENTS

(a) Primary candidates: When a participating candidate is opposed in a primary by a nonparticipating candidate who spends more than 120 percent of the primary spending limit ($100 million prior to April 1 and $150 million after April 1), the participating candidate will receive a 5-to-1 match, instead of a 4-to-1 match for contributions of less than $200 per donor. That additional match applies to all contributions received by the participating candidate both before and after the nonparticipating candidate crosses the 120 percent threshold. In addition, the participating candidate's primary spending limit is raised by $50 million when a nonparticipating candidate spends more than the 120 percent of either the $100 million (before April 1) or $150 million (after April 1) limit. The limit is raised by another $50 million if the nonparticipating candidate spends more than 120 percent of the increased limit. Thus, the maximum spending limit in the primary would be $250 million if an opposing candidate has spent more than $240 million.

(b) General election candidates: When a participating candidate is opposed in a general election by a nonparticipating candidate who spends more than 120 percent of the combined primary and general election spending limits, the participating candidate shall receive an additional grant of public money equal to the amount provided for that election—$100 million in 2008. Minor party candidates are also eligible for an additional grant equal to the amount they otherwise receive (which is based on the performance of that party in the previous presidential election).

(c) Reporting and Certification: In order to provide for timely determination of a participating candidate's eligibility for increased spending limits, matching funds, and/or general election grants, non-participating candidates must notify the FEC within 24 hours after receiving contributions or making expenditures of greater than the applicable 120 percent threshold. Within 24 hours of receiving such a notice, the FEC will inform candidates participating in the system of their increased expenditure limits and will certify to the Secretary of the Treasury that participating candidates are eligible to receive additional payments.

SECTION 6: ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS FROM PRESIDENTIAL ELECTIONS CAMPAIGN FUNDS TO ELIGIBLE CANDIDATES

Under current law, candidates participating in the system for the general election receive their grants of public money immediately after receiving the nomination of their party, meaning that the two major parties receive their grants on different dates. Under the bill, all candidates eligible to receive public money in the general election would receive that money on the Friday before Labor Day, unless a candidate's formal nomination occurs later.

SECTION 7: REVISIONS TO DESIGNATION OF INCOME TAX PAYMENTS BY INDIVIDUAL TAXPAYERS

The tax check-off is increased from $3 (individual) and $6 (couple) to $10 and $20. The amount will be adjusted for inflation, and rounded to the nearest dollar, beginning in 2009.

The IRS shall require by regulation that electronic tax preparation software does not automatically accept or decline the tax checkoff. The FEC is required to inform and educate the public about the purpose of the Presidential Election Campaign Fund ("PECF") and how to make a contribution. Funding for this program of up to $10 million in a four year presidential election cycle, will come from the PECF.

SECTION 8: AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND

Under current law, in January of an election year if the Treasury Department determines that there are insufficient funds in the PECF to make the required payments to participating primary candidates, the party conventions, and the general election candidates, it must reduce the payments available to participating primary candidates and it cannot make up the shortfall from any other source until those funds come in. Under the bill, in making that determination the Department can include an estimate of the amount that will be received by the PECF during that election year, but the estimate cannot exceed the past three years' average contribution to the fund. This will allow primary candidates to receive their full payments as long as a reasonable estimate of the funds that will come into the PECF that year will cover the general election candidate payments. The bill allows the Secretary of the Treasury to borrow the funds necessary to carry out the purposes of the fund during the first campaign cycle in which the bill is in effect.

SECTION 9: REGULATION OF CONVENTION FINANCING

Federal candidates and officeholders are prohibited from raising or spending soft money in connection with a nominating convention of any political party, including funds for a host committee, civic committee, or municipality.

SECTION 10: DISCLOSURE OF BUNDLED CONTRIBUTIONS

This section builds on the bundling disclosure provision of the Honest Leadership and Open Government Act of 2007 ("HLOGA") to require presidential campaigns to disclose the name, address, and employer of all individuals or groups that bundle contributions totaling more than $50,000 in the four year election cycle. Individuals who are registered lobbyists would have to be separately identified. HLOGA's definition of bundling would apply to bundling disclosure by the presidential candidates, and no change is made to the requirements of HLOGA with respect to congressional campaigns.

SECTION 11: REPEAL OF PRIORITY IN USE OF FUNDS FOR POLITICAL CONVENTIONS

Current law gives the political parties priority on receiving the funds they are entitled to from the PECF. This means that parties get money for their conventions even if adequate funds are not available for participating candidates. This section would make funds available for the conventions only if all participating candidates have received the funds to which they are entitled.

SECTION 12: OFFSET

This section provides an offset for the increased cost of the presidential public funding system. The total increased cost is estimated to be $365 million over four years. The bill (1) authorizes the Bureau of Land Management to implement new user fees for processing oil and gas permits; (2) increases the yearly maintenance fee and one-time location fee for holders of more than 10 mining claims on federal land to $150 and $50 per claim, respectively, and imposes a 4% royalty on the gross income from mining on existing claims; and (3) uses state formulas to set federal grazing fees.

SECTION 13: EFFECTIVE DATE

Provides that the amendments will apply to presidential elections occurring after January 1, 2009.

Ms. COLLINS. Mr. President. I rise to join my friend from Wisconsin, Senator FEINGOLD, in introducing the Presidential Funding Act of 2007.

It was 100 years ago that the reformer President Theodore Roosevelt proposed "a very radical measure" in his State of the Union message to Congress. He envisioned a system of campaign financing that would include a congressional appropriation to support national campaigns so that, as he said, "The need for collecting large campaign funds would vanish."

When the campaign financing reforms of the 1970s were enacted, it was hoped that we would draw closer to achieving Theodore Roosevelt's goal of funding the pursuit of our highest public office largely from public rather than private funds.

Our Presidential-campaign finance system still suffers from serious defects, however, and current events are dramatically highlighting the need for continued reform and improvement.

The current Presidential campaign is already shaping up as the most expensive election in history by far. Candidate after candidate has chosen to forego public funds due to fundamental flaws in the system. Fund-raising tallies have already shattered records. If a candidate decides to seek public funding, he or she risks running out of funds to counter candidates who can attract large amounts of private contributions.

Current estimates are that the 2008 contest for the Presidency of the U.S. will cost more than $1 billion. Much of that cost will be incurred in delivering messages to the electorate through advertising and publications of all sorts.

One billion dollars is a huge sum. Yet we cannot expect modern campaigns to be run on budgets that might have sufficed for William McKinley, whose successful 1896 campaign relied heavily on speeches from his front porch in Canton, Ohio, to admirers who came by train to hear him. This idyllic but limited approach to campaigning is long gone.

Unless we wish to return to the cronyism, influence peddling, and restricted suffrage of the 19th century, large expenditures on broadcasting and other media are essential for any campaign that hopes to prevail. That financial fact obliges candidates to spend a great deal of time appearing at exclusive, big-ticket fundraisers.

To allow candidates to spend less time raising money, Congress established a system of public funding for Presidential campaigns that started with the 1976 Presidential election. That system has not been substantially changed since 1984, and its limitations have only become more evident with time.

The central problem is that the system does not provide enough public funds to permit a credible contest against well-bankrolled candidates who have opted out of the public-financing system.

In November 2003, Governor Dean announced that he would opt out of public financing, saying "floods of special-interest money have forced us to abandon a broken system." Senator KERRY also felt obliged to opt out so that he could lend his campaign $6 million rather than be restricted to the use of $50,000 in personal funds.

Citing Senator Dole's campaign in 1996, Senator MCCAIN's campaign in 2000, and Senator EDWARDS's campaign in 2004, the League of Women Voters has spoken of the public system's "devil's bargain" for candidates: "To get matching funds, they have to accept a spending limit that will leave them bankrupt if the contest continues into March. . . . With the underdogs boxed in by the limits, the frontrunners, and others who can afford it, have additional incentive to opt out."

The bill we introduce today would make a number of important changes.

The key provisions of the Presidential Funding Act of 2007 would increase the public match for primary-season contributions, make funds available earlier in the contest, tie the availability of public funding during the general-election campaign to a candidate's using it during the primary season, provide additional funds if a non-publicly funded opponent spends heavily, and update spending limits to more realistic levels.

All of these steps represent sensible and useful improvements in the campaign-finance system.

I recognize that some of our colleagues and some members of the public are wary of taxpayer-supported funding for Presidential candidates. I can only respond that the alternative—a complete reliance on private contributions—is worse.

I would also reassure doubters that this bill is no giveaway or an inducement to fringe candidates of narrow appeal. Its provisions are predicated upon matches for individual contributions, not absolute grants, and it requires achieving significant levels of individual contributions in at least 20 States.

We all understand that the current system of public funding for campaigns has defects. The growing inclination of candidates to opt out of the system underscores that fact. The Presidential Funding Act of 2007 would cure some serious problems and help restore the appeal of public funding.

If enacted, this bill would take effect in January 2009. By moving toward virtually full realization of Theodore Roosevelt's "very radical measure," we can take a big step toward making the financing, the conduct, and the outcome of the 2012 presidential campaign a genuine source of pride for American citizens of all political affiliations.

By Mr. ENZI (for himself and Mrs. FEINSTEIN):

S. 2413. A bill to provide death and disability benefits for aerial firefighters who work on a contract basis for a public agency and suffer death or disability in the line of duty, and for other purposes; to the Committee on the Judiciary.

Mr. ENZI. Mr. President, the 2007 fire season was one of the worst in recent history. Millions of acres burned across America. The fires destroyed homes, and their damage is estimated in the hundreds of millions of dollars. These fires would have been worse, if not for the skill and bravery of the aerial firefighters who risked their lives to fight them.

Aerial firefighters take on the dangerous tasks of maneuvering aerial vehicles in and out of fire zones. Each time they step in a plane, their life is at risk. Unfortunately, while we expect aerial firefighters to risk their lives to help control fires, we refuse to provide their families with the knowledge that they will be made financially whole if their husband or wife dies in the line of duty.

This is because aerial firefighters do not qualify for death benefits under the Public Safety Officers' Benefit, PSOB, program, which provides financial and educational benefits to individuals serving a public safety agency in an official capacity, on a paid or volunteer basis. Currently, those receiving benefits include, but are not limited to, law enforcement officers, firefighters, emergency medical technicians, ambulance crew members, and corrections officers.

Senator FEINSTEIN and I say that these pilots do the same work and take on the same risks as other public safety officers. They should get the same benefits. That is the reason that we have introduced the Aerial Firefighter Relief Act of 2007. This important legislation will remedy this problem and makes aerial firefighters eligible for death benefits.

The Department of Justice's Bureau of Justice Assistance, BJA, the agency that administers the PSOB, has ruled that aerial pilots are ineligible because they are contractors and not employed directly by the federal and state agencies involved in wildland fire management and suppression. The 1980 official finding that prohibits the pilots and their families from receiving benefits states that pilots are not "a 'public safety officer' as this term is defined in the PSOB ACT because [they are] not serving a public agency in an official capacity . . . as a fireman."

Unfortunately, pilots also often do not receive benefits from their employers. Federal agencies outsource air tanker missions to the lowest-cost private operators who do not provide benefits to keep their costs down. Some companies do offer a minimal amount of life insurance. However, it is expensive, both for the pilot and the contractor. In the "low cost" competitive bid situation they are in, the contractors cannot afford to add more expenses to the payroll or they reduce their chances of winning a fire suppression contract—and go out of business. Other forms of life insurance are also difficult to obtain because of the dangerous nature of aerial firefighting.

It is common sense legislation that deserves the support of my colleagues, and I am pleased to have Senator FEINSTEIN as an original cosponsor. In the coming months, I look forward to working with the appropriate committees to move this legislation forward so that our brave aerial firefighters can take to the skies knowing that their families will be taken care of if they pass away taking care of our country.

Mrs. FEINSTEIN. Mr. President, today I am pleased to cosponsor Senator ENZI's Aerial Firefighter Relief Act of 2007.

On August 27, 2001, a California pilot named Larry Groff took off from Ukiah in State Air Tanker 87, doing what he loved, flying and fighting fires.

Like thousands of contract firefighters hired by the Government, he figured that if anything ever happened to him, his family would be taken care of. But that day, while maneuvering above a north coast fire started by a couple of Hells Angels who had blown up their methamphetamine lab, Larry Groff died in a midair collision.

Faced with the prospect of raising their 6 children alone, his widow, Christine Wells-Groff, filed a claim under the Public Safety Officers' Benefit Program. This PSOB Program provides a lump-sum payoff to survivors of any "public safety officer," a term which can include not only actual government employees but also any volunteer or any person acting in a "similar relationship of performing services as part of a public agency."

At the time of his death, Larry Groff had been flying a State-operated air tanker. He was wearing a California Department of Forestry uniform. And after his death, the California agency for which he had worked issued an opinion stating that he was an officially recognized member of that agency. But he was also a contract employee.

Because of that, Ms. Wells-Groff's PSOB claim was initially denied by the Bureau of Justice Affairs, based on its opinion that contract employees cannot qualify for PSOB benefits. Ms. Wells-Groff then appealed, and she later convinced a trial court that despite being a contract employee, her husband had held a "similar relationship of performing services as part of a public agency," thereby qualifying him as a "public safety officer" entitled to PSOB benefits.

Unfortunately, on July 3, the U.S. Court of Appeals for the Federal Circuit reversed that decision. The appellate court agreed that Mr. Groff's facts might fall within the applicable regulation's key definition of a "similar relationship" but it said that the question of whether he had met this standard was not entirely clear and that it would defer to the Government's narrow interpretation of that language, absent further clarification from Congress.

Following this decision, Ms. Wells-Groff petitioned the Supreme Court to take her case. However, it is unclear if the Court will hear the case, let alone decide in her favor. So today, I want to go on record to support the policy that these contract employees should be entitled to the same PSOB benefits as other injured firefighters and volunteers.

The bill that Senator ENZI is introducing and that I am pleased to cosponsor will make it clear that survivors of aerial firefighters like Larry

Groff who make the ultimate sacrifice should qualify for PSOB benefits. In addition, this legislation will clarify that the district court was right in the Wells-Groff case. Brave firefighters like Larry Groff, who regularly put their lives on the line in officially sanctioned aerial firefighting activities to protect us, do this country a great service.

This bill will clarify that when actually up in the air carrying out official firefighting missions, contract employees will be deemed to hold a "similar relationship of performing services as part of a public agency"—and meet the regulatory standard already in place—so that they are covered by the PSOB laws, and their survivors can receive the benefits they need and deserve.

I urge my colleagues to support this legislation.

By Mr. REID (for Mrs. CLINTON):

S. 2415. A bill to require the President and the Office of the Global AIDS Coordinator to establish a comprehensive and integrated HIV prevention strategy to address the vulnerabilities of women and girls in countries for which the United States provides assistance to combat HIV/AIDS, and for other purposes; to the Committee on Foreign Relations.

Mrs. CLINTON. Mr. President, today I rise to introduce the Protection Against Transmission of HIV for Women and Youth, PATHWAY, Act of 2007, legislation that is a companion to the bill introduced by Representative BARBARA LEE.

Women and girls account for about half of the 33 million infections worldwide. But in the places that are hardest hit by epidemic, AIDS has a disproportionate impact upon women. In sub-Saharan Africa, women account for more than 60 percent of those living with HIV/AIDS. Young women account for 3 out of every 4 new HIV infections among sub-Saharan youth. Our prevention messages are not reaching youth—in studies completed in 17 countries in 2003, more than 75 percent of the young women surveyed could not identify ways to protect themselves against HIV infection.

Clearly, we need to do more to stem the rising tide of HIV infection in women, particularly in sub-Saharan Africa. But what doing more requires is an examination of the factors that contribute to women's vulnerability to HIV infection. There are links between gender-based violence and increased risk for HIV infection, links between lack of education and economic opportunity and increased risk for HIV infection, links between human trafficking and sexual exploitation and increased risk for HIV infection.

Unfortunately, our current policies do not allow us to take these factors into account. The law governing funding of the President's Emergency Plan for AIDS Relief, PEPFAR, requires ⅓ of all prevention funding to be spent on abstinence-until-marriage programs. In addition, a 2005 guidance from the Office of the Global AIDS Coordinator found that countries were directed to spend half of their prevention funds on sexual transmission prevention, with a full ⅔ of that funding to be spent on "abstinence and be faithful" programs, rather than comprehensive HIV prevention education efforts.

More than 40 percent of women in Africa and South Asia are married before the age of 18. Directing funding to abstinence-until-marriage programs fails to address their needs. Exhorting them to "be faithful" in relationships where they may not have control over their partners' behavior is short-sighted. Making it the official policy of the U.S. Government to restrict funding for efforts that could help these women learn about female-controlled prevention methods is unconscionable.

In 2003, President Bush pledged to prevent 7 million new HIV infections through PEPFAR. But we cannot let that promise go unmet due to ideology.

The legislation I am introducing today will lift restrictions on funding for our prevention efforts. It will also require the President to develop and implement a coordinated, comprehensive HIV strategy to address gender disparities in HIV infection, with a focus on the stigma surrounding HIV, the links between gender-based violence and HIV infection, the ways in which increasing educational and economic opportunities for women can prevent HIV infection, and ways in which to improve access to female-controlled prevention methods. This strategy is a step forward—one that can ensure that the disproportionate risks faced by too many women are taken into account in our global AIDS efforts.

I look forward to working with my colleagues to ensure that women's vulnerability to HIV infection is addressed as we work to reauthorize PEPFAR.

By Mr. CASEY (for himself, Mr. GRASSLEY, and Mrs. FEINSTEIN):

S. 2418. A bill to ensure the safety of imported food products for the citizens of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CASEY. Mr. President, I rise today to introduce the EAT SAFE Act of 2007. I am pleased to be joined by my colleague on the Agriculture Committee, Senator GRASSLEY, to introduce this important piece of food safety legislation.

As we have all seen this past year, in the wake of massive recalls of pet food manufactured using contaminated Chinese gluten and consumer warnings about the safety of various imported food products, ensuring the safety of food products and food ingredients being brought into this country from other nations has taken on a greater urgency.

A report issued in September by the President's Interagency Working Group on Import Safety acknowledged that "aspects of our present import system must be strengthened to promote security, safety, and trade for the benefit of American consumers." The EAT SAFE Act that we are introducing today is designed to address one of those critical aspects of the food and agricultural import system that, in the face of the mounting imported food safety crisis, has received little public focus. That issue is food and other agricultural products that are being smuggled into the U.S.

When many people think of food smuggling, they likely think of it as something that occurs when travelers attempt to bring small amounts of foreign food or agricultural products into the U.S. by concealing it in their vehicles, luggage, or other personal affects. While this type of smuggling is unquestionably a problem that U.S. authorities must and do address, the larger threat of smuggled food and agricultural products comes from the companies, importers, and individuals who circumvent U.S. inspection requirements or restrictions on imports of certain products from a particular country.

The ways in which these companies, importers, and individuals circumvent the system can happen in any number of ways. Many times smuggled products are intentionally mislabeled and bear the identification of a product that can legally enter the country. Other times, smuggled products gain import entry through falsifying the products' countries of origin. And, many times, products that have previously been denied entry are later "shopped around," that is, presented to another U.S. port of entry in the effort to gain importation undetected.

Just some examples of prohibited products discovered in commerce in the United States in recent years include duck parts from Vietnam and poultry products from China, both nations with confirmed human cases of avian influenza; unpasteurized raw cheeses from Mexico containing a bacterium that causes tuberculosis; strawberries from Mexico contaminated with hepatitis A; and mislabeled puffer fish from China containing a potentially deadly toxin. These smuggled food and agriculture products present safety risks to our food, plants, and animals, and pose a threat to our Nation's health, economy, and security.

The EAT SAFE Act addresses these serious risks by applying commonsense measures to protect our food and agricultural supply. This legislation authorizes funding for the U.S. Department of Agriculture and the Food and Drug Administration to bolster their efforts by hiring additional personnel to detect and track smuggled products. It also authorizes funding to provide food safety cross training for Homeland Security Agricultural Specialists and agricultural cross training for Customs' Border Patrol Agents to ensure that those men and women working on the front lines are knowledgeable about these serious food and agricultural threats.

In addition to focusing on increased personal and training, the EAT SAFE Act also seeks to increase importer accountability. The legislation requires private laboratories conducting tests on FDA-regulated products on behalf of importers to apply for and be certified by FDA. It also imposes civil penalties for laboratories or importers who knowingly or conspire to falsify imported product laboratory sampling and for importers who circumvent the USDA import reinspection system.

Finally, the EAT SAFE Act will also ensure increased public awareness of smuggled products, as well as recalled food products, by requiring the USDA and FDA to provide this information to the public in a timely and easily searchable manner.

These commonsense measures are an important first step towards safeguarding Americans' food and agricultural supply and ensuring our Nation's health, economy, and security.

I urge all of my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Food safety training, personnel, and coordination.
Sec. 5. Reporting of smuggled food products.
Sec. 6. Civil penalties relating to illegally imported meat and poultry products.
Sec. 7. Certification of food safety labs.
Sec. 8. Data sharing.
Sec. 9. Public notice regarding recalled food products.
Sec. 10. Foodborne illness education and outreach competitive grants program.

SEC. 2. FINDINGS.

Congress finds that—

(1) the safety of the food supply of the United States is vital to—

(A) the health of the citizens of the United States;

(B) the preservation of the confidence of those citizens in the food supply of the United States; and

(C) the success of the food sector of the United States economy;

(2) the United States has the safest food supply in the world, and maintaining a secure domestic food supply is imperative for the national security of the United States;

(3) in a report published by the Government Accountability Office in January 2007, the Comptroller General of the United States described food safety oversight as 1 of the 29 high-risk program areas of the Federal Government; and

(4) the task of preserving the safety of the food supply of the United States is complicated by pressures relating to—

(A) food products that are smuggled or imported into the United States without being screened, monitored, or inspected as required by law; and

(B) the need to improve the enforcement of the United States in reducing the quantity of food products that are—

(i) smuggled into the United States; and

(ii) imported into the United States without being screened, monitored, or inspected as required by law.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term "Administration" means the Food and Drug Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Animal and Plant Health Inspection Service.

(3) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(4) FOOD DEFENSE THREAT.—The term "food defense threat" means any intentional contamination, including any disease, pest, or poisonous agent, that could adversely affect the safety of human or animal food products.

(5) SMUGGLED FOOD PRODUCT.—The term "smuggled food product" means a prohibited human or animal food product that a person fraudulently brings into the United States.

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 4. FOOD SAFETY TRAINING, PERSONNEL, AND COORDINATION.

(a) DEPARTMENT.—

(1) TRAINING PROGRAMS.—

(A) AGRICULTURAL SPECIALISTS.—

(i) ESTABLISHMENT.—The Secretary shall establish training programs to educate each Federal employee who is employed in a position described in section 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 231(g)) on issues relating to food safety and agroterrorism.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $1,700,000.

(B) CROSS-TRAINING OF EMPLOYEES OF UNITED STATES CUSTOMS AND BORDER PROTECTION.—

(i) ESTABLISHMENT.—The Secretary shall establish training programs to educate border patrol agents employed by the United States Customs and Border Protection of the Department of Homeland Security about identifying human, animal, and plant health threats and referring the threats to the appropriate agencies.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $4,800,000.

(2) ILLEGAL IMPORT DETECTION PERSONNEL.—Subtitle G of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6981 et seq.) is amended by adding at the end the following:

"SEC. 263. FOOD SAFETY PERSONNEL AND TRAINING.

"(a) ADDITIONAL EMPLOYEES.—Not later than 2 years after the date of enactment of the Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2007, the Secretary shall hire a sufficient number of employees to increase the number of full-time field investigators, import surveillance officers, support staff, analysts, and compliance and enforcement experts employed by the Food Safety and Inspection Service as of October 1, 2007, by 100 employees, in order to—

"(1) provide additional detection of food defense threats;

"(2) detect, track, and remove smuggled human food products from commerce; and

"(3) impose penalties on persons or organizations that threaten the food supply.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.".

(b) ADMINISTRATION.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

"SEC. 417. FOOD SAFETY PERSONNEL AND TRAINING.

"(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2007, the Administration shall hire a sufficient number of employees to increase the number of full-time field investigators, import surveillance officers, support staff, analysts, and compliance and enforcement experts employed by the Administration as of October 1, 2007, by 150 employees, in order to—

"(1) provide additional detection of food defense threats;

"(2) detect, track, and remove smuggled food products from commerce; and

"(3) impose penalties on persons or organizations that threaten the food supply.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.".

(c) COORDINATION OF FEDERAL AGENCIES.—Section 411(b) of the Homeland Security Act of 2002 (6 U.S.C. 211(b)) is amended by adding at the end the following:

"(4) COORDINATION OF FEDERAL AGENCIES.—The Commissioner of United States Customs and Border Protection, in coordination with the Secretary of Agriculture and the Commissioner of Food and Drugs, shall conduct activities to target, track, and inspect shipments that—

"(A) contain human and animal food products; and

"(B) are imported into the United States.".

SEC. 5. REPORTING OF SMUGGLED FOOD PRODUCTS.

(a) DEPARTMENT.—

(1) PUBLIC NOTIFICATION.—

(A) IN GENERAL.—Not later than 3 days after the date on which the Department identifies a smuggled food product, the Secretary shall provide to the public notification describing the food product identified by the Department and, if available, the individual or entity that smuggled the food product.

(B) REQUIRED FORMS OF NOTIFICATION.—The Secretary shall provide public notification under subparagraph (A) through—

(i) a news release of the Department for each smuggled food product identified by the Department;

(ii) a description of each smuggled food product on the website of the Department;

(iii) the management of a periodically updated list that contains a description of each individual or entity that smuggled the food product identified by the Secretary under subparagraph (A); and

(iv) any other appropriate means, as determined by the Secretary.

(2) NOTIFICATION TO DEPARTMENT OF HOMELAND SECURITY.—Not later than 30 days after the date on which the Department identifies a smuggled food product, the Secretary shall provide to the Department of Homeland Security notification of the smuggled food product.

(b) ADMINISTRATION.—

(1) PUBLIC NOTIFICATION.—

(A) IN GENERAL.—Not later than 3 days after the date on which the Administration identifies a smuggled food product, the Secretary of Health and Human Services shall provide to the public notification describing the smuggled food product identified by the Administration and, if available, the individual or entity that smuggled the food product.

(B) REQUIRED FORMS OF NOTIFICATION.—The Secretary of Health and Human Services shall provide public notification under subparagraph (A) through—

(i) a press release of the Administration for each smuggled food product identified by the Administration;

(ii) a description of each smuggled food product on the website of the Administration;

(iii) the management of a periodically updated list that contains a description of each individual or entity that smuggled the food product identified by the Secretary of Health and Human Services under subparagraph (A); and

(iv) any other appropriate means, as determined by the Secretary of Health and Human Services.

(2) NOTIFICATION TO DEPARTMENT OF HOMELAND SECURITY.—Not later than 30 days after the date on which the Administration identifies a smuggled food product, the Secretary of Health and Human Services shall provide to the Department of Homeland Security notification of the smuggled food product.

SEC. 6. CIVIL PENALTIES RELATING TO ILLEGALLY IMPORTED MEAT AND POULTRY PRODUCTS.

(a) MEAT PRODUCTS.—Section 20(b) of the Federal Meat Inspection Act (21 U.S.C. 620(b)) is amended—

(1) by striking "(b) The Secretary" and inserting the following:

"(b) DESTRUCTION; CIVIL PENALTIES.—

"(1) DESTRUCTION.—The Secretary"; and

(2) by adding at the end the following:

"(2) CIVIL PENALTIES.—Each individual or entity that fails to present each meat article that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed $25,000 for each meat article that the individual or entity fails to present to the inspection facility.".

(b) POULTRY PRODUCTS.—Section 12 of the Poultry Products Inspection Act (21 U.S.C. 461) is amended—

(1) by striking the section heading and all that follows through "(a) Any person" and inserting the following:

"SEC. 12. PENALTIES.

"(a) PENALTIES RELATING TO THE VIOLATION OF CERTAIN SECTIONS.—

"(1) IN GENERAL.—Any person"; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

"(2) FAILURE TO PRESENT POULTRY PRODUCTS AT DESIGNATED INSPECTION FACILITIES.—Each individual or entity that fails to present each poultry product that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed $25,000 for each poultry product that the individual or entity fails to present to the inspection facility.".

(c) EGG PRODUCTS.—Section 12 of the Egg Products Inspection Act (21 U.S.C. 1041) is amended—

(1) by striking the section heading and all that follows through "(a) Any person" and inserting the following:

"SEC. 12. PENALTIES.

"(a) PENALTIES RELATING TO THE VIOLATION OF CERTAIN PROHIBITED ACTIONS.—

"(1) IN GENERAL.—Any person"; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

"(2) FAILURE TO PRESENT EGG PRODUCTS AT DESIGNATED INSPECTION FACILITIES.—Each individual or entity that fails to present each egg product that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed $25,000 for each egg product that the individual or entity fails to present to the inspection facility.".

SEC. 7. CERTIFICATION OF FOOD SAFETY LABS; SUBMISSION OF TEST RESULTS.

(a) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.), as amended by section 4(b), is amended by adding at the end the following:

"SEC. 418. CERTIFICATION OF FOOD SAFETY LABS; SUBMISSION OF TEST RESULTS.

"(a) DEFINITION OF FOOD SAFETY LAB.—In this section, the term 'food safety lab' means an establishment that conducts testing, on behalf of an importer through a contract or other arrangement, to ensure the safety of articles of food.

"(b) CERTIFICATION REQUIREMENT.—

"(1) IN GENERAL.—A food safety lab shall submit to the Secretary an application for certification. Upon review, the Secretary may grant or deny certification to the food safety lab.

"(2) CERTIFICATION STANDARDS.—The Secretary shall establish criteria and methodologies for the evaluation of applications for certification submitted under paragraph (1). Such criteria shall include the requirements that a food safety lab—

"(A) be accredited as being in compliance with standards set by the International Organization for Standardization;

"(B) agree to permit the Secretary to conduct an inspection of the facilities of the food safety lab and the procedures of such lab before making a certification determination;

"(C) agree to permit the Secretary to conduct routine audits of the facilities of the food safety lab to ensure ongoing compliance with accreditation and certification requirements;

"(D) submit with such application a fee established by the Secretary in an amount sufficient to cover the cost of application review, including inspection under subparagraph (B); and

"(E) agree to submit to the Secretary, in accordance with the process established under subsection (c), the results of tests conducted by such food safety lab on behalf of an importer.

"(c) SUBMISSION OF TEST RESULTS.—The Secretary shall establish a process by which a food safety lab certified under this section shall submit to the Secretary the results of all tests conducted by such food safety lab on behalf of an importer.".

(b) ENFORCEMENT.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (2) the following:

"(3) An importer (as defined in section 418) shall be subject to a civil penalty in an amount not to exceed $25,000 if such importer knowingly engages in the falsification of test results submitted to the Secretary by a food safety lab certified under section 418.

"(4) A food safety lab certified under section 418 shall be subject to a civil penalty in an amount not to exceed $25,000 for knowingly submitting to the Secretary false test results under section 418.";

(3) in paragraph (2)(C), by striking "paragraph (3)(A)" and inserting "paragraph (5)(A)";

(4) in paragraph (4), as so redesignated, by striking "paragraph (1) or (2)" each place it appears and inserting "paragraph (1), (2), (3), or (4)"; and

(5) in paragraph (6), as so redesignated, by striking "paragraph (4)" each place it appears and inserting "paragraph (6)".

SEC. 8. DATA SHARING.

(a) DEPARTMENT OF AGRICULTURE MEMORANDA OF UNDERSTANDING.—The Secretary shall ensure that the agencies within the Department of Agriculture, including the Food Safety and Inspection Service, the Agricultural Research Service, and the Animal and Plant Health Inspection Service, enter into a memorandum of understanding to ensure the timely and efficient sharing of all information collected by such agencies related to foodborne pathogens, contaminants, and illnesses.

(b) INTERAGENCY MEMORANDUM OF UNDERSTANDING.—The Secretary, in collaboration with the Secretary of Health and Human Services, shall enter into a memorandum of understanding between the agencies within the Department of Agriculture, including those described in subsection (a), and the agencies within the Department of Health and Human Services, including the Centers for Disease Control and Prevention and the Food and Drug Administration, to ensure the timely and efficient sharing of all information collected by such agencies related to foodborne pathogens, contaminants, and illnesses.

SEC. 9. PUBLIC NOTICE REGARDING RECALLED FOOD PRODUCTS.

(a) DEPARTMENT.—

(1) NEWS RELEASES REGARDING RECALLED FOOD PRODUCTS.—

(A) IN GENERAL.—On the date on which a human or animal food product regulated by the Department is voluntarily recalled, the Secretary shall provide to the public a news release describing the human or animal food product.

(B) CONTENTS.—Each news release described in subparagraph (A) shall contain a comprehensive list of each human and animal food product regulated by the Department that is voluntarily recalled.

(2) WEBSITE.—The Secretary shall modify the website of the Department to contain—

(A) not later than 1 business day after the date on which a human or animal food product regulated by the Department is voluntarily recalled, a news release describing the human or animal food product;

(B) if available, an image of each human and animal food product that is the subject of a news release described in subparagraph (A); and

(C) not later than 90 days after the date of enactment of this Act, a search engine that—

(i) is consumer-friendly, as determined by the Secretary; and

(ii) provides a means by which an individual could locate each human and animal food product regulated by the Department that is voluntarily recalled.

(3) STATE-ISSUED AND INDUSTRY PRESS RELEASES.—To meet the requirement under paragraph (1)(A), the Secretary—

(A) may provide to the public a press release issued by a State; and

(B) shall not provide to the public a press release issued by a private industry entity in lieu of a press release issued by the Federal Government or a State.

(4) PROHIBITION ON DELEGATION OF DUTY.—The Secretary may not delegate, by contract or otherwise, the duty of the Secretary—

(A) to provide to the public a news release under paragraph (1); and

(B) to make any required modification to the website of the Department under paragraph (2).

(b) ADMINISTRATION.—

(1) PRESS RELEASES REGARDING RECALLED FOOD PRODUCTS.—

(A) IN GENERAL.—On the date on which a human or animal food product regulated by the Administration is voluntarily recalled, the Secretary of Health and Human Services shall provide to the public a press release describing the human or animal food product.

(B) CONTENTS.—Each press release described in subparagraph (A) shall contain a comprehensive list of each human and animal food product regulated by the Administration that is voluntarily recalled.

(2) WEBSITE.—The Secretary of Health and Human Services shall modify the website of the Administration to contain—

(A) not later than 1 business day after the date on which a human or animal food product regulated by the Administration is voluntarily recalled a press release describing the human or animal food product;

(B) if available, an image of each human and animal food product that is the subject of a press release described in subparagraph (A); and

(C) not later than 90 days after the date of enactment of this Act, a search engine that—

(i) is consumer-friendly, as determined by the Secretary of Health and Human Services; and

(ii) provides a means by which an individual could locate each human and animal food product regulated by the Administration that is voluntarily recalled.

(3) STATE-ISSUED AND INDUSTRY PRESS RELEASES.—For purposes of meeting the requirement under paragraph (1)(A), the Secretary of Health and Human Services—

(A) may provide to the public a press release issued by a State; and

(B) may not provide to the public a press release issued by a private industry entity in lieu of a press release issued by a State or the Federal Government.

(4) PROHIBITION ON DELEGATION OF DUTY.—The Secretary of Health and Human Services may not delegate, by contract or otherwise, the duty of the Secretary of Health and Human Services—

(A) to provide to the public a press release under paragraph (1); and

(B) to make any required modification to the website of the Administration under paragraph (2).

SEC. 10. FOODBORNE ILLNESS EDUCATION AND OUTREACH COMPETITIVE GRANTS PROGRAM.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

"SEC. 412. FOODBORNE ILLNESS EDUCATION AND OUTREACH COMPETITIVE GRANTS PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Food Safety and Inspection Service.

"(2) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Food and Drugs.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) the government of a State (including a political subdivision of a State);

"(B) an educational institution;

"(C) a private for-profit organization;

"(D) a private non-profit organization; and

"(E) any other appropriate individual or entity, as determined by the Secretary.

"(b) ESTABLISHMENT.—The Secretary (acting through the Administrator of the Cooperative State Research, Education, and Extension Service), in consultation with the Administrator and the Commissioner, shall establish and administer a competitive grant program to provide grants to eligible entities to enable the eligible entities to carry out educational outreach partnerships and programs to provide to health providers, patients, and consumers information to enable those individuals and entities—

"(1) to recognize—

"(A) foodborne illness as a serious public health issue; and

"(B) each symptom of foodborne illness to ensure the proper treatment of foodborne illness;

"(2) to understand—

"(A) the potential for contamination of human and animal food products during each phase of the production of human and animal food products; and

"(B) the importance of using techniques that help ensure the safe handling of human and animal food products; and

"(3) to assess the risk of foodborne illness to ensure the proper selection by consumers of human and animal food products.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,500,000 for fiscal year 2008 and each fiscal year thereafter.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 388—DESIGNATING THE WEEK OF FEBRUARY 4 THROUGH FEBRUARY 8, 2008, AS "NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK"

Mr. CRAPO (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MURKOWSKI, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 388

Whereas 1 in 3 female teenagers in a dating relationship has feared for her physical safety;

Whereas 1 in 2 teenagers in a serious relationship has compromised personal beliefs to please a partner;

Whereas 1 in 5 teenagers in a serious relationship reports having been hit, slapped, or pushed by a partner;

Whereas 27 percent of teenagers have been in dating relationships in which their partners called them names or put them down;

Whereas 29 percent of girls who have been in a relationship said that they have been pressured to have sex or to engage in sexual activities that they did not want;

Whereas technologies such as cell phones and the Internet have made dating abuse both more pervasive and more hidden;

Whereas 30 percent of teenagers who have been in a dating relationship say that they have been text-messaged between 10 and 30 times per hour by a partner seeking to find out where they are, what they are doing, or who they are with;

Whereas 72 percent of teenagers who reported they'd been checked up on by a boyfriend or girlfriend 10 times per hour by email or text messaging did not tell their parents;

Whereas parents are largely unaware of the cell phone and Internet harassment experienced by teenagers;

Whereas Native American women experience higher rates of interpersonal violence than any other population group;

Whereas violent relationships in adolescence can have serious ramifications for victims, putting them at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas the severity of violence among intimate partners has been shown to be greater in cases where the pattern of violence has been established in adolescence; and

Whereas the establishment of National Teen Dating Violence Awareness and Prevention Week will benefit schools, communities, and families regardless of socio-economic status, race, or sex: Now, therefore be it

Resolved, That the Senate—

(1) designates the week of February 4 through February 8, 2008, as "National Teen Dating Violence Awareness and Prevention Week"; and

(2) calls upon the people of the United States, high schools, law enforcement, State and local officials, and interested groups to observe National Teen Dating Violence Awareness and Prevention Week with appropriate programs and activities that promote awareness and prevention of the crime of teen dating violence in their communities.

SENATE RESOLUTION 389—COMMEMORATING THE 25TH ANNIVERSARY OF THE UNITED STATES AIR FORCE SPACE COMMAND HEADQUARTERED AT PETERSON AIR FORCE BASE, COLORADO

Mr. ALLARD (for himself, Mr. SALAZAR, Mr. TESTER, Mr. ISAKSON, Ms. COLLINS, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. CONRAD, Mr. DORGAN, Mr. DOMENICI, Mr. HATCH, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 389

Whereas, on September 1, 1982, the United States Air Force created the United States Air Force Space Command to defend North America through its space and intercontinental ballistic missile operations;

Whereas 2007 marks the 25th year of excellence and service of Air Force Space Command to the United States of America;

Whereas the mission of Air Force Space Command is to deliver trained and ready airmen with unrivaled space capabilities to defend the United States;

Whereas Air Force Space Command organizes, trains, and equips forces to supply combatant commanders with the space and intercontinental ballistic missile capabilities to defend the United States and its national interests;

Whereas Air Force Space Command's Ground-based radar and Defense Support Program satellites monitor ballistic missile launches around the world to guard against a surprise missile attack on North America;

Whereas Air Force Space Command provides a significant portion of United States Strategic Command's war fighting capabilities, including missile warning, strategic deterrence, and space-based surveillance capabilities;

Whereas Air Force Space Command space radar provide vital information on the location of satellites and space debris for the Nation and the world;

Whereas the current war on terror requires extensive use of space-based communications, global positioning systems, and meteorological data to effectively prosecute military operations;

Whereas Air Force Space Command provides war fighters with "high ground" through satellite communications and positioning and timing data for ground and air operations and weapons delivery;

Whereas Air Force Space Command deployed helicopters to the Gulf Coast region during the aftermath of Hurricane Katrina to deliver meals, water, and medical supplies and to conduct search and rescue operations;

Whereas the work done by the men and women of Air Force Space Command is vital to our military, making the Nation more combat effective and helping save lives every day; and

Whereas Air Force Space Command advocates space capabilities and systems for all unified commands and military services, and collectively provides space capabilities America needs today and in the future: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions made by Air Force Space Command to the security of the United States; and

(2) commemorates Air Force Space Command's 25 years of excellence and service to the Nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3803. Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3803. Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. ASSET TREATMENT OF HORSES.

(a) 3-YEAR DEPRECIATION FOR ALL RACE HORSES.—

(1) IN GENERAL.—Clause (i) of section 168(e)(3)(A) of the Internal Revenue Code of 1986 (relating to 3-year property) is amended to read as follows:

"(i) any race horse,".

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

(b) REDUCTION OF HOLDING PERIOD TO 12 MONTHS FOR PURPOSES OF DETERMINING WHETHER HORSES ARE SECTION 1231 ASSETS.—

(1) IN GENERAL.—Subparagraph (A) of section 1231(b)(3) of the Internal Revenue Code of 1986 (relating to definition of livestock) is amended by striking "and horses".

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. __. ELIMINATION OF PRIVATE PAYMENT TEST FOR PROFESSIONAL SPORTS FACILITY BONDS.

(a) IN GENERAL.—Section 141(a) (defining private activity bond) is amended by adding at the end the following new flush sentence:

"In the case of any professional sports facility bond, paragraph (1) shall be applied without regard to subparagraph (B) thereof.".

(b) PROFESSIONAL SPORTS FACILITY BOND DEFINED.—Section 141 is amended by adding at the end the following new subsection:

"(f) PROFESSIONAL SPORTS FACILITY BOND.—For purposes of subsection (a)—

"(1) IN GENERAL.—The term 'professional sports facility bond' means any bond issued as part of an issue any portion of the proceeds of which are to be used to provide a professional sports facility.

"(2) PROFESSIONAL SPORTS FACILITY.—The term 'professional sports facility' means real property and related improvements used, in whole or in part, for professional sports, professional sports exhibitions, professional games, or professional training.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act, other than bonds with respect to which a resolution was issued by an issuer or conduit borrower before January 24, 2007.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

Mr. CRAIG. Mr. President, I wish to notify the Senate of my intent to object to proceeding to S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

The bill would prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption. In short, it would further limit the already limited options for disposal of unwanted horses.

An unwanted horse is one that has reached the useful end of its economic or recreational life. There are numerous reasons for the existence of unwanted horses, not the least of which are economic reasons such as loss of job, price of feed or stabling, relocation, poor health of the horse or its owner.

It must be recognized that no one has adequately addressed the fate of the estimated 90,000 unwanted horses that were formerly slaughtered on an annual basis. Animal welfare groups and rescue organizations can only do so much to shoulder the load of aiding the adoption or care of these horses. They are currently stretched to capacity, and we expect an increase in need. As a result, we are witnessing a significant increase in abandonment and neglect of horses in this country. Particularly in the West, growing numbers of unwanted horses are being dumped on public or private rangelands.

I believe that we should take the time to examine this growing issue of the unwanted horse before passing legislation that ties the hands of horse owners, public and private land managers, and others.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, December 5, 2007 at 9 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a business meeting to consider the following items: amendment in the Nature of a Substitute, Lieberman-Warner Climate Security Act of 2007, S. 2191.

Pending nominations: John S. Bresland, of New Jersey, to be a Member of the Chemical Safety and Hazard Investigation Board; John S. Bresland, of New Jersey, to be Chairperson of the Chemical Safety and Hazard Investigation Board; C. Russell H. Shearer, of Delaware, to be a Member of the Chemical Safety and Hazard Investigation Board; William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority; Susan Richardson Williams, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority; and Thomas C. Gilliland, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate

Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Reauthorization of the Juvenile Justice and Delinquency Prevention Act: Protecting Our Children and Our Communities" on Wednesday, December 5, 2007 at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

Witness list:

J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Washington, DC; Shay Bilchik, Founder and Director, Center for Juvenile Justice Reform, Georgetown University Public Policy Institute, Washington, DC; Deirdre Wilson Garton, Chair, Governor's Juvenile Justice Commission, Madison, WI; Ann Marie Ambrose, Director, Bureau of Child Welfare and Juvenile Justice Services, Harrisburg, PA; Richard Miranda, Chief, Tucson Police Department, Tucson, AZ.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled "The Looming Foreclosure Crisis: How To Help Families Save Their Homes" on Wednesday, December 5, 2007 at 2:30 p.m. in room SD–226 of the Dirksen Senate Office Building.

Witness list:

Nettie McGee, Chicago, IL; Mark Zandi, Chief Economist, Moody's Economy.com, Inc., West Chester, PA; Mortgage Industry Witness TBD; Professor Mark Scarberry, Resident Scholar, American Bankruptcy Institute, Washington, DC; The Honorable Jacqueline P. Cox, United States Bankruptcy Judge, United States Bankruptcy Court for the Northern District of Illinois, Chicago, IL; The Honorable Thomas Bennett, United States Bankruptcy Judge, United States Bankruptcy Court for the Northern District of Alabama, Birmingham, AL; Henry J. Sommer, President, National Association of Consumer Bankruptcy Attorneys, Philadelphia, PA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, December 5, in order to conduct a hearing on the Nomination of James Peake to be Secretary of Veterans Affairs. The Committee will meet in room SDG–50 of the Dirksen Senate Office Building, at 9:30 a.m.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 5, 2007 at 3 p.m. to hold a closed conference on the fiscal year 2008 Intelligence Authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DORGAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, Wednesday, December 5, 2007 from 10:30 a.m. to 12:30 p.m. in Dirksen 106 for the purpose of conducting a hearing concerning the elderly who have been displaced by war, poverty, and persecution abroad.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WYDEN. I ask unanimous consent that privileges of the floor be granted to my legislative aide, Jacquelyn Elder.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2416

Mr. MENENDEZ. Madam President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 2416) to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals and replace it with an alternative tax individuals may choose.

Mr. MENENDEZ. Madam President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR THURSDAY, DECEMBER 6, 2007

Mr. MENENDEZ. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10:30 a.m., Thursday, December 6; that on Thursday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour deemed expired, the time for the two leaders be reserved for their use later in the day; that there be an hour of debate prior to a vote on the motion to invoke cloture on the motion to proceed to H.R. 3996, with the time equally divided and controlled between the leaders or their designees; that the 20 minutes immediately prior to the cloture vote be divided 10 minutes each for the leaders and the majority leader controlling the final 10 minutes; that upon the use or yielding back of time, without further intervening action, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MENENDEZ. Madam President, as a reminder, cloture was filed on the Harkin substitute to the farm bill. Therefore, if Members have amendments on the list of amendments in order to the bill, they should have germane first-degree amendments filed at the desk by 1 p.m. tomorrow. However, if amendments have already been filed, there is no need to refile at this time.

ORDER FOR ADJOURNMENT

Mr. MENENDEZ. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that following the remarks of Senator THUNE for up to 15 minutes, the Senate then stand adjourned under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

THE FARM BILL

Mr. THUNE. Madam President, for the past 5 weeks now, my colleagues and I have spent literally hours on the Senate floor talking about the 2007 farm bill. Unfortunately, talking about the farm bill for over 5 weeks is all we have done. We could have spent all the days and hours since November 5 productively debating this farm bill. Instead, the distinguished leader on the other side of the aisle made a decision the very first day of the farm bill debate when the farm bill was brought to the floor and the debate ensued to not allow any amendments to reach the floor. Not one single farm bill amendment has been discussed.

Farm bill authority spans 5 years. This legislation impacts every man, woman, and child in America. My colleagues in the minority, who are not members of the Agriculture Committee and who have not had an opportunity to help craft this legislation, deserve a chance to offer their suggested changes.

The farm bill before us totals 1,600 pages. It reauthorizes over $280 billion in spending on commodity, conservation, nutrition, trade, energy, and rural development programs. This bill is far too important to be held hostage by partisan tactics. However, the majority leader made a decision, as I said, nearly 2 weeks ago, to prohibit amendments from being offered to this landmark legislation.

I am a member of the Senate Agriculture Committee, and I am proud of the farm bill we passed out of the committee. I give Chairman HARKIN and the ranking member, Senator CHAMBLISS, great credit. I believe they deserve to be given great credit for the efforts they made in committee deliberation. The members of the committee held an open and productive debate. Several amendments were offered, debated, and voted on. At the end of the day, Senate Democrats and Republicans set aside their differences and reported out a bill to meet America's food and energy needs over the next 5 years.

Is the committee-reported bill perfect? No, of course not. But that being said, my colleagues all deserve an opportunity to offer their amendments to the farm bill. There are only 21 of us who serve on the Senate Agriculture Committee, 11 Democrats, 10 Republicans. Senator DOMENICI, Senator NELSON, and I authored an amendment that would add an increased renewable fuels standard to the 2007 farm bill on the floor because it didn't get added in the committee and because there were questions about whether an energy bill was ultimately going to pass the Senate. Therefore, we thought it would be good to improve and strengthen the energy title of the farm bill by adding the RFS to the farm bill. That is one of the amendments that, of course, could be debated if, in fact, there were an open debate process.

As I travel across my State and met with farmers and agricultural leaders, the message to me is very clear. No single policy is more important to our agricultural community than this farm bill and the accompanying Energy bill. If we can get a farm bill passed with a renewable fuel standard, I think our farmers would be very pleased with the work Congress has done to promote American agriculture and move the renewable fuels industry forward.

This renewable fuels standard will create jobs in rural America, give our producers an alternative market for our crops, spur billions of dollars in renewable fuels investment, and save over $600 million in taxpayer dollars in the underlying bill.

However, we have not had an opportunity to debate any of these amendments, including a renewable fuels standard amendment. I listened all day while accusations have flown back and forth. There has been all this hand wringing going on finger pointing, and the blame game being played. I have to say, as someone who voted for cloture the first time we had a cloture vote on the farm bill, I voted for cloture because I need this bill to move forward—my farmers and my ranchers want a new farm bill—but not because the process has been fair to Members on my side of the aisle.

Senators on the minority side, on the Republican side of the aisle—as I said, there are only 21 of us who serve on the Senate Agriculture Committee. That means there are 79 other Senators who would like to weigh in on this important legislation. We have had the bill on the floor literally for a 2-week period and we didn't debate or vote upon one single amendment.

As I said before, you are talking about a 1,600-page bill that authorizes $280 billion in spending over the next 5 years, and there has not been one single amendment voted on. The majority leader decided when the bill came to the floor he was going to fill the amendment tree, which in effect said no amendment can be offered unless it is approved by the majority leader.

I don't happen to disagree with the notion that amendments that are brought to the floor of the Senate ought to be somewhat germane to the underlying legislation. But it is a reality, a practical reality every single day in this institution, in the Senate, that amendments are brought to the floor that are not germane to the underlying bill. I will hold up a case in point because I have heard my colleagues on the other side get up and say: The Republicans want to offer all these nongermane amendments and what are we supposed to do about that, these need to be germane to the underlying farm bill? I would like to see amendments that are germane to the underlying farm bill, but it is a reality in the Senate that on many occasions—in fact it is often the case—amendments are offered to all kinds of legislation that are not germane to that underlying legislation.

A case in point: We are now stalled on the Defense authorization bill, a bill that was debated and voted upon a long time ago. The House passed it, the Senate passed it, we went to conference, we resolved all the differences. I serve as a Member of the Senate Armed Services Committee, and I know some of the issues that were being debated in the conference were somewhat contentious, but they all got resolved. Most of them were related to the underlying bill. Most of them were related to our national security programs, our readiness and that sort of thing. What is holding up the conference on the Defense authorization bill is hate crimes legislation because hate crimes was put on the bill in the Senate before it left, over the objections of many of us who didn't feel it was relevant or germane to the underlying Defense authorization bill. But nevertheless we didn't have the votes. It went to conference.

Now the debate over whether we are going to have a Defense authorization bill doesn't hinge on anything having to do with national security. It hinges on hate crimes legislation. How is that germane to the Defense authorization bill? Yet my colleagues on the other side have continually gotten up today and railed on the Republicans because Republicans, of all things, want a vote on a death tax amendment to the farm bill.

In my State, most farmers and ranchers think the death tax is relevant to their everyday lives because it is probably the single biggest barrier to multigenerational transfers of cattle operations. There is not anything that is a bigger barrier, a larger impediment to those types of transfers in passing farm operations and ranching operations down to the next generation than is the death tax. In most cases, these are people who are asset rich but cash poor. Oftentimes, when someone dies and they wanted to pass it on, they have to liquidate all their assets in order to pay the death tax.

My point simply is this. I would like to see us move forward. We need a farm bill. We need an energy bill. As I said before, I voted for cloture on the farm bill, but I have to say this process has been very tilted in favor of a procedure that the majority leader adopted on the first day that is very much without precedent—in terms of what happens on the Senate floor, I am sure it has been done. I am sure it has been done under Republican majorities. But the fact is, filling the amendment tree and prohibiting amendments from being offered, in a place such as the Senate which thrives on an open amendment process, I think is undermining the very foundation, the rules and procedures on which the Senate is based.

I would like to see us be able to get to a vote on the farm bill, but we can't do that until we have some agreement on amendments, and we can't get to the amendments on the floor until such time as the majority leader agrees we will be able to offer amendments. Until that happens, our side is going to continue to object to proceeding to the farm bill because, in fairness to them, as I said, this is a 1,600-page bill that spends $280 billion over 5 years and was debated by 21 of the 100 Senators. In the Agriculture Committee, I think we produced a very good bill. I would like to see it—as I said, if it went through unamended, that would be fine by me because I think we got as good a consensus in the farm committee as we could. But there are 79 other Members of the Senate on both sides of the aisle who want to strengthen and make this bill better, and right now the process has precluded that opportunity to a point where we are at a standstill on legislation that is of great importance to the farmers I represent and, I would argue, to all Americans.

The farm bill not only funds production agriculture—and frankly less and less of the overall funding in the farm bill is going to production agriculture. More of it now, 68 percent of it, is going to nutrition and food stamps and other aspects of the farm bill; 9 percent toward conservation. All of those are important. But my point simply is this is a bill important to all Americans, not just to those farmers and ranchers.

During debate on the 2002 farm bill, there were 246 amendments filed. Democrats and Republicans came together and voted on 49 amendments, including 29 rollcall votes. Before that, in the 1996 farm bill, there were 339 amendments offered, which were debated. Republicans controlled the Congress at that time. Republican leadership allowed 26 amendment votes, including 11 rollcall votes.

During consideration of the 1990 farm bill, there were 113 votes on the farm bill, 22 of which were rollcall votes. Finally, in 1985, there were 88 votes on that farm bill, 33 of which were rollcall votes.

My point is, writing a farm bill is not an easy task. A lot goes into this. It is a lengthy process, involving compromise between stakeholder groups, national priorities, regional interests, and compromise is simply unachievable under the political maneuvers that have been employed by the Democratic leader on this farm bill.

As I said before, it has been 5 weeks since it was called up on the floor. We had it on the floor for 2 weeks at one stretch before we went out for the Thanksgiving break, and let me emphasize we did not vote on one single amendment to this legislation.

I hope that will change because I think there is precious little time left in this session of the Congress and there are a lot of priorities. There is not much, frankly, that has been done. The Defense authorization bill, as I said, is being held up over an unrelated, nongermane amendment dealing with hate crimes. We don't have funding going out to the troops. We have only gotten one appropriations bill signed into law. The VA-Military Construction appropriations bill is cued up, ready to go. The President said he would sign it. We have not moved that through here. The list goes on and on.

I think it is regrettable because, as most Americans observe this process, they become increasingly cynical. The reason I think these public opinion polls that are published and surveys that are done indicate that Congress has terribly low approval ratings is for this reason: They see the partisan bickering, gridlock, finger pointing and all they want is for Congress to work together to get things done. One recent public opinion survey had the approval rating of the Congress at 11 percent which, as our friend John McCain always says: When you get down to 11 percent, you are pretty much talking about paid staff and blood relatives; and if you factor in the margin of error, you might even run a negative on that.

That is because the American public perceives what is happening and is incredibly frustrated by that. They want to see us work together toward solutions. We cannot do that absent a process and procedure that allows amendments to be offered when bills come to the floor. Legislation put on the floor that is as comprehensive as this farm bill is which, as I said, is 1,600 pages, $280 billion in spending over a 5-year period, to date not one single amendment has been voted on.

That is regrettable. It is a disservice to the farmers and ranchers of this country who are waiting for this farm bill but, as important, I think it is a disservice to the American public, all of whom benefit from the farm bill and all of whom want to see the Senate work and function effectively to address the challenges and the problems we face as a country.

The process employed by the majority leader on the farm bill completely precludes us from having anything that resembles an open debate. As I pointed out earlier, if you go back to the 1985, 1990, 1996 or 2002 farm bills, there were ample opportunities for amendments. There was vigorous and spirited debate and lots of rollcall votes. This is really historic in terms of the precedent it sets and the message it sends to American agriculture, which desperately needs a farm bill.

I hope in the next day or two, and next week—which in my view is about what we have left to work with. I am frankly happy to stay here this weekend. I would stay here Saturday, Sunday, and beyond if we could get a farm bill on the floor, actually debate it, actually have amendments offered and voted on. I am happy to stay. I would be willing to bet that many of my colleagues would be happy to stay.

But the clock is a-running, time is a-wasting. All the American people see is finger pointing and hand wringing and bickering and gridlock. That is not in their best interests. Certainly, it is not fair to them, the people by whom we were elected. They sent us to do a job. We need to get about that job. That means allowing the Senate to function, to work, to allow Senators to offer amendments to these bills and to get to final action and completion and to get some legislation passed that will hopefully improve the lives of many Americans.

I yield the floor.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m. tomorrow.

Thereupon, the Senate, at 6:13 p.m., adjourned until Thursday, December 6, 2007, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF JUSTICE

MARK R. FILIP, OF ILLINOIS, TO BE DEPUTY ATTORNEY GENERAL, VICE PAUL J. MCNULTY, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID P. VALCOURT, 6455

HOUSE OF REPRESENTATIVES—*Wednesday, December 5, 2007*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of history and ever present to all believers, in contemporary darkness we readily turn on lights.

In spiritual darkness of doubt and confusion, You can send forth a spark of inspiration and grace that will enlighten minds and warm hearts to respond to Your love for Your people and praise Your deeds in Sacred Scripture.

Fill this day with Your blessings. As the first day of Chanukah, the Festival of Lights is celebrated by Jews. Christians tonight will light a Christmas tree on the lawn of the Capitol.

Eternal Father of us all, fill Your children with the delight that comes from light. May we walk no longer in the darkness of fear and ignorance, but join together in mutual understanding and peace, for our eternal hope is placed in You, now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. CONAWAY. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CONAWAY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri (Mr. AKIN) come forward and lead the House in the Pledge of Allegiance.

Mr. AKIN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGES FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 863. An act to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

S. 1327. An act to create and extend certain temporary district court judgeships.

The message also announced that pursuant to Public Law 100–696, the Chair, on behalf of the Republican Leader, announces the appointment of the Senator from Tennessee (Mr. ALEXANDER) as a member of the United States Capitol Preservation Commission, vice the Senator from Colorado (Mr. ALLARD).

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

A NEW ENERGY POLICY

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, thank you for the work that you and Chairman DINGELL have done in bringing forth to the House for a vote today an opportunity for a comprehensive energy policy.

For too long, we've focused on energy for the past, on energy sources and products for the world as it was or as some wanted it to be. This is an opportunity for us to deal with the energy challenges of today and for the future.

The bill that comes forward will be, for the first time since 1975, an opportunity to significantly increase vehicle fuel mileage standards. It will contain a renewable portfolio standard that emulates what has happened in over half our States across the country, to be able to jump-start renewable energy. It will be financed by redirecting tax breaks from the largest oil companies who don't need taxpayer support to produce oil profitably, and it will be directed to the energy sources of the future, renewables, which do need this help to bring their opportunities to scale.

I hope my colleagues will arise to meet this challenge. Vote to pass this legislation. Our national security, economic stability, and environmental survival depends upon it.

THE DEMOCRATS ARE LATE

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. Madam Speaker, we all have to struggle from time to time with the bad practice of being late. We don't like to be late, and the reason we don't is, of course, when we're late, we inconvenience somebody. If you're late to the car pool, a couple of people have to sit there and wait and you've got to choke your breakfast down a little bit quicker so you don't inconvenience someone.

But you know the Democrats have been very late. But when the Congress is late, it is really a big inconvenience, because the Democrats knew that they had to pass the AMT patch some months ago and they didn't do it. And so what does that mean? It means not just a few people in the car pool. What it means is 32 million Americans will not get their tax refund; $87 billion will be late to 32 million Americans because the Democrats are late in dealing with the AMT tax patch. They tried to put it together with a $3.5 trillion tax increase, the mother of all tax increases. Of course that didn't work, and now we're late.

ENERGY INDEPENDENCE AND SECURITY ACT WILL HELP US REDUCE OUR DEPENDENCE ON FOREIGN OIL

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Madam Speaker, today we will consider legislation that invests in the future of our Nation and puts us on the path to energy independence. The Energy Independence and Security Act is a significant legislative package that will strengthen our national security by reducing our dependence on foreign oil. The bill addresses skyrocketing gas prices with increased fuel economy standards that will save American families 700 to $1,000 a year at the pump. It also reduces oil consumption by 1.1 million gallons per day in 2020, one half of what we currently import from the Persian Gulf. And this legislation includes a historic commitment to American biofuels that will fuel our cars and trucks. This investment in hometown crops will create American jobs and protect the environment by reducing carbon emissions.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Madam Speaker, the Energy Independence and Security Act will help our Nation invest in resources in the Midwest to improve our environment, instead of relying on Mideastern countries for pollution-heavy fossil fuels.

I hope all my colleagues in the House and Senate will support this legislation and help reduce our dependence on foreign oil.

CONGRATULATING THE REDSKINS OF HAMILTON COUNTY, OHIO

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Madam Speaker, I rise today to congratulate the Anderson Redskins of Hamilton County, Ohio for winning the Division II Ohio School Athletic Association Football Championship. The Redskins capped off their incredible run into history Friday night by beating the Louisville Leopards of Stark County 31–25 in front of 11,065 fans at Paul Brown Tiger Stadium in Massillon.

After 19 years as assistant coach at Anderson, first-year head coach Jeff Giesting led his team to a final record of 13–2, including a win in the playoffs against township rival the Turpin Spartans.

On Sunday, the Anderson township community celebrated the Redskins' first-ever State championship in their history where all 15 seniors took to the podium to talk about their incredible victory. The resounding theme among those players was not the championship trophy itself, but the sense of community, togetherness and pride which has spread throughout the area.

Madam Speaker, I salute the school, the players, Head Coach Giesting, and the entire Anderson township community on their championship season. Well done, Redskins.

THE BUSH-CHENEY ENERGY PLAN

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, the so-called Bush-Cheney energy plan was developed in secret, and it was developed in secret because it was disastrous for America. It would have been bad policy for the 1950s based on subsidies for the oil, coal and gas industry, dig, drill and burn, but it was a total embarrassment and disaster for 21st century policies. Today we have a chance to reverse that, to put in place a modest renewable portfolio, but the Republicans object to renewable portfolios; to put in place a mandate on increased fuel economy, which the American people would dearly love to have more efficient vehicles, but the Republicans object to that; and investment in new technologies and new sustainable fuels to take us to energy independence, to free us from the thrall of being subject to Chavez and the Saudis and others, but the Republicans object to that too. And we would pay for it by stripping the wildly profitable oil and gas industry of some tax subsidies from the American people, and the Republicans object to that too. But despite their objections, we are going to establish a new energy direction sustainable for this country.

FUND OUR VETERANS

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Madam Speaker, this is day 66; that's 66 days so far that our veterans have not had the use of the increased funding for their benefits and health care. That's $18.5 million a day not able to be used. This bill has been done for months and the President has already agreed to sign it. But instead of moving the bill forward, the Democratic leadership in Congress continues to postpone this bill. So far, only one of 12 appropriation bills have been passed and signed into law. Why? Our veterans are heroes. There are few things more important than ensuring that this Congress provide all possible benefits and health care for our veterans.

I'm calling on the Speaker to move this bill forward. And I call on all Americans to contact their representatives and tell the Democratic leadership to send a clean veterans appropriation bill to the President now. Our veterans deserve it.

NO BLANK CHECK FOR THE WAR IN IRAQ WITHOUT INPUT FROM CONGRESS

(Mr. PAYNE asked and was given permission to address the House for 1 minute.)

Mr. PAYNE. Madam Speaker, while our troops continue to perform heroically in Iraq, President Bush's troop surge has not lived up to its promise of producing essential political reconciliation.

As a member of the House Foreign Affairs Committee, I helped lead the opposition to our involvement in Iraq in the first place because I felt that we should let the weapons inspectors do their jobs before rushing into a preemptive military strike.

After our Iraq policy failed, and the rationale for going to war was invalidated due to the absence of weapons of mass destruction, we're told that the so-called military surge would help bring about a political solution in Iraq. That has not happened. Senior military commanders have indicated that the inability of the Iraqi Government to achieve political reconciliation is a greater threat to our troops than the insurgency in Iraq.

Many of us here in Congress believe that the Iraqi Government will not begin to address the political reconciliation until it is clear that our troops are coming home.

Last month, House Democrats once again passed a bill that provided our troops with $50 billion in funding and a strategic plan that brings them home. We must bring our troops home. We demand a change in the direction in Iraq.

□ 1015

NEW ENERGY POLICY

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Madam Speaker, the previous speaker mentioned that the current energy policy was crafted in the dark. I would have to agree that the current energy policy that's being proposed has certainly kept the Republicans in the dark because we have yet to see the language on the policy that we will be asked to vote on over the next couple of days. In all likelihood, it will require mandates. Mandates are good ideas that I've come up with that you have to pay for.

There will be a lot of talk on this floor, there will be a lot of good arguments made, but to cut to the chase, if it were cheaper to produce electricity today by using solar and wind and other alternatives, we would be doing it. That's the American way. That's the commerce of the circumstances, but it is not. And so, as we look at these proposals that will require how we go about providing America with the electricity and energy we need over the next decades, let's don't forget that there is a cost associated with it. We ought to know that cost. We ought to know the cost to consumers and to the businesses that have to use that energy.

There's an old saying, "If you don't like the high cost of eggs, then why would you kill chickens?" Let's be careful that with this new energy policy that's being proposed, that we don't, in fact, kill the chickens that produce the eggs that generate the electricity and the energy that we need.

HOUSE DEMOCRATS FIGHTING FOR MIDDLE-CLASS FAMILIES IN AN UNCERTAIN ECONOMY

(Mr. CARDOZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDOZA. Madam Speaker, with home values dropping and the cost of health care, home heating oil and college education continuing to rise, American families are justifiably uneasy about their ability to make ends meet in a declining economy.

The Democratic Congress has made protecting middle-class families its highest priority. Over the course of this year, we have passed billions in tax relief for American small businesses, increased the minimum wage for the first time in a decade, passed legislation that cuts taxes for middle-class families and given families the most financial assistance for college since the GI Bill.

The New Direction Congress is also working to reach bipartisan agreements to address the subprime loan crisis and predatory loan practices that are threatening to force thousands of American families from their homes. Today, we will bring a comprehensive energy bill to the floor that will provide some much-needed relief at the gas pump as well.

Madam Speaker, the needs and concerns of our Nation's working families remain one of this Congress' top priorities.

DEMOCRATS' ENERGY BILL

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute.)

Mr. RADANOVICH. Madam Speaker, energy independence is one of the most critical issues facing our Nation. This Congress has a responsibility to the American family to ease the burden they're feeling at the gas pump and reduce the cost of heating America's homes this winter. Unfortunately, this Democrat majority is either unwilling or unable to accept that responsibility.

The majority wants to place unrealistic Federal mandates on renewable electricity that will drive up the cost of utilities and mandates on renewable fuel that will increase the cost of food at the supermarket.

The American public wants results. That means increasing domestic oil and gas production, building petroleum refineries for the first time in 30 years, and expanding the use of nuclear energy. Instead, the static electricity created by my shoes rubbing across this carpet creates more energy than the Democrats' energy bill.

ENERGY INDEPENDENCE AND SECURITY ACT

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, as evidence mounts about the growing risk of climate change and dependence on foreign oil, this Congress has a duty to enact responsible legislation that reduces our impact on the environment. Today, we will do just that by considering the Energy Independence and Security Act, which includes critical provisions to not only reduce global warming, but create new American jobs by harnessing the best of American innovation and technology.

This energy bill creates a program to train a skilled green workforce in our Nation, and could lead to the creation of nearly 3 million green jobs over the next 10 years. It increases loan limits for small businesses to help them develop energy efficient technologies, and increases investment in small firms developing renewable energy. It also includes landmark fuel efficiency standards, renewable electricity standards, and energy efficiency programs that will save businesses and consumers money, while reducing carbon emissions. This new energy bill is a big step for the U.S. in the right environmental direction, and it deserves the support of every Member of this Congress.

PELOSI BILL WILL MAKE US MORE DEPENDENT ON FOREIGN ENERGY

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. PETERSON of Pennsylvania. Does the energy bill help Americans who are struggling to heat their homes and drive their cars? For affordable energy, the answer is no.

Despite claims to the American public that they will put policies in place to achieve energy independence, the Democrats' energy bill will not produce a single BTU of energy.

To achieve energy independence, we must replace imported energy with our domestic resources. Unfortunately, the Pelosi bill will make us more dependent on foreign energy, not less.

The Democrat bill relies on much-needed conservation through increased CAFE standards 13 years from now, which will change the fleet, and the production of 15 percent of our electricity from renewables, hardly enough to replace the 13 million barrels of oil we import every day.

If we want to achieve energy security and reduce our dependence on foreign energy, we must increase domestic production of oil and gas in America's energy-rich areas.

As American families and small businesses continue to tighten their belts to cope with soaring energy costs, Congress should be doing everything in their power to relieve this unnecessary burden. Yet today the House is taking a step in the opposite direction, increasing our dependence on energy from foreign, unstable countries.

DEMOCRATIC HOUSE WORKING ON BEHALF OF PROGRESS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, how many times is President Bush going to hold the same press conference, hammering away at Congress just because we're meeting our responsibilities under article I and restoring Americans' faith in the future? Doesn't he understand that the American people chose to put Democrats in control of Congress for a reason?

All year long we have been working to take our Nation in a new direction and restore that faith in the future. In some instances, the President has joined our efforts. We worked together to fully implement the 9/11 Commission recommendations, increase the minimum wage, and make college more affordable for millions of college students. Unfortunately, in almost every other instance, President Bush has stood in the way of real progress. He refused to help us provide quality health coverage for 10 million children. He rejected our efforts consistently to change course in Iraq. And he has threatened to veto our appropriations bills that truly prioritize our domestic needs.

Madam Speaker, President Bush has every right to be frustrated by his lack of accomplishments, but he has nobody to blame but himself. He needs to stop standing in the way of progress.

LET'S DO AWAY WITH EARMARKS

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Madam Speaker, I got a kick out of a recent warning made by the chairman of the House Appropriations Committee. He cautioned Members that if congressional negotiators were forced to make additional cuts in this year's spending bills, that he just might do away with all earmarks in the bill. Well, that may pass for a threat here in Washington, but taxpayers all over the country are applauding.

Despite the perception that many in Congress seem to have that taxpayers are eagerly awaiting the completion of appropriation bills to see if their earmarks ended up in the bill for their hometown, taxpayers, whether they're Republicans or Democrats, are applauding. They think that earmarks are a waste of money.

Chairman OBEY has said on many occasions that if it were up to him, he would do away with earmarks altogether; they are a waste of his time and his committee's resources. I couldn't agree more. In fact, I can't think of a better Christmas present to Chairman OBEY than releasing him from the stress and hassle of having to deal with our earmarks. I'm sure he would be grateful, and our constituents would be grateful even more.

RECOGNIZING THE LIFE AND LEGACY OF FORMER CONNECTICUT GOVERNOR WILLIAM O'NEILL

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Madam Speaker, I rise today to recognize the life and legacy of former Governor William O'Neill, who passed away on November 24, 2007.

Bill O'Neill is today recognized as one of the giants of Connecticut history. He served as Governor from 1980 to 1982, and was a leader who had a commonsense, compassionate vision of government, raising teachers' salaries, rebuilding our roads, and creating a pathbreaking prescription drug benefit for seniors.

In Connecticut over the last 2 weeks, there has been an outpouring of affection for the Governor and his wonderful surviving wife, Nikki, partly because of his great work for the people, but also because of the plainspoken, humble way he carried himself in the State's highest office.

As the Irish would say, Bill O'Neill never put on airs. And that is why last week, at a funeral service at St. Patrick's Church in his beloved East Hampton, the same church he served as an altar boy and the same church he faithfully attended for over 70 years, people from all walks of life came to pay tribute to him and Nikki and honor a man who set a beautiful example for us all, of service, decency and compassion.

I ask my colleagues to join with me in honoring Governor O'Neill's contributions to Connecticut and offer sincerest condolences to his family and friends.

ENERGY BILL IS A TERRIBLE DEAL FOR AMERICANS

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, three things are certain to occur because of the Democrat's energy bill: First of all, it's going to make cars more expensive, it will force taxes to be raised, and it will cost American jobs.

The imposition of higher CAFE standards combined with a regulatory nightmare of the EPA regulating tail pipe emissions and NHTSA regulating fuel economy will force the domestic auto companies to expend billions on regulatory compliance with the cost passed along to consumers, of course.

Some estimate that the cost of this will be as much as $85 billion. This means that the cost of an American automobile will rise as much as $5,000 to $10,000 per vehicle. And worst of all, the new mandates will actually force automakers to outsource more vehicle production in an effort to reduce their costs and to remain competitive, which will cost more American jobs.

This is simply a terrible deal for American consumers, American taxpayers, and American workers. It will result in a hidden tax on cars, higher taxes on gas, and less jobs in America. Our Nation needs a comprehensive energy policy, but this bill misses the mark badly.

FINALLY A COMPREHENSIVE ENERGY BILL

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Today we will vote on a comprehensive energy bill, finally. This country has waited 32 years for an increase in mileage standards. Thirty-two years. We have also waited for Congress to focus on renewables, green jobs and energy conservation in buildings and appliances. This bill will do that. This bill will also help free our Nation from dependence on foreign oil.

When Newt Gingrich was sworn in as Speaker, we were 41 percent dependent on foreign oil. We are now 61 percent dependent on foreign oil. This is a risk to our national security. This bill will help our pocketbooks, it will help our environment, and it will help our national security. I urge my colleagues to vote "yes."

HONORING THE LIFE OF REPRESENTATIVE HENRY HYDE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, last week, America lost a true statesman when Henry Hyde passed away at the age of 83.

Representative Hyde was a student of American history, a constitutional scholar, a thoughtful legislator, and a skillful orator. But above all, he will be remembered as a man of integrity who stood for the most basic principles of liberty, justice, and, above all, respect for life.

On November 5, President Bush awarded Mr. Hyde the Presidential Medal of Freedom, the very highest honor the President can bestow on an American citizen.

In his first term, Henry Hyde offered an amendment that ensured that Americans who believe in the sanctity of life would not see their taxpayer dollars go to the funding of abortion. That was just the beginning of Henry's long legislative career spent working to protect the sanctity of human life.

I urge the Democrat leadership to bring the bipartisan H. Res. 843 to the floor for a vote. It would be a mark on this body if we did not honor the life and work of a man of character like Henry Hyde.

ADMINISTRATION'S MISPLACED PRIORITIES

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Madam Speaker, I rise today to oppose the latest demonstration of this administration's misplaced priorities.

President Bush wants to slash $2 billion in funding that will help our police and other first responders protect Americans here at home from terrorists and other threats so that he can send $3 billion over to Iraq to train police there. That money means a lot to our police and firefighters here at home. By cutting this funding, President Bush will endanger security at our ports, subways and rail lines. Further, his proposal will not allow law enforcement agencies to use grants for counterterrorism or intelligence personnel, funding which has helped the NYPD uncover and stop nearly 20 terrorist attacks.

By proposing these cuts, the President rejects the advice of the Department of Homeland Security and the 9/11 Commission and again shows his priorities are not those of the American people.

I urge the President to reconsider this request and will work with my colleagues to reverse these deeply misguided cuts to homeland security.

LIFE HAS LOST ITS LION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. On November 29, Americans learned of the passing of one of the giants of this Congress in the 20th century. Congressman Henry Hyde of Illinois died at the age of 83.

As Members in both parties know, throughout his nearly four decades in this Congress, Henry Hyde was the essence of dignity, civility, and a commitment to principle. He was a champion of the great causes, life, liberty and the rule of law, a voice for the voiceless, victims of human rights abuses, and he was a lion of the right to life. In every sense, life has lost its lion, and this movement will miss his roar.

Henry once quoted me on this floor from his favorite poet Tennyson from the poem "Ulysses." He said, by memory, "Though we are not now that strength which in old days moved heaven and earth, that which we are, we are, one equal temper of heroic hearts made weak by time and fate, but strong in will to strive, to seek, to find, and not to yield."

On all the great issues of the day, Henry Hyde strove, he sought, he found, he did not yield. May he rest in peace, and those of us who share his values and his principles not rest until the work he began is done.

□ 1030

THE PRESIDENT AND COMPASSIONATE CONSERVATISM

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Madam Speaker, on Monday evening, the President hosted a holiday party for Members of Congress and others. A good time was had by all. It was a wonderful time and the President was a marvelous host, but I had to think in that moment about the holiday spirit and the idea of giving and caring for people who need something and providing for them.

I asked the President at that time to use some of his compassionate conservatism to help us get through this budget. There are people that need help with their heating bills this winter. There are people that need policemen and protection for their neighborhoods. There are people who have problems with illnesses in their families, whether it be cancer, Alzheimer's, diabetes or heart disease, which research dollars could help them with. There are people that need help with Head Start and education in this country and children that need health care.

Madam Speaker, I think in this Christmas season we ought to think about why we're here, who we should be helping and what we ought to be doing. Part of it is helping others and people who need a little bit more. The President was elected on an idea of compassionate conservatism. It's time to be compassionate. Part of that is being compassionate to take care of people here in America.

Bring it home, Mr. President.

IRAQ

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, back in January, a number of Members of the House voted against a surge in Iraq which the President had promoted. Well, although that vote passed the House, it failed in the Senate, and we know the surge did take place and the surge has paid off. Civilian casualties in Iraq are down 20 percent; 75 percent in Baghdad. IED attacks are down by 50 percent, and we've nearly doubled the number of weapon caches that have been discovered this year from last year. Lots of good progress has been made.

And I don't blame the folks who are against Iraq for pushing the bill back in January that they did. I believe that there's plenty of room for honest disagreement on this war. But at the same time, here we are now and we need to continue funding for that war. There is a $50 billion bridge fund. The President actually has asked Congress for $196 billion, but Congress has indicated $50 billion is all that we're willing to go at this point. But then there are some stipulations, some micromanagement of the war.

I hope that we can have this bill on the floor of the House and have an honest debate on it and keep the spirit of agreeing to disagree agreeably.

IRAN AND THE ENERGY BILL

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, after all the fabrications and all the incompetence associated with Iraq, not to mention the human rights abuses in Guantanamo and Abu Ghraib, you wouldn't think that America could lose any more credibility, but now we understand the President was warned well in advance that there was new information on Iran's nuclear program; yet he continued with his bellicose rhetoric, even raising the specter of World War III.

Well, now we know. There is absolutely no excuse for going to war with Iran. But the fact is that if the President is still concerned about Iran, which he very much should be, he should read the rest of the National Intelligence Estimate which makes it clear that Iran is going to acquire even more wealth and, thus, power because of our dependency on oil.

So the best thing that the President can do if he's concerned about Iran is to sign the energy bill that we are considering today. We cannot continue our dependence upon foreign oil, and the first way to start moving in a new and more secure direction, is to sign the Energy Independence bill that will go to his desk very shortly.

TIME FOR A CHANGE OF COURSE IN IRAQ

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, while our Nation and our military are paying a huge price for the continuing war in Iraq, the Iraqi Government itself refuses to take any steps needed to bring about political reconciliation. It has now been more than 320 days since the surge began. During that time, more than 860 American troops have been killed and we continue to spend more than $10 billion in Iraq every month; yet the Iraqi Government still refuses to live up to the promises it made to President Bush when the surge began.

The government promised that the Iraqi Parliament would pass a national oil and gas bill. It hasn't.

The Iraqi Government also promised the President that its parliament would pass a de-Baathification law. It hasn't.

The government also promised to hold provincial elections. Once again, they have failed to follow through.

Madam Speaker, how much longer is President Bush going to sacrifice both our military and our Treasury for an Iraqi Government that refuses to make the difficult decisions that could possibly produce real stability in Iraq? It's time for a change of course in Iraq.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3120

Mr. PUTNAM. I ask unanimous consent, Madam Speaker, that my name be removed as a cosponsor from H.R. 3120.

The SPEAKER pro tempore (Ms. DEGETTE). Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. SKELTON. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. HUNTER

Mr. HUNTER. Madam Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. Hunter moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1585 be instructed to agree to the following provisions:
>
> (1) The provision contained in section 1536(b) of the Senate amendment, relating to the sense of the Senate that the Senate should commit itself to a strategy that will not leave a failed state in Iraq and the Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq.
>
> (2) The provisions contained in title XV of the House bill, relating to the authorization of additional appropriations for Operation Iraqi Freedom and Operation Enduring Freedom.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. HUNTER. Thank you, Madam Speaker, and I yield myself such time as I might consume.

My colleagues, the Republican motion to instruct outlines the consequences of a failed state in Iraq and supports a clean war funding bill without a date certain to withdraw American troops from Iraq. And I would remind my colleagues that the motion to instruct goes to the Senate provision which passed by a nearly unanimous vote of 94–3.

Let me explain what it does. The Republican motion to instruct puts the House of Representatives on record acknowledging the consequences of a vote for a precipitous withdrawal from Iraq and not fully funding our troops and their missions. It instructs House conferees to accept Senate provision 1536 which states that it is the sense of Congress that a failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and its allies.

The provision also notes that a failed state in Iraq could lead to a broader regional conflict involving Saudi Arabia, Iran, Syria and Turkey, and would lead to massive humanitarian suffering, including widespread ethnic cleansing and countless refugees and internally displaced persons, many of whom will be tortured and killed for having assisted coalition forces.

Senate provision 1536 concludes by stating that the Congress should commit itself to a strategy that will not leave a failed state in Iraq and should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq.

Now, going to the aspect of the authorization of additional appropriations for Operation Iraqi Freedom and Operation Enduring Freedom, my colleagues, these are the funds that are essential in this ongoing war in two theaters, to keep the funds going, to keep the money going to operate our military forces so that we don't end up having to reach into the cash register and pull money out for ammunition, pull money out for training exercise, pull money out for important ongoing operations and activities here that are in fact assisting the war-fighting effort.

One example of those, of course, is the Joint Improvised Explosive Device Defeat Organization, JIEDDO, which has a complicated name but very simply means developing capabilities against roadside bombs. That's a command that we set up to defeat IEDs in Iraq, and we are told now that it will run out of money within the next hundred days and may not have enough money to fund all urgent initiatives from Iraq and Afghanistan during that time.

□ 1045

I would remind my colleagues that the roadside bombs are being seen on a more widespread basis in Afghanistan now. There has been an understanding by the insurgents, by the Taliban, by al Qaeda in Afghanistan that those, in fact, are a deadly and effective system. And it makes no sense whatsoever for us to shortchange the accounts that are going toward the defeat of roadside bombs.

Another point that I would make is that we have been notified that the Pentagon will soon be required to lay off 100,000 civilian workers. Many of those workers are working on important projects that go to the heart of our ability to win in the war-fighting theaters. So this is a major, major mistake for this Congress, in the middle of an operation in two war-fighting theaters, to shortchange these accounts which will result in the military having to reach in the cash register, take money out of other accounts in the hope that at some point in the future next year we are going to be able to make up that money. So whatever your position on our operations in Iraq and Afghanistan, whether you think we should be there or not be there, every Member of this body says time and again, "We support the troops."

Madam Speaker, stripping this funding off, which is what we will do if we don't pass this motion to instruct, is very clearly a disservice to these 157,000 plus troops in Iraq and the 22,000 plus American troops fighting in Afghanistan right now.

I reserve the balance of my time.

Mr. SKELTON. Madam Speaker, I yield myself such time as I may consume.

As my friend, Mr. HUNTER, the gentleman from California knows, both the House version of the Defense Authorization Act and the Senate version authorized supplemental funding for the wars in Iraq and Afghanistan. I say "authorized."

The Armed Services Committee has collectively supported authorizing this funding to ensure the continued relevance of the committee and to make sure that the specific purposes for which the President has requested funds are actually related to the wars.

In both the House and Senate versions of the bill, we have authorized this funding in a way that provides maximum flexibility for the leadership as well as for the appropriators. While we authorize funding, as my friend from California knows, nothing can happen without further action on an appropriations bill, and it is those appropriations bills that have served as the vehicles for the Iraq debate.

The House recently passed a bridge supplemental fund that would change our policy in Iraq. We may very well have similar debates in the future, and I would hope that my colleagues on the other side of the aisle would be forthcoming with their suggestions on how to address the strategic risk we incur by pursuing the President's failed policy. In the Defense Authorization Act, our committee, I expect, will act in conference to ensure that those debates can occur and that the House can work its will on future appropriations bills to restrain the President's Iraq war policy.

We all acknowledge that our troops have done a great job in Iraq. We owe them our thanks, our gratitude and our congratulations for their work as well as for their sacrifices. Their sweat and their blood have helped to reduce the level of violence in Iraq from the horrific levels of late 2006 and early 2007.

The original purpose of this surge was to reduce violence to provide the Iraqis with a chance for political reconciliation. Violence is down. It is time for the Iraqis to step up and take the hard steps toward reconciliation that will finish the job our wonderful troops have started. Yet they have refused to do this.

In response to this refusal, the House recently voted to begin to redeploy most of our troops out of Iraq and to change the nature of our involvement there. This policy is supported by a large majority of the American people who do not believe that we should continue to police a civil war when the Iraqis themselves refuse to take the hard steps to bring it to an end.

Well, we are not having the Iraq debate on the defense authorization bill. The supplemental authorization is intended to set the stage for that debate. That is an appropriations bill as all of us know. That is why the House and the Senate versions of the Defense Authorization Act, which is before us, included a supplemental authorization and why I suspect that the conference will do the same.

I reserve the balance of my time.

Mr. HUNTER. Madam Speaker, at this time I would like to yield 5 minutes to the distinguished gentleman from New Jersey (Mr. SAXTON) who is the ranking member on the Terrorism Subcommittee.

Mr. SAXTON. I thank the gentleman for yielding.

I happen to believe that this motion to instruct is extremely important. I think it is extremely important for two reasons. First, as Mr. HUNTER pointed out, this provision provides instruction to authorize the full $192 billion supplemental for the war spending bill without strings or date certain to withdraw American forces from Iraq. I think that is important. And I will say why a little bit later here. But I also I think it is important to recognize, as this provision also does, that there are consequences for not carrying out our actions in Iraq and in other places in the world, for that matter, in a responsible fashion.

This measure instructs the House conferees to accept a provision that has already been passed by the Senate. It is known as provision 1536 which states that it is the sense of Congress that a failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, and others, who are determined to attack the United States here at home and our allies.

Let me speak to the first point to say why I think it is important that we go forward to authorize the full $192 billion supplemental war spending bill. All of us should be students of history, particularly recent history. I know that the chairman of the Armed Services Committee is a great historian himself. But recent events I think are extremely important. Perhaps some of our colleagues here have not watched this as closely as perhaps some of us on the Armed Services Committee, but as we saw progress begin to take place in Iraq, many of us asked why. And I think it was universally accepted that one of the reasons was that the Sunni tribal leaders, for a couple of reasons, I believe, began to cooperate with our forces and our personnel who are there. One reason was in their own self-interest. They recognized that the time of wishing each other, that is Sunnis and Shias ill, was drawing to a close because the Iraqi people themselves were tired of the violence. So just like any of our neighbors here would be tired of violence under those circumstances, the Iraqis grew tired of it as well.

But the second reason I believe we began to make the progress that we see today is very simply that the Iraqi people became convinced, in spite of many days of rhetoric on this floor, became convinced that we weren't going to leave them, that we were going to stay and finish the job. And so the commitment that would be expressed by the passage of this language I think is extremely important.

But I also think it is important to recognize that the provision notes that a failed state in Iraq could lead to a broader regional conflict. There was a lot of talk here this morning on this floor and yesterday in the news media about the state of Iran, and why was it that in 2003 we now believe that they discontinued their effort to create nuclear weapons. Could it have been something that happened in their neighborhood? Could it have been the determination that our soldiers, sailors, airmen and marines showed next door in Iraq? And could it be that the Iranian leadership recognized that there were actions that they needed to take in their best interest which perhaps included the discontinuation of their effort to create nuclear weapons?

Senate provision 1536 concludes by stating that the Congress should commit itself to a strategy that will not leave a failed state in Iraq, that will continue the progress that we have seen in recent months and should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq.

Mr. SKELTON. Madam Speaker, before I yield to the gentleman from Mississippi, let me point out the fact that both in the House version of the defense authorization bill as well as the Senate version of the bill there is positive reference to the threat of a failed state in Iraq. That is fully recognized in both pieces of legislation, and I appreciate the gentleman's comments thereon and hopefully correct and parallel language could be adopted in that regard.

I now, Madam Speaker, yield 5 minutes to my friend, my colleague, the gentleman from Mississippi, the chairman of the Subcommittee on Seapower (Mr. TAYLOR).

Mr. TAYLOR. I thank the gentleman from Missouri, the chairman.

Madam Speaker, one of the things we ought to do in a democracy is when the other guy has a good idea, no matter what political party he's in, is to say that's a good idea. I would remind the gentleman that it was the Bush administration that classified the number of jammers in Iraq under a failed policy by Donald Rumsfeld that basically didn't want the moms and dads of Americans to know how few we had. It was this Congress that insisted that we have a jammer on every vehicle in Iraq to keep the improvised explosive devices from being remotely detonated. So, of course, I don't want those funds cut because I, along with others, worked to put those funds in the bill.

Along that same policy of "war by wishful thinking" from the Rumsfeld crowd was that we didn't need mine-resistant vehicles over there. The Bush administration only asked for 4,000. We were going to build over 15,000 because this Congress realized the importance of them, and that there are kids in Walter Reed today who would still have their limbs if we had built them sooner. There are kids in Mississippi graveyards who would still be alive if we had built them sooner. So of course we want those funds in the bill.

I fully support the gentleman's efforts. We have a lot of very good things in this bill, and it deserves to be funded, and the troops in Iraq need to know that we are going to fund the jammers they need to save their lives both over there and here because one of the problems with having too few jammers is that our troops in the United States that are training to go to Iraq still aren't seeing a jammer until they get to theater. And this is the device that is going to save their lives. This is the device that is going to save their limbs. And they need to be training with those things here in America so that the first time they don't see this device that's going to save their life is when they are traveling from Kuwait into Iraq. That is the situation that still exists today that we are trying to fix.

The Bush administration asked for too few of these. Congress, in an earmark, said no, we are going to build them because they are going to save lives. The Bush administration asked for too few mine-resistant, ambush-protected vehicles. Congress, in an earmark, said no, we are going to build them because it is going to keep kids from losing their legs, and it is going to keep kids from losing their lives. So of course I am going to support this bill, I am going to support the gentleman's efforts, and I thank the chairman for putting together what I think is an excellent Armed Services defense authorization bill that is going to lead to fewer deaths in Iraq, fewer deaths in Afghanistan, and a stronger, and hopefully in the future, more peaceful world.

Mr. HUNTER. Madam Speaker, I want to thank the last speaker for his statement and for his wonderful contribution on the Armed Services Committee in terms of working the jammer issues, and lots of other Members who have worked these important force protection issues. I think that we have proven on the committee that the wisdom of the committee and lots of Members who have gotten personally involved in this force protection issue have matched and at some times exceeded the Pentagon's own projections and projects.

☐ 1100

I am reminded also that we manufactured and fielded 10,000 portable jammers, so that troops who are on foot could also have jammers, which had not been planned by the Pentagon. So I think he makes a good point. Of course, having these funds that are available in these supplementals that we can direct to force protection is a key aspect of our responsibility.

Madam Speaker, I yield 5 minutes to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Madam Speaker, I rise in strong support of the motion to instruct conferees. This motion would instruct House conferees to accept section 1536 of the Senate version of the national defense authorization, a provision which received near unanimous support on the other side of the Capitol. This section states, "A failed state in Iraq would become a safe haven for radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and its allies." It goes on to state that "a failed state in Iraq would lead to a broader regional conflict, possibly involving Syria and Iran."

I would remind my colleagues that only a few short months ago, the President of Iran was quoted as saying that very soon we will be witnessing a great power vacuum in the region, and that Iran is willing to fill this void.

Madam Speaker, the other side has attempted over 40 times to wave a white flag in Iraq. This motion would put this Chamber on record as supporting a policy of success in Iraq. Our goal must be the path that we are on; a stable, functioning Iraqi Government, who can be an ally with us in the war on terror and not the goal of our enemy, which is Iraq as the capital of their caliphate.

Madam Speaker, I visited Iraq this summer. I had the opportunity to meet with the Deputy Prime Minister, and I asked the question why Iraq had not passed the legislation that we were using as a benchmark. I told him I had heard he had the votes to pass the legislation.

His answer to me was quite surprising. He said, "Yes, I have the votes. I have 75 percent to pass the legislation." He said, "But if I do it, I will be cutting the Sunnis out of the government; they will have no voice and no power."

That is exactly the opposite of what their goal is in Iraq. I would maintain that the Iraqi Government is working very hard for stable institutions where no one group can take over power again.

We have all seen the efforts of our military and the surge are working, creating stability and security. And now we are seeing the best of all results, which is the Iraqi people themselves, who have chosen us and have chosen their government. And in the words of their own sheiks that we met, two Sunni and two Shia, they said, "We are working together for Iraq."

I urge my colleagues to support this motion in the best interests of our national security and working together for Iraq.

Mr. SKELTON. Madam Speaker, I yield 5 minutes to my friend and colleague, the gentlewoman from California (Mrs. TAUSCHER), who is the chairwoman of the Subcommittee on Strategic Forces.

Mrs. TAUSCHER. Madam Speaker, I thank the distinguished chairman of the House Armed Services Committee, who led a fabulous effort this year. For the first time in 13 years, Democrats are in the majority and wrote a defense bill that came to the floor and passed with almost 400 votes. I think that is a record, and I think it speaks very much for the bipartisan effort that we had on the committee.

In my subcommittee, Strategic Forces, which includes many different issues, including missile defense, the entire nuclear weapons portfolio, our part of the bill passed through on a voice vote and then came to the committee and was supported by virtually all members. So I think we have a very good bill. I think that the conference between the House and the Senate will be a productive one. It will be a time for us to mesh these issues.

But as we so often say in Washington, no good deed goes unpunished. I very much appreciate the ranking member from California bringing this motion to instruct forward, but, by the way, it is what is going to probably be in the bill, and it is certainly what is reflected in a bipartisan way by both Democrats and Republicans in both the House and the Senate.

I think there has been a lot of rhetoric today about how dangerous a failed state in Iraq would be, and I stand to join my colleagues. I am absolutely, unambiguously convinced that a failed state in Iraq is not only now a bad thing, but would continue to be a bad thing.

I guess the real question is, what about the failed policy that got us to a place where we are all concerned about a failed state in Iraq, and why isn't the debate today about the failed policy? How could it be that we are sitting here talking about a national defense bill that is one of the most important bills that the Congress brings, our constitutional responsibility, and we are not talking about a failed policy that has caused us to borrow almost $800 billion, caused us to have virtually no ready ground forces in the United States currently, caused us to degrade our ability to be prepared for any other contingency? Why isn't the debate today about that?

Well, because that would be a good debate. That would be really what the debate should be about. But, instead, we are going to have a motion to instruct on things that are already agreed to by the Senate and the House, by the conferees, and I would say every Member here.

So I appreciate the Member from California bringing this up. This is easy to support. We are all for it and we all know it. But the real question is: Why don't we have a debate about the failed policy? Why aren't we really concerned about the readiness of our troops, our inability to deal with other contingencies, all of the money we have borrowed, and no solution to extricate ourselves honorably and as soon as possible to bring our troops home so that we can maintain our readiness?

Our American forces in Afghanistan and in Iraq have done everything that the American people have asked for. The problem, my colleagues, is they have done it for too long. They have done it for too long without an Iraqi Government that will stand up and provide the political solution necessary for us to be able to leave an Iraq that is beginning to put itself together, knitting those tribes together, moving forward together to do the right thing.

But what we have right now is an intransigent, stuck Iraqi Government that hasn't provided the political solution, the only solution, that will be able to create a stable Iraq. It is not our responsibility to create a stable Iraq. That is why they have a sovereign government. And what we can no longer do is enable the sovereign government to come up with excuse after excuse after excuse.

I really appreciated my colleague from Virginia explaining to me why the oil legislation written by our State Department isn't something that the Iraqis can pass, even though they have the votes to do it. I find that fascinating.

We have been told for months that the petrochemical law is the most important thing that they can do. It is the thing that is going to give the Sunnis the effort to come into the government and feel like they are part of the government and that they are part of a solution and a one-Iraq strategy. But, of course, we don't have that, because even though they have the votes, it seems like it is just a little too hard to do.

We are spending too much money. We are spending too much time. We are risking too many American soldiers. We are risking our readiness. The failed policy is really what we should be talking about, Madam Speaker.

Madam Speaker, I said it is easy to support this motion to instruct because it is something we all agree on.

Mr. HUNTER. Madam Speaker, I yield 4 minutes to respond to my good colleague from California.

First, I would say to my colleague, we are winning in Iraq. We are winning. We are going to leave Iraq in victory.

Maybe my friend heard a different briefing than the one that I heard when General Petraeus came back and laid out the most recent figures with respect to attacks, but that very dangerous part of Anbar province that we have both visited has seen a drop in attacks of 80 percent. In fact, we have seen a drop in attacks and a drop in American casualties and civilian casualties across Iraq. And we have also seen new capabilities in the 131 Iraqi battalions that we have built from scratch.

I would just say to my friend, I have seen all the old smooth-path books and reports and recommendations that said somehow there was a smooth path to victory in Iraq, and I have always said there is no smooth path.

To those who say we should have kept Saddam Hussein's army in place, I am reminded that Saddam Hussein's army had 11,000 Sunni generals, which would have been exactly the wrong formula for a military which is supposed to take on a role of stabilization and honest brokerage in Iraq.

The reports that we are now seeing from the battlefield are that the Iraqi forces, while some of them have had limited battlefield experience, some have had extensive battlefield experience, that military is maturing; that the military that broke and ran in the first battle of Fallujah, the Iraqi military, now stands and fights; that in fact that government is moving forward, and although it is moving forward in a stumbling, bumbling, sometimes inept fashion, that is the nature of new governments. That is also the nature of governments that solve their problems with ballots and not bullets, because it is not always easy to get the other guy to agree with you on a particular function.

With respect to oil distribution, there is an ad hoc oil distribution that is taking place right now, or de facto oil distribution. It is not a function of legislation. Right now the Kurds get, for example, 18 percent of the oil revenues. So there is an oil distribution. And I think if there wasn't an oil distribution, you would have more conflict. Instead of seeing a waning conflict between the various sectors in Iraq, you would see an increasing conflict.

So I would just say to my friends and to the gentlewoman and to everyone who cares about an American victory in Iraq, we will have victory in Iraq if we maintain our strength. And maintaining our strength includes continuing to fund this operation.

It is our committee, the Armed Services Committee, that came up initially with the so-called bridge fund appropriation, because we said it is only proper that the Armed Services Committee authorizes an appropriation that will go through the winter months of the year so that the services do not have to reach into the cash register and take money out of valuable training exercises, take money out of our military equipment accounts and take money out of our ammunition accounts.

So I think we have exactly what we need in this motion to recommit. It is a motion that says it is the commitment of the United States Congress that we don't have a failed state in Iraq, and it also emphasizes again that we have to have these supplemental funds to ensure that the war fighters in both of these theaters, in Afghanistan and in Iraq, are able to move forward.

Madam Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I rise in strong support of the Republican motion to instruct the conferees on the 2008 Department of Defense authorization act.

Madam Speaker, as we adjourned for the Thanksgiving recess, we witnessed something remarkable. We witnessed the Democratic majority, in working to mollify their liberal base one more time before the Thanksgiving recess, come to the floor pounding their fist declaring that we must not give our troops additional funding without congressional mandated withdrawal guidelines. They recycled the same old rhetoric, seemingly oblivious to the facts on the ground.

Thankfully, the direction of our efforts in the global war on terror is being guided by General Petraeus and others who do understand the momentum that we have garnered; that violence between Sunnis and Shiites has nearly disappeared from Baghdad, with terrorist bombings down 77 percent; that attacks against United States soldiers have fallen to levels not seen since before the February 2006 bombing of the Shiite shrine in Samarra; that United States casualties in Iraq are at their lowest level since March of 2006; and that many military analysts, including some who are opposed to the war, have concluded that the United States and its allies are on the verge of winning in Iraq.

Indeed, Madam Speaker, the distinguished chairman of the Defense Authorization Appropriations Subcommittee just returned from Iraq, and he declared that the surge is finally working. I reference Mr. MURTHA from Pennsylvania.

Madam Speaker, this is something the other side doesn't like to discuss, victory in the global war on terror. That is tough to squeeze in with the defeatist rhetoric recited to appease MoveOn.org and Code Pink.

Another thing the Democratic majority never discusses are the consequences of failure, and they have been discussed this morning on our side.

□ 1115

That is why this motion to instruct is so important, Madam Speaker. It is critical that the House accept Senate provision 1536 and recognize that failure in Iraq would mean a collapse of a democratic Iraqi Government, likely leading to mass killings and genocide in that nation; certainly emboldening al Qaeda; regional instability; Iran and Syria determining the course of Iraq's future; and Israel being pushed into the Mediterranean Sea, just as Ahmadinejad called for.

These are the consequences of defeat and these are the reasons why Congress must commit to a strategy that will not leave a failed state in Iraq and why Congress must not pass, indeed, not pass legislation that risks demoralizing and undermining our military, as they are indeed on the verge of victory in Iraq.

So, Madam Speaker, the Democrats are zero for 40 in trying to compel this precipitous withdrawal from Iraq. With this motion to instruct, I ask them for once to get on the right side. Join not just the Republicans, but, more importantly, our brave men and women in the military, and give victory a chance.

Madam Speaker, I encourage all my colleagues, let's vote "yes" on the motion to instruct.

Mr. SKELTON. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. ANDREWS), a very distinguished member of the Armed Services Committee.

Mr. ANDREWS. Madam Speaker, this resolution affirms the obvious and avoids the necessary. It is obvious that the common goal of the United States, the House, the Senate, Republicans and Democrats, is to avoid a failed state in Iraq. The Senate bill affirms this, the House bill affirms this, and I am supremely confident that the final conference report will confirm it as well.

The issue, as my friend the gentlewoman from California said, is how do we avoid a failed state in Iraq. Sadly, the record gives us many examples of what not to do.

When General Shinseki told the administration that his recommendation was to put 300,000 troops on the ground after Saddam fell, and the administration ignored that request, that is what not to do; when leaders who had studied Iraq in our State Department, our intelligence agencies and our Defense Department said abolishing the Iraqi Army and the Baathist Party in its entirety is the wrong thing to do, abolishing the Iraqi Army, abolishing the Baathist Party in its entirety was the wrong thing to do, it increased the risk of a failed state.

Now I heard my friend, the ranking member, talk about 11,000 Sunni generals, and he is right. The top of the Iraqi Army, the erstwhile Iraqi Army, the top of the Baathist Party should have either been put on trial, put in prison, or, at the very least, removed from those institutions. But the 85 to 90 percent who ran the sewer system and the train system and the bureaucracy of Iraq should not have been fired all at once. It was not the recommendation of the Secretary of State, it was not the recommendation of the intelligence community, but it's what we did, and it's how to create a failed state.

When voices within our government and around the world said that the right way to transition from Saddam's corrupt and evil regime to a new day was an internationally supervised political process, not listening to those voices was the wrong thing to do, and it increased the risk of a failed state.

So, yes, we know all sorts of things. We have learned all kinds of lessons about what not to do.

What should we do? Well, I think what we should do is insist that the Iraqi politicians do what American troops have done with such excellence, to execute the job they have been given. We are thankful that the level of violence has been reduced. We are very grateful for this, and we understand that the credit for that largely goes to the Americans in uniform and to their Iraqi partners fighting with them. We are very thankful for that result.

But we are also very mindful that the Iraqi politicians who have been given a golden opportunity to bring peace and stability to their country have utterly failed to do so. They have not passed a law dividing up the proceeds of their oil industry; they have not guaranteed minority rights in their government; they have not set up and established provincial elections and provincial governments. They have utterly failed to establish a stable government, because we have stood there and continued to hold their coats and let them suffer the delusion that America's sons and daughters will stay there forever.

If you want to avoid a failed state in Iraq, change that delusionary perception. Say to the Iraqi politicians, the clock is running. The time is drawing nigh when our sons and our daughters will no longer referee your civil war. Negotiate an end to it, stop it, build a stable government. That is how to avoid a failed state. That is the policy underlying the policy of this majority. Frankly, it's a policy reflected in this excellent Armed Services authorization bill, which I hope will promptly be on the floor, promptly be on the President's desk, and promptly get about the business of serving the people who serve us so well.

Mr. HUNTER. Madam Speaker, I would like to yield to a gentleman, in fact, the next two gentlemen have sons who have served in the Iraqi theater. The gentleman from Minnesota (Mr. KLINE) has a son who is a Blackhawk helicopter pilot who has served, I believe, in both theaters and has quite a bit of experience in some very difficult operations. The gentleman always has an excellent insight on this important operation. The gentleman from Minnesota (Mr. KLINE), I would like to give him 3 minutes.

Mr. KLINE of Minnesota. I thank the gentleman for yielding, and for his kind words.

I, like the gentleman from California, have a son serving in uniform and I am very proud of his service, proud of Mr. HUNTER's son's service in the Marine Corps and my son's service in the Army in Iraq. I understand that on January 1 my son is heading to Afghanistan. So I do feel a certain personal importance to what we are discussing today and to the funding for our troops. But collectively we have all sent our sons and daughters into combat, into dangerous theaters in the world, and we need to make sure that we are giving them every chance for victory.

My good friend and colleague, the gentleman from New Jersey, said that we have learned some things not to do and some things to do. I would argue that the thing not to do is to take a strategy which is clearly working, which is bringing increased security to a dangerous spot in the world, to a strategy that is producing more electricity, more oil, opening schools, shops. You don't take that strategy and pull the rug out from under it.

Last July, Madam Speaker, I and other Members stood on this floor to ask our colleagues not to snatch the possibility of victory away from our soldiers and marines. In an atmosphere filled with overblown rhetoric predicting the failure of surge operations before they had begun in earnest, General Petraeus and those under his command pushed forward into the streets of Baghdad and into the tribal-dominated areas of al Anbar province. They engaged and destroyed al Qaeda cells while working closely with tribal leaders to establish a lasting stability in once hostile Sunni areas.

Just a few short months ago, critics in this body and the Senate declared defeat, declared defeat before giving success a chance. They did not believe our fighting men and women, implementing General Petraeus' new counterinsurgency strategy, could rout al Qaeda and insurgent forces and win over the Iraqi population. I am proud to say that they were wrong, and that is what has happened.

As we proceed with conference negotiations on this National Defense Authorization Act, I would urge my colleagues not to repeat the mistake we have sadly made many times before. We must not declare defeat while our military forces fight for victory. This motion to instruct conferees is just a small step to ensure that the position of this body is not to accept a strategy which will produce a failed state in Iraq.

In a letter to his troops before commencing the surge operations, General Petraeus noted that, "Success will require discipline, fortitude and initiative, qualities that you have in abundance."

The question before us today, Madam Speaker, is the same one I asked in July: Do we in Congress have those same qualities?

Mr. SKELTON. Madam Speaker, I yield myself such time as I may consume.

The motion to instruct by my friend Mr. HUNTER from California is in two parts. Both of these sections make reference to issues that are spelled out in both the House and Senate versions and consequently should be acceptable. I would hope that the conferees would be in line with accepting both of those issues.

I would like to take just a moment, Madam Speaker, however, to say a word about those wonderful troops who we, through this authorization, support. They are the best in the world. They and their families have been tasked to do monumental work in Iraq, Afghanistan, and elsewhere, and to say we are proud of them is an understatement. General Petraeus is the right man for the job in his great efforts in Iraq.

That is why in this bill we authorize a 3½ percent pay raise for our troops; that is why we made significant changes to address the problems unearthed by the Walter Reed situation regarding our wounded warriors; that is why we put $1 billion in strategic readiness funds to deal with the critical readiness shortfall. And this is a major challenge for us. The reforms for Iraq and Afghanistan contracting are spelled out in this bill. There is additional money for the MRAP vehicles; there is $980 million for our National Guard equipment; prohibition on TRICARE fee increases; taking steps to minimize the inequities for survivors and to step forward on the survivor benefit plan offset.

So all of these are major issues within the realm of the two bills, and hopefully the conferees would be able to make significant progress on each of those.

I am proud of the work we have done. I am proud of the Armed Services Committee. I think it is the most bipartisan committee in Congress. Special thanks to the gentleman from California who has worked with us these many years to the end of positive help for the American in uniform.

So with that, I will reserve the balance of my time.

Mr. HUNTER. Madam Speaker, I would like to yield 3 minutes now to another gentleman whose son has served in the Iraq theater, Mr. WILSON of South Carolina.

Mr. WILSON of South Carolina. I want to thank my Republican colleagues for bringing this motion to instruct to the floor. It is important to me as a member of the Armed Services Committee, as a 31-year veteran of the Army National Guard, and as the parent of a soldier who has served in Iraq, with another son soon to deploy to Iraq. Additionally, our family is grateful to have two additional sons serving in the military.

This motion to instruct is straightforward. It simply confirms that the representatives of the American people understand the consequences of our actions in Iraq and that we are not going to pull the rug out from underneath our brave soldiers. Congress should never act to undermine our troops and jeopardize the success they are achieving in Iraq today. Unfortunately, the strategy of precipitous withdrawal and defeat some continue to advocate has brought us to this point.

The Democrat leadership has continued to propose legislation that aims to micromanage our military leaders and tie their hands as they stop the terrorists. This undermines the extraordinary gains by our troops that I have seen on my eight visits to Iraq, which has been possible by the surge led by General David Petraeus. We must not forget al Qaeda spokesman Zawahiri has declared Iraq and Afghanistan the central front in the global war on terrorism, and we must succeed in stopping terrorists overseas and protecting American families at home.

☐ 1130

This motion to instruct is a right opportunity for this body, for the leadership here in Washington to say with one voice that we are invested in success, that our aim is not to leave behind a failed Iraqi state where safe havens for terrorists will threaten American families. Our military should be able to count on our unwavering support for the fight in which they are engaged.

Our colleagues in the Senate have already acted with near unanimous support, 94–3, to include the language of this motion in their authorization. Only three Senators voted against this, showing a unified United States Senate. They have gone on record recognizing that a failed state in Iraq would have dire consequences for the safety and security of the region, for American families, and for our allies around the world. It is imperative that we follow their lead.

Again, I want to thank the ranking member, DUNCAN HUNTER, for his leadership. He is a dedicated veteran and father of an Iraq veteran. And additionally, I want to thank my Republican colleagues for bringing this motion to the floor. I encourage all of my colleagues to support it and send a bipartisan message to our enemies and allies that we are committed to victory in Iraq and ensuring that Iraq does not become a failed state and a safe haven for terrorists.

Mrs. TAUSCHER. Madam Speaker, we have no further speakers on our side and are prepared to close.

I just want to once again remind everyone what this is really about. We have an excellent national defense authorization bill for fiscal year 2008. It has broad bipartisan support, bicameral support, both the House and the Senate. Most Members voted for this bill when it came to the floor in the spring. We are about to go to conference and make sure that the bills become congruent so we can send it to the President.

This is a bill that the President must sign. It has so many good things in it. I want to take a couple of seconds and talk about the fact that Democrats, who took majority in January, have written their first bill in 13 years, and there are many, many good things in here that we are very proud of. We have done many things for the troops. We have included a 3.5 percent pay raise. We have prohibited increases in their health care, which is called TRICARE, and pharmacy user fees.

The bill also provides $980 million for National Guard equipment. We know how stressed and strained our National Guard has been. We know how upset many Governors have been that the National Guard has been deployed out of States so the State is without their own National Guard. And the worst part of it is when they went to Iraq or Afghanistan, and some are there for the second and third time, they left their equipment there. So the State doesn't even have equipment that the State can use in the case of a flood or fire or some other kind of an emergency.

We have a lot of equipment that we have added; $17.4 billion for MRAPs, which is a plus-up from what the President requested. We have also added a shipbuilding request that the President didn't ask for, which is a Virginia class submarine, an LPD and a T-AKE, and eight C–17s that the Pentagon didn't ask for either, because we know that we need global power projection.

This is a very important bill that is part of our congressional responsibility to raise and support our troops, and I am proud to say this is a strong bill that supports our troops, restores military readiness and improves accountability to the American people. I ask for my colleagues' support of it when we bring it back from the conference.

I appreciate the fact that this is a motion to instruct, but what we are being instructed is, frankly, two different issues that we have general widespread support for. Both in the House and Senate version of the bill, the language included in the motion to instruct has been included. We should be very confident that they will be part of the final conference report, so this is a motion to instruct that is very supportable.

I am happy to yield back the balance of my time.

Mr. HUNTER. Madam Speaker, I want to thank my colleague from California for her comments, and also the distinguished chairman, who is a great friend and a wonderful patriot and has done a great job of steering our committee through the authorization process.

Let me tell you why I think it is important to pass this motion to instruct. We built the bridge fund. The Armed Services Committee realized we have the winter months when you need funding for the troops before you get to the spring supplemental. So we came up initially several years ago with the idea of a $50 billion bridge fund to make sure that those soldiers, sailors, airmen and marines had what they needed in the war-fighting theater to be successful.

It is true we have this in our bill this time because we are the major architects of the bridge fund. We are the people who came up with it the first time, and the appropriators followed us. But this time they did not follow us. This time they conditioned the bridge fund with get-out-of-Iraq language, and that was a disservice to everyone who wears the uniform in the theater and to the mission. So it is important for the Members of this body to cast their votes in favor of that bridge fund, and perhaps that will show the right direction to the Appropriations Committee and to the Members of Congress who vote on the full appropriations, because we need to have that bridge fund not only authorized but appropriated.

Finally, we do need to have that very strong language committing ourselves to avoid a failed state in Iraq. And we are winning.

Now let me go back to my good colleague Mr. SKELTON, who said we all support the troops and we have manifested that support in pay raises. And we have. We have manifested it in good medical care and a new Wounded Warrior bill to assist those in Walter Reed and Bethesda and in our medical facilities around the world. We have done that. And we have manifested that in getting them the right equipment to carry out their mission.

But there is something else we owe the troops. We owe them the right to have victory, and they are achieving victory. And we owe them the right to have a successful mission, because nothing will be more fulfilling to them than to be victorious. And that means we need to continue to move the resources into Iraq and Afghanistan so they can continue to be victorious, so that the 80 percent drop-off in the violence rate in Anbar province will continue, and so that the Iraqi Army will continue to stand up to the point where it can displace America's heavy combat forces, Marines and Army, and our guys can come home or go to other places in CENTCOM.

Madam Speaker, this is a very important motion to instruct because it gives a very clear message to those 157,000-plus troops in Iraq and those 22,000-plus troops in Afghanistan. It says the American Congress, we stand behind our troops and we stand behind their mission.

Mr. HALL of New York. Madam Speaker, I voted in favor of the motion to instruct conferees, which included Senate language stating that "the Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq", because I believe the men and women of the United States military are admirably and ably performing their duties. They are already doing everything the can to prevent Iraq from becoming a failed state, and I continue to support them and the professionalism and skill they have displayed. However, it is not the role of the United States military to control the long term viability of the Iraqi government. To avoid becoming a failed state, Iraqi political leaders must come to a consensus regarding the future of Iraq and the Iraqi government. There is no role for the United States military in that task. I continue to call for strong diplomatic efforts to resolve the situation in Iraq, and believe that a firm timeline for the withdrawal of U.S. troops will force

Iraq's political leaders to take responsibility for the future of their country.

Ms. SHEA-PORTER. Madam Speaker, the motion to instruct conferees included language from the Senate stating that "the Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq." I voted for the motion because the brave men and women of our military have done an outstanding job. They have served our country extremely well under difficult circumstances, and they have done everything that we have asked of them.

Preventing Iraq from becoming a failed state is not the job of the United States military; it is the job of the Iraqi Government and people. The Bush Administration assures us that Iraq is not a failed state, so our troops should be allowed to leave. We need to set a firm timeline for withdrawing from Iraq, so that Iraq's political leaders know that they will need to take responsibility for their own future.

Mr. HUNTER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HUNTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mrs. TAUSCHER. Madam Speaker, pursuant to clause 12 of House Rule XXII, I move that meetings of the conference between the House and Senate on H.R. 1585 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to permit conference meetings to be closed will be followed by 5-minute votes on the motion to instruct on H.R. 1585; suspension of the rules on H. Con. Res. 147; and suspension of the rules on H.R. 236.

The vote was taken by electronic device, and there were—yeas 405, nays 6, not voting 20, as follows:

[Roll No. 1127]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NAYS—6

DeFazio
Kucinich
Lee
Stark
Waters
Woolsey

NOT VOTING—20

Boyd (FL)
Brady (TX)
Brown, Corrine
Campbell (CA)
Carson
Cubin
Culberson
DeLauro
Hill
Hinojosa
Hooley
Jackson-Lee (TX)
Jindal
Miller, Gary
Nunes
Peterson (MN)
Smith (NE)
Spratt
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1202

Mr. ELLISON and Ms. MOORE of Wisconsin changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct conferees on H.R. 1585 offered by the gentleman from California (Mr. HUNTER) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 328, nays 83, not voting 20, as follows:

[Roll No. 1128]

YEAS—328

Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hobson
Hodes
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Napolitano
Neugebauer
Oberstar
Ortiz
Pascrell
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Sarbanes
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (FL)

NAYS—83

Abercrombie
Allen
Baldwin
Blumenauer
Butterfield
Capuano
Clarke
Cohen
Conyers
Costello
Crowley
Davis (IL)
DeFazio
Delahunt
Doggett
Doyle
Duncan
Ellison
Eshoo
Farr
Filner
Frank (MA)
Hinchey
Hirono
Holt
Honda
Inslee
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kilpatrick
Kucinich
Larson (CT)
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lynch
Markey
Matsui
McDermott
McGovern
Michaud
Miller, George
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Olver
Pallone
Pastor
Paul
Payne
Rothman
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (VA)
Sherman
Slaughter
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—20

Blackburn
Brown, Corrine
Carson
Cubin
DeLauro
Drake
Hinojosa
Hooley
Jackson-Lee (TX)
Jindal
Linder
Miller, Gary
Myrick
Nunes
Obey
Saxton
Smith (NE)
Tancredo
Udall (NM)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1209

Mr. WELCH of Vermont changed his vote from "yea" to "nay."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. DRAKE. Madam Speaker, on rollcall No. 1128, I was meeting with constituents. Had I been present, I would have boted "yea."

Mrs. MYRICK. Madam Speaker, on rollcall No. 1128, I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. Conferees will be appointed later.

RECOGNIZING 200 YEARS OF RESEARCH, SERVICE, AND STEWARDSHIP BY NOAA AND ITS PREDECESSOR AGENCIES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 147, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 147.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 17, as follows:

[Roll No. 1129]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur

Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—17

Blackburn
Brown, Corrine
Buyer
Carson
Carter
Cubin
DeLauro
Hinojosa
Hooley
Hunter
Jackson-Lee (TX)
Jindal
Miller, Gary
Nunes
Smith (NE)
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1216

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NORTH BAY WATER REUSE PROGRAM ACT OF 2007

The SPEAKER pro tempore (Ms. DEGETTE). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 236, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 236, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 358, nays 55, not voting 18, as follows:

[Roll No. 1130]

YEAS—358

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—55

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bishop (UT)
Boehner
Broun (GA)
Burton (IN)
Cantor
Coble
Conaway
Culberson
Davis, David
Deal (GA)
Doolittle
Duncan
English (PA)
Everett
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Hall (TX)
Hensarling
Inglis (SC)
Jones (NC)
Jordan
King (IA)
Kingston
Lamborn
Manzullo
Marchant
McHenry
Miller (FL)
Paul
Pearce
Pence
Poe
Price (GA)
Sali
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Stearns
Tiahrt
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Young (FL)

NOT VOTING—18

Blackburn
Brown, Corrine
Carson
Cubin
DeLauro
Ellison
Hinojosa
Hooley
Jackson-Lee (TX)
Jindal
Jones (OH)
Keller
Miller, Gary
Nunes
Rogers (AL)
Smith (NE)
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1223

Mr. INGLIS of South Carolina changed his vote from "yea" to "nay."

Mr. ROHRABACHER changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SALAZAR). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

INCLUDING ALL BANKING AGENCIES WITHIN THE EXISTING REGULATORY AUTHORITY UNDER THE FEDERAL TRADE COMMISSION ACT

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3526) to include all banking agencies within the existing regulatory authority under the Federal Trade Commission Act with respect to depository institutions, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCLUSION OF ALL BANKING AGENCIES.

(a) IN GENERAL.—The second sentence of section 18(f)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)) is amended—

(1) by striking "The Board of Governors of the Federal Reserve System (with respect to banks) and the Federal Home Loan Bank Board (with respect to savings and loan institutions described in paragraph (3))" and inserting "Each Federal banking agency (with respect to the depository institutions each such agency supervises)"; and

(2) by inserting "in consultation with the Commission" after "shall prescribe regulations".

(b) FTC CONCURRENT RULEMAKING.—Section 18(f)(1) of such Act is further amended by inserting after the second sentence the following: "Such regulations shall be prescribed jointly by such agencies to the extent practicable. Notwithstanding any other provision of this section, whenever such agencies commence such a rulemaking proceeding, the Commission, with respect to the entities within its jurisdiction under this Act, may commence a rulemaking proceeding and prescribe regulations in accordance with section 553 of title 5, United States Code. If the Commission commences such a rulemaking proceeding, the Commission, the Federal banking agencies, and the National Credit Union Administration Board shall consult and coordinate with each other so that the regulations prescribed by each such agency are consistent with and comparable to the regulations prescribed by each other such agency to the extent practicable.".

(c) GAO STUDY AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the status of regulations of the Federal banking agencies and the National Credit Union Administration regarding unfair and deceptive acts or practices by the depository institutions.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 18(f) of the Federal Trade Commission Act (15 U.S.C. 57a(f)) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "banks or savings and loan institutions described in paragraph (3), each agency specified in paragraph (2) or (3) of this subsection shall establish" and inserting "depository institutions and Federal credit unions, the Federal banking agencies and the National Credit Union Administration Board shall each establish"; and

(B) by striking "banks or savings and loan institutions described in paragraph (3), subject to its jurisdiction" before the period and inserting "depository institutions or Federal credit unions subject to the jurisdiction of such agency or Board"

(2) in the sixth sentence of paragraph (1) (as amended by subsection (b))—

(A) by striking "each such Board" and inserting "each such banking agency and the National Credit Union Administration Board";

(B) by striking "banks or savings and loan institutions described in paragraph (3)" each place such term appears and inserting "depository institutions subject to the jurisdiction of such agency";

(C) by striking "(A) any such Board" and inserting "(A) any such Federal banking agency or the National Credit Union Administration Board"; and

(D) by striking "with respect to banks, savings and loan institutions" and inserting "with respect to depository institutions";

(3) by adding at the end of paragraph (1) the following new sentence: "For purposes of this subsection, the terms 'Federal banking agency' and 'depository institution' have the same meaning as in section 3 of the Federal Deposit Insurance Act.";

(4) in paragraph (2)(C), by inserting "than" after "(other";

(5) in paragraph (3), by inserting "by the Director of the Office of Thrift Supervision" before the period at the end;

(6) in paragraph (4), by inserting "by the National Credit Union Administration" before the period at the end; and

(7) in paragraph (6), by striking "the Board of Governors of the Federal Reserve System" and inserting "any Federal banking agency or the National Credit Union Administration Board".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a bill that was broadly supported in our committee that we believe will enhance the ability of the Federal bank authorities to provide consumer protection. It's a little bit of a complicated story.

Congress passed an amendment to the Federal Trade Act that gave the Federal Reserve System the right to promulgate rules which defined what were unfair or deceptive practices engaged in by banks. The Federal Reserve has, for many years, declined to exercise that authority.

The issue was first brought to my attention when I was ranking member of the committee by a very distinguished public official who, sadly, died earlier this year, Ned Gramlich, who was the Federal Reserve Board Governor in charge of, among other things, consumer protection. And here's how it played out.

The Comptroller of the Currency and the Director of the Office of Thrift Supervision a few years ago promulgated very strict rules preempting State rules and State laws and regulations regarding the activities of national banks. As a result of that ruling, which was challenged but upheld by the courts, States have virtually no authority over the banking practices of national banks. Only the national bank regulators may regulate.

The problem is that there were, in many, many States, most of the States from which we here come, consumer protection laws which were invalidated by that. In fact, the preemption said even when there were rules of general application that were covering the banks, the ability of the States to enforce them was limited. They had to go through the Federal regulators. So we then went to the Federal regulators, but many of us were opposed to that. We were critical. And on a bipartisan basis there was criticism of it on the Financial Services Committee. Our former colleague, the gentlewoman from New York, Mrs. Kelly, who was chairman of the Oversight Committee, was a very strong critic of what she believed to be excessive overregulation. But that has been upheld, and there is no realistic chance of undoing it.

So the second best for us was to have the Federal bank regulators able to provide the consumer protections that were lost when the State rules were invalidated. I spoke with the Comptroller of the Currency, and his response was, Well, here's the problem. Under the Federal Trade Act, the Federal Reserve has the right to promulgate the code of unfair deceptive practices. He indicated to me that he would like to do that, in fact, two Comptrollers said we would like to do this, but we don't have the authority to promulgate the rules. The Office of Thrift Supervision, which preempted, interestingly, does have the authority to promulgate the rules.

Now, what motivated our colleagues of an earlier era to give the Federal Reserve the right to make the rules for the Comptroller of the Currency and to give the Office of Thrift Supervision the right to make the rules only for themselves? I do not know. I can't speculate. Based on most recent experience, it was probably the Senate's fault, because almost everything that goes wrong these days is. But I don't know that for sure. On the other hand, it's our job to try to correct it.

What this bill does is to say to two of the Federal bank agencies, the Office of the Comptroller of the Currency and the Federal Deposit Insurance Corporation, which the Federal Deposit Insurance Corporation through its depository institutions has some authority over both national and State banks since it insures the deposits in both, we take away in this bill from the Federal Reserve System the power they have refused to use to promulgate a code of unfair and deceptive practices and give it, instead, over to the Comptroller of the Currency and the FDIC, either jointly or concurrently, and it comes with their support.

□ 1230

The Fed said they didn't like it, but they weren't using the power. The Comptroller of the Currency, he is, after all, a defender of this preemption. He has maintained the preemption. This is not an effort to undo the preemption. He acknowledges that in presiding over this national set of rules, it would be helpful to him to have this code of unfairness and deceptive practice, and what the code does is give some notice to the banks as to what are prohibited practices and what aren't. So this bill does nothing in terms of substantive promulgation of the code, but it gives to the active agencies, the Comptroller of the Currency, who promulgated the preemption, and the FDIC, the ability to put into effect what we think should have been put into effect before. It comes with the support of those agencies, and I think that if we get this done, they will proceed to do it.

I should note that the Office of Thrift Supervision, which already has the authority to promulgate such a code, is in the process of doing so. No legislation is needed. But they have put out a proposed rule in that regard. We have, many of us, encouraged them to go forward with it. And as a result of what OTS is doing under its authority and what this bill would give the Comptroller of the Currency and the FDIC by early next year, we should have in place rules that will tell people what are unfair and deceptive practices. And as I said, I would have preferred that the preemption would not have been so far reaching, but it's a fact of life. This will then empower the Federal bank regulators fully to be available to provide consumer protection when it's appropriate in lieu of the State laws that were cancelled.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the bill, H.R. 3526, a bill that is intended to provide financial consumers with additional regulatory protections against unfair and deceptive trade policies. This measure, which the Financial Services Committee approved by voice vote, expands the range of financial regulators, as the chairman has just explained, with the authority to promulgate regulations that identify and restrict such practices under the Federal Trade Commission Act.

Today only the Board of Governors of the Federal Reserve, the Office of Thrift Supervision, and the National Credit Union Administration have this authority. This bill expands that list to include the other Federal banking regulators, namely the FDIC and the Office of the Comptroller of the Currency.

The legislation also mandates that regulations promulgated under the relevant section of the FTC Act be prescribed "jointly by such agencies to the extent practicable," in consultation with the FTC. And it requires the GAO to report on the status of the regulations of the Federal banking agencies and the NCUA regarding unfair and deceptive acts.

In testimony before our committee earlier this year, the Comptroller of the Currency and the Chair of the FDIC recommended that the committee make these changes, which also are supported by consumer advocates. This bill merits our support, and I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, the good news is that I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 3526, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PRESERVING AND EXPANDING MINORITY DEPOSITORY INSTITUTIONS ACT

Mr. WATT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4043) to amend the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 to preserve and expand minority depository institutions, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserving and Expanding Minority Depository Institutions Act".

SEC. 2. PRESERVING AND EXPANDING MINORITY DEPOSITORY INSTITUTIONS.

(a) IN GENERAL.—Section 308(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463(a) nt.) is amended—

(1) by inserting "the Chairman of the Board of Governors of the Federal Reserve System, the Comptroller of the Currency" after "consult with"; and

(2) by inserting a comma after "Thrift Supervision".

(b) REPORT.—Section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 nt.) is amended by adding at the end the following new subsection:

"(c) REPORTS.—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, and the Chairperson of the Federal Deposit Insurance Corporation shall each submit an annual report to the Congress containing a description of actions taken to carry out this section.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Effective upon the enactment of subsection (b), section 3(g)(2) of the Home Owners' Loan Act (12 U.S.C. 1462a(g)(2)) is amended to read as follows:

"(2) [Repealed].".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. WATT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous materials thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

I submit for the RECORD a letter dated November 1, 2007, from the National Bankers Association in support of this legislation.

NATIONAL BANKERS ASSOCIATION,
Washington, DC, November 1, 2007.

Hon. MELVIN WATT, *Chairman,*
Financial Institutions and Consumer Credit Oversight and Investigations,
House of Representatives, Washington, DC.

DEAR CHAIRMAN WATT: On behalf of the National Bankers Association (NBA) (the voice of minority banks since 1927), its board and membership, thank you for taking the time to hold a hearing of the Subcommittee on Government Oversight and Investigations of the Committee on Financial Services on behalf of the nation's women and minority-owned banks. We appreciate your continued support of our banks. We are especially proud that the Financial Services Committee staff invited the National Bankers Association to participate in this important hearing. We support your idea of a joint hearing with the Ways & Means Committee on the CDFI and New Markets Tax Credits Programs.

NBA supports the revision of the "Preserving and Expanding Minority Depository Institutions Act" H.R. 4043 to include the Office of the Comptroller of the Currency and the Federal Reserve along with the Federal Deposit Insurance Corporation and the Office of Thrift Supervision in the legislation.

We also appreciate you taking the time out of your busy schedule every year to participate in NBA's Annual Legislative Summit. Your support has given NBA an elevated level of attention by other congressional members and bank regulators.

Again, many thanks.

Respectfully submitted,

The National Bankers Association Board of Directors:

Floyd Weekes, Chairman, Executive Vice President, Citizens Bank, Nashville, TN.

James E. Young, Past-Chairman, President & CEO, Citizens Trust Bank, Atlanta, GA.

Robert P. Cooper, Chairman-Elect, Senior Counsel, OneUnited Bank, Boston, MA.

Tommy Brooks, Treasurer, Executive Vice President & CFO, Unity National Bank, Houston, TX.

Cynthia Day, Secretary, Chief Financial Officer, Citizens Trust Bank, Atlanta, GA.

Norma Alexander Hart, President, NBA, Washington, DC.

Mark Ronan, Corporate Advisory Board Chairman, Director of Banking Relations, American Express Company, NY.

Sidney King, Regional Vice Chairman, President & CEO, Commonwealth National Bank, Mobile, AL.

Stanley Weekes, Regional Vice Chairman, Executive Vice President & CCO, City National Bank of New Jersey.

Arlene Williams, Regional Vice Chairman, Senior Vice President, Seaway National Bank, Chicago, IL.

Steve Holt, Regional Vice Chairman, President and CEO, One World Bank, Dallas, TX.

Tony James, Associate-Affiliate President, Senior Vice President, ICBA Securities.

Deloris Sims, Board Member, President & CEO, Legacy Bank, Milwaukee, WI.

Natvido Lozano, III, Board Member, Vice President, International Bank of Commerce, Laredo, TX.

James Ballentine, Board Member, Director, Grassroots Advocacy, American Bankers Association, Washington, DC.

Viveca Ware, Board Member, Director, of Payments & Technology Policy, Independent Community Bankers of America, Washington, DC.

And, The following members from the 52 membership of the National Bankers Association:

Broadway Federal Bank, Los Angeles, CA;
Unity National Bank, Houston, TX;
People's Bank of Seneca, Seneca, MO;
United Americas Bank, Atlanta, GA;
Seaway National Bank, Chicago, IL;
First State Bank, Danville, VA;
First Independence Bank, Detroit, MI;
OneUnited Bank, Boston, MA;
Commonwealth National Bank, Mobile, AL;
OneWorld Bank, Dallas, TX;
Citizens Trust Bank, Atlanta, GA;
Citizens Bank, Nashville, TN;
Mutual Community Savings Bank, Durham, NC;
Mechanic & Farmers, Durham, NC;
Saigon National Bank, Westminster, CA;
United Bank of Philadelphia, Philadelphia, PA;
Liberty Bank & Trust, New Orleans LA;
Industrial Bank, Washington, DC.

Mr. Speaker, allow me to start today by expressing the collective condolences of the members of the Oversight and Investigations Subcommittee of the House Financial Services Committee to our ranking member, Representative GARY MILLER, following the death of his daughter. Representative MILLER was an original cosponsor with me of the legislation we are considering, H.R. 4043, and he and his staff encouraged us to proceed with consideration of the bill today when we offered to withdraw it from the calendar and wait until he returns to Congress following the sudden death of his daughter.

I am deeply indebted to Representative MILLER for the cordial manner in which he has worked with me as the ranking member of our subcommittee, for his support of H.R. 4043 to ensure that this important legislation is considered in the bipartisan way it deserves, and for his encouragement to us to proceed with consideration of this important bill so it will not be delayed. All of us wish Representative MILLER the very best as he and his family try to cope with a loss that we know is devastating to him. Representative MILLER's absence under these circumstances casts a significant pall on our consideration of this bill, but we must proceed, and I am happy to do so with his approval.

Minority-owned banks and thrifts comprise about 2 percent of all banks, thrifts, and banking assets in the United States. Under section 308 of the Financial Institutions Reform, Recovery and Enforcement Act, the Secretary of the Treasury is required to consult with the Chair of the Board of Directors of the Federal Deposit Insurance Corporation and the Director of the Office of Thrift Supervision on methods to achieve the following five goals:

One, preserving existing minority banks; two, preserving the minority character of these institutions in cases involving mergers or acquisitions of minority banks; three, providing technical assistance to prevent the insolvency of existing minority institutions that are not insolvent; four, promoting and encouraging the creation of new minority banks; and, five, providing for training, technical assistance, and educational programs to assist minority banking institutions.

The requirement for consultation between the Secretary of the Treasury, the FDIC, and the OTS has been on the books since the passage of the Financial Institutions Reform, Recovery and Enforcement Act in 1989, and the Office of Thrift Supervision has been required to submit an annual report to Congress describing actions taken to achieve these five goals that help preserve and expand minority banks.

On October 30, 2007, our Financial Services Oversight and Investigations Subcommittee, which I am privileged to chair, held a hearing about a report issued by the U.S. Government Accountability Office in October of 2006 that reviewed Federal banking regulators' efforts to promote these five goals. This report, entitled "Minority Banks: Regulators Need To Better Assess Effectiveness of Support Efforts," found that, despite recommendations contained in a similar 1993 Government Accountability Office report, none of the Federal banking regulators have routinely surveyed institutions within their jurisdiction to assess the effectiveness of the regulators' support efforts to minority banks nor have the regulators systematically established outcome-oriented performance measures to gauge the effectiveness or results of the regulators' efforts. In short, the efforts being taken by the regulators to preserve and promote minority banks appeared modest, and whether the efforts are being effective could not be ascertained. The regulators were taking some steps, but there were no outcome measures to judge their effectiveness. Indeed, if the number and strength of minority financial institutions since 1989 is a barometer, the efforts of the regulators appear not to be having the positive results we desire.

H.R. 4043 would, in effect, increase the pressure on and transparency of the regulators' efforts by requiring all of them, the Federal Deposit Insurance Corporation, the Federal Reserve, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision, to submit an annual report to Congress on their efforts to implement the goals outlined in section 308 of FIRREA, the goals of preserving and supporting and promoting minority businesses.

At the subcommittee hearing, all the regulators acknowledged that they could and should be doing more and indicated that they do not object to a statutory change to expand the goals of section 308 of FIRREA to their agencies. In addition, witnesses from the FDIC, the Federal Reserve, and the OCC indicated that they do not object to being obligated to prepare and submit to Congress an annual report describing their efforts to promote and preserve minority depository institutions. H.R. 4043 requires this, and I encourage my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4043, the Preserving and Expanding Minority Depository Institutions Act of 2007. This bipartisan legislation, introduced by Chairman WATT and Ranking Member MILLER of the Financial Services Oversight and Investigations Subcommittee is intended to support our Nation's minority banks. The bill includes new reporting requirements which will help gauge the effectiveness of government programs that assist minority banks. Like other community banks, minority banks may confront unique challenges because of their smaller size.

Section 308 of FIRREA, the Financial Institutions Reform, Recovery and Enforcement Act of 1989, mandates that the FDIC in conjunction with the Office of Thrift Supervision work to preserve existing minority banks, promote the creation of new minority banks, and provide technical assistance and training. Although not required to do so, the Office of the Comptroller of the Currency and the Federal Reserve also provide assistance to minority banks.

H.R. 4043 will codify the advisory role of the OCC and the Federal Reserve by expanding section 308 of FIRREA to include both of these agencies. Additionally, the legislation directs all four banking regulators to report annually to Congress on their efforts to preserve, promote, and assist minority banks.

At an October 30 Oversight and Investigations Subcommittee hearing on minority banks, the OCC and Federal Reserve did not object to being covered by section 308 of FIRREA, and all four regulators stated that they would also not object to the annual reporting requirement since most of them already include minority bank information in reports they currently submit to Congress.

At that same hearing, the subcommittee heard testimony that many of the regulators' programs are underutilized by the minority banks they are designed to help. According to a report issued by the Government Accountability Office last year, most of the banks that did participate found these programs very, very useful. Minority banks should be encouraged to use any and all the tools provided to them by the Federal regulators.

I, too, join with my colleague Congressman WATT in extending our deep sympathy and great caring for our colleague Congressman MILLER while he's going through the tragedy in his family. We miss him here, but his imprint is being felt through this legislation today, and we wish him God's help in dealing with this crisis.

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Mr. Speaker, I urge my colleagues to join me in supporting this legislation, and I yield back the balance of my time.

Mr. WATT. Mr. Speaker, I have no further requests for time.

Let me conclude, then, by just expressing our sincere thanks to our colleagues on the Republican side and to all of the members of the staff for their work on this bill. We think it is a good bill. It is a bipartisan effort to increase transparency and information to Congress and to promote the expansion and preservation of minority financial institutions, all of which we think is good. I encourage my colleagues to support the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 4043, the "Preserving and Expanding Minority Depository Institutions Act". Minority-owned financial institutions are vitally important to the economic development and revitalization of urban and minority communities. Businesses and residents in these traditionally underserved communities rely on minority-owned financial institutions to serve their banking and other financial services needs. They have always been there when we needed them—making homeownership a reality for many for whom homeownership was elusive, providing capital for the neighborhood grocery and barber shop, financing housing rehabilitation, providing consumer credit counseling services, providing jobs, and revitalizing communities.

However, minority-owned financial institutions face many challenges. By and large much smaller than other banks, minority banks have difficulty competing with larger institutions for deposits and other business. It is often difficult to diversify their geographical and credit risk exposures. They also face challenges associated with operating in economically depressed markets.

Despite these challenges, minority-owned financial institutions are committed to providing capital, promoting economic revitalization, and creating jobs. They are committed to serving the urban and minority communities in which they are located and the people and businesses that reside there. We need them.

Minority-owned financial institutions comprise only about two percent of all financial institutions and a significantly lower percentage of total industry assets. We must do all that we can to support, protect and promote these institutions.

This bill, H.R. 4043, the Preserving and Expanding Minority Depository Institutions Act, is an important step. Existing law requires that the Office of Thrift Supervision (OTS) and the Federal Deposit Insurance Corporation (FDIC) consult with the Department of the Treasury on methods to preserve, encourage and promote minority ownership of depository institutions and provide technical assistance, training and education programs.

H.R. 4043 would direct the Chairman of the Board of Governors of the Federal Reserve System and the Comptroller of the Currency to help preserve, encourage and expand minority-owned financial institutions by participating in those activities. In addition, the bill would require each of the participating agencies to submit an annual report to the Congress on actions taken to implement the law.

Mr. WATT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and pass the bill, H.R. 4043, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY ACT OF 2007

Mr. MAHONEY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2930) to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Section 202 Supportive Housing for the Elderly Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—NEW CONSTRUCTION REFORMS

Sec. 101. Project rental assistance.
Sec. 102. Selection criteria.
Sec. 103. Development cost limitations.
Sec. 104. Owner deposits.
Sec. 105. Definition of private nonprofit organization.
Sec. 106. Preferences for homeless elderly.
Sec. 107. Nonmetropolitan allocation.

TITLE II—REFINANCING

Sec. 201. Approval of prepayment of debt.
Sec. 202. Sources of refinancing.
Sec. 203. Use of unexpended amounts.
Sec. 204. Use of project residual receipts.
Sec. 205. Additional provisions.
Sec. 206. Study of mortgage sale demonstration.

TITLE III—ASSISTED LIVING FACILITIES

Sec. 301. Definition of assisted living facility.
Sec. 302. Monthly assistance payment under rental assistance.

TITLE IV—FACILITATING AFFORDABLE HOUSING PRESERVATION TRANSACTIONS

Sec. 401. Use of sale or refinancing proceeds.

TITLE I—NEW CONSTRUCTION REFORMS

SEC. 101. PROJECT RENTAL ASSISTANCE.

Paragraph (2) of section 202(c) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)) is amended—

(1) by inserting after "ASSISTANCE.—" the following: "(A) INITIAL PROJECT RENTAL ASSISTANCE CONTRACT.—";

(2) in the last sentence, by striking "may" and inserting "shall"; and

(3) by adding at the end the following new subparagraph:

"(B) RENEWAL OF AND INCREASES IN CONTRACT AMOUNTS.—

“(i) EXPIRATION OF CONTRACT TERM.—Upon the expiration of each contract term, the Secretary shall adjust the annual contract amount to provide for reasonable project costs, and any increases, including adequate reserves, supportive services, and service coordinators, except that any contract amounts not used by a project during a contract term shall not be available for such adjustments upon renewal.

“(ii) EMERGENCY SITUATIONS.—In the event of emergency situations that are outside the control of the owner, the Secretary shall increase the annual contract amount, subject to reasonable review and limitations as the Secretary shall provide.”.

SEC. 102. SELECTION CRITERIA.

Subsection (f) of section 202 of the Housing Act of 1959 (12 U.S.C. 1701q(f)) is amended—

(1) by striking “SELECTION CRITERIA.—” and inserting “INITIAL SELECTION CRITERIA AND PROCESSING.—(1) SELECTION CRITERIA.—”;

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as subparagraphs (A), (B), (C), (D), (E), (G), and (H), respectively;

(3) by inserting after subparagraph (E) (as so redesignated by paragraph (2) of this subsection) the following new subparagraph:

“(F) the extent to which the applicant has ensured that a service coordinator will be employed or otherwise retained for the housing, who has the managerial capacity and responsibility for carrying out the actions described in subparagraphs (A) and (B) of subsection (g)(2);”; and

(4) by adding at the end the following new paragraph:

“(2) DELEGATED PROCESSING.—

“(A) In issuing a capital advance under this subsection for any project for which financing for the purposes described in the last two sentences of subsection (b) is provided by a combination of a capital advance under subsection (c)(1) and sources other than this section, within 30 days of award of the capital advance, the Secretary shall delegate review and processing of such projects to a State or local housing agency that—

“(i) is in geographic proximity to the property;

“(ii) has demonstrated experience in and capacity for underwriting multifamily housing loans that provide housing and supportive services;

“(iii) may or may not be providing low-income housing tax credits in combination with the capital advance under this section, and

“(iv) agrees to issue a firm commitment within 12 months of delegation.

“(B) The Secretary shall retain the authority to process capital advances in cases in which no State or local housing agency has applied to provide delegated processing pursuant to this paragraph or no such agency has entered into an agreement with the Secretary to serve as a delegated processing agency.

“(C) An agency to which review and processing is delegated pursuant to subparagraph (A) may assess a reasonable fee which shall be included in the capital advance amounts and may recommend project rental assistance amounts in excess of those initially awarded by the Secretary. The Secretary shall develop a schedule for reasonable fees under this subparagraph to be paid to delegated processing agencies, which shall take into consideration any other fees to be paid to the agency for other funding provided to the project by the agency, including bonds, tax credits, and other gap funding.

“(D) Under such delegated system, the Secretary shall retain the authority to approve rents and development costs and to execute a capital advance within 60 days of receipt of the commitment from the State or local agency. The Secretary shall provide to such agency and the project sponsor, in writing, the reasons for any reduction in capital advance amounts or project rental assistance and such reductions shall be subject to appeal.”.

SEC. 103. DEVELOPMENT COST LIMITATIONS.

Section 202(h)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(1)) is amended, in the matter preceding subparagraph (A), by inserting “reasonable” before “development cost limitations”.

SEC. 104. OWNER DEPOSITS.

Section 202(j)(3)(A) of the Housing Act of 1959 (12 U.S.C. 1701q(j)(3)(A)) is amended by inserting after the period at the end the following: “Such amount shall be used only to cover operating deficits during the first three years of operations and shall not be used to cover construction shortfalls or inadequate initial project rental assistance amounts.”.

SEC. 105. DEFINITION OF PRIVATE NONPROFIT ORGANIZATION.

Subparagraph (B) of section 202(k)(4) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(4)(B)) is amended by inserting before the semicolon the following: “; except that, in the case of any national organization that is the owner of multiple housing projects assisted under this section, the organization may comply with clause (i) of this subparagraph by having a local advisory board to the governing board of the organization the membership which is selected in the manner required under clause (i)”.

SEC. 106. PREFERENCES FOR HOMELESS ELDERLY.

Subsection (j) of section 202 (12 U.S.C. 1701q(j)) is amended by adding at the end the following new paragraph:

“(9) PREFERENCES FOR HOMELESS ELDERLY.—The Secretary shall permit an owner of housing assisted under this section to establish for, and apply to, the housing a preference in tenant selection for the homeless elderly, either within the application or after selection pursuant to subsection (f), but only if—

“(A) such preference is consistent with paragraph (2) of this subsection; and

“(B) the owner demonstrates that the supportive services identified pursuant to subsection (e)(4), or additional supportive services to be made available upon implementation of the preference, will meet the needs of the homeless elderly, maintain safety and security for all tenants, and be provided on a consistent, long-term, and economical basis.”.

SEC. 107. NONMETROPOLITAN ALLOCATION.

Paragraph (3) of section 202(l) of the Housing Act of 1959 (12 U.S.C. 1701q(l)(3)) is amended by inserting after the period at the end the following: “In complying with this paragraph, the Secretary shall either operate a national competition for the nonmetropolitan funds or make allocations to regional offices of the Department of Housing and Urban Development.”.

TITLE II—REFINANCING

SEC. 201. APPROVAL OF PREPAYMENT OF DEBT.

Subsection (a) of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended—

(1) in the matter preceding paragraph (1), by inserting “, for which the Secretary's consent to prepayment is required” after “Act)”;

(2) in paragraph (1)—

(A) by inserting “project-based” before “rental assistance payments contract”;

(B) by inserting “project-based” before “rental housing assistance programs”; and

(C) by inserting “, or any successor project-based rental assistance program,” after “1701s))”; and

(3) in paragraph (2)—

(A) by inserting “(A)” before “a lower”; and

(B) by inserting before the period at the end the following: “, or (B) a transaction in which the project owner will address the physical needs of the project, but only if, as a result of the refinancing (i) the rent charges for unassisted families residing in the project do not increase or such families are provided rental assistance under a senior preservation rental assistance contract for the project pursuant to subsection (e), and (ii) the overall cost for providing rental assistance under section 8 for the project (if any) does not increase”.

SEC. 202. SOURCES OF REFINANCING.

The last sentence of section 811(b) of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended—

(1) by inserting after “National Housing Act,” the following: “or approving the standards used by authorized lenders to underwrite a loan refinanced with risk sharing as provided by section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1701 note),”; and

(2) by striking “may” and inserting “shall”.

SEC. 203. USE OF UNEXPENDED AMOUNTS.

Subsection (c) of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended—

(1) in the matter preceding paragraph (1), by inserting after “tenants,” the following: “or is used in the provision of affordable rental housing and related social services for elderly persons by the private nonprofit organization project owner, private nonprofit organization project sponsor, or private nonprofit organization project developer,”;

(2) in paragraph (1), by striking “not more than 15 percent of”;

(3) in paragraph (2), by inserting before the semicolon the following; “, including reducing the number of units and reconfiguring units that are functionally obsolete, unmarketable, or not economically viable”;

(4) in paragraph (3), by striking “or” at the end;

(5) in paragraph (4) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following new paragraphs:

“(5) the payment to the project owner, sponsor, or third party developer of a developer's fee in an amount not to exceed—

“(A) in the case of a project refinanced through a State low income housing tax credit program, the fee permitted by the low income housing tax credit program as calculated by the State program as a percentage of acceptable development cost as defined by that State program; or

“(B) in the case of a project refinanced through any other source of refinancing, 15 percent of the acceptable development cost; or

“(6) the payment of equity, if any, to—

“(A) in the case of a sale, to the seller or the sponsor of the seller, in an amount equal to the lesser of the purchase price or the appraised value of the property, as each is reduced by the cost of prepaying any outstanding indebtedness on the property and transaction costs of the sale; or

"(B) in the case of a refinancing without the transfer of the property, to the project owner or the project sponsor, in an amount equal to the difference between the appraised value of the property less the outstanding indebtedness and total acceptable development cost.

For purposes of paragraphs (5)(B) and (6)(B), the term "acceptable development cost" shall include, as applicable, the cost of acquisition, rehabilitation, loan prepayment, initial reserve deposits, and transaction costs.".

SEC. 204. USE OF PROJECT RESIDUAL RECEIPTS.

Paragraph (1) of section 811(d) of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended—

(1) by striking "not more than 15 percent of"; and

(2) by inserting before the period at the end the following: "or other purposes approved by the Secretary".

SEC. 205. ADDITIONAL PROVISIONS.

Section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended by adding at the end the following new subsections:

"(e) SENIOR PRESERVATION RENTAL ASSISTANCE CONTRACTS.—Notwithstanding any other provision of law, in connection with a prepayment plan for a project approved under subsection (a) by the Secretary or as otherwise approved by the Secretary, to prevent displacement of elderly residents of the project in the case of refinancing or recapitalization and to further preservation and affordability of such project, at the election of the private nonprofit organization owner of the project, the Secretary shall provide project-based rental assistance for the project under a senior preservation rental assistance contract, as follows:

"(1) Assistance under the contract shall be made available to the private nonprofit organization owner—

"(A) for a term of at least 20 years, subject to annual appropriations, and

"(B) under the same rules governing project-based rental assistance made available under section 8 of the Housing Act of 1937.

"(2) Any projects for which a senior preservation rental assistance contract is provided shall be subject to a use agreement to ensure continued project affordability having a term of the longer of (A) the term of the senior preservation rental assistance contract, or (B) such term as is required by the new financing.

"(f) FLEXIBLE SUBSIDY DEBT.—The Secretary shall waive the requirement that debt for a project pursuant to the flexible subsidy program under section 201 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a) be prepaid in connection with a prepayment, refinancing, or transfer under this section of a project if such waiver is necessary for the financial feasibility of the transaction and is consistent with the long-term preservation of the project as affordable housing.

"(g) PREPAYMENT WHEN SECRETARY'S CONSENT NOT REQUIRED.—In connection with the prepayment under this section of a loan for which the Secretary's consent to prepayment is not required, at the project owner's election—

"(1) all tenants of the project shall be eligible for enhanced vouchers in accordance with section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)); or

"(2) if the project will continue to be owned by a private nonprofit organization owner, such private nonprofit organization owner may enter into a senior preservation rental assistance contract with the Secretary in accordance with subsection (e).

"(h) DEFINITION OF PRIVATE NONPROFIT ORGANIZATION.—For purposes of this section, the term 'private nonprofit organization' has the meaning given such term in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k)).".

SEC. 206. STUDY OF MORTGAGE SALE DEMONSTRATION.

(a) STUDY.—The Secretary of Housing and Urban Development shall conduct a study to evaluate the estimated costs and potential benefits of carrying out a program under which the Secretary may sell mortgages associated with loans made under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act) in accordance with the terms for sales of subsidized loans on multifamily housing projects under section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11), and of carrying out a demonstration program for sales of portfolios of such mortgages to housing finance agencies in three States. In conducting such study, the Secretary shall place particular emphasis on determining whether the asset management functions and activities related to such loans and properties could be accomplished pursuant to such sales in a timely, effective, and efficient manner, including an analysis of the potential impacts on approvals of refinancings and preservation transactions, rent increase requests, and withdrawals from reserves or residual receipts (in cases in which there is no contract administrator).

(b) REPORT.—Not later than the expiration of the 12-month period beginning upon the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the findings of the study and any recommendations for implementing such a program and such a demonstration.

TITLE III—ASSISTED LIVING FACILITIES

SEC. 301. DEFINITION OF ASSISTED LIVING FACILITY.

Section 202b(g) of the Housing Act of 1959 (12 U.S.C. 1701q–2(g)) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) the term 'assisted living facility' means a facility that—

"(A) is owned by a private nonprofit organization; and

"(B)(i) is licensed and regulated by the State (or if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located); or

"(ii)(I) makes available, directly or through recognized and experienced third party service providers, to residents at the resident's request or choice supportive services to assist the residents in carrying out the activities of daily living, such as bathing, dressing, eating, getting in and our of bed or chairs, walking, going outdoors, toileting, laundry, home management, preparing meals, shopping for personal items, obtaining and taking medication, managing money, using the telephone, or performing light of heavy housework, and which may make available to residents home health care service, such as nursing and therapy, and certain health related services; and

"(II) provides separate dwelling units for residents, each of which may contain a full kitchen and bathroom and which includes common rooms and other facilities appropriate for the provision of supportive services to the residents of the facility; and".

SEC. 302. MONTHLY ASSISTANCE PAYMENT UNDER RENTAL ASSISTANCE.

Clause (iii) of section 8(o)(18)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(18)(B)(iii)) is amended by inserting before the period at the end the following: ", except that a family may be required at the time the family initially receives such assistance to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such an amount or percentage as the Secretary deems appropriate".

TITLE IV—FACILITATING AFFORDABLE HOUSING PRESERVATION TRANSACTIONS

SEC. 401. USE OF SALE OR REFINANCING PROCEEDS.

Notwithstanding any other provision of law, in connection with the sale or refinancing of a multifamily housing project, or the transfer of an assistance contract on such a property, that requires the approval of the Secretary of Housing and Urban Development, the Secretary shall not impose any condition that restricts the amount or use of sale or refinancing proceeds, or requires the filing of a financial report, unless such condition is expressly authorized by an existing contract entered into between the Secretary (or the Secretary's designee) and the project owner before the imposition of a condition prohibited by this section or is a general condition for new financing with a mortgage insured by the Secretary. Any such condition previously imposed by the Secretary after January 1, 2005, shall, at the option of the project owner, be considered void and not enforceable, and any agreement containing such a condition shall be rescinded and may be reissued without the void condition.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MAHONEY) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MAHONEY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MAHONEY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House of Representatives has the ability to improve the lives of thousands of seniors across the country with the passage of H.R. 2930, the Section 202 Supportive Housing for the Elderly Act of 2007. As our elderly population grows, the need for affordable housing will also increase. In 2005, there were approximately 37 million Americans over the age of 65.

According to the U.S. Census Bureau, the number of seniors is expected to grow rapidly during the next few decades. In addition, today's seniors are facing economic uncertainty. In my home State of Florida, the toxic cocktail of rising gas prices, skyrocketing property taxes and exorbitant homeowners insurance has forced seniors to make difficult choices between paying their mortgage, putting food on the table or purchasing lifesaving medication.

Despite this increase in demand, the number of affordable housing units is shrinking. According to the Joint Center for Housing, for every unit of affordable housing constructed, two are lost either by the conversion of affordable housing to market rate housing or by sponsors of section 202 housing opting out of the program when their contracts expire.

In 2002, Congress created a bipartisan commission to study the need for affordable housing and supportive services for the elderly. In the commission's report to Congress entitled "A Quiet Crisis in America," they stated that "this Nation, despite competing demands for national resources, must respond to the critical need for affordable housing and home and community-based supportive services, with a substantial financial commitment and effective policies." The report also concluded that "all seniors, no matter what their individual circumstances and resources, should be able to continue to live where they prefer regardless of their income, with the services they need to maintain personal dignity and quality of life."

One of the most important responsibilities we have as a society is to ensure that our seniors, who have done everything our Nation has asked them to do, have a safe and affordable place to live. The Section 202 Supportive Housing for the Elderly Act is a step in achieving this goal. This important piece of legislation will give the owners of 202 facilities the ability to leverage the property's equity, access much-needed capital and benefit from low interest rates from private lenders. By doing so, this legislation will ensure that these facilities are preserved and improved to meet the changing needs of seniors.

In addition, the bill allows for funding to be used to increase the services that section 202 communities provide for their residents, allowing them to live a more independent life. Finally, this bill will assist seniors living in older section 202 facilities by extending them rental assistance. This provision will allow owners to preserve these properties without the risk of displacing poor residents.

I have seen firsthand how important these facilities are to our communities. I visited Villa Assumpta in Jensen Beach, Florida, a section 202 facility run by Catholic Charities, and Presbyterian Homes of Port Charlotte, Florida, operated by the Presbyterian Association of Homes and Services for the Aging. I have met with the residents and I have heard their life stories, residents like Ruth Justice. Mrs. Justice lived in a mobile home in Stuart, Florida, for almost 40 years until Hurricane Wilma ripped the roof off of her home. Fortunately, Ruth was able to escape from the hurricane with her piano, trumpets and other instruments she and her husband had collected over the years. However, no matter how much she loved her music and her musical instruments, it couldn't ease the financial burden that she faced with a new place which ate up her entire monthly Social Security check. Ruth felt like she had no place to turn. Thank God for Catholic Charities and Villa Assumpta.

Fortunately, Ruth was one of the lucky ones. For seniors in need of low-income housing who qualify for one of Villa Assumpta's 99 units, waits can be more than 2 years. I was moved by stories like Ruth's and how much this housing means to our seniors. After years of working to live the American Dream, many of these seniors find themselves with monthly incomes of $800 or less. Without the section 202 housing, where would Ruth and her friends be? Where are the seniors living tonight that are on Villa Assumpta's 2-year waiting list? On our streets? We have a responsibility to make sure that we provide affordable housing to our seniors and we can start by passing this important legislation.

Mr. Speaker, the Section 202 Supportive Housing for the Elderly Act is an example of what this Congress can achieve when it works together in a bipartisan fashion. First, the bill was reported out of the Financial Services Committee by a unanimous vote. Secondly, following the committee's consideration of H.R. 2930, we worked closely with my colleague from West Virginia (Mrs. CAPITO) to ensure that the bill meets the needs of rural communities.

Under current law, HUD is required to reserve 15 percent of program funds for the development of units in non-metropolitan areas. Unfortunately, the small number of units that are reserved do not provide an adequate incentive for developers to undertake such projects. As a result, rural communities often face severe shortages of section 202 units. The new provision added by Mrs. CAPITO will provide HUD with greater flexibility by allowing the Department to allocate funding for non-metropolitan units on a regional or national scale. I would like to thank her for her work to further strengthen the bill and to ensure that all of our communities, whether they be urban or rural, have access to the program.

Mr. Speaker, the section 202 program is a great example of how the Federal Government can work with religious institutions to provide needed services to our communities. Many of the section 202 facilities are run by religious organizations. I am proud that this legislation is being supported by more than 30 organizations that provide housing to the elderly, including Catholic Charities, Lutheran Services of America and United Jewish Communities.

Mr. Speaker, at this time I would like to insert into the RECORD a letter from these groups expressing their strong support for H.R. 2930.

H.R. 2930—SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY ACT OF 2007 ENDORSEMENT LETTER

We, the undersigned organizations, write in strong support of H.R. 2930, the Section 202 Supportive Housing for the Elderly Act of 2007. Under the current Section 202 law, the development and preservation of senior housing can be time-consuming and bureaucratic at a time when demand for supportive senior housing is exploding and the loss of affordable housing exceeds new construction. We believe that this legislation is sorely needed to streamline and simplify the development and preservation of affordable, supportive, senior housing for increased participation by not-for-profit developers, private lenders, investors, and state and local funding agencies.

The current Section 202 program is a capital advance grant for the construction of new supportive senior communities with a project rental assistance contract to subsidize very low-income elderly renters. Even though the award now comes in the form of a grant, HUD engages in a protracted "underwriting" process that often increases red tape, delays the development process, and results in escalated costs, particularly when Section 202 funds are combined with the Low Income Housing Tax Credit. To promote efficiency and streamline the processing of new developments, the proposed legislation will delegate the processing of the Section 202 capital advance grants to state or local entities with expertise in housing development. We know that this will ensure that supportive senior housing will be open more quickly to serve our Nation's most vulnerable seniors, particularly in combination with tax credits.

Many older Section 202 facilities are in need of repair, rehabilitation or modernization, but most of them do not have the funds to retrofit their buildings to accommodate the present and future needs of their residents. The current Section 202 statute permits Section 202 providers to refinance ad use the substantial equity in these projects to fund the much needed rehabilitation, extend the lives of these properties, and provide an enhanced supportive environment for seniors as they age in place. Unfortunately, these preservation deals have been stymied by illogical decisions from HUD. Title II of H.R. 2930 would make a number of technical changes in the statute to enhance the ability of organizations to recapitalize and preserve existing Section 202 housing and enhance supportive services.

This legislation would require rather than permit HUD to approve reconfiguration of obsolete efficiencies into 1-bedroom units where providers are experiencing high vacancy rates, allow the use of excess proceeds to further the non-profits' housing and services mission, permit the subordination of debt and other important tools that would make preservation easier to achieve. Most importantly, H.R. 2930 will establish a new project based rental assistance program to allow those Section 202 properties built between 1959 and 1974, the oldest segment of the 202 inventory, that do not currently have rental assistance to be refinanced and rehabilitated and receive project based rental assistance. This will enable sponsors to prevent displacement and continue serving low-income seniors.

We want to thank Congressman Mahoney for introducing this important legislation. We believe these reforms are absolutely necessary to ensure more units are built and preserved more quickly.

The changes this legislation offers represent a comprehensive federal policy change to meet the affordable housing needs of low-income seniors. Without these reforms, our most vulnerable seniors will face displacement, homelessness, or premature institutionalization. We encourage you to support H.R. 2930 and a national commitment to the development and preservation of supportive, affordable senior housing.

Sincerely,

Aging Services of California.

Alliance for Retired Americans.

American Association of Homes and Services for the Aging.

Association of Jewish Aging Services of North America.

Association of Jewish Family & Children's Agencies.

B'nai B'rith International.

Catholic Charities.

Elderly Housing Development and Operations Corporation.

Florida Association of Homes and Services for the Aging.

Indiana Association of Homes and Services for the Aging.

Iowa Association of Homes and Services for the Aging.

Jewish Federation of Metropolitan Chicago.

Life Services Network of Illinois.

LifeSpan Network.

Local Initiatives Support Corporation.

Lutheran Services in America.

National Association of Area Agencies on Aging.

National Affordable Housing Management Association.

National Church Residences.

National Council on Aging.

National Housing Trust.

New Jersey Association of Home and Services for the Aging.

National Housing Trust.

National Leased Housing Association.

National Low Income Housing Coalition.

New York Association of Homes and Services for the Aging.

Oregon Alliance of Senior and Health Services.

Stewards of Affordable Housing for the Future.

United Jewish Communities.

Volunteers of America.

Washington Association of Housing and Services for the Aging.

In closing, I would like to thank Chairman FRANK and Representative MAXINE WATERS for their leadership in this area of affordable housing. I would also like to thank their staffs, Meredith Connelly, Scott Olson and Jonathan Harwitz, for their hard work and commitment to this legislation. Their efforts will help thousands of seniors live their lives with the dignity that they deserve.

Mr. Speaker, I would ask my colleagues to stand up for our seniors by voting "yes" for H.R. 2930, the Section 202 Supportive Housing for the Elderly Act of 2007.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, today I rise in strong support of H.R. 2930, the Section 202 Supportive Housing for the Elderly Act of 2007. I would like to thank my colleague from Florida for all of his good, hard work and the leadership of the committee, the Financial Services Committee, for the work they have done on this.

Affordable housing with supportive services is a key component for seniors seeking to stay in their homes and to "age in place." The section 202 housing for the elderly program is the primary HUD program that provides housing exclusively for low-income elderly households. H.R. 2930 reforms the section 202 elderly housing program making it more effective and efficient and better able to meet the housing needs of our elderly.

Today, we are facing a growing elderly housing crisis in this country. According to the 2005 census data, there are approximately 3.6 million seniors living below the poverty line. Among senior renters, 1.29 million have worst case housing needs, meaning they spend over 50 percent of their income on housing.

The section 202 program has been an important tool in addressing these serious housing needs by providing capital advance grants to nonprofit housing sponsors to build new elderly housing facilities and project rental assistance contracts to subsidize very low-income elderly residents of these facilities. Many nonprofit sponsors are faith-based organizations with a mission to serve the elderly. As a condition of receiving a capital advance, which does not have to be repaid, a nonprofit sponsor must make housing available for a period of no less than 40 years. As a result of these efforts, the section 202 program currently supplies over 320,000 units of housing to very low-income elderly citizens.

While the section 202 program has been successful at providing much-needed housing resources to our very low-income seniors, it is estimated that 10 seniors are waiting for each unit that becomes available. Participants and developers of the section 202 housing program maintain that the current regulation and HUD administration of the program can be time consuming and bureaucratic. H.R. 2930 will improve the section 202 elderly housing program by streamlining and simplifying the development and preservation of HUD's section 202 properties and by increasing participation by not-for-profit developers, private lenders, investors and State and local funding agencies.

I do want to point out to my colleagues that the bill we are considering on the floor today includes several changes to the bill reported out of the Committee on Financial Services on September 25. While the bill as reported did have a $94 million cost for fiscal year 2008 and a $212 million cost over 5 years, those costs have been removed by the elimination of the mortgage sale demonstration program and the subordination or assumption of existing debt provisions. The Congressional Budget Office now reports the costs associated with this bill to be insignificant.

I would also like to thank my colleagues and Chairman FRANK in particular for his willingness to work with me on a provision to resolve a problem that non-metropolitan States like my home State of West Virginia have experienced when attempting to qualify for funds under the section 202 program. It is important to recognize that the need for housing for the very low-income elderly extends beyond metropolitan areas and it needs the flexibility for rural and suburban areas to be able to qualify for these funds. The very low-income elderly of rural West Virginia deserve the very same resources available to the elderly in the larger areas.

H.R. 2930 now includes provisions to establish a national competition for non-metro elderly housing funds and will allow regional offices to administer elderly housing allocations. This greater flexibility will help create more elderly housing units in rural States like mine.

I would like to pause and thank the housing advocates in my State of West Virginia for bringing this issue before me in a very timely manner so we could fix this while we are dealing with the section 202 program. So I want to thank my fellow West Virginians for helping us out here.

Mr. Speaker, the affordable rental housing crisis in America is having a profound effect on renters of all ages, especially our seniors, and this bill will help ease some of the affordability problems plaguing our senior population.

I urge my colleagues to support H.R. 2930, the Section 202 Supportive Housing for the Elderly Act of 2007.

I reserve the balance of my time.

Mr. MAHONEY of Florida. Mr. Speaker, I would like to yield 2 minutes to my distinguished friend from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. I thank very much my colleague, Mr. MAHONEY, for his excellent work on this legislation and Mrs. CAPITO for her excellent work on this bipartisan legislation.

It is incredibly important to America's seniors, Vermont's seniors, that they have security in housing as they age. And that is a challenge because we are getting more folks older and incomes are not keeping up. H.R. 2930 addresses the issue in a timely and overdue way.

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It improves HUD's section 202 program, providing low-income elderly households access to affordable places to live. It is the only program that provides housing exclusively for the elderly. Established in 1959, it makes capital grants and project rental assistance available to developers so they can build housing that is affordable to low-income elderly households. Over 320,000 housing units are currently available.

But it is not enough. There are 10 seniors waiting and in need for every housing unit that is available, and approximately 3.6 million of our seniors across the country in every State live in poverty. This bill is going to help make a down payment on what needs to be done. The U.S. population is aging; 12.4 percent are over 65, but in 18 years that is going to be 20 percent. We are going to need 730,000 units of housing. So I thank the sponsors, the leaders, to begin the process of moving forward.

I want to mention just in a very practical way something that Mrs. CAPITO said. Housing is a partnership. What it does is unleash the activities of volunteers in our communities and housing advocates, and they brought this to our attention.

Grand Way Commons in Vermont, opened by the Cathedral Square Corporation, is going to have a housing project that is going to help 63 families, seniors, have access to housing, and they are combining it with services from United Way, from AARP and from the Vermont Nurses Association.

Mr. Speaker, I urge a strong vote in support of moving ahead for senior housing.

Mrs. CAPITO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. MAHONEY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I too want to thank Mrs. CAPITO, Chairman FRANK, Chairman WATERS, and also Mr. MAHONEY from Florida for his great work on this.

Mr. Speaker, as a cosponsor of H.R. 2930, I am pleased to support this bipartisan legislation to reform and strengthen HUD's section 202 senior housing program.

Mr. Speaker, affordable rental housing is essential to low-income seniors living on fixed income. In fact, according to the AARP, there are at least 10 seniors now on waiting lists for every unit of section 202 housing that becomes available. However, in the meantime, for every unit of affordable housing that we create, two are being lost either through the conversion process to market-rate housing or by sponsors who are opting out of the program when their contracts expire. As a result, preserving our existing section 202 senior housing is and should be a national priority.

H.R. 2930 eases the development and preservation of section 202 housing for the elderly by reducing administrative burdens while simultaneously expanding the available options for recapitalization. This bill will give the owners of these communities the ability to leverage the equity in those properties. It will also allow them to access much-needed capital and benefit from the current low interest rates being offered by private lenders.

Mr. Speaker, by delegating the processing of these capital advances to State housing agencies with staff and experience in housing development, the section 202 process will be aided and made more efficient.

Mr. Speaker, as President John F. Kennedy once said to Congress nearly 45 years ago, "The gradual increase in lifespan in our country and the number of our senior citizens who find themselves in later years dependent on affordable housing presents this Nation with increased opportunities. The increased life expectancy presents opportunities to draw upon the skills of our senior citizens and their wisdom and sagacity, and the opportunity to provide the respect and recognition that they have earned in their later years. It is not enough for a great Nation merely to have added years to their lives. Our objective must also be to add new life to those years."

I encourage my colleagues to support the growing population of seniors in our country, of these most vulnerable citizens in our country, by voting for this important bipartisan measure to aid the elderly in the section 202 program.

Again, I would like to thank my colleague from Florida, Mr. MAHONEY, for spearheading this important legislation.

Mr. MAHONEY of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MAHONEY) that the House suspend the rules and pass the bill, H.R. 2930, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SECURITIES LAW TECHNICAL CORRECTIONS ACT OF 2007

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3505) to make various technical and clerical amendments to the Federal securities laws, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securities Law Technical Corrections Act of 2007".

SEC. 2. TECHNICAL CORRECTIONS.

(a) SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended—

(1) in section 3(a)(4) (15 U.S.C. 77c(a)(4)), by striking "individual;" and inserting "individual,";

(2) in section 18(b)(1)(C) (15 U.S.C. 77r(b)(1)(C)), by striking "is a security" and inserting "a security";

(3) in section 18(c)(2)(B)(i) (15 U.S.C. 77r(c)(2)(B)(i)), by striking "State, or" and inserting "State or";

(4) in section 19(d)(6)(A) (15 U.S.C. 77s(d)(6)(A)), by striking "in paragraph (1) of (3)" and inserting "in paragraph (1) or (3)"; and

(5) in section 27A(c)(1)(B)(ii) (15 U.S.C. 77z-2(c)(1)(B)(ii)), by striking "business entity;" and inserting "business entity,".

(b) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended—

(1) in section 2(1)(a) (15 U.S.C. 78b(1)(a)), by striking "affected" and inserting "effected";

(2) in section 3(a)(55)(A) (15 U.S.C. 78c(a)(55)(A)), by striking "section 3(a)(12) of the Securities Exchange Act of 1934" and inserting "section 3(a)(12) of this Act";

(3) in section 3(g) (15 U.S.C. 78c(g)), by striking "company, account person, or entity" and inserting "company, account, person, or entity";

(4) in section 10A(i)(1)(B)(i) (15 U.S.C. 78j-1(i)(1)(B)(i)), by striking "nonaudit" and inserting "non-audit";

(5) in section 13(b)(1) (15 U.S.C. 78m(b)(1)), by striking "earning statement" and inserting "earnings statement";

(6) in section 15(b)(1) (15 U.S.C. 78o(b)(1))—

(A) by striking the sentence beginning "The order granting" and ending "from such membership." in subparagraph (B); and

(B) inserting such sentence in the matter following such subparagraph after "are satisfied.";

(7) in section 15 (15 U.S.C. 78o), redesignate subsection (i), as added by section 303(f) of the Commodity Futures Modernization Act of 2000 (114 Stat. 2763A–455), as subsection (j);

(8) in section 15C(a)(2) (15 U.S.C. 78o-5(a)(2))—

(A) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(B) by striking the sentence beginning "The order granting" and ending "from such membership." in such redesignated subparagraph (B); and

(C) inserting such sentence in the matter following such redesignated subparagraph after "are satisfied.";

(9) in section 16(a)(2)(C) (15 U.S.C. 78p(a)(2)(C)), by striking "section 206(b)" and inserting "section 206B";

(10) in section 17(b)(1)(B) (15 U.S.C. 78q(b)(1)(B)), by striking "15A(k) gives" and inserting "15A(k), give"; and

(11) in section 21C(c)(2) (15 U.S.C. 78u-3(c)(2)), by striking "paragraph (1) subsection" and inserting "Paragraph (1)".

(c) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 304(b) (15 U.S.C. 77ddd(b)), by striking "section 2 of such Act" and inserting "section 2(a) of such Act";

(2) in section 313(a)(4) (15 U.S.C. 77mmm(a)(4)) by striking "subsection 311" and inserting "section 311(b)"; and

(3) in section 317(a)(1) (15 U.S.C. 77qqq(a)(1)), by striking "(1)," and inserting "(1)".

(d) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended—

(1) in section 2(a)(19) (15 U.S.C. 80a–2(a)(19)) by striking "clause (vi)" both places it appears in the last two sentences and inserting "clause (vii)";

(2) in section 9(b)(4)(B) (15 U.S.C. 80a–9(b)(4)(B)), by inserting "or" after the semicolon at the end;

(3) in section 12(d)(1)(J) (15 U.S.C. 80a–12(d)(1)(J)), by striking "any provision of this subsection" and inserting "any provision of this paragraph";

(4) in section 13(a)(3) (15 U.S.C. 80a–13(a)(3)), by inserting "or" after the semicolon at the end;

(5) in section 17(f)(4) (15 U.S.C. 80a–17(f)(4)), by striking "No such member" and inserting "No member of a national securities exchange";

(6) in section 17(f)(6) (15 U.S.C. 80a–17(f)(6)), by striking "company may serve" and inserting "company, may serve"; and

(7) in section 61(a)(3)(B)(iii) (15 U.S.C. 80a–60(a)(3)(B)(iii))—

(A) by striking "paragraph (1) of section 205" and inserting "section 205(a)(1)"; and

(B) by striking "clause (A) or (B) of that section" and inserting "section 205(b)(1) or (2)".

(e) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended—

(1) in each of the following sections, by striking "principal business office" or "principal place of business" (whichever and wherever it appears) and inserting "principal office and place of business": sections 203(c)(1)(A), 203(k)(4)(B), 213(a), 222(b), and 222(c) (15 U.S.C. 80b–3(c)(1)(A), 80b–3(k)(4)(B), 80b–13(a), 80b–18a(b), and 80b–18a(c)); and

(2) in section 206(3) (15 U.S.C. 80b–6(3)), by inserting "or" after the semicolon at the end.

SEC. 3. CONFORMING AMENDMENTS FOR THE REPEAL OF THE PUBLIC UTILITIES HOLDING COMPANY ACT OF 1935.

(a) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended—

(1) in section 3(a)(47) (15 U.S.C. 78c(a)(47)), by striking "the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.),"; and

(2) in section 12(k) (15 U.S.C. 78l(k)), by amending paragraph (7) to read as follows:

"(7) DEFINITION.—For purposes of this subsection, the term 'emergency' means—

"(A) a major market disturbance characterized by or constituting—

"(i) sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets; or

"(ii) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in securities, or a substantial threat thereof; or

"(B) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

"(i) the functioning of securities markets, investment companies, or any other significant portion or segment of the securities markets; or

"(ii) the transmission or processing of securities transactions.".

(3) in section 21(h)(2) (15 U.S.C. 78u(h)(2)), by striking "section 18(c) of the Public Utility Holding Company Act of 1935,".

(b) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 303 (15 U.S.C. 77ccc), by amending paragraph (17) to read as follows:

"(17) The terms 'Securities Act of 1933' and 'Securities Exchange Act of 1934' shall be deemed to refer, respectively, to such Acts, as amended, whether amended prior to or after the enactment of this title.";

(2) in section 308 (15 U.S.C. 77hhh), by striking "Securities Act of 1933, the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935" each place it appears and inserting "Securities Act of 1933 or the Securities Exchange Act of 1934";

(3) in section 310 (15 U.S.C. 77jjj), by striking subsection (c) (including the preceding heading);

(4) in section 311 (15 U.S.C. 77kkk) by striking subsection (c);

(5) in section 323(b) (15 U.S.C. 77www(b)), by striking "Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935" and inserting "Securities Act of 1933 or the Securities Exchange Act of 1934"; and

(6) in section 326 (15 U.S.C. 77zzz), by striking "Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935," and inserting "Securities Act of 1933 or the Securities Exchange Act of 1934".

(c) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended—

(1) in section 2(a)(44) (15 U.S.C. 80a–2(a)(44)), by striking "'Public Utility Holding Company Act of 1935',";

(2) in section 3(c) (15 U.S.C. 80a–3(c)), by amending paragraph (8) to read as follows:

"(8) [Repealed]";

(3) in section 38(b) (15 U.S.C. 80a–37(b)), by striking "the Public Utility Holding Company Act of 1935,"; and

(4) in section 50 (15 U.S.C. 80a–49), by striking "the Public Utility Holding Company Act of 1935,".

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 202(a)(21) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(21)) is amended by striking "'Public Utility Holding Company Act of 1935',".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Illinois (Mr. ROSKAM) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on this legislation and on H.R. 3526, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, H.R. 3505, is the Securities Law Technical Corrections Act, and it consists entirely of technical and clerical amendments to the Federal securities laws which were requested by the Securities and Exchange Commission as a minor part of a larger legislative agenda. Included are the Security Act of 1934, the Investment Act of 1940 and the Trust Indenture Act of 1939.

Mr. Speaker, periodically we in Congress should review our laws in order to make sure that they are current and that they are up to date. Furthermore, this bill addresses certain changes to be made to reduce confusion. We want to ensure that the laws we pass are current, and periodically clarifying certain aspects of these somewhat complex and complicated laws is a very valuable undertaking.

The amendments made by this bill correct drafting errors and remove obsolete references to the Public Utilities Holding Company Act of 1935, which was repealed in 2005. It further corrects numbering and punctuation errors. There are several technical changes that need to be made to the bill, as introduced, one to correct statutory citations and punctuation and also for clarification.

Mr. Speaker, as security laws are very complicated, very complex and highly technical, and with many of these laws having been written in the 1930s and the 1940s, periodic overview is very, very important and essential to the financial security of our great Nation, and this, Mr. Speaker, is the purpose of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ROSKAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3505, the Securities Law Technical Corrections Act of 2007, a measure to make technical corrections to the various securities laws, and I thank Mr. SCOTT for his support for this measure and also Chairman FRANK and Ranking Member BACHUS for advocating that this come to the floor today.

Mr. Speaker, in the aftermath of the stock market crash of 1929 and the ensuing Great Depression, Congress enacted the Federal securities laws of the 1930s and the 1940s. Over many years, Congress has amended these laws to adopt innovation and growth in the securities industry. Securities laws have become incredibly complex and technical due to the intricate and global markets we have today.

The goal of these laws is to protect investors, maintain fair, orderly and efficient markets, and to facilitate capital formation and promote competition. These laws range from governing over the initial issuance and registration of securities to the oversight of financial reporting and registration of people involved in the sale of securities. The laws also regulate the purchase and sale of securities, securities brokerage firms and securities exchanges, and they also have been responsible for the rules of the creation and operation of mutual funds and those laws governing the operation of investment advisors, all good things.

As Members of Congress, we have a responsibility to review laws that we pass to ensure that they are current and that they are up to date. Most importantly, Congress needs to clarify that these laws are well-crafted so that agencies who administer and enforce them are able to do so without causing unnecessary confusion to investors, to market participants and the courts.

Keeping the security laws current is a worthwhile undertaking. One such example where there is need to update our securities laws which are included in this legislation is to address the repeal of the Public Utility Holding Company Act of 1935. It was repealed, as Mr. SCOTT mentioned, in the 2005 energy bill because it was no longer necessary.

But it was originally adopted to deal with circumstances that existed in the 1930s and 1940s when the commission was restructuring the utility industry. At that point, a number of holding companies would have owned minority stakes in utilities and other holding companies and they may have held substantial equity assets that caused them to meet the investment company definition at that time.

Today, virtually all utility holding companies operate throughout wholly owned subsidiaries and, thus, do not have investment company status issues any different from any other type of holding company. So utility holding companies no longer need to be treated differently than any other type of company for purposes of determining whether they meet the definition of investment company.

H.R. 3505 makes almost 50 technical changes to the Federal securities laws. Mr. Speaker, I want to note that the Securities and Exchange Commission supports these changes.

Once again I want to thank my colleague Mr. SCOTT, along with Ranking Member BACHUS and our chairman, Chairman FRANK, for their support of this legislation, and I urge all of our colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too want to thank my colleague Mr. ROSKAM for his hard work on this bill and for his contribution, and also the leadership of our Financial Services Committee under the chairmanship of Chairman BARNEY FRANK for his work on this measure as well.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3505, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

APPOINTMENT OF CONFEREES ON H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees to H.R. 1585.

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. SKELTON, SPRATT, ORTIZ, TAYLOR, ABERCROMBIE, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mr. MCINTYRE, Mrs. TAUSCHER, Messrs. BRADY of Pennsylvania, ANDREWS, Mrs. DAVIS of California, Messrs. LARSEN of Washington, COOPER, MARSHALL, Ms. BORDALLO, Messrs. UDALL of Colorado, HUNTER, SAXTON, MCHUGH, EVERETT, BARTLETT of Maryland, MCKEON, THORNBERRY, JONES of North Carolina, HAYES, AKIN, FORBES, WILSON of South Carolina, TURNER, KLINE of Minnesota, and Mrs. DRAKE.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. BOSWELL, PATRICK J. MURPHY of Pennsylvania, and HOEKSTRA.

From the Committee on Education and Labor, for consideration of sections 561, 562, 675, 953, and 3118 of the House bill, and sections 561, 562, 564, 565, and 3137 of the Senate amendment, and modifications committed to conference: Messrs. GEORGE MILLER of California, COURTNEY, and WALBERG.

From the Committee on Energy and Commerce, for consideration of sections 311–313 and 1082 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, WYNN, and BARTON of Texas.

From the Committee on Foreign Affairs, for consideration of sections 831, 833, 1022, 1201, 1203, 1204, 1206–1208, 1221, 1222, 1231, 1241, 1242, title XIII, and section 3117 of the House bill, and sections 871, 934, 1011, 1201–1203, 1205, 1211, 1212, 1214, 1215, 1217, 1219, 1232, title XIII, sections 1511, 1512, 1532, 1533, 1539–1542, 1571, 1574–1576, 1579, 3134, and 3139 of the Senate amendment, and modifications committed to conference: Messrs. LANTOS, ACKERMAN, and Ms. ROS-LEHTINEN.

From the Committee on Homeland Security, for consideration of section 1076 of the Senate amendment, and modifications committed to conference: Messrs. THOMPSON of Mississippi, CARNEY, and DANIEL E. LUNGREN of California.

From the Committee on the Judiciary, for consideration of sections 582, 672, 673, and 850 of the House bill, and sections 824, 1023, 1024, 1078, 1087, 1571–1574, 1576, 1577, 1579, and title LII of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, BERMAN, and SMITH of Texas.

From the Committee on Oversight and Government Reform, for consideration of sections 325, 326, 328–330, 604, 653, 674, 801, 802, 814, 815, 821–824, 1101–1112, 1221, 1231, and 1451 of the House bill, and sections 366–370, 603, 684, 821, 823, 842, 845, 846, 871, 902, 937, 1064, 1069, 1074, 1093, 1101–1106, 1108, 1540, 1542, and 2851 of the Senate amendment, and modifications committed to conference: Messrs. WAXMAN, TOWNS, and DAVIS of Virginia.

From the Committee on Science and Technology, for consideration of sections 846, 1085, and 1088 of the Senate amendment, and modifications committed to conference: Mr. GORDON of Tennessee, Ms. GIFFORDS, and Mr. EHLERS.

From the Committee on Small Business, for consideration of sections 828, 1085, 1088, 4001, 4002, 4101–4103, 4201–4203, and 4301–4305 of the Senate amendment, and modifications committed to conference: Ms. VELÁZQUEZ, Messrs. ALTMIRE and CHABOT.

From the Committee on Transportation and Infrastructure, for consideration of sections 523 and 1048 of the House bill, and sections 311–313, 353, 1070, 2853, 2855, 2863, 5101, 5202, and 5208 of the Senate amendment, and modifications committed to conference: Messrs. OBERSTAR, COSTELLO, and GRAVES.

From the Committee on Veterans' Affairs, for consideration of sections 525, 1421, 1433, and 1453 of the House bill, and sections 701, 710, 1084, 1611, 1612, 1621, 1626, 1634, 1641, 1654, 1662, and 1702–1712 of the Senate amendment, and modifications committed to conference: Messrs. FILNER, MICHAUD, and BUYER.

From the Committee on Ways and Means, for consideration of section 536 of the Senate amendment, and modifications committed to conference: Messrs. RANGEL, STARK, and CAMP of Michigan.

There was no objection.

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COMMENDING THE NATIONAL RENEWABLE ENERGY LABORATORY FOR ITS WORK OF PROMOTING ENERGY EFFICIENCY FOR 30 YEARS

Mr. McNERNEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 251) commending the National Renewable Energy Laboratory for its work of promoting energy efficiency for 30 years.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 251

Whereas in 1977 the Solar Energy Research Institute opened and was designated a National Laboratory of the United States Department of Energy;

Whereas in September 1991 President George H.W. Bush changed the institute's name to the National Renewable Energy Laboratory ("NREL");

Whereas the NREL is the principal research laboratory for the United States Department of Energy's Office of Energy Efficiency and Renewable Energy and also provides research expertise for the Office of Science and the Office of Electricity Delivery and Energy Reliability;

Whereas the NREL is the Nation's, and the world's, preeminent laboratory for renewable energy and energy efficiency research and development;

Whereas renewable energy and energy efficiency technologies are key to creating a clean energy future for not only the United States, but the world;

Whereas the NREL's focused research and development capabilities are positioned to advance national energy goals by developing innovations to change the way we power our homes and businesses, and fuel our cars;

Whereas the NREL has worked vigorously through research and development to develop wind energy resulting in innovative designs, larger turbines, and increased efficiencies leading to dramatic reductions in energy costs;

Whereas the NREL has also developed hydrogen energy scenarios that could be used to power the future and develop hydrogen infrastructure and delivery systems; and

Whereas the NREL has developed biomass research technology, which provides biomass industries with rapid analytical tools for making the highest value applications of biomass or analyzing biomass: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commends the National Renewable Energy Laboratory for its work of promoting energy efficiency for 30 years and seeking other avenues of energy independence because it enhances our national security, sustains our environment and creates jobs;

(2) recognizes the achievements of the scientists and employees of the NREL and their exemplary service to the United States for 30 years; and

(3) directs the Clerk of the House to transmit a copy of this resolution to the NREL for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McNERNEY) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. McNERNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Con. Res. 251, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McNERNEY. Mr. Speaker, I yield myself such time as I may consume.

I would first like to thank my good friend and colleague from Colorado (Mr. PERLMUTTER), the sponsor of this resolution, which recognizes the invaluable contributions of the National Renewable Energy Laboratory, or NREL. The gentleman from Colorado and I both share deep concern about our Nation's dependence on imported oil and the impact that fossil fuels have on our environment.

As someone who has worked at the national laboratory, I have spent many years at the laboratory working as an engineer, a consultant, and I certainly appreciate the work that NREL does. Tucked in the foothills of the Rockies and looking up to the scenic Flatirons, NREL has led the charge in developing and deploying cost-effective energy efficiency and renewable energy technologies for three decades. I have been continually impressed by the caliber of work that this laboratory has put out over the years.

New energy technology takes time to develop. It's a long, difficult process, but we have seen tremendous advances. For example, in wind energy we have seen it come from an outlying technology to where now it's one of the leading sources of new energy in the world. We can expect other forms of energy technology such as solar, geothermal, and energy efficiency technologies to follow that same trajectory to becoming cost-effective and competitive with all other forms of energy.

The experts at NREL have played a critical role in developing a range of technologies that will transform our energy future. NREL scientists and engineers have made breakthroughs in such diverse areas as biofuels, wind, solar power, near zero-energy buildings, and super efficient cars and trucks.

As our country works to combat climate change and achieve energy independence, NREL's mission is more important than ever. But staying ahead of the technology curve requires considerable resources and very smart policymaking. I am sure that the dedicated employees of NREL share my appreciation for this resolution and will continue their tireless efforts to bring energy efficiency and renewable energy technologies and practices to the marketplace.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I rise in support of H. Con. Res. 251, commending the National Renewable Energy Laboratory for its work promoting energy efficiency for 30 years. NREL, the National Renewable Energy Laboratory, based in Golden, Colorado, is the hub of our Nation's work into renewable and alternative energy research and development.

Since 1977, when it began as the Solar Energy Research Institute before changing its name in 1991, NREL has received many accolades and many awards. In the past 30 years, NREL has received 39 R&D 100 awards, as well as hundreds of Scientific and Technical Society honors and awards, Technology Transfer awards, and Department of Energy and other agency awards.

NREL's success has continued under the leadership of its current director, Dr. Dan Arvizu, who has made the transferring of technologies from the lab to the marketplace a real priority. It's through this "technical transfer" that we see inventions and discoveries at work in the real world and not sitting on a proverbial shelf collecting proverbial dust.

As we have reached a time in our energy history that we are realizing more and more the importance of and the place that renewable and alternative forms of energy have in our current and future energy mix, NREL's significance and prominence as a world leader in this field is becoming increasingly evident and appreciated. The resolution before us today recognizes NREL for its 30 years of service to our country. I am proud that such a facility exists in this great country of ours. I could only be prouder if it were in my home State of Texas.

I thank Dr. Arvizu and all the scientists and employees at NREL. You serve our country and serve our future very well.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 251.

With that, I reserve the balance of my time.

Mr. McNERNEY. I thank the gentleman from Texas for his remarks.

Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Thank you, Mr. McNERNEY, and I want to thank Mr. HALL. All of you are supporting this particular resolution, and it is one that is apropos for our time right now. We need to reduce our dependence on foreign oil, and the National Renewable Energy Lab, NREL, which is about three blocks from my house, is the leading organization in the world for developing energy efficiency technologies and renewable energy technologies.

Today, I rise to honor and commend that laboratory, which is the premier in the country. In 1977 the Solar Energy Research Institute opened and was designated a national laboratory of the Department of Energy. In 1991, President George Bush changed the institute's name to the National Renewable Energy Lab, which I will call NREL.

NREL is the principal research laboratory for the Department of Energy's Office of Energy Efficiency and Renewable Energy and also provides research expertise for the Office of Science. Changing our energy policy and developing a new direction for energy was and is a high priority for Americans across the country. We must reduce our dependency on foreign oil and we must increase our supply of renewable energy. We cannot afford the status quo any longer.

Leadership in the House on both sides of the aisle has shown this understanding for the increase in renewable energy and energy efficiency across the country, and for the first time in a long time this Congress passed a budgetary increase to the Office of Energy Efficiency and to the Office of Science so that NREL can continue its vital and important research and development in these particular areas.

NREL has advanced our national energy goals by developing innovative ways to change the way we power our homes and businesses and fuel our cars. They have developed competitions for solar cars and energy efficient homes. In fact, many times the races have ended here in Washington, DC, and we have had on the mall these competitions among our colleges and brightest kids as to how to make our buildings more energy efficient.

NREL has worked to develop biomass, solar, wind, geothermal, hydrogen, and the list goes on, types of renewable energy, and it has worked on both renewable energy for buildings, as I said, as well as renewable fuels for vehicles. Now more than ever we must seek ways to increase production of renewable energy and make our country more energy efficient, and NREL is helping to do just that. By seeking and creating avenues to develop renewable energy and improve our energy efficiency, we can strengthen our national security, protect our environment, and create thousands and thousands of new jobs.

I commend NREL on its work for the past 30 years, and I look forward to their work in the next 30 years. I thank the 1,200 current employees and the past employees who helped make NREL the leader that it is today. I thank the gentleman from Texas and the gentleman from California as well as the Speaker for helping me with this bill and commending this laboratory for the good work that it does.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McNERNEY. Mr. Speaker, I don't have any further speakers or any further comments, but I just want to point out that NREL has done a fine job. I want to see this institution and this government support and continue to support that kind of work that is going on in northern Colorado.

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of H. Con. Res. 251, to commemorate the 30th anniversary of the National Renewable Energy Laboratory, NREL, in Colorado. The facility serves our Nation as the chief research laboratory for energy efficiency and renewable energy for the Department of Energy. As the co-chair of the Renewable Energy and Energy Efficiency Caucus, I am proud to celebrate this organization and its invaluable work to set our country on a course towards sustainable energy practices.

The range of research areas at NREL is remarkable; from hydrogen-storing carbon nanotubes for fuel cell-powered vehicles to architectural computer design tools for low-energy construction to "smart windows" which automatically tint in order to cut the cost of air conditioning, NREL has developed cutting-edge technology for 30 years. NREL's National Wind Technology Center, located in my district, has helped push forward development of more efficient and economic wind turbines, which are critical to making the wind industry an important player in our Nation's energy markets. NREL will continue to be a leader on important research and development in these critical areas.

NREL continues to be an important resource for the people of Colorado. NREL is a critical participant in the Colorado Renewable Energy Collaboratory Agreement, which also includes the University of Colorado at Boulder, the Colorado School of Mines and Colorado State University. The Collaboratory will not only advance new energy research, but it will also encourage quicker transfer of new technology to energy businesses. For example, the new Colorado Center for Biorefining and Biofuels, C2B2, partners NREL and the Collaboratory with Colorado businesses to help reduce our dependence on foreign sources of oil while researching commercially viable biofuel technologies.

NREL and its employees continue a tradition of service to the community. Hundreds of NREL employees have completed over 43 community service projects in the past 5 years. NREL has focused community efforts for its 30th anniversary on helping the "Family Tree" organization, which provides assistance to the homeless and victims of domestic violence.

On a personal note, I have greatly enjoyed working with NREL scientists and staff, including NREL's former Director, Vice Admiral Richard Truly, and NREL's current Director, Dr. Dan Arvizu. I have great respect for both men and look forward to continuing to work with Dr. Arvizu for many years to come.

As the world demands sustainable energy solutions in a new era of energy awareness, I am confident that the talented scientists, engineers, and researchers at NREL will continue to lead our country and the world forward in expanding and improving our energy resources. I join my colleagues in recognizing NREL for its 30 years of service and look forward to many years to come.

☐ 1330

Mr. McNERNEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. McNERNEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 251.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING TECHNICAL CORRECTIONS TO HIGHER EDUCATION ACT OF 1965

Mrs. McCARTHY of New York. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2371) to amend the Higher Education Act of 1965 to make technical corrections, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF UNTAXED INCOME AND BENEFITS.

(a) AMENDMENT.—Section 480(b) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(b)) is amended by striking paragraph (2) and inserting the following:

"(2) The term 'untaxed income and benefits' shall not include—

"(A) the amount of additional child tax credit claimed for Federal income tax purposes;

"(B) welfare benefits, including assistance under a State program funded under part A of title IV of the Social Security Act and aid to dependent children;

"(C) the amount of earned income credit claimed for Federal income tax purposes;

"(D) the amount of credit for Federal tax on special fuels claimed for Federal income tax purposes;

"(E) the amount of foreign income excluded for purposes of Federal income taxes; or

"(F) untaxed social security benefits.".

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on July 1, 2009.

SEC. 2. INCOME-BASED REPAYMENT FOR MARRIED BORROWERS FILING SEPARATELY.

Section 493C of the Higher Education Act of 1965 (20 U.S.C. 1098e) is amended by adding at the end the following:

"(d) SPECIAL RULE FOR MARRIED BORROWERS FILING SEPARATELY.—In the case of a married borrower who files a separate Federal income tax return, the Secretary shall calculate the amount of the borrower's income-based repayment under this section solely on the basis of the borrower's student loan debt and adjusted gross income.".

SEC. 3. TEACH GRANTS TECHNICAL AMENDMENTS.

Subpart 9 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070g et seq.) is amended—

(1) in section 420L(1)(B), by striking "sound" and inserting "responsible"; and

(2) in section 420M—

(A) by striking "academic year" each place it appears in subsections (a)(1) and (c)(1) and inserting "year"; and

(B) in subsection (c)(2)—

(i) by striking "other student assistance" and inserting "other assistance the student may receive"; and

(ii) by striking the second sentence.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MCCARTHY of New York. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to S. 2371 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the amendment to S. 2371. This bill makes technical corrections to the College Cost Reduction and Access Act in order to ensure that the Department of Education and other relevant stakeholders reflect congressional intent when implementing the law.

Mr. Speaker, during this Congress we have made significant commitments to our Nation's students and families by putting resources into the hands of those that need it the most.

The College Cost Reduction and Access Act as passed and signed by the President does more to help Americans pay for college than any other effort since the GI Bill, at no new cost to taxpayers.

Specifically, the legislation provided a landmark investment of $20 billion in additional funding for Pell Grants, reductions in the interest rates on student loans, and the creation of programs to help students manage debt, as well as encourage individuals to pursue public service.

Providing this critical funding is a large part of our efforts to increase access and affordability to higher education. Our work on reforming and strengthening higher education is not finished for this Congress.

I look forward to working with Chairman MILLER and the rest of the Education and Labor Committee on the reauthorization of the Higher Education Act as it continues through the process. As passed by the Senate and amended in this bill, the technical amendments contained in the bill clarify the definition of untaxed income and benefits to ensure it does not include those items in the calculation that were removed from the list under CCRAA; clarifies that married borrowers' income-based repayment payments shall be determined solely on the individual borrower's loan information and the individual's income without considering the spouse's income or any other loan debt that they may have if the married borrower files taxes separately; conforms language in the TEACH Grant Program to ensure appropriate implementation.

Mr. Speaker, swift passage of S. 2371, as amended, will ensure that students and families will fully benefit from the programs, funding, and intent provided in the College Cost Reduction and Access Act. I urge my colleagues to support this provision.

Mr. Speaker, I reserve the balance of my time.

Mr. PLATTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2371, a bill providing for technical changes to the College Cost Reduction and Access Act of 2007. This bill includes two necessary clarifications and corrections to ensure that this act, a series of financial aid changes made through this year's budget reconciliation process, is implemented as Congress intended.

The bill before us today would make some, but not all, of the important technical amendments that are needed to ensure that the Department of Education is able to put this law into place in a manner consistent with congressional intent. The bill clarifies the untaxed income and benefit items that are to be included in the needs analysis formula for purposes of determining what a family can actually pay for their child's education. It also ensures that borrowers selecting the new income-based repayment plan will not face a penalty simply because they are married. Finally, the bill also provides technical amendments to the TEACH Grant program.

There are several other important technical corrections in a bill that the House passed prior to the Thanksgiving Day recess. The changes clarified that members of the Armed Forces Reserves are eligible for student loan deferments when they return home after serving abroad. The House-passed bill also encouraged families to adopt older children by permitting any student that was in foster care through the age of 13 to be treated as an independent student, even if the child was adopted after the age of 13. Unfortunately, most of these changes will not be enacted because our colleagues on the other side of the Capitol eliminated them from the bill, despite the bipartisan support shown for these important reforms here in the House.

These reforms are technical in nature, but their consequences will be far-reaching. Prior to the Thanksgiving Day recess, the Education and Labor Committee unanimously passed a bill to expand college access and affordability. Consistent with that goal, this package of technical corrections will improve our financial aid programs by clarifying the intent of the recently enacted College Cost Reduction and Access Act. I urge my colleagues to join me in supporting this important measure.

Mr. Speaker, I yield back the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, in closing, I want to thank Chairman MILLER for his leadership on this important issue which will keep costs down for our Nation's students, and I urge each Member to support this reauthorization.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and pass the Senate bill, S. 2371, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROTECTING OUR CHILDREN COMES FIRST ACT OF 2007

Mrs. MCCARTHY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2517) to amend the Missing Children's Assistance Act to authorize appropriations; and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Our Children Comes First Act of 2007".

SEC. 2. FINDINGS.

Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended to read as follows:

"SEC. 402. FINDINGS.

"The Congress finds that—

"(1) each year thousands of children are abducted or removed from the control of a parent having legal custody without such parent's consent, under circumstances which immediately place the child in grave danger;

"(2) many missing children are at great risk of both physical harm and sexual exploitation;

"(3) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

"(4) abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;

"(5) growing numbers of children are the victims of child sexual exploitation, increasingly involving the use of new technology to access the Internet;

"(6) children may be separated from their parents or legal guardians as a result of national disasters such as hurricanes and floods;

"(7) sex offenders pose a threat to children;

"(8) the Office of Juvenile Justice and Delinquency Prevention administers programs under this Act through the Child Protection Division, including programs which prevent or address offenses committed against vulnerable children and which support missing children's organizations; and

"(9) a key component of such programs is the National Center for Missing and Exploited Children, which—

"(A) serves as a national resource center and clearinghouse;

"(B) works in partnership with the Department of Justice, the Federal Bureau of Investigation, the United States Marshals Service, the Department of the Treasury, the Department of State, the Bureau of Immigration and Customs Enforcement, the United States Secret Service, the United States Postal Inspection Service, and many other agencies in the effort to find missing children and prevent child victimization; and

"(C) operates a national network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with international organizations, including Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which enable the Center to transmit images and information regarding missing and exploited children to law enforcement across the United States and around the world instantly.".

SEC. 3. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.

Section 404(b) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

"(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

"(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714-11);

"(B) operate the official national resource center and information clearinghouse for missing and exploited children;

"(C) provide to State and local governments, and public and private nonprofit agencies, and individuals, information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

"(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

"(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

"(F) based solely on reports received by the National Center for Missing and Exploited Children (NCMEC), and not involving any data collection by NCMEC other than the receipt of those reports, annually provide to the Department of Justice's Office of Juvenile Justice and Delinquency Prevention—

"(i) the number of children nationwide who are reported to NCMEC as missing;

"(ii) the number of children nationwide who are reported to NCMEC as victims of non-family abductions;

"(iii) the number of children nationwide who are reported to NCMEC as victims of parental kidnappings; and

"(iv) the number of children recovered nationwide whose recovery was reported to NCMEC;

"(G) provide, at the request of State and local governments, and public and private nonprofit agencies, guidance on how to facilitate the lawful use of school records and birth certificates to identify and locate missing children;

"(H) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;

"(I) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and, in cooperation with the Department of State, internationally;

"(J) provide analytical support and technical assistance to law enforcement agencies through searching public records databases in locating and recovering missing and exploited children and helping to locate and identify abductors;

"(K) provide direct on-site technical assistance and consultation to law enforcement agencies in child abduction and exploitation cases;

"(L) provide forensic technical assistance and consultation to law enforcement and other agencies in the identification of unidentified deceased children through facial reconstruction of skeletal remains and similar techniques;

"(M) track the incidence of attempted child abductions in order to identify links and patterns, and provide such information to law enforcement agencies;

"(N) provide training and assistance to law enforcement agencies in identifying and locating non-compliant sex offenders;

"(O) facilitate the deployment of the National Emergency Child Locator Center to assist in reuniting missing children with their families during periods of national disasters;

"(P) operate a cyber tipline to provide online users and electronic service providers an effective means of reporting Internet-related child sexual exploitation in the areas of—

"(i) possession, manufacture, and distribution of child pornography;

"(ii) online enticement of children for sexual acts;

"(iii) child prostitution;

"(iv) sex tourism involving children;

"(v) extrafamilial child sexual molestation;

"(vi) unsolicited obscene material sent to a child;

"(vii) misleading domain names; and

"(viii) misleading words or digital images on the Internet;

and subsequently to transmit such reports, including relevant images and information, to the appropriate international, Federal, State or local law enforcement agency for investigation;

"(Q) work with law enforcement, Internet service providers, electronic payment service providers, and others on methods to reduce the distribution on the Internet of images and videos of sexually exploited children;

"(R) operate a child victim identification program in order to assist the efforts of law enforcement agencies in identifying victims of child pornography and other sexual crimes; and

"(S) develop and disseminate programs and information to the general public, schools, public officials, youth-serving organizations, and nonprofit organizations, directly or through grants or contracts with public agencies and public and private nonprofit organizations, on—

"(i) the prevention of child abduction and sexual exploitation; and

"(ii) internet safety.", and

(2) in paragraph (2) by striking "$20,000,000" and all that follows through "2008", and inserting "$40,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal years 2009 through 2013".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 408(a) of the Missing Children's Assistance Act (42 U.S.C. 5777(a)) is amended by striking "2007 through 2008" and inserting "2008 through 2013".

SEC. 5. REPEALER.

The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(1) by striking section 407, and

(2) by redesignating section 408 as section 407.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MCCARTHY of New York. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H.R. 2517 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise with my colleague, the gentleman from Texas (Mr. LAMPSON), the sponsor of H.R. 2517, the Protecting Our Children Comes First Act, and urge my colleagues to support the reauthorization of the Missing Children's Assistance Act.

I want to thank my colleague, Mr. LAMPSON, for his continued leadership on this issue. Mr. LAMPSON is founder of the Missing Children's Caucus and has worked tirelessly to support the National Center for Missing and Exploited Children. His passion for protecting our Nation's children inspires others to get involved and work to create safe places for our young people, including on the Internet.

This bipartisan reauthorization continues the work of the Department of Justice Office of Juvenile Justice and Delinquency Prevention Child Protection Division's missing and exploited children's programs, including funding for the National Center for Missing and Exploited Children.

Furthermore, this legislation continues the authorization for National Incidence Studies, known as "NISMART." According to CRS, the first NISMART study "provided the first nationally representative, comprehensive data on the incidence of missing children." The second NISMART study resolved some methodological challenges of the first study, and included runaway or throwaway children as well.

These studies have helped law enforcement, Federal agencies, and nonprofits in their work to prevent children from going missing or to help children get home. Missing children are some of our most vulnerable young people, and this work is critical in protecting this population.

This legislation works to help protect not only children who go missing, but it also works to protect our children who are sexually exploited, a horrendous thought for any of us to consider, and yet it is part of our reality.

The National Center for Missing and Exploited Children serves not only as a national clearinghouse and resource center on missing children but also serves that same purpose for exploited children. Among multiple programs, NCMEC operates as a CyberTipline for tips and leads on child sexual exploitation.

The CyberTipline allows for citizens and electronic communication providers to report incidents of various types of child exploitation, including online enticement of children for sexual acts, child prostitution, and child pornography. This reauthorization expands the reach of the CyberTipline to include categories of exploitation that connect with new technologies or activities.

I want to share a success story from the Child Victim Identification Program at NCMEC. This program reviews child pornography to gain clues that will lead to the identification of a child.

In this particular case in 2005, those reviewing these horrendous images also found images of a young boy partially clothed, including a photo of him in his Boy Scout uniform. They were able to read the patches on his uniform and discovered he was in the Nassau County Boy Scout Council, which I represent here in this Congress. The program has set procedure which led them to contacting law enforcement, who identified this child and later arrested a suspect.

From this story, there are two points I want to make. First, this program does wonderful, and yet very difficult, work to protect and save children who are being exploited. Secondly, these crimes happen everywhere.

Since its inception in 1984, NCMEC has received 173 reports of missing children in Nassau County, New York, and 4,319 for New York State. Of those 4,319 children who went missing, 4,146 were recovered.

H.R. 2517 strengthens the ability of the Department of Justice Office of Juvenile Justice and Delinquency Prevention and its programs, including the National Center for Missing and Exploited Children, to work to eradicate child pornography, guide efforts for online safety for children and unite families. These programs also support the work of law enforcement, including training law enforcement on multiple issues around missing, runaway, throwaway and sexually exploited children.

The Federal Bureau of Investigation, the United States Marshals, the United States Postal Inspectors, and the Bureau of Immigration and Customs Enforcement all have detainees at the National Center for Missing and Exploited Children.

Until all children are safe from predators in our society, this work must continue and we must reauthorize the Missing Children's Assistance Act.

Before I close, I want to thank the staff who worked on this reauthorization: Abby Shannon in Mr. LAMPSON's office, Deborah Kookbeck, Ruth Friedman, Denise Forte of the majority staff of the Committee on Education and Labor, and Kirsten Duncan and Susan Ross on the minority staff of the Committee on Education and Labor.

H.R. 2517 is bipartisan effort and I urge my colleagues to support the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. PLATTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2517, the Protecting Our Children Comes First Act of 2007, which will amend the Missing Children's Assistance Act to authorize appropriations and for other purposes, and I want to commend both the gentleman from Texas (Mr. LAMPSON) and the gentlewoman from New York (Mrs. MCCARTHY), the chairwoman, for their leadership on this issue at the committee level and with the sponsorship of the legislation. And also on my side of the aisle, I commend the gentlewoman from Illinois (Mrs. BIGGERT) who will be speaking shortly for her leadership on this very important issue.

□ 1345

Every year, thousands of children are abducted or go missing. In 1984, Congress recognized the need for greater coordination of local, State, and Federal efforts to recover these children, and established the Missing and Exploited Children's Program under the Missing Children's Assistance Act. This act addresses the needs of missing, abducted, and sexually exploited children. The program was created to coordinate and support various Federal missing children's programs through the Department of Justice's Office of Juvenile Justice and Delinquency Prevention, OJJDP, and includes the authorization for the National Center for Missing and Exploited Children.

The National Center is a not-for-profit corporation mandated by Congress which works in partnership with the Department of Justice. The center is funded in part by Congress and in part by the private sector and serves as the national resource center and clearinghouse for information on missing and exploited children. The National Center carries out many of the objectives of the Missing Children's Assistance Act in collaboration with the Office of Juvenile Justice and Delinquency Prevention. The National Center provides assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally. While the National Center receives leads on abducted, runaway, and sexually exploited youth and disseminates this information to various investigative law enforcement units, the center itself does not conduct the investigation of these cases.

The National Center's Federal funding supports specific operational functions mandated by Congress, including a national 24-hour toll-free hot line; a distribution system for missing child photos; a system of case management and technical assistance to law enforcement and families; training programs for Federal, State and local law enforcement; and programs designed to help stop the sexual exploitation of children.

Today, more missing children come home safely than ever before; however, there is still important work to be done. Hundreds of children still do not make it home each year, and many more continue to be victimized by acts of violence. In fact, children are the most victimized segment of our society and crimes committed against children of all ages are the most underreported of any victim category.

The National Center for Missing and Exploited Children has worked with law enforcement on more than 133,000 missing child cases, and has played a role in reuniting more than 115,000 children with their families. With a 96.2 percent recovery rate, up from 62 percent in 1990, the National Center has analyzed more than 500,000 reports of crimes against children on the Internet and referred them to law enforcement, resulting in hundreds of arrests and successful prosecutions.

Today, law enforcement is responding more swiftly and effectively to reports of missing children. There is a national network in place, and parents are more alert, more aware, and talking to their children about their safety. With the changes made through this legislation, the Missing Children's Assistance Act and the National Center for Missing and Exploited Children will continue their important efforts focused on protecting our vulnerable missing children.

Again, I thank the gentleman from Texas (Mr. LAMPSON) for his sponsorship of this bill.

I reserve the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, I am very pleased to yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON) who has been certainly at the forefront on trying to protect our children. I thank him for his work.

Mr. LAMPSON. I thank Chairwoman MCCARTHY for the good work that she has done and for allowing me the time to participate in this legislation and to bring it to the floor of the House of Representatives. It is critically important.

My colleagues, I rise today to ask you all to join me in voting for H.R. 2517, the Protecting Our Children Comes First Act of 2007. This bill amends the Missing Children's Assistance Act to reauthorize the National Center for Missing and Exploited Children and the Department of Justice's missing and exploited children's program from 2008 to 2013.

Each year, thousands of children are abducted or removed from the control of a parent having legal custody without that parent's consent, under circumstances which immediately place the child in grave danger.

Recent video surfaced in Nevada, for example, of a young girl being molested time and time again. Our attention has also been captured by the mystery surrounding Baby Grace, another child who was murdered and put in a plastic box and dumped in Galveston, Texas, near my district. These gruesome acts remind us that we must do everything in our power to catch these creeps and protect our children.

Many missing children are at great risk of both physical harm and sexual exploitation, and in many cases parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts. Abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State, and Federal law enforcement efforts. Growing numbers of children are the victims of child sexual exploitation increasingly involving new technology to access the Internet. Sex offenders pose a threat to children that increases as more offenders are released into the Nation's communities each year.

On May 24, I, along with my cochairs of the Congressional Missing and Exploited Children's Caucus, introduced H.R. 2517. Since its establishment in 1984, the National Center has assisted law enforcement with more than 137,600 missing child cases, resulting in the recovery of more than 120,300 children. The National Center's congressionally mandated CyberTipline, a reporting mechanism for child sexual exploitation, has handled more than 540,000 phone calls and leads.

We are fortunate that this Nation has a national resource center and clearinghouse such as the National Center for Missing and Exploited Children which works in partnership with the Department of Defense, the Federal Bureau of Investigation, the United States Marshals Service, the Department of the Treasury, the Department of State, the Department of Homeland Security's Bureau of Immigration and Customs Enforcement, the United States Secret Service, and many other agencies in the effort to find missing children and prevent child victimization. The National Center operates a national and increasingly worldwide network and serves as a model for many other nations which are creating similar nonprofits.

The National Center provides activities and services concerning missing children, including those abducted to or from the United States; exploited children; training and technical assistance; families of missing children; and partnerships with State clearinghouses, the private sector, as well as children's organizations. It is a primary component of the Department of Justice's missing and exploited children's program and employs over 300 people at its Alexandria, Virginia headquarters and its regional offices in California, Florida, Kansas, New York, and South Carolina. These regional offices provide case management and technical support in their geographic areas. And the Austin, Texas office is scheduled to open in the very near future.

I would at this time like to recognize those staffers who have worked so diligently in bringing this legislation to fruition: Committee on Education and Labor staffers Denise Forte, Deborah Koolbeck, and Ruth Friedman; Congresswoman JUDY BIGGERT's staffperson Brian Colgan; and my staffers, Dan Easley and Abby Shannon. I would also like to extend a thank you to my very strong Republican colleague and fellow caucus cochair, JUDY BIGGERT, for championing this legislation and so much other similar legislation on her side of the aisle and for being such a tremendous benefit to America's children. I want to especially thank Chairwoman MCCARTHY. She herself is the victim of family violence. She lost her husband in a violent crime. And Chairman MILLER for moving this legislation out of committee, and for their commitment and leadership to provide safety and security to America's children on playgrounds and on the Internet. And Mr. Ernie Allen, the president and CEO of the National Center; and Robbie Callaway, the president and CEO of the Boys and Girls Clubs. And John and Reve Walsh, who have been with me all day today working on this legislation. They cofounded the National Center for Missing and Exploited Children, and they have been fighting the good fight since the tragic abduction and murder of their son Adam in July of 1981. Their courage and their strength, which has done so much to help millions of children throughout the world, is extraordinary. Speaking on behalf of other parents and grandparents, we owe them our gratitude, and we thank you.

Again, I strongly urge my colleagues to support this much-needed legislation. It is time that we all step up to protect our children by authorizing resources for the National Center for Missing and Exploited Children so children are safer on and off the Internet, where they are free to learn and grow. Thank you all. I look forward to the support for this legislation.

Mr. PLATTS. I yield 4 minutes to the gentlelady from Illinois (Mrs. BIGGERT), who as has been referenced has been a true champion for protecting our Nation's children.

Mrs. BIGGERT. I thank the gentleman for yielding. And, Mr. Speaker, I rise today to express my strong support for H.R. 2517, the Protecting Our Children Comes First Act of 2007. I was very pleased to be a cosponsor of this important bill which reauthorizes the National Center for Missing and Exploited Children through fiscal year 2013.

I would like to take a moment to thank my fellow cochair of the Congressional Missing and Exploited Children's Caucus and sponsor of the bill, Representative LAMPSON, for his hard work on child protection issues, and Chairwoman MCCARTHY for her work in leading this bill through the committee.

It seems like every time I open the newspaper, I read another story of a child that has been abducted or has been sexually abused by a sexual predator. Naperville, Illinois, in my district, a city that has twice been voted by Money Magazine as the top city in the nation to raise children, has alone experienced over 30 cases in the last 4 years involving online sexual solicitation of a child. Clearly, more can and must be done on this issue. This problem is not regional. It is not isolated to big cities. It is not isolated to rural communities. This is a real national problem that will not go away until we give organizations like the National Center for Missing and Exploited Children the tools and the resources they need to fulfill their mission and protect our children from current and emerging threats.

Since authorized by Congress in 1984, NCMEC has been extremely successful in this mission. In fact, NCMEC has received nearly 2.3 million telephone calls, printed and distributed nearly 43 million publications, trained 231,000 law enforcement, criminal justice, and health professionals, worked more than 136,000 missing children cases, and, perhaps most importantly, played a role in reuniting more than 118,700 children with their families. In fact, the National Center's child recovery rate is an impressive 96.3 percent.

For generations, the message was simple. Parents told their children that they should never talk to strangers. My parents told me and I told my children. But times have changed. There are more threats to our children today, and our message must change with technology. Similarly the role of the National Center has changed.

This is why we need this bill passed on the floor today, to expand the National Center's congressionally mandated mission to include recent enhancements in technology and give them the resources to address these and other protective issues.

I urge my colleagues to support this bill.

Mrs. McCARTHY of New York. Mr. Speaker, I reserve the balance of my time.

Mr. PLATTS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise today in support of H.R. 2517, the Protecting Our Children Comes First Act of 2007.

The National Center for Missing and Exploited Children does invaluable work for our Nation, and I was proud to cosponsor this bill reauthorizing the funding. We should commend Representative LAMPSON for sponsoring this very important bill.

When a child is missing, the center is often the only source of hope to families. This hope is rooted in the incredible success that the center has had in fulfilling its mission, which is to help prevent child abduction and sexual exploitation as well as finding missing children.

Since 1984, the center has helped law enforcement with more than 135,800 cases, resulting in recovery of more than 118,700 children. The services provided by the center never shined more brightly than during one of our country's darkest hours, the aftermath of Hurricane Katrina. Amidst the chaos and destruction in New Orleans and the gulf coast, the center played a critical role in helping children return to their families. If you take a moment to look at the center's Web site, you will see success story after success story about children being reunited with parents and loved ones after harrowing experiences in the storm. For those who had already been through so much, the work of the National Center for Missing and Exploited Children was truly a godsend.

□ 1400

I only regret that this bill did not go through committee so that valuable amendments could have been offered. If this bill had been marked up, I would have taken that chance to insert language from the Audrey Nerenberg Act, H.R. 271, which I introduced.

The Audrey Nerenberg Act would expand the center's mission to aid in the recovery of missing adults who have been certified with a mental capacity of less than 18 years of age. That bill is named after Audrey Lynn Nerenberg, who went for a walk on July 15, 1977, and never came back. She was just 10 months past her 18th birthday and has been missing for 30 years without a trace. Audrey suffered from mental illness, and although she was ill, the 18-year-old was not searched for in a way that a missing 8-year-old would have been.

While I'm disappointed that this amendment could not be offered, I certainly continue to support the bill that's before us and the fine work of the National Center for Exploited and Missing Children.

Mrs. McCARTHY of New York. I have the right to close.

Mr. PLATTS. Mr. Speaker, I have no more speakers. I will just urge a "yes" vote and again commend the Members and staff who have worked diligently on bringing this legislation to the floor, and look forward to its passage.

I yield back the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, in closing, I want to thank Mr. LAMPSON again for his leadership on this important reauthorization which works to keep our Nation's children safe. And I want to also thank my ranking member of the Subcommittee on Healthy Families and Communities, Mr. PLATTS, for his continued dedication to our work on the subcommittee.

I chair the Subcommittee on Healthy Families and Communities for the Committee on Education and Labor, and each member of this subcommittee is committed to helping the children of this Nation.

Our jurisdiction has led us to dealing with some of the most upsetting and challenging issues around the welfare of our Nation's children. And this reauthorization is no exception.

None of us would like to even think about any children in our lives, whether it's our own children, our grandchildren, our nieces or our nephews, any child in our lives going through missing or being sexually exploited. This is why this reauthorization is so critical and why this reauthorization is a bipartisan endeavor.

Through cooperation with the municipal Federal agencies, the National Center for Missing and Exploited Children takes in an average of 258 calls per day to national hotlines. It has received 5,422 tips through the CyberTipline, and has worked with countless families and organizations to raise awareness and bring children to safety. This work would not have been possible without our work here today in reauthorizing the Missing Children's Assistance Act through H.R. 2517 sponsored by my colleague from Texas, Mr. LAMPSON.

I urge each Member to support this reauthorization. We, as a Nation, can do better to protect our children. And with that, I hope all of my colleagues will certainly vote for this.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 2517, the Protecting Our Children Comes First Act of 2007, introduced by my good friend and colleague Congressman LAMPSON. I would like to thank him for his ongoing commitment to the extremely important issue of protecting our children, and I would also like to thank Chairman MILLER for his leadership in guiding this legislation through the Committee on the Education and Labor. I am extremely proud to join over 90 of my colleagues in cosponsoring this crucial, bipartisan legislation.

Mr. Speaker, the Protecting our Children Comes First Act of 2007 reauthorizes the Missing Children's Assistance Act through FY 2013, and it will increase federal resources for protecting and assisting missing children and their families. This legislation will provide the resources to ensure that the National Center for Missing and Exploited Children can continue its important work to combat child abduction and exploitation.

As Chair of the Congressional Children's Caucus, I have been an outspoken advocate for the protection of our children against all predators, be it disease, natural disasters, or sexual deviants. While we may not be able to avoid natural disasters, there is nothing but a lack of political will and Congressional action that prevents us from protecting our children from known sexual predators. I am appalled that while the Department of Justice knows the location of hundreds of thousands of sexual predators that prey on our Nation's children within the U.S. at this very moment, the Department of Justice has consistently refused to take action or ask Congress for help despite the fact that law enforcement is investigating less than 2 percent of this criminal activity. I applaud this important piece of legislation for the accountability it will create by building the largest law enforcement army ever created for the protection of children.

While the child exploitation industry is global in scale, the majority of both supply and demand is based right here, within the United States. Due to the lack of attention to this issue by the Department of Justice, it is hard to quantify the number of child pornography traffickers that are involved in this gross violation of our children's rights; the best estimates are that this practice involves 485,000 perpetrators in the United States alone. A 2005 Justice Department study found that:

80 percent of child pornography possessors have images and videos depicting sexual penetration.

Twenty percent of child pornography possessors have images of bondage, sadistic abuse, and torture.

Eighty-three percent of child pornography possessors have images of children aged 6–12.

Nineteen percent of child pornography possessors have images of infants or toddlers.

Only 1 percent of child pornography possessors restricted their "collecting" to images of nude children.

Law enforcement reports of websites providing live "pay-per-view" rape of very young children.

Mr. Speaker, we must act now to protect our children from these atrocities and this legislation is an important first step in doing so. The National Center for Missing and Exploited Children's® (NCMEC) mission is to help prevent child abduction and sexual exploitation; help find missing children; and assist victims of child abduction and sexual exploitation, their families, and the professionals who serve them. Established in 1984, NCMEC is a nonprofit organization that provides crucial services nationwide for families and professionals in the prevention of abducted, endangered, and sexually exploited children.

Mr. Speaker, as technology continues to evolve, there are continuously a new range of tools available to NCMEC to employ in its important work. In recent years, the Center's workload has expanded exponentially, largely due to the growth of the Internet. Ernie Allen, president and CEO of the National Center for Missing and Exploited Children, stated that it anticipates in excess of 110,000 reports through the CyberTipline, which the public may use to report Internet-related child sexual exploitation, and provides technical assistance to individuals and law-enforcement agencies in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children, among other tasks. This is an increase of around 3,500 from last year.

Mr. Speaker, the National Center for Missing and Exploited Children has proven a crucial tool in combating the exploitation and abduction of our Nation's children. It is vital that we continue to ensure that it continues to receive the funding that it needs to carry out its mission. This Congress has taken a firm stance on supporting legislation that protects our children, as can be seen by the passage of numerous pieces of legislation that binds our government to take meaningful action towards the protection of our children. I was a proud cosponsor of the PROTECT Our Children Act of 2007, introduced by my distinguished colleague from Florida, Representative WASSERMAN-SCHULTZ, which passed the House 415–2 last month. Our children are this Nation's most valuable asset and this legislation ensures that we will invest all the necessary resources to provide them the protection they deserve.

This legislation is imperative to ensuring the protecting our Nation's children by providing funding to those agencies with our children's best interest at heart. As the Chair of the Congressional Children's Caucus, a Representative of the people of the United States, and a mother of two, I am proud to support this legislation and I urge my colleagues to join me in supporting this legislation.

Mrs. McCARTHY of New York. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. McCARTHY) that the House suspend the rules and pass the bill, H.R. 2517, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. McCARTHY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SECURING ADOLESCENTS FROM EXPLOITATION-ONLINE ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3791) to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing Adolescents From Exploitation-Online Act of 2007" or the "SAFE Act of 2007".

SEC. 2. REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.

(a) In General.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2258 the following:

"SEC. 2258A. REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.

"(a) Duty To Report.—

"(1) In general.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public through a facility or means of interstate or foreign commerce, obtains actual knowledge of any facts or circumstances described in paragraph (2) shall, as soon as reasonably possible—

"(A) complete and maintain with current information a registration with the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline operated by such center, by providing the mailing address, telephone number, facsimile number, electronic mail address of, and individual point of contact for, such electronic communication service provider or remote computing service provider; and

"(B) make a report of such facts or circumstances to the CyberTipline, or any successor to the CyberTipline operated by such center.

"(2) Facts or circumstances.—The facts or circumstances described in this paragraph are any facts or circumstances that appear to indicate a violation of—

"(A) section 2251, 2251A, 2252, 2252A, 2252B, or 2260 that involves child pornography; or

"(B) section 1466A.

"(b) Contents of Report.—To the extent available to an electronic communication service provider or a remote computing service provider, each report under subsection (a)(1) shall include the following information:

"(1) Information about the involved individual.—Information relating to the Internet identity of any individual who appears to have violated a Federal law in the manner described in subsection (a)(2), which shall, to the extent reasonably practicable, include the electronic mail address, website address, uniform resource locator, or any other identifying information, including self-reported identifying information.

"(2) Historical reference.—Information relating to when any apparent child pornography was uploaded, transmitted, reported to, or discovered by the electronic communication service provider or remote computing service provider, as the case may be, including a date and time stamp and time zone.

"(3) Geographic location information.—Information relating to the geographic location of the involved individual, hosting website, or uniform resource locator, which shall include the Internet Protocol Address or verified billing address, or, if not reasonably available, at least one form of geographic identifying information, including area code or zip code. The information shall also include any self-reported geographic information.

"(4) Images of apparent child pornography.—Any image of any apparent child pornography relating to the incident such report is regarding.

"(5) Commingled images.—Any images, data, or other digital files (collectively referred to as 'digital files') which are commingled or interspersed among the images of apparent child pornography. If it would impose an undue hardship to provide these commingled digital files as part of the report, because of the volume of the digital files or for other reasons, the reporting company shall, in lieu of providing those digital files, inform the CyberTipline of the existence of such digital files, and retain those digital files as if they were part of the report as required pursuant to subsection (h).

"(c) Forwarding of Report to Law Enforcement.—

"(1) In general.—The National Center for Missing and Exploited Children shall forward each report made under subsection (a)(1) to any appropriate law enforcement agency designated by the Attorney General under subsection (d)(2).

"(2) State and local law enforcement.—The National Center for Missing and Exploited Children may forward any report made under subsection (a)(1) to an appropriate official of a State or political subdivision of a State for the purpose of enforcing State criminal law.

"(3) Foreign law enforcement.—The National Center for Missing and Exploited Children may forward any report made under subsection (a)(1) to any appropriate foreign law enforcement agency designated by the

Attorney General under subsection (d)(3), subject to the conditions established by the Attorney General under subsection (d)(3).

"(d) ATTORNEY GENERAL RESPONSIBILITIES.—

"(1) IN GENERAL.—The Attorney General shall enforce this section.

"(2) DESIGNATION OF FEDERAL AGENCIES.—The Attorney General shall designate promptly the Federal law enforcement agency or agencies to which a report shall be forwarded under subsection (c)(1).

"(3) DESIGNATION OF FOREIGN AGENCIES.—The Attorney General shall promptly—

"(A) designate the foreign law enforcement agencies to which a report may be forwarded under subsection (c)(3);

"(B) establish the conditions under which such a report may be forwarded to such agencies; and

"(C) develop a process for foreign law enforcement agencies to request assistance from Federal law enforcement agencies in obtaining evidence related to a report referred under subsection (c)(3).

"(e) FAILURE TO REPORT.—An electronic communication service provider or remote computing service provider that knowingly and willfully fails to make a report required under subsection (a)(1) shall be fined—

"(1) in the case of an initial knowing and willful failure to make a report, not more than $150,000; and

"(2) in the case of any second or subsequent knowing and willful failure to make a report, not more than $300,000.

"(f) PROTECTION OF PRIVACY.—Nothing in this section shall be construed to require an electronic communication service provider or a remote computing service provider to—

"(1) monitor any user, subscriber, or customer of that provider;

"(2) monitor the content of any communication of any person described in paragraph (1); or

"(3) affirmatively seek facts or circumstances described in subsection (a)(2).

"(g) CONDITIONS OF DISCLOSURE INFORMATION CONTAINED WITHIN REPORT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a law enforcement agency that receives a report under subsection (c) shall not disclose any information contained in that report.

"(2) PERMITTED DISCLOSURES.—A law enforcement agency may disclose information in a report received under subsection (c)—

"(A) to an attorney for the government for use in the performance of the official duties of that attorney;

"(B) to such officers and employees of that law enforcement agency, as may be necessary in the performance of their investigative and recordkeeping functions;

"(C) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law;

"(D) if the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law;

"(E) to a defendant in a criminal case or the attorney for that defendant, to the extent the information relates to a criminal charge pending against that defendant;

"(F) to an electronic communication service provider or remote computing provider if necessary to facilitate response to legal process issued in connection to that report. The electronic communication service provider or remote computing service provider shall be prohibited from disclosing the contents of that report to any person, except as necessary to respond to the legal process; and

"(G) as ordered by a court upon a showing of good cause and pursuant to any protective orders or other conditions that the court may impose.

"(h) EVIDENCE PRESERVATION.—

"(1) IN GENERAL.—For the purposes of this section, the notification to an electronic communication service provider or a remote computing service provider by the CyberTipline of receipt of a report under subsection (a)(1) shall be treated as notice to preserve, as if such notice was made pursuant to section 2703(f).

"(2) PRESERVATION OF REPORT.—Pursuant to subsection (h)(1), an electronic communication service provider or a remote computing service shall preserve the contents of the report provided pursuant to subsection (b) as well as the information in subsection (c)(2) of section 2703 pertaining to the involved individual for not less than 180 days after such notification by the CyberTipline.

"(3) AUTHORITIES AND DUTIES NOT AFFECTED.—Nothing in this section shall be construed as replacing, amending, or otherwise interfering with the authorities and duties under section 2703.

"SEC. 2258B. LIMITED LIABILITY FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS, REMOTE COMPUTING SERVICE PROVIDERS, OR DOMAIN NAME REGISTRAR.

"(a) IN GENERAL.—Except as provided in subsections (b) and (c), a civil claim or criminal charge against an electronic communication service provider, a remote computing service provider, or domain name registrar, including any director, officer, employee, or agent of such electronic communication service provider, remote computing service provider, or domain name registrar arising from the performance of the reporting responsibilities of such electronic communication service provider, remote computing service provider, or domain name registrar under this section, section 2258A, or section 2258C may not be brought in any Federal or State court.

"(b) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim if the electronic communication service provider, remote computing service provider, or domain name registrar, or a director, officer, employee, or agent of that electronic communication service provider, remote computing service provider, or domain name registrar—

"(1) engaged in intentional misconduct; or

"(2) acted, or failed to act—

"(A) with actual malice;

"(B) with reckless disregard to a substantial risk of causing injury without legal justification; or

"(C) for a purpose unrelated to the performance of any responsibility or function under this section, section 2258A, or section 2258C.

"(c) ORDINARY BUSINESS ACTIVITIES.—Subsection (a) shall not apply to an act or omission relating to an ordinary business activity of an electronic communication service provider, a remote computing service provider, or domain name registrar, including general administration or operations, the use of motor vehicles, or personnel management.

"(d) MINIMIZING ACCESS.—An electronic communication service provider, a remote computing service provider, and domain name registrar shall—

"(1) minimize the number of employees that are provided access to any image provided under section 2258A or 2258C; and

"(2) ensure that any such image is permanently destroyed, upon notification from a law enforcement agency.

"SEC. 2258C. USE OF IMAGES FROM THE CYBERTIPLINE TO COMBAT CHILD PORNOGRAPHY.

"(a) IN GENERAL.—The National Center for Missing and Exploited Children is authorized to provide elements relating to any image reported to its CyberTipline to an electronic communication service provider or a remote computing service provider for the sole and exclusive purpose of permitting that electronic communication service provider or remote computing service provider to stop the further transmission of images. Such elements may include unique identifiers associated with a specific image, Internet location of images, and other technological elements that can be used to identify and stop the transmission of child pornography.

"(b) USE BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.—Any electronic communication service provider or remote computing service provider that receives elements relating to an image from the National Center for Missing and Exploited Children under this section may use such information only for the purposes described in this section, provided that such use shall not relieve that electronic communication service provider or remote computing service provider from its reporting obligations under section 2258A.

"SEC. 2258D. LIMITED LIABILITY FOR THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

"(a) IN GENERAL.—Except as provided in subsections (b) and (c), a civil claim or criminal charge against the National Center for Missing and Exploited Children, including any director, officer, employee, or agent of such center, arising from the performance of the CyberTipline responsibilities or functions of such center, as described in this section, section 2258A or 2258C of this title, or section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773), or from the effort of such center to identify child victims may not be brought in any Federal or State court.

"(b) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim or charge if the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of such center—

"(1) engaged in intentional misconduct; or

"(2) acted, or failed to act—

"(A) with actual malice;

"(B) with reckless disregard to a substantial risk of causing injury without legal justification; or

"(C) for a purpose unrelated to the performance of any responsibility or function under this section, section 2258A or 2258C of this title, or section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773).

"(c) ORDINARY BUSINESS ACTIVITIES.—Subsection (a) shall not apply to an act or omission relating to an ordinary business activity, including general administration or operations, the use of motor vehicles, or personnel management.

"(d) MINIMIZING ACCESS.—The National Center for Missing and Exploited Children shall—

"(1) minimize the number of employees that are provided access to any image provided under section 2258A; and

"(2) ensure that any such image is permanently destroyed upon notification from a law enforcement agency.

"SEC. 2258E. DEFINITIONS.

"In sections 2258A through 2258D—

"(1) the terms 'attorney for the government' and 'State' have the meanings given those terms in rule 1 of the Federal Rules of Criminal Procedure;

"(2) the term 'electronic communication service' has the meaning given that term in section 2510;

"(3) the term 'electronic mail address' has the meaning given that term in section 3 of the CAN-SPAM Act of 2003 (15 U.S.C. 7702);

"(4) the term 'Internet' has the meaning given that term in section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note);

"(5) the term 'remote computing service' has the meaning given that term in section 2711; and

"(6) the term 'website' means any collection of material placed in a computer server-based file archive so that it is publicly accessible, over the Internet, using hypertext transfer protocol or any successor protocol.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERCEDED PROVISION.—Section 227 of the Crime Control Act of 1990 (42 U.S.C. 13032) is repealed.

(2) TABLE OF SECTIONS.—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2258 the following:

"2258A. Reporting requirements of electronic communication service providers and remote computing service providers.
"2258B. Limited liability for electronic communication service providers and remote computing service providers.
"2258C. Use of images from the CyberTipline to combat child pornography.
"2258D. Limited liability for the National Center for Missing and Exploited Children.
"2258E. Definitions.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. FORBES) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks, including extraneous material, on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Members of the House, this measure, H.R. 3791, called the SAFE Act, will improve the ability of our law enforcement officers to investigate offenses involving child pornography and the exploitation of children by the Internet.

Under current law, Internet service providers are required to file a report to the cyber tip line of the National Center of Missing and Exploited Children when the provider learns of child pornography. The center serves as a clearinghouse for leads and sends the reports to law enforcement agencies around the United States and to the Federal Bureau of Investigation.

Unfortunately though, many Internet companies are unaware of these obligations, and the law is unclear as to the precise information that is required to be reported to the center. This bill addresses the aforementioned problems.

First, it facilitates the reporting of child pornography from Internet service providers to the center by clarifying the information that must be reported. Then it specifies the data that must be maintained by the reporting company for law enforcement purposes. And finally, it provides certain liability waivers for the center and Internet service providers for their roles in dealing with child pornography as required by law. Therefore, H.R. 3791 makes clear the precise reporting obligations of Internet providers and, in this way, will facilitate the investigation and prosecution of child pornography and other crimes against children that involve the Internet. I think this is an important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I'd like to, at this time yield so much time as he may consume to the gentleman from Ohio, Congressman CHABOT, who was an original cosponsor of this legislation.

Mr. CHABOT. Mr. Speaker, I rise in support of H.R. 3791, the Securing Adolescents From Exploitation-Online Act of 2007. The bill's author, the distinguished gentleman from Texas (Mr. LAMPSON) and I have worked closely on several bills in strengthening our child protection laws.

I also want to thank Chairman CONYERS and also the gentleman from Virginia (Mr. FORBES) for their leadership in this area as well. And I'm pleased to be the principal cosponsor of this bill with Mr. LAMPSON, particularly as it provides law enforcement with better information to fight the despicable act of child pornography.

We don't have to look any further than our homes and our communities to see that predators are threatening and victimizing our children with just a simple click. The Internet, while providing a world of opportunity to our children, has also contributed to a worldwide expansion of child pornography enabling predators to more easily abuse, exploit and prey on our most precious items, and that's our children.

H.R. 3791 builds on the investigative tools already in place under the leadership of the National Center for Missing and Exploited Children. Through the CyberTipline, the center plays a critical role interfacing between Federal, State and foreign law enforcement and the public, providing valuable information in ongoing investigations.

H.R. 3791 recognizes that advances in technology have made electronic communication service providers the first line of defense against crimes against children, possessing the real-time information critical to child pornography investigations. By requiring electronic communication service providers to report this information to the CyberTipline as soon as reasonably possible and maintain this information for an investigation, this act, the SAFE Act, is giving Federal, State and foreign law enforcement and prosecutors a fighting chance to put these criminals away, no matter where they are located.

And one of the things that I found out in doing investigations into this particular area was the shocking fact that there are only 50 nations, including the United States, where child pornography is illegal. Fifty nations. There are 184 nations around the world where it's perfectly legal to have, possess, to convey child pornography. So that's something that I think we need to have some focus and some attention directed upon, how much of the world, and that stuff gets in here through the Internet. It may be in China, it may be in Pakistan, it may be somewhere else, but it can be on our computers in our living rooms with our children very quickly, so we need to do a much better job on that, too.

But I want to again thank Mr. LAMPSON for his leadership in this area, and I again want to urge my colleagues to support H.R. 3791 today.

Mr. CONYERS. Mr. Speaker, I'm pleased now to recognize again NICK LAMPSON of Texas for the great work he has done in this area. I yield him as much time as he may consume.

But I do want to mention STEVE CHABOT of the Judiciary Committee, who has worked with us all in the creation of this legislation.

Mr. LAMPSON. Mr. Speaker, I thank the honorable Mr. CONYERS from Michigan for yielding me the time and for the great work that you've done on the Judiciary Committee and particularly on this particular issue, and I thank you for letting me be a part of this.

And for Mr. CHABOT, the work that he has done on not just this, but other legislation having to do with child safety, child protection.

I rise today to ask my colleagues to join me in voting for H.R. 3791, the Securing Adolescents From Exploitation-Online Act of 2007. This bill modernizes and expands the reporting requirements relating to child pornography and expands cooperation in combating child pornography.

Stories of Internet predators preying on innocents making their way into our children's bedrooms with the simple click of a mouse, and they're seen and heard all too often in our media. The age of sweet 16 used to be about parties and learning to drive, but now it marks the threshold of Internet freedom. Popular social networking Web sites allow profiles to be public, providing predators with an encyclopedia of pictures, personal interests and even addresses, which they can be used, or they can use to cause harm.

Well, this dangerous trend has become a feeding ground for pedophiles and convicted sex offenders. Parents, law enforcement and legislators must work together to bring social networking Web sites into the fight to protect America's children. And I've joined with one of my cochairs of the Missing and Exploited Children's Caucus, I just mentioned Mr. CHABOT, in introducing the Securing Adolescents From Exploitation-Online, the SAFE Act.

The SAFE Act provides increased resources for law enforcement to capture and prosecute and incarcerate these criminals. By expanding the system for service providers to report child pornography found on the systems, we improve child safety and prevent future atrocities.

Currently, Internet service providers are mandated to report child pornography to the National Center for Missing and Exploited Children. Under the SAFE Act, all electronic service communications providers and remote computing service providers will have to report child pornography. For knowingly and willingly not filing a report after being made aware of a child pornography image, these providers will be subject to increased fines of $150,000 per image per day for the first offense and up to $300,000 per image per day for any image found thereafter.

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This bill will also increase the efficiency of the CyberTipline, making it a better investigative tool for law enforcement by mandating that all information submitted by providers is consistent. The process outlined in this bill keeps law enforcement officials in the loop by making information more readily accessible and requires providers to retain key data that law enforcement agencies can use to investigate and prosecute child predators.

Over 10 years ago, I created the bipartisan Congressional Caucus on Missing and Exploited Children after a young girl in my district was kidnapped and murdered. And since then, I have continued to work extensively with organizations such as the National Center for Missing and Exploited Children on educating Members of Congress and others on legislation such as the SAFE Act that strengthen the National Center's ability to keep children safer online and on our streets.

Many of us have watched Dateline's popular series "To Catch a Predator," and organizations such as Perverted Justice that actively look for Internet child predators. We need to become partners in this fight by talking with our children about the dangers of strangers online and making Internet use a family activity.

While parents should teach their children that the Internet may offer many different types of resources, from entertainment to educational, it also poses many risks. Parents are the first line of defense against online predators, and the SAFE Act will reinforce their efforts.

Internet companies will need to do their part as well. When we begin to hold Web sites accountable for the images that they host, we've taken the first step toward supporting parents in their efforts to protect children. Our combined efforts will help make the Internet a safer place.

I again want to thank and recognize some of the people who have worked so hard to make this legislation what it has become, those staffers who have worked diligently in bringing this legislation to fruition: Committee on Judiciary staffers Ted Kalo and Mark Dubester; Congressman STEVE CHABOT's staffer Kim Betz; and my staffers, Dan Easley and Abby Shannon, and a very special thank you to my distinguished Republican colleague, STEVE CHABOT, who has worked tirelessly on the issue of child safety, working with me as one of the cochairs of the Congressional Caucus on Missing and Exploited Children. I have great respect for the work that he has done here in Congress as well as for the work that he has done in his congressional district, and for championing this legislation on his side of the aisle and for helping to ensure that not only are Ohio's children protected but all of America's children are as well.

Once again, I would like to thank John and Reve Walsh for all the time that they have spent in helping us make this legislation successful, and Ernie Allen, who has spent, along with the Walshes, a good part of this day making sure that others of our colleagues were aware of it, and to be willing to support it. I thank them for their magnificent contribution that they've made to protecting children across this world, not just in the United States of America. It's because of their persistent dedication to this cause that so many of our children sleep more safely at night.

Again, I ask my colleagues to support H.R. 3791.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to join those voices in support of H.R. 3791, the Securing Adolescents from Exploitation-Online Act of 2007, otherwise known as the SAFE Act.

Child pornography is a profitable, global criminal enterprise and is growing rapidly in technical sophistication in response to efforts to detect and disrupt these criminal operations. It is despicable in its scope and in its vicious victimization of children.

The Federal Bureau of Investigation estimates that 50,000 child predators are online at any time searching for potential victims. The Internet is a virtual playground for sexual predators, who satiate their desire for child pornography with relative anonymity.

H.R. 3791, the SAFE Act, would, first of all, strengthen the requirements applicable to Internet service providers to report violations of child pornography laws, and second, provide limited liability to ISPs, telecommunications carriers, and the National Center for Missing and Exploited Children in connection with the reporting to law enforcement agencies of child pornography violations.

This legislation is a good first step in addressing the problem of child pornography. However, there is much more that needs to be done. In February 2007, Judiciary Committee Ranking Member SMITH and I introduced H.R. 837, the Internet SAFETY Act of 2007, a comprehensive proposal to provide law enforcement with the tools and resources needed to deal with the problem of child pornography. Unfortunately, the majority has chosen not to consider this vital proposal. I am hopeful that the majority will bring H.R. 837 up for consideration by the Judiciary Committee and then to the House floor.

Our children deserve as much protection as we can provide. They are vulnerable victims of the child pornography industry. We need to do more. A first step is good, but we cannot stop here. We must keep moving forward to keep our children safe.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ROSS). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 3791, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MANAGING ARSON THROUGH CRIMINAL HISTORY (MATCH) ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1759) to establish guidelines and incentives for States to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Managing Arson Through Criminal History (MATCH) Act of 2007".

SEC. 2. ARSONIST REGISTRATION AND NOTIFICATION PROGRAM.

(a) REGISTRY REQUIREMENTS FOR JURISDICTIONS.—

(1) JURISDICTION TO MAINTAIN A REGISTRY.—Each jurisdiction shall establish and maintain a jurisdiction-wide arsonist registry conforming to the requirements of this section.

(2) GUIDELINES AND REGULATIONS.—The Attorney General shall issue guidelines and regulations to interpret and implement this section.

(b) REGISTRY REQUIREMENTS FOR CRIMINAL ARSONISTS.—

(1) IN GENERAL.—A criminal arsonist shall register, and shall keep the registration current, in each jurisdiction where the arsonist resides, where the arsonist is an employee, and where the arsonist is a student. For initial registration purposes only, a criminal arsonist shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.

(2) INITIAL REGISTRATION.—The criminal arsonist shall initially register—

(A) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(B) not later than 5 business days after being sentenced for that offense, if the criminal arsonist is not sentenced to a term of imprisonment.

(3) KEEPING THE REGISTRATION CURRENT.—A criminal arsonist shall, not later than 10 business days after each change of name, residence, employment, or student status, appear in person in at least one jurisdiction involved pursuant to paragraph (1) and inform that jurisdiction of all changes in the information required for that arsonist in the arsonist registry involved. That jurisdiction shall immediately provide the revised information to all other jurisdictions in which the arsonist is required to register.

(4) APPLICATION OF REGISTRATION REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in guidelines under subparagraph (B), the requirements of this section, including the duties to register and to keep a registration current, shall apply only to a criminal arsonist who was convicted of a criminal offense involving arson on or after the date of the enactment of this Act, and who was notified of such duties and registered in accordance with subsection (f).

(B) APPLICATION TO CRIMINAL ARSONISTS UNABLE TO COMPLY WITH PARAGRAPH (2).—

(i) GUIDELINES.—The Attorney General shall establish guidelines in accordance with the provisions of this subparagraph for each jurisdiction for the application of the requirements of this section to criminal arsonists convicted before the date of the enactment of this Act or the date of its implementation in such a jurisdiction, and shall prescribe rules for the registration of any such criminal arsonists who are otherwise unable to comply with paragraph (2).

(ii) INFORMATION REQUIRED TO BE INCLUDED IN REGISTRY.—With respect to each criminal arsonist described in clause (i) convicted during the 10-year period preceding the date of the enactment of this Act, the guidelines under clause (i) shall provide for the inclusion in the arsonist registry of each applicable jurisdiction (and, in accordance with subsection (j), the provision by such jurisdiction to each entity described in such subsection) of the following information:

(I) The name of the arsonist (including any alias used by the arsonist).

(II) The Social Security number of the arsonist.

(III) The most recent known address of the residence at which the arsonist has resided.

(IV) A physical description of the arsonist.

(V) The text of the provision of law defining the criminal offense related to arson for which the arsonist is convicted.

(VI) A set of fingerprints and palm prints of the arsonist.

(VII) A photocopy of a valid driver's license or identification card issued to the arsonist by a jurisdiction, if available.

(VIII) Any other information required by the Attorney General.

(iii) NOTICE REQUIRED.—The guidelines under clause (i) shall provide notice to each criminal arsonist included in an arsonist registry pursuant to this subparagraph of such inclusion.

(5) STATE PENALTY FOR FAILURE TO COMPLY.—Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than one year for the failure of a criminal arsonist to comply with the requirements of this section.

(6) AUTHORITY TO EXEMPT CERTAIN CRIMINAL ARSONISTS FROM REGISTRY REQUIREMENTS.—A jurisdiction shall have the authority to exempt a criminal arsonist who has been convicted of the offense of arson in violation of the laws of the jurisdiction in which the offense was committed or the United States for the first time from the registration requirements under this section in exchange for such arsonist's substantial assistance in the investigation or prosecution of another person who has committed an offense. The Attorney General shall assure that any regulations promulgated under this section include guidelines that reflect the general appropriateness of exempting such an arsonist from the registration requirements under this section.

(c) INFORMATION REQUIRED IN REGISTRATION.—

(1) PROVIDED BY THE ARSONIST.—A criminal arsonist shall provide the following information to the appropriate official for inclusion in the arsonist registry of a jurisdiction in which such arsonist is required to register:

(A) The name of the arsonist (including any alias used by the arsonist).

(B) The Social Security number of the arsonist.

(C) The address of each residence at which the arsonist resides or will reside.

(D) The name and address of any place where the arsonist is an employee or will be an employee.

(E) The name and address of any place where the arsonist is a student or will be a student.

(F) The license plate number and a description of any vehicle owned or operated by the arsonist.

(G) Any other information required by the Attorney General.

(2) PROVIDED BY THE JURISDICTION.—The jurisdiction in which a criminal arsonist registers shall ensure that the following information is included in the registry for such arsonist:

(A) A physical description of the arsonist.

(B) The text of the provision of law defining the criminal offense for which the arsonist is registered.

(C) The criminal history of the arsonist, including the date of all arrests and convictions; the status of parole, probation, or supervised release; registration status; and the existence of any outstanding arrest warrants for the arsonist.

(D) A current photograph of the arsonist.

(E) A set of fingerprints and palm prints of the arsonist.

(F) A photocopy of a valid driver's license or identification card issued to the arsonist by a jurisdiction.

(G) Any other information required by the Attorney General.

(d) DURATION OF REGISTRATION REQUIREMENT; EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN JUVENILE CRIMINAL ARSONISTS.—

(1) DURATION OF REGISTRATION REQUIREMENT.—A criminal arsonist shall keep the registration information provided under subsection (c) current for the full registration period (excluding any time the arsonist is in custody). For purposes of this subsection, the full registration period—

(A) shall commence on the later of the date on which the arsonist is convicted of an offense of arson in violation of the laws of the jurisdiction in which the offense was committed or the United States, the date on which the arsonist is released from prison for such conviction, or the date on which such arsonist is placed on parole, supervised release, or probation for such conviction; and

(B) shall be—

(i) five years for an arsonist who has been convicted of such an offense for the first time;

(ii) ten years for an arsonist who has been convicted of such an offense for the second time; and

(iii) for the life of the arsonist for an arsonist who has been convicted of such an offense more than twice.

(2) EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN JUVENILE CRIMINAL ARSONISTS.—

(A) IN GENERAL.—In the case of a criminal arsonist described in subparagraph (B), a jurisdiction shall expunge the arson registry of such jurisdiction of information related to such criminal arsonist as of the date that is 5 years after the last day of the applicable full registration period under paragraph (1).

(B) CRIMINAL ARSONIST DESCRIBED.—For purposes of subparagraph (A), a criminal arsonist described in this subparagraph is a criminal arsonist who—

(i) was a juvenile tried as an adult for the offense giving rise to the duty to register; and

(ii) was not convicted of any other criminal felony during the period beginning on the first day of the applicable full registration period under paragraph (1) and ending on the last day of the 5-year period described in subparagraph (A).

(C) APPLICATION TO OTHER DATABASES.—The Attorney General shall establish a process to ensure that each entity that receives information under subsection (j) with respect to a criminal arsonist described in subparagraph (B) shall expunge the applicable database of such information as of the date that is 5 years after the last day of the applicable full registration period under paragraph (1).

(e) ANNUAL VERIFICATION.—Not less than once in each calendar year during the full registration period, a criminal arsonist required to register under this section shall—

(1) appear in person at not less than one jurisdiction in which such arsonist is required to register;

(2) allow such jurisdiction to take a current photograph of the arsonist; and

(3) while present at such jurisdiction, verify the information in each registry in which that arsonist is required to be registered.

(f) DUTY TO NOTIFY CRIMINAL ARSONISTS OF REGISTRATION REQUIREMENTS AND TO REGISTER.—

(1) IN GENERAL.—An appropriate official shall, shortly before release of a criminal arsonist from custody, or, if the arsonist is not in custody, immediately after the sentencing of the arsonist for the offense giving rise to the duty to register—

(A) inform the arsonist of the duties of the arsonist under this section and explain those duties in a manner that the arsonist can understand in light of the arsonist's native language, mental capability, and age;

(B) ensure that the arsonist understands the registration requirement, and if so, require the arsonist to read and sign a form stating that the duty to register has been explained and that the arsonist understands the registration requirement;

(C) if the arsonist is unable to understand the registration requirements, the official shall sign a form stating that the arsonist is unable to understand the registration requirements; and

(D) ensure that the arsonist is registered.

(2) NOTIFICATION OF CRIMINAL ARSONISTS WHO CANNOT COMPLY WITH PARAGRAPH (1).—The Attorney General shall prescribe rules to ensure the notification and registration of criminal arsonists in accordance with paragraph (1) who cannot be notified and registered at the time set forth in paragraph (1).

(g) ACCESS TO CRIMINAL ARSONIST INFORMATION THROUGH THE INTERNET.—

(1) IN GENERAL.—Except as provided in this subsection, each jurisdiction shall make available on the Internet, in a manner that is readily accessible to law enforcement personnel and fire safety officers located in the jurisdiction, all information about each criminal arsonist in the registry. The jurisdiction shall also include in the design of its Internet site all field search capabilities needed for full participation in the National criminal arsonist Internet site established under subsection (i) and shall participate in that Internet site as provided by the Attorney General in regulations which comply with this paragraph.

(2) PROHIBITION ON ACCESS BY THE PUBLIC.—Information about a criminal arsonist shall not be made available under paragraph (1) on the Internet to the public.

(3) MANDATORY EXEMPTIONS.—A jurisdiction shall exempt from disclosure on the Internet site of the jurisdiction described in paragraph (1), with respect to information about a criminal arsonist—

(A) any information about the arsonist involving conviction for an offense other than the offense or offenses for which the arsonist is registered;

(B) any information about the arsonist if the arsonist is participating in a witness protection program and the release of such information could jeopardize the safety of the arsonist or any other individual; and

(C) any other information identified as a mandatory exemption from disclosure by the Attorney General.

(4) OPTIONAL EXEMPTIONS.—A jurisdiction is authorized to exempt from disclosure on the Internet site of the jurisdiction described in paragraph (1), with respect to information about a criminal arsonist—

(A) the name of an employer of the arsonist; and

(B) the name of an educational institution where the arsonist is a student.

(5) CORRECTION OF ERRORS.—The Attorney General shall establish guidelines for each jurisdiction for a process to seek correction of information included in the Internet site established by the jurisdiction pursuant to paragraph (1) in the case that an individual contends such information is erroneous. Such guidelines shall provide for an adequate period following the date on which the individual has knowledge of the information's inclusion in the Internet site for the individual to seek such correction of information.

(6) WARNING.—An Internet site established by a jurisdiction pursuant to paragraph (1) shall include a warning that information on the site is to be used for law enforcement purposes only and may only be disclosed in connection with such purposes. The warning shall note that any action in violation of the previous sentence may result in a civil or criminal penalty.

(h) NATIONAL CRIMINAL ARSONIST REGISTRY.—

(1) IN GENERAL.—The Attorney General shall maintain a national database at the Bureau of Alcohol, Tobacco, Firearms and Explosives for each criminal arsonist. The database shall be known as the National Arsonist Registry.

(2) ELECTRONIC FORWARDING.—The Attorney General shall ensure (through the National Arsonist Registry or otherwise) that updated information about a criminal arsonist is immediately transmitted by electronic forwarding to all relevant jurisdictions.

(i) NATIONAL ARSONIST INTERNET SITE.—

(1) IN GENERAL.—The Attorney General shall establish and maintain a national arsonist Internet site. The Internet site shall include relevant information for each criminal arsonist. The Internet site shall allow law enforcement officers and fire safety officers to obtain relevant information for each such arsonist by a single query for any given zip code or geographical radius set by the user in a form and with such limitations as may be established by the Attorney General and shall have such other field search capabilities as the Attorney General may provide.

(2) PROHIBITION ON ACCESS BY THE PUBLIC.—Information about a criminal arsonist shall not be made available under paragraph (1) on the Internet to the public.

(j) NOTIFICATION PROCEDURES.—Under an arsonist registration program established by a jurisdiction pursuant to subsection (a), immediately after a criminal arsonist registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by this section or by the Attorney General) about that offender to the following entities:

(1) The Attorney General, who shall include that information in the National Arsonist Registry.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate) in each area in which the offender resides, is an employee, or is a student.

(3) Each jurisdiction where the offender resides, is an employee, or is a student, and each jurisdiction from or to which a change of residence, employment, or student status occurs.

(k) ACTIONS TO BE TAKEN WHEN CRIMINAL ARSONIST FAILS TO COMPLY.—Under an arsonist registration program established by a jurisdiction pursuant to subsection (a), an appropriate official of the jurisdiction shall notify the Attorney General and appropriate law enforcement agencies of any failure by a criminal arsonist to comply with the requirements of the arsonist registry for such jurisdiction, and shall revise the registry to reflect the nature of such failure. The appropriate official, the Attorney General, and each such law enforcement agency shall take any appropriate action to ensure compliance.

(l) DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT AND WEBSITE SOFTWARE.—

(1) DUTY TO DEVELOP AND SUPPORT.—The Attorney General shall, in consultation with the jurisdictions, develop and support software to enable jurisdictions to establish and operate uniform arsonist registries and Internet sites.

(2) CRITERIA.—The software described in paragraph (1) should facilitate—

(A) immediate exchange of information among jurisdictions;

(B) access over the Internet to appropriate information, including the number of registered criminal arsonists in each jurisdiction on a current basis;

(C) full compliance with the requirements of this section; and

(D) communication of information as required under subsection (j).

(3) DEADLINE.—The Attorney General shall make the first complete edition of this software available to jurisdictions not later than two years after the date of the enactment of this Act.

(m) PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.—

(1) DEADLINE.—To be in compliance with this section, a jurisdiction shall implement this section before the later of—

(A) three years after the date of the enactment of this Act; or

(B) one year after the date on which the software described in subsection (l) is made available to such jurisdiction.

(2) EXTENSIONS.—The Attorney General may authorize not more than two one-year extensions of the deadline under paragraph (1).

(n) FAILURE OF JURISDICTION TO COMPLY.—

(1) IN GENERAL.—For any fiscal year after the deadline described in subsection (m), a jurisdiction that fails, as determined by the Attorney General, to substantially implement this section shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(2) STATE CONSTITUTIONALITY.—

(A) IN GENERAL.—When evaluating whether a jurisdiction has substantially implemented this section, the Attorney General shall consider whether the jurisdiction is unable to substantially implement this section because of a demonstrated inability to implement certain provisions that would place the jurisdiction in violation of its constitution, as determined by a ruling of the jurisdiction's highest court.

(B) EFFORTS.—If the circumstances arise under subparagraph (A), then the Attorney General and the jurisdiction involved shall make good faith efforts to accomplish substantial implementation of this section and to reconcile any conflicts between this section and the jurisdiction's constitution. In considering whether compliance with the requirements of this section would likely violate the jurisdiction's constitution or an interpretation thereof by the jurisdiction's highest court, the Attorney General shall consult with the chief executive and chief legal officer of the jurisdiction concerning the jurisdiction's interpretation of the jurisdiction's constitution and rulings thereon by the jurisdiction's highest court.

(C) ALTERNATIVE PROCEDURES.—If a jurisdiction is unable to substantially implement this section because of a limitation imposed by the jurisdiction's constitution, the Attorney General may determine that the jurisdiction is in compliance with this section if the jurisdiction has made, or is in the process of implementing, reasonable alternative procedures or accommodations, which are consistent with the purposes of this section.

(3) REALLOCATION.—Amounts not allocated under a program referred to in this subsection to a jurisdiction for failure to substantially implement this section shall be reallocated under that program to jurisdictions that have not failed to substantially implement this section or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this section.

(4) RULE OF CONSTRUCTION.—The provisions of this section that are cast as directions to jurisdictions or their officials constitute, in relation to States, only conditions required to avoid the reduction of Federal funding under this subsection.

(5) EXCEPTION FOR FAILURES TO RECEIVE CRIMINAL ARSONIST MANAGEMENT ASSISTANCE PROGRAM GRANTS.—For any fiscal year for which a jurisdiction submits an application to the Attorney General under subsection (b) of section 3 for a grant under subsection (a) of such section and is not awarded any grant funding under such subsection such jurisdiction shall not be subject to paragraph (1).

(o) ELECTION BY INDIAN TRIBES.—

(1) ELECTION.—

(A) IN GENERAL.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body, elect to carry out this subtitle as a jurisdiction subject to its provisions.

(B) IMPLEMENTATION.—If a tribe does not, within one year of the enactment of this Act, make an election to take on these duties, it shall, by resolution or other enactment of the tribal council or comparable governmental body, enter into a cooperative agreement to arrange for a jurisdiction to carry out any function of the tribe under this Act until such time as the tribe elects to carry out this Act.

(2) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

(A) NONDUPLICATION.—A tribe subject to this subtitle is not required to duplicate functions under this subtitle which are fully carried out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

(B) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with such a jurisdiction or jurisdictions—

(i) arrange for the tribe to carry out any function of such a jurisdiction under this subtitle with respect to arsonists subject to the tribe's jurisdiction; and

(ii) arrange for such a jurisdiction to carry out any function of the tribe under this subtitle with respect to arsonists subject to the tribe's jurisdiction.

(3) LAW ENFORCEMENT AUTHORITY IN INDIAN COUNTRY.—Enforcement of this Act in Indian country, as defined in section 1151 of title 18, United States Code, shall be carried out by Federal, Tribal, and State governments under existing jurisdictional authorities.

(p) IMMUNITY FOR GOOD FAITH CONDUCT.—The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this section.

(q) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated to the Attorney General, to carry out subsections (h) and (i) of this section, such sums as may be necessary for each of the fiscal years 2009 through 2014.

SEC. 3. CRIMINAL ARSONIST MANAGEMENT ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish and implement a Criminal Arsonist Management Assistance program (in this section referred to as the "Assistance Program"), under which the Attorney General shall award grants to jurisdictions to offset the costs of implementing section 2.

(b) APPLICATION.—The chief executive of a jurisdiction desiring a grant under this section, with respect to a fiscal year, shall for each such fiscal year submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) INCREASED GRANT PAYMENTS FOR PROMPT COMPLIANCE.—A jurisdiction that, as determined by the Attorney General, has substantially implemented section 2 not later than two years after the date of the enactment of this Act is eligible for a bonus payment in addition to the amount of grant funds available to such jurisdiction under subsection (a). The Attorney General may, with respect to a jurisdiction, make such a bonus payment to the jurisdiction for the first fiscal year beginning after the date such determination is made. The amount of the bonus payment shall be as follows:

(1) In the case of a determination that the jurisdiction has substantially implemented such section by a date that is not later than the date that is one year after the date of the enactment of this Act, 10 percent of the total grant funds available to the jurisdiction under subsection (a) for such fiscal year.

(2) In the case of a determination that the jurisdiction has substantially implemented such section by a date that is later than one year after the date of the enactment of this Act, but not later than the date that is two years after such date of enactment, 5 percent of such total.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated to the Attorney General, to be available to carry out this section, such sums as may be necessary for each of the fiscal years 2009 through 2014.

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) CRIMINAL ARSONIST.—The term "criminal arsonist" means an individual who is convicted of any criminal offense for committing arson in violation of the laws of the jurisdiction in which such offense was committed or the United States. Such term shall not include a juvenile who is convicted of such an offense unless such juvenile was tried as an adult for such offense.

(2) ARSONIST REGISTRY.—The term "arsonist registry" means a registry of criminal arsonists, and a notification program, maintained by a jurisdiction.

(3) CRIMINAL OFFENSE.—The term "criminal offense" means a State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note)) or other criminal offense.

(4) EMPLOYEE.—The term "employee" includes an individual who is self-employed or works for any other entity, whether compensated or not.

(5) FIRE SAFETY OFFICER.—The term "fire safety officer" means—

(A) a firefighter, as such term is defined in section 1204 of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796b); or

(B) an individual serving in an official capacity as a firefighter, fire investigator, or other arson investigator, as defined by the jurisdiction for the purposes of this Act.

(6) JURISDICTION.—The term "jurisdiction" means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) To the extent provided and subject to the requirements of section 2(o), a Federally recognized Indian tribe.

(7) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796b).

(8) RESIDES.—The term "resides" means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives.

(9) STUDENT.—The term "student" means an individual who enrolls in or attends an educational institution (whether public or private), including a secondary school, trade or professional school, and institution of higher education.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. FORBES) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and Members of the House, according to the United States Fire Administration, arson is the leading cause of fire in the United States and annually results in over 2,000 injuries, more than 400 deaths, and $1.5 billion in property damage. Even more problematic is the fact that arson is one of the most difficult crimes to prosecute. Only 16 percent of intentionally set fires result in arrests, and only 2 percent result in conviction.

Although arson causes significant losses in lives and property each year, there is no national registry requiring convicted arsonists to notify law enforcement of their residence, place of employment, or other information that would aid law enforcement in identifying offenders with a demonstrated disposition for committing arson offenses, and that's precisely what H.R. 1759 does. We respond to several aspects of the serious concerns presented by arson.

To aid law enforcement in identifying criminal activity related to arson, we established the National Arson Registry, a comprehensive nationwide network of registry databases developed by the Attorney General that tracks convicted arsonists.

The bill also requires jurisdictions to create arson registries and mandates that convicted arsonists register in each jurisdiction in which he or she resides, is an employee, or is a student at an educational institution.

And finally, the bill requires the Bureau of Alcohol, Tobacco, Firearms, and Explosives to coordinate the various databases through the National Arson Registry and make the information available to law enforcement agencies. Armed with this information, law enforcement authorities will be able to solve many more arson crimes than they are able to now. Knowing that they're registered with and known to local authorities may deter convicted arsonists from committing new arson.

This bill rightly enjoys broad bipartisan support. I commend my colleagues in the Judiciary Committee, LAMAR SMITH and the floor manager of the bill, and urge that we support legislation whose time has come.

Mr. Speaker, I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1759, the Managing Arson Through Criminal History (MATCH) Act of 2007.

I want to first commend my colleagues from California, Congresswoman BONO and Congressman SCHIFF, for their hard work on this legislation.

My colleagues from California know all too well the devastation that arson causes. The wildfires that burned across much of southern California in October killed 14 people and injured as many as 70 others. The fires touched over a half million acres from Los Angeles to the Mexican border and displaced 513,000 people from their homes. Costs in San Diego County alone were projected to exceed $1 billion.

Sadly, just 2 weeks ago, another fire in Malibu, California destroyed 35 homes and forced the evacuation of hundreds of residents. Two of the October fires, the Santiago fire in Orange County and the Buckweed fire in Los Angeles, we now know were set deliberately.

Many arsonists begin by starting small fires and then escalate to larger and larger fires to increase their sense of excitement. Unfortunately, only 17.1 percent of arson offenses result in convictions nationwide because the evidence needed to convict these arsonists is often destroyed in the fire.

As arsonists become more sophisticated in their technique, identifying them and prosecuting them becomes more challenging. Each year, an estimated 267,000 fires are caused by arson. In recent years, arson has been used to burn churches and protest urban sprawl. But the ongoing threat remains those who set fires to get a rush and feed a compulsion.

We may never be able to fully prevent wildfires, but we can implement tools to help prevent arsonists, particularly serial arsonists, from eluding law enforcement and escaping punishment.

The MATCH Act creates a national arson registry and requires criminal arsonists to report where they live, work, and go to school. In addition, the bill requires the national database to include finger and palm prints and an up-to-date photograph. The MATCH Act will assist law enforcement officials with identifying and apprehending arsonists, particularly serial arsonists and eco-terrorists.

I want to once again thank Congresswoman BONO and Congressman SCHIFF for working with the committee staff to make a number of important bipartisan changes to the original bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to recognize a distinguished member of the Judiciary Committee from California, Mr. ADAM SCHIFF, and would grant him as much time as he may consume.

Mr. SCHIFF. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 1759, the Managing Arson Through Criminal History Act, or the MATCH Act. This is legislation that my colleague, Congresswoman MARY BONO, and I introduced earlier this year to create a national registry of arsonists that would give law enforcement officers an important tool to track arsonists and share information across jurisdictions.

I want to thank Mrs. BONO for her leadership on this issue. I also want to thank the chairman of our committee for moving this bill through the committee and the majority leader for bringing it before us today.

In October of this year, the Nation saw the destruction caused by fires in southern California. Over 1,500 homes were destroyed, half a million acres of land burned, seven people died, and more than 85 were injured, including 61 firefighters. These brave heroes put their lives on the line every day to protect people, homes and wildlife.

□ 1430

The MATCH Act would create a national registry and require convicted arsonists to report where they live, work, and go to school. And the database would include photographs, fingerprints, vehicle information and other information on the arsonist. The length of time that an arsonist would be required to register is based on how many acts of arson they have committed: 5 years for one offense, 10 years for two, and lifetime for a serial arsonist who has committed three or more offenses. The information would only be made available to law enforcement agencies, not the general public. Most important, when a convicted arsonist updates his or her information with a change of residence, notification would be sent to the appropriate law enforcement agencies.

When arson has occurred, it's critical to find and find quickly the individual involved to prevent future acts of arson and to prosecute the one responsible. Frequently arsonists use the same trademark tools, such as a unique incendiary device, a manner of starting a fire, or similar targets, such as houses of worship or even auto dealerships. In a case where the arsonist may have come from one place or a State to commit the act of arson, the information in the database will give law enforcement an important tool to identify convicted arsonists that may be connected to the very similar act of arson. Most importantly, the registration can also prevent future acts of arson by requiring convicted arsonists to update their information when they move or change jobs or schools. In addition to putting law enforcement on notice, this also lets the convicted arsonists know they can't hide from law enforcement for the purpose of committing another act of arson.

When I was a prosecutor in the U.S. Attorney's office in Los Angeles, I worked on an arson investigation that really brings to mind for me the merit of this bill. That case demonstrates how an arsonist registry would be of great benefit. This was a situation where someone was setting a string of fires in the San Bernardino forest. The individual used a unique incendiary device that he could throw in the brush and drive far away before the brush would be ignited. They couldn't catch the culprit in the act and eventually succeeded in tracking him down through the use of video surveillance and a complex investigation. The suspect was arrested and interviewed and admitted to setting fires in the taped interview. However, the tape recording malfunctioned and the confession was lost along with most of the case. As we pursued the investigation, we found a probation officer of the suspect from many years earlier who found his records in his basement storage. The file on the suspect detailed that many years earlier he had set fires using the same incendiary device. When confronted with the evidence, the suspect pled guilty. If we had a national arsonist registry at the time, we would have known of convicted arsonists who lived in the region. We would have known their modus operandi. We may have been able to stop him before he committed several later fires. Keeping your records in the basement is not a successful law enforcement strategy; the national arsonist registry created through the MATCH Act is.

Again, I want to compliment my colleague Mary Bono. Thank you very much for your leadership on this. It's very important to all Californians.

And, Mr. Chairman, we are very grateful for your moving this bill through committee so quickly in such a bipartisan spirit.

Mr. FORBES. Mr. Speaker, it is now my privilege to yield such time as she may consume to the gentlewoman from California, Congresswoman Bono, who has worked so hard on this matter and seen firsthand the effects arsonists can have.

Mrs. BONO. Mr. Speaker, I am pleased to rise in support of the Managing Arson Through Criminal History, or MATCH Act, H.R. 1759.

As a Member from California, I was heartened by the support that our delegation received from this House during the tragic fires that recently swept through our State. As many of you know, some of those fires are being investigated as arson. But it was not these very recent events that inspired the legislation that we are considering today.

Just a little over a year ago, my community was devastated by what was known as the Esperanza fire. This fire not only wreaked havoc on the surrounding land and homes, but ultimately cost the lives of five very brave United States Forest Service firefighters. The fire that cost those men their lives was a result of a despicable act of arson.

Subsequent conversations with firefighters and chiefs in my district led to the creation of this bill. They told me how a central database would provide them with invaluable information in tracking arsonists and, more especially, serial arsonists. Clearly, more help is needed in the tracking of this dangerous crime. Although arson fires account for the majority of the fires in the United States, the arrest and conviction rate is less than 20 percent.

I can share statistic after statistic about the damage caused by arson, the millions of dollars lost and grand totals of people, but what those numbers fail to convey are the stories of individuals; the hundreds of families in Southern California who will have nowhere to celebrate the holidays this year or the veteran who lost his war medals and mementos before he could share them with his grandchildren, the baby pictures, the refrigerator art, the family rocking chair, the things that no insurance policy could possibly replace and that no one else will ever truly understand.

It is our duty as Members of Congress to provide what tools and infrastructure we can to aid in both the prevention of this crime and speedy apprehension of those who choose to commit it.

The MATCH Act combines the efforts of the Federal, State, and local governments to combat the crime of arson by creating a national arson registry. The registry requires criminal arsonists to report where they live, work and go to school. In addition to that information, the database will include finger and palm prints of the arsonist and an up-to-date photograph. This legislation will provide an important tool to law enforcement officers by enabling them to effectively track arsonists regardless of where they live and to share that information across jurisdictions.

I, like all of my colleagues in this House, am anxious to provide what tools and support we can to combat the despicable crime of arson. It is my sincere belief that the MATCH Act will make a meaningful difference in the way we approach and deal with arson offenders.

I would like to especially thank Chairman Scott and Ranking Member Forbes of the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security. They worked with me and my colleague Adam Schiff to ensure that the legislation was expeditiously moved through the legislative process and that concerns were addressed. I would also like to thank Chairman Conyers and Ranking Member Smith, along with their terrific staff and Taryn Nader on my staff for their efforts and hard work in bringing this bill before us today. Finally, I would like to thank my good friend and colleague Adam Schiff for his partnership on this important issue.

Mr. CONYERS. Mr. Speaker, it is my pleasure now to yield such time as he may consume to the chairman of the Crime Committee on the Judiciary, my good friend Bobby Scott.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, arson is indeed a very serious problem, costing over $1 billion in property damage annually and endangering the lives of citizens and especially our firefighters. Arson has also one of the lowest arrest and conviction rates, and law enforcement needs new tools to enhance their capabilities to solve arson crimes.

Unfortunately, the evidence presented in committee was that the State of California already has a registry similar to the one contemplated in the bill and no arsons have been solved by that database.

Furthermore, Mr. Speaker, I would need to point out another concern I have with H.R. 1759 in its current form. That concern relates to the treatment of juveniles under the proposed bill. Juveniles who are charged and convicted as adults for arson offenses would be required to register in the newly created arson offender registry. As research clearly indicates, of all offenders, juveniles are the least culpable due to immature brain development, and they have the greatest capacity for rehabilitation. Branding them as an offender in a State or national register is not only improper, it's counterproductive.

Requiring young offenders to register in a State or national offender database counters the concept of ensuring the proper development of juveniles because it is inconsistent with rehabilitative efforts. Although H.R. 1759 properly ensures that only law enforcement will have access to information on the registries, law enforcement officers will undoubtedly use the information to label and target youth for further arrests. Once law enforcement has certain youngsters on their radar, those youngsters would be targets and more likely to be arrested and prosecuted for even minor nonviolent conduct because law enforcement officials have their names on a list.

In summary, I agree that law enforcement needs effective tools to combat the devastation of arson causes, and I want to thank the gentlewoman from California for her hard work in developing the bill and making many improvements in the bill from its original form. However, I still have concerns about the cost effectiveness of the proposal in the bill as well as concerns, the impact the legislation will have on juvenile offenders.

Mr. FORBES. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I would close by holding out my hand of cooperation to my chairman of the Crime Subcommittee because I know he has been working carefully with the leaders of this bill and we have accepted some of his recommendations, and it will be my pleasure to make sure that we consider the points that he has made here this afternoon.

So with that I am very pleased to urge the support of this measure that's before us. I think it is important and timely and will be very constructive.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. Conyers) that the House suspend the rules and pass the bill, H.R. 1759, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONDEMNATION OF NOOSE INTIMIDATION

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 826) expressing the sense of the House of Representatives that the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be a criminal act that should be thoroughly investigated by Federal law enforcement authorities and that any criminal violations should be vigorously prosecuted.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 826

Whereas in the past two months, nooses have been found in a North Carolina high school, a Home Depot in New Jersey, a Louisiana school playground, the campus of the University of Maryland, a Columbia University professor's office door and a factory in Houston, Texas;

Whereas the Southern Poverty Law Center has recorded between 40 and 50 suspected hate crimes involving nooses since September;

Whereas since 2001, the Equal Employment Opportunity Commission has filed more than 30 lawsuits that involve the displaying of nooses in places of employment;

Whereas nooses are reviled by many Americans as racist symbols of lynchings that were once all too common;

Whereas according to Tuskegee Institute, more than 4,700 people were lynched between 1882 and 1959 in a campaign of terror led by the Ku Klux Klan;

Whereas the number of dead lynching victims in the United States exceeds the amount of people killed in the horrible attack on Pearl Harbor (2,333 dead) and Hurricane Katrina (1,836 dead) combined; and

Whereas African-Americans, as well as Italians, Jews, and Mexicans, have comprised the vast majority of lynching victims and only when we erase the terrible symbols of the past can we finally begin to move forward: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be criminal;

(2) this conduct should be investigated thoroughly by Federal authorities; and

(3) any criminal violations should be vigorously prosecuted.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. FORBES) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and members of the committee, I am pleased to join my colleagues in support of House Resolution 826, a resolution condemning the hanging of nooses for the purpose of intimidation, violence, and other criminal purposes.

Unfortunately, consideration of this resolution comes at a critical time for our Nation. Many of us had thought the hanging of a noose, a symbol of racial violence, hate, and intimidation down through history was a practice relegated to our past. Since September, however, there have been reports of approximately 50 noose-hanging incidents across this country. It's no coincidence that these disturbing incidents follow in the shadow of the Jena Six case, which documents continuing racial inequity in our Nation even into this century.

As we all know, a hanging noose symbolizes lynching, one of the most shameful, terror-ridden, racial crimes in our history and which, sadly, can be traced back to the very founding time of the United States.

First used to punish African slaves as early as the 17th century, the practice of lynching was commonplace until, I'm sorry to report, as late as 1968. Between 1882 and 1962, nearly 5,000 people, most of them African Americans, were lynched in our country.

There appears to be a resurgence in the hanging of nooses for intimidation or other racist purposes. The Equal Employment Opportunity Commission, for example, has filed more than 30 lawsuits for hanging nooses in the workplace since the year 2001. The commission observed "a disturbing national trend of increased racial harassment cases involving hangman's nooses in the workplace."

In October, a noose was found hanging, of all places, in the Nassau County New York police headquarters locker room. Last month, hanging ropes were found in the United States Coast Guard Academy in the bag of an African American cadet and in the office of a diversity trainer.

□ 1445

Noose incidents are also occurring with disturbing frequency in schools throughout our country. At Louisiana's Jena High School, nooses were hung from a tree that white students had regarded as their exclusive domain for socializing after African Americans sat under the tree. This sparked similar incidents in schools across our Nation. In New York City, an African American professor at Columbia University found a noose hanging on her office door. In North Carolina, four nooses were found hanging at various locations at High Point Andrews High School. Universities in Maryland, Delaware and Indiana have reported noose incidents in recent months. In my own State of Michigan, nooses were hung on the Central Michigan University campus weeks after anti-Muslim pamphlets had been distributed.

As this resolution calls upon Federal authorities to investigate noose incidents, I am heartened to note the Justice Department's efforts to address this problem. At an oversight hearing on the Jena 6 incident held earlier by the Judiciary Committee, the Department stated it viewed such noose hangings as possible violations of Federal civil rights law.

I commend my colleague from the State of Texas, our new Member, Al Green, who for his leadership on this issue should be really commended as an important contribution that he has made. And I would like to acknowledge the Judiciary Committee's members on both sides of the aisle who helped advance this resolution with their active support. The Committee on the Constitution chairman, Jerrold Nadler; the Crime Committee chairman, Bobby Scott; also our stellar members from North Carolina, Mel Watt; and from Texas, Sheila Jackson-Lee; from California, Maxine Waters; Wisconsin, Tammy Baldwin; Georgia, Hank Johnson; Tennessee, Steve Cohen; Wisconsin, James Sensenbrenner; and Texas, Louie Gohmert. These and many others have been very helpful in laying the groundwork for us to come together to hearten not just the people in this country but our law enforcement agencies, particularly the Department of Justice, in trying to reduce and indeed eliminate this unfortunate system of hate that is spreading, unfortunately, in our country.

I think we can head it off, and I hope with the passage of House Resolution 826 that will be, in fact, accomplished.

Mr. Speaker, I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support House Resolution 826 to condemn the vicious act of hanging a noose with the intent to intimidate and terrorize. Our country's tragic history of brutal, racially motivated lynchings will be forever associated with the vile symbol of the hanging noose.

The noose was used to instill fear in African Americans during our Nation's struggle to protect the civil rights of all Americans. During our country's period of reconstruction following the Civil War, the infamous Ku Klux Klan and others used lynching to strike fear into the hearts of African Americans. Lynchings were used to dehumanize their victims, who were often horribly tortured and disfigured before they were hung by a mob.

Today, everyone should recognize that the stark image of a dangling noose, intended to intimidate and terrify, should be condemned in the strongest of terms. And those who are ignorant of the terrifying history of the symbol of the dangling noose must be educated, such that they understand its grotesque history and come to never see its use as a harmless prank.

There have been a disturbing number of recent incidents in which nooses have been found under suspicious circumstances. Those incidents are being investigated, and must be investigated. But we should also be aware that some of these incidents may have been motivated by the perverse desire for publicity. On Sunday, the Baltimore Sun reported on a hoax in which a firefighter who reported finding a knotted rope and a threatening note with a drawing of a noose in an East Baltimore station house last month had placed the items there himself.

We also know of an instance in which another symbol of hate, a swastika, was drawn on the door of a Jewish student at George Washington University, but she later confessed to drawing the swastika herself after she was caught doing so on a security camera.

We should recognize today that those who use symbols of hate for any improper reason, including to get attention for one's own cause, are contributing just as much to an atmosphere of intimidation as those who do so motivated by hate for another group.

Finally, I want to note that while I support this resolution, one of its provisions states that any use of the noose symbol as a means of intimidation that constitutes a crime "should be vigorously prosecuted." That provision should be viewed in light of the Department of Justice's policy on the Federal prosecution of juveniles.

Mr. Speaker, I urge a "yes" vote on this, and I reserve the balance of my time.

Mr. CONYERS. Could I ask my colleague, the floor manager (Mr. FORBES), I would like to ask unanimous consent for 5 minutes more on each side if that would be agreeable with the gentleman.

Mr. FORBES. I would be happy to agree to that.

Mr. CONYERS. Mr. Speaker, I ask that we have 5 additional minutes added to each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I thank my colleague the floor manager and my friends on the other side.

I am privileged now to recognize the gentleman from Texas, who came to me with this idea, Mr. AL GREEN, and I will yield him 3½ minutes.

Mr. AL GREEN of Texas. I thank Chairman CONYERS. I thank Ranking Member LAMAR SMITH. I would like to also thank the co-lead on this piece of legislation, while it is a resolution, I consider it to be a piece of legislation, and that, of course, would be Representative LAURA RICHARDSON. I thank the floor manager, RANDY FORBES, all of the staff, and I especially thank the 60 persons that signed on as cosponsors of this resolution.

Mr. Speaker, I am proud to have sponsored H. Res. 826, the condemnation of noose intimidation. Noose intimidation. It has received bipartisan support, and it has received it because America is a country of hope, not hate. In America, we celebrate our diversity. We love knowing that we can live together and that we can have the kind of harmony and peace that America has always promised all of its citizens. Noose intimidation has no place in America. Noose intimidation is the invidious hanging or displaying of a noose for the purpose of intimidation, humiliation, or denigration. When it is done under circumstances that may constitute a crime, it ought to be investigated. And if a crime has been committed, it ought to be vigorously prosecuted.

Recently nooses have been found in North Carolina at a high school, New Jersey at a Home Depot, Louisiana on a school playground, and in Houston, Texas, at a factory. Fifty to 60 incidents involving nooses have been reported since September 7. This is per the Southern Poverty Law Center. Thirty more lawsuits have been filed by EEOC concerning nooses. Four thousand seven hundred persons were lynched. Many of these were Latinos, Jewish Americans, Italian Americans and African Americans. This was done between 1882 and 1959.

America is a country of hope, not hate. For this reason, we believe in the words of the Pledge of Allegiance "liberty and justice for all." That is why this legislation is important. We believe in the words in the Declaration of Independence that all persons are created equal and endowed by their Creator with certain inalienable rights, among them life, liberty and the pursuit of happiness. That is why this resolution is important.

Dr. King reminded us that it is not where you stand in times of comfort and convenience but, rather, where you stand in times of challenge and controversy. I am so proud that my colleagues have stood with us in these times of challenge and controversy to condemn noose intimidation. And I close with these words from Dr. King. He said, "It may be true that the law cannot make a man love me. But it can keep him from lynching me." And I think that's pretty important.

God bless you, and I thank you.

Mr. FORBES. Mr. Speaker, it is my privilege now to yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Thank you for yielding me time.

There is no doubt in my mind that intimidation by using a noose is a horrible, and must be considered a criminal act. I want to thank Congressman AL GREEN of Texas for offering this resolution because it is critical that the victims who have been targeted, all African Americans, know that the U.S. Congress and all the people of America strongly condemn this outrageous behavior and encourage its vigorous prosecution.

In Jena, Louisiana, we have all seen the case of six black men who were initially charged with attempted murder after a fight that was, in part, prompted by the hanging of nooses by three white students, none of whom were prosecuted.

This blatant form of racism has become more and more common, as the resolution notes, with nooses being found in a North Carolina high school, a Home Depot in New Jersey, a Louisiana school playground, the campus of the University of Maryland, a Columbia University professor's office, a factory in Houston, Texas, and in a police department parking lot in Bridgeport, Connecticut. In my own hometown of Bridgeport, police sergeant Joanne Meekins recently found a noose under her police car.

As the local NAACP Chairman Craig Kelly rightly said in discussing this outrageous incident targeting Sergeant Meekins, "The noose has become the new swastika or the new burning cross in this country and, unfortunately, people seek to relive that horror."

Conduct like this must never be tolerated, which is why I am glad that Congress is passing a bipartisan resolution against these actions and urging swift prosecution and full penalties for those who perpetrate these senseless acts.

Our brothers and sisters throughout the country need to know that all Americans stand with them in condemning the act of hanging nooses as an attempt to intimidate and terrorize and that it must not be just condemned but prosecuted to the full extent of the law.

Mr. CONYERS. Mr. Speaker, it is now my pleasure to call my dear friend and newest member to the Congressional Black Caucus, LAURA RICHARDSON, to speak, and I recognize her for 2½ minutes.

Ms. RICHARDSON. Part of what makes this Nation respected is our ability to acknowledge history, both good and bad, and make the conscious effort to not repeat those same mistakes.

Make no mistake about it. The noose is an ugly symbol, and it is a painful reminder of a time period where a piece of rope was used to administer criminal injustice and to intimidate an entire population. Likewise, it is important to note that the lynchings were not limited to African Americans alone. Historians have noted and documented at least 605 cases of Hispanic Americans who were lynched between 1848 and 1928. According to the Tuskegee Institute, more than 4,700 people were lynched between 1882 and 1959 in a campaign of terror led by the Ku Klux Klan. Also noted is that white individuals were lynched during that same time period, and of that 4,700, it is believed that at least one-fourth were white members.

It is important to understand that the noose can create a memory of pain as noted by my colleague. It is a pain that is often considered similar to viewing a swastika. This is a terrible reminder to us all that intimidation, whether it be done in speech or in action or in symbols, should not be tolerated.

□ 1500

In my own district, just less than 20 miles from my area, we had a recent incident at the Cal State Fullerton campus. This is a State campus where these acts of intimidation surfaced.

Regarding the first amendment, this resolution does nothing to impede an individual's right to think or utilize the right to speak differently than another. H. Res. 826 encourages the Federal Government to investigate vigorously and prosecute any noose hangings when they are done with the purpose to intimidate.

I want to thank my colleague Mr. GREEN from Texas for his leadership on this issue, and also Chairman CONYERS for dealing with this issue in such a timely manner.

Mr. FORBES. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. The Chair is pleased to recognize the gentlelady from California, BARBARA LEE, who has graced us with her presence in my district recently, and we yield her 2 minutes.

Ms. LEE. Mr. Speaker, let me thank the chairman for his leadership and for his friendship. Also I want to thank our colleague from Texas, Congressman AL GREEN, for introducing this very important resolution and for your spirit with which you have introduced this.

Racism is alive and well in America, regardless of how we try to sweep it under the rug. It is tragic and very sad that we need a resolution like this today, but the rash of noose hangings across America reminds us that it is necessary. Clearly, there can be no better example of these tragic incidents than in the case of the Jena Six.

What does this say about our Nation and the level of racism present when we see an increase in these times of hateful acts? As a child, I remember listening to these horror stories about the Klan and their terrorist acts, and that is what this is. These are terrorist acts against African Americans. And today, I just shiver at the thought of a hanging noose and how intimidating this is for anyone, any community, any family whose race has been targeted and has been terrorized by these acts.

Every act of intimidation in the displaying of nooses must be criminally prosecuted. It is a horrible act. A noose is a racist symbol.

On behalf of the more than 4,700 people who were lynched between 1882 and 1968, let us pass this resolution, H. Res. 826, today, and vigorously prosecute those who continue to harass, intimidate and hang nooses in our country. These acts of hate have no place in America.

Thank you, Mr. Chairman. Thank you Congressman GREEN for allowing us the privilege to say "no" to racism once again in America.

Mr. FORBES. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, it is my pleasure to recognize the former Chair of the Congressional Black Caucus, ELIJAH CUMMINGS of Maryland, and we would grant him 2 minutes.

Mr. CUMMINGS. Mr. Speaker, today I rise in strong support of this legislation, and I thank my colleague Mr. GREEN for sponsoring it.

As chairman of the Subcommittee on the Coast Guard and Maritime Transportation, I was recently outraged about an incident that happened at the Coast Guard Academy that has been referenced here earlier where a noose was left in the bag of an African American cadet, and then a training diversity officer, a noose was left in her bag also.

Following these incidents, I went to the head of the Coast Guard, Admiral Thad Allen, and at my request he and I visited the academy to remind the cadets that despite their numerous accomplishments, they will be judged by their weakest link. I stressed that any attack against our Nation's defenders weakens and endangers us all.

I also talked to them about the strength of our Nation as a free people and of their decision to put on the uniform of the United States Coast Guard, symbolizing their duty to defend and uphold the right of every person in our Nation to live in freedom, security and respect.

In my own life, I have learned through personal experience more about the devastating impact of racial hatred than anyone should learn. And this is what I know: Racism is an evil that seeks to destroy the possibility that exists in every human being.

Mr. Speaker, in this time of integration and prosperity, some have regretfully forgotten the negative stigma surrounding the noose and why it cannot be displayed in jest. It is important to remind these few that over 4,700 people were lynched in the United States between 1882 and 1959. And while the majority of lynching victims were African Americans, many Italians, Jews and Mexicans have been lynched throughout this Nation's history as well.

The noose is a symbol of oppression, hatred and intimidation for many racial and ethnic groups, and we cannot tolerate its display. We must respond to these incidents with determination and clarity, and H. Res. 826 is just one positive step in that direction.

Mr. FORBES. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to call upon the Chair of the Congressional Hispanic Caucus, the Honorable JOE BACA of California, and I yield him 2 minutes.

Mr. BACA. Mr. Speaker, I rise in support of H. Res. 826, and I want to thank the Chair for his leadership on this issue. I want to thank my good friend Congressman AL GREEN for his efforts in raising this bipartisan awareness on this outrageous issue. This is the year 2007, and yet we continue to see the hanging of nooses in America, that is shameful, as a form of intimidation and racial discrimination.

Every child has the right to attend school freely. They should not live in fear. And let me tell you, when this happens, many of our children live in that kind of a fear and that kind of intimidation, and that should not happen to our children, no matter who they are or what color they are.

Every American has the right to a workplace that is free from discrimination and hate. We are all children of God, and the Lord has taught us to love thy neighbor and treat each other with dignity and respect, not with hate or discrimination acts like this, but with kindness and love.

Nooses remind us of the dark chapters of the past; yet they continue to be used to create fear today, to create fear today. There have been over 40 suspected hate crimes involving nooses in the last 4 months.

As Chair of the Congressional Hispanic Caucus, I strongly support this resolution, because this type of hate affects all of our communities, not just the African American community, but all of us. We should live without fear or intimidation in this country and allow everyone to have that kind of freedom.

Over the years, more people have died from lynching than there have been victims at Pearl Harbor, and many of them were African Americans, Italians, Jewish and Mexican Americans.

We stand together in solidarity to say the hanging of nooses will not be tolerated by anyone, anymore, for any reason, and I urge my colleagues to do the right thing and support this resolution.

Mr. FORBES. Mr. Speaker, on this bill that I think is supported by virtually every Member of this house, I continue to reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the gentleman from Tennessee, a distinguished member of the House Judiciary Committee, Mr. STEVE COHEN, 2 minutes.

Mr. COHEN. Mr. Speaker, I want to thank the chairman and Mr. GREEN for bringing this legislation.

It is my honor to serve on the House Judiciary Committee, where this matter had a hearing. It is unfortunate that in 2007 we have to have a hearing on such matters, but as Mr. BACA, Mr. CUMMINGS and others have so well expressed, these are symbols of racial hatred, of intolerance and intimidation and oppressive factors, trying to intimidate people into not exercising their rights. Predominantly, these have been used against African Americans, but also against other ethnic minorities.

Growing up, one of the stories I heard about many times was a man named Leo Frank. Leo Frank was accused and unjustly convicted of a crime in Georgia, taken out of his jail in 1915 in Marietta, Georgia, and hung by an angry mob. Mr. Frank was later found by the courts and the Georgia system of justice to have been illegally, improperly convicted and was given a posthumous pardon, but a little too late.

As with so many incidences with lynchings throughout the South against different minorities that people didn't understand and they showed their ignorance by employing vigilante tactics to take the law into their own hands, this couldn't be rectified, because Mr. Frank was dead.

This was an unfortunate part of our history. The Klan was a part of it, but there were people beyond the Klan that engaged in it. And rather than being like the Statue of Liberty and welcoming people to this country, this great land of opportunity where people could pursue happiness and enjoy freedom, the symbol of the noose has told people you are not welcome, you are not to exercise your rights, and you should be weary of trying to speak up and exercise your first amendment rights and be what America is all about.

This legislation needs to pass. When nooses are displayed, they are anti-American. They need to be investigated for criminal enforcement by our Justice Department, and they will, with this resolution's passage. I thank Mr. GREEN for bringing it. I want to say that, unfortunately, in my jurisdiction in Memphis, there was a situation in Germantown, Tennessee, where three people at the Germantown Performing Arts Center recently in August put a noose out. They were fired. They should have been prosecuted as well. The noose does not belong in America.

Mr. FORBES. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the distinguished gentleman from Louisiana, Mr. WILLIAM JEFFERSON, who has worked very hard on matters of racial justice across his career in the Congress, and I yield him 2 minutes.

Mr. JEFFERSON. Mr. Speaker, thank you, Mr. Chairman. I rise today in strong support of H. Res. 826. I commend Representative AL GREEN for taking this timely and necessary step against the heinous act of noose hanging, an act that can only be described as one of racial discrimination and hate.

Now is the time for the Congress to address the well over 50 incidences of noose hangings that have occurred in the past 2½ months. In my home State of Louisiana, at least three have been reported: One in Jefferson Parish; one in St. Tammany Parish; and, of course, the most infamous of all, one in Jena, Louisiana.

Mr. Speaker, Professor Ogletree of Harvard Law School got it right when in recent testimony before the House Judiciary Committee relating to what happened in Jena, he said in part, "We have failed at basic lessons of history if an American can blithely characterize hanging nooses on a tree as an innocent prank or practical joke, as some officials in Jena have done. This is not an act to be minimized, laughed off or chalked up to childhood shenanigans."

With nearly 5,000 people lynched from the late 1800s to the early 1900s, a noose today is a powerful symbol of pure barbarism. Given the context, the noose to an African American who knows his history is nothing less than an expression of hatred. It is, too, a warning of impending violence and likely death.

Indeed, this is the correct reading of history and the correct context in which to view the importance of this resolution.

The composition "Strange Fruit," Mr. Speaker, written by Lewis Allan and originally sung by Billie Holiday, lays bare the savagery of lynching and therefore what noose hanging means in real terms to African Americans. It reads:

"Southern trees bear strange fruit,
Blood on the leaves and at the root,
Black bodies swinging in the southern breeze,
Strange fruit hanging from the poplar trees.
Pastoral scene of the gallant South,
The bulging eyes and the twisted mouth,
Scent of magnolias, sweet and fresh,
Then the sudden smell of burning flesh.
Here is the fruit for the crows to pluck,
For the sun to rot, for the trees to drop,
Here is a strange and bitter crop."

Professor Ogletree concluded his testimony by saying, "If all that emerges from these unfortunate events in Jena are educators more systematically informing community members and students about the shameful history of lynching, this will be a positive step." I agree, Mr. Chairman, but more is needed.

☐ 1515

Mr. FORBES. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I would like to advise my colleague, the floor manager, that I have only one final speaker. We will be concluded. So if you would like to yield back, we would finish up.

Mr. FORBES. With that advice, I would just like to again encourage all of our Members, and I believe everybody stands in support of this resolution, and I hope they will all vote in favor of it.

With that, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Virginia, and I yield finally to the Honorable STEPHANIE TUBBS JONES of Ohio, a distinguished lawyer, prosecutor, judge, and now a chairman in the House of Representatives, to close for us.

Mrs. JONES of Ohio. Mr. Chairman, thank you for the privilege.

They say some things bear repeating. These words bear repeating.

Southern trees bear strange fruit,
Blood on the leaves and blood at the root,
Black bodies swinging in the southern breeze,
Strange fruit hanging from the poplar trees.
Pastoral scene of the gallant South,
The bulging eyes and the twisted mouth,
Scent of magnolias, sweet and fresh,
Then the sudden smell of burning flesh.
Here is fruit for the crows to pluck,
For the rain to gather, for the wind to suck,
For the sun to rot, for the trees to drop,
Here is a strange and bitter crop.

The words of a songstress, but the words of the South, the words of African Americans from across this country and other ethnic groups. Seeing somehow in America we have begun to believe that this conduct is acceptable, that we can hang nooses, we can do crosses, we can do all kinds of things against people without believing that it has some impact or that it can hurt. It hurts like a knife. It cuts like a knife. My mama from Alabama, my daddy from Alabama, my in-laws from Georgia, Alabama; the stories go on and on about how terrible nooses can and have been.

America, this is the Congress saying our sense is that this is terrible conduct and that it should be criminalized. But, America, wake up. What if it were you that got the noose. What if it was your grandfather or grandmother that was hung. What if they were required to hang on a tree and let the blood suck and sip from them and crows gnaw at them. It would be a terrible situation for you. As one American to another, you should cry for us, too.

Let's pass this legislation, ladies and gentlemen. Let's tell our country, let us tell the world that we will never, ever allow such a thing or such conduct to happen again. No more nooses.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3845, introduced by my distinguished colleague from my home state of Texas, Representative AL GREEN. Through this important resolution, the House of Representatives will explicitly go on record against a form a racial hatred that has plagued this country for far too long.

As a senior member of the Judiciary Committee, I have been an outspoken advocate for civil rights and the vigorous prosecution of those who violate our Nation's laws that protect the most vulnerable amongst us. Though we cannot stop acts of racism, ignorance and intolerance, we must speak with a clear and loud voice and say the time has come for our Nation to no longer turn a blind eye to acts of hatred and intolerance.

This legislation comes at a time when the hanging of nooses is making a resurgence around the country. We all know about the case in Jena, LA, where a noose was hung in a school yard and resulted in the division of a town along racial lines, and where six black teenagers were arrested for beating a fellow white student after a series of racial disturbances. One of those students, Mychal Bell, just yesterday pled guilty to lesser charges after one of the largest civil rights protests in years and the largest march in the South since the 1960s.

This October, the Judiciary Committee held hearings on the matter, to address those responsible for administering the laws governing hate crimes. Unfortunately, as we have seen since the events of Jena, nooses are being hung in the halls of some our country's most distinguished institutions and businesses. At Columbia University's Teachers College, a noose was left on the doorknob of an African American female professor. In Chicago, a noose was found at a Home Depot construction site. In Queens, New York, a woman was arrested after hanging a noose in her yard and threatening to hang her African American neighbor's child from it. In my own home state of Texas, two students in Pearland hung a noose in their school parking lot.

It is unfortunate that this Congress is taking up this issue only after companies such as Home Depot and Verizon, as well as colleges and universities across the country and numerous other institutions, have already spoken against these acts with a loud and clear voice. The time has come for the United States Congress to speak just as loudly and say we will not tolerate these heinous acts.

The symbol of the noose is powerful and offensive. Thousands of African Americans have been lynched in this country simply for being the "wrong" color. The incident of noose hangings of Black America was not aberrational or occasional. At any moment in time, an African American could lose their life at the hands of an angry white mob, and the symbolism of the noose still hangs over this country like a black cloud. The noose has come to symbolize white supremacy and the subjugation of an entire race of people. It has been used as a weapon against those who dared to challenge their condition. It has been used as a weapon to silence the voice of those who dared to speak out. The ritualistic, brutal, and public murders that took place with a noose were done specifically to terrorize the African American community. The threat of lynching was used to prevent people from voting, marching, protesting, getting an education, and even starting a business. The noose as sign of intimidation dates back to 1896 as a means of voter suppression. Today, we see the noose used to intimidate educational and business institutions, teachers, workers, community leaders and now our children.

With the passage of this resolution, our country and this Chamber will say, in no unclear terms, that we will not be intimidated and we will not allow our children to be intimidated.

I applaud this important resolution for the message it sends to the country and the world, that we do not tolerate hatred and bigotry against anyone.

Let me remind those who regard the hanging of a noose from a tree in Jena, Louisiana or anywhere else in this country as a harmless act: it is not harmless and it is not just a juvenile prank. It is a frightening and symbolic play for power, as was captured so poignantly by Billie Holiday in her unforgettable rendition of Southern Fruit:

> Southern trees bear strange fruit,
> Blood on the leaves and blood at the root,
> Black bodies swinging in the southern breeze,
> Strange fruit hanging from the poplar trees.

While the use of this racist tool continues, we must not forget that over 4,700 people were lynched between 1882 and 1959 in a campaign of terror led by the Ku Klux Klan. Nor should we forget that more people died at the hands of lynch mobs than died in the attack on Pearl Harbor (2,333) and died during Hurricane Katrina (1,836) combined.

Mr. Speaker, we must act now to stop the use of this racist and evil symbol of America's bitter waters. I urge my colleagues to join me in supporting this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 826.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENOCIDE ACCOUNTABILITY ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 888) to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Genocide Accountability Act of 2007".

SEC. 2. GENOCIDE.

Section 1091 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) REQUIRED CIRCUMSTANCE FOR OFFENSES.—The circumstance referred to in subsections (a) and (c) is that—

"(1) the offense is committed in whole or in part within the United States;

"(2) the alleged offender is a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(3) the alleged offender is an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(4) the alleged offender is a stateless person whose habitual residence is in the United States; or

"(5) after the conduct required for the offense occurs, the alleged offender is brought into, or found in, the United States, even if that conduct occurred outside the United States.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. FORBES) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and members of the committee, the United Nations approved the Convention on the Prevention and Punishment of the Crime of Genocide in 1948. It was in response to Nazi Germany's policy of systematic murder. The Convention, to which the United States is a signatory, established genocide as an international crime which signatory nations undertake to prevent and punish. It's the duty that we address in the Genocide Accountability Act before us at this moment.

We must remember that genocide affects all humanity, not just the direct victims, and not just the perpetrators, but all those who stand by and by their inaction allow those horrible acts to take place. These are the lessons of the Holocaust, of Cambodia, of Bosnia and, more recently, of Rwanda. In Rwanda, we shrugged our shoulders and waited until 800,000 people were killed before we were willing to call that atrocity by its rightful name, genocide.

Sadly, even after Rwanda, the world has mostly stood by while yet another genocide has unfolded before our eyes. The genocide in Darfur has thus far claimed 200,000 lives, and maybe going up to as many as 400,000 lives. Two and a half million people have been displaced as a result of the conflict in Darfur. Both President Bush and Congress have correctly described the situation in Darfur as genocide.

As history repeats itself in Darfur, it seems that we have to learn to say the right things about these atrocities, but too often we cannot seem to muster the consensus and strength of will in the United States and the international community to make our deeds match our words. Along with an increased United Nations peacekeeping force, and a long-term political agreement among its many factions, we need to explore every avenue available to stop this massacre from continuing and prevent similar ones in the future.

The Genocide Accountability Act is an effort to ensure that our United States laws provide adequate authority to prosecute acts of genocide. We should not have a situation where perpetrators of genocide are allowed to enter the United States and use this country as a safe haven from prosecution. What an untenable thought.

But under current law, genocide is only a crime if it's committed within the United States or by a United States national outside of the United States. In contrast, the laws of torture, material support for terrorism, terrorism financing, hostage taking, and many other Federal crimes allow for extraterritorial jurisdiction for crimes committed outside the United States by non-United States nationals.

So there's a gap in the law. This has led to real-life consequences. I understand that the Justice Department has identified individuals who have participated in the Rwandan and the Bosnian genocides and who have entered the United States under false pretenses. Under current law, these individuals can be deported but they can't be arrested or prosecuted for committing genocide.

And so we bring to you on the floor today a measure to allow us to do more than send them off to another country, not knowing whether they will ever be prosecuted. This measure will allow us to bring them to justice. Amending our laws to allow for vigorous prosecution of genocide is a first, a small, but very, very important step toward ending the impunity under which those who commit genocide currently operate.

I am so proud of my colleagues on the Judiciary Committee who have worked with us on this: LAMAR SMITH; the floor manager for the Republicans, Mr. FORBES; and many others. We must remember that it cannot be the last step, this measure. If we are going to fulfill our role as the beacon in the world for basic human rights and freedom from persecution, we must continue to develop the humble legislative beginning that we have begun today.

I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 888, the Genocide Accountability Act of 2007. I want to commend Chairman CONYERS and Representatives BERMAN and PENCE, the sponsors of the House version of this legislation, H.R. 2489, for their dedication and commitment to this issue.

Perpetrators of genocide have committed some of the most heinous crimes ever carried out. Genocide is a crime not only against specific victims targeted for extermination, but it is also a crime against humanity. History is replete with horrible images of human suffering, where victims targeted were based on their human characteristics. In the modern era, we have technological advances used for carrying out heinous acts of genocide.

The idea that individuals, hundreds, thousands, and sometimes hundreds of thousands, are singled out and systematically targeted for extermination offends every person's belief in humanity or the rule of law. In recent decades, we have seen ethnic cleansing during the civil war in the former Yugoslavia, systematic mass killings in other areas, and of course there is the ongoing suffering in Darfur.

S. 888, the Genocide Accountability Act of 2007, expands Federal criminal jurisdiction for prosecution of those responsible for genocide. With this improvement, I hope that Federal prosecutors will be able to prosecute aggressively those heinous criminals. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, it's my pleasure now to yield 4 minutes to the ranking member of the Committee on Judiciary on the Democratic side, Mr. HOWARD BERMAN.

Mr. BERMAN. Mr. Speaker, the House Judiciary Committee has reported an identical House companion to S. 888. That bill is H.R. 2489, and the Judiciary Committee's report for the House bill, Report No. 110–468, should be considered as part of the legislative history on S. 888, as reflecting the intent of the House.

Mr. Speaker, the first legal application of the term genocide came during the Nuremberg trials in 1945. Before then, there wasn't a word in our language to adequately express the brutality and evil that this crime embodies. The purpose of the Genocide Accountability Act is to ensure that no perpetrator of genocide is able to use the United States as a safe haven for prosecution. After the Holocaust, the Genocide Convention was the embodiment of the world's pledge, the promise of "never again." And yet this promise has proven to be one of the world's most unfulfilled.

Not very long ago, genocide was the scourge of Bosnia, and before that, Rwanda. Two years ago, this body passed a resolution acknowledging that the devastation and murderous violence occurring in the Darfur region of Sudan was a genocide. Unfortunately, the genocide in Darfur remains an ongoing crime today. The struggle to prevent and punish genocide has been, and unfortunately will be, winding and long.

The bill we are considering today acknowledges that in some cases the perpetrators of this evil have ended up not just on the doorstep of the United States, but living inside our house. Current law allows us to deport them, but procedural limitations in our laws can keep us from delivering justice for their crimes.

Because current U.S. law lacks an extraterritorial jurisdiction clause for genocide, procedurally the Department of Justice is limited in its ability to charge an individual who is not a U.S. national for involvement in a genocide committed outside the United States, even if the victims include American citizens.

In 1948, the United States was the first nation to sign the Genocide Convention. Twenty years ago, with the Proxmire Act, we added to our criminal code provisions to fulfill the dual obligations of that Convention, to prevent and to punish genocide. S. 888 will strengthen the reach of U.S. laws to prosecute any individuals found in our country who have taken part in acts of genocide, in Darfur or anywhere else.

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As the atrocities in Darfur continue, it is imperative that we enact measures in this bill to stand against genocide wherever it occurs and hold fully accountable the perpetrators of genocide who are able to escape justice.

Mr. Speaker, the term "genocide" was first proposed by Ralph Lemkin, a man of Polish-Jewish descent. In 1941 he came to the United States, and on the day of his arrival he gave a speech explaining to an American audience the international responsibility to respond to genocide. I'll paraphrase what he said: If you learned that a mass of women, children and old people was being murdered 100 miles from here, wouldn't you feel compelled to run to their aid? Why then, if the distance were 3,000 miles instead of 100, would you restrain this decision of your heart?

By passing this bill today, we are taking Lemkin's words to heart. We will work to punish and prevent the crime of genocide not just in our own country, but wherever it occurs around the world.

I strongly urge my colleagues to support this legislation.

Mr. FORBES. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I rise in support of S. 888, the Genocide Accountability Act of 2007. I cosponsored the House version of this legislation because I totally agree, U.S. law should not provide safe haven to those who are committing genocide.

As a result of this bill, prosecutors will be able to target individuals living lawfully in the U.S. who have committed genocide or aided those who have committed these crimes against humanity. I have tremendous respect for all those who have worked to raise awareness of this important issue. Student groups and faith-based organizations, especially from the African American, Jewish and Armenian communities, have done a terrific job of educating their fellow citizens and lawmakers about the crisis and the need to respond.

The world collectively agreed to "never again" allow genocide after the Holocaust and again after the mass murders in Cambodia and Rwanda, and again in Bosnia. Tragically, genocide is again taking place, and the United States must take all reasonable steps to end the killing and ensure the perpetrators of these crimes are brought to justice.

The United States has made a tremendous commitment to the people of Darfur in the form of humanitarian aid and is working hard on diplomatic efforts to end the genocide. But more must be done. We need to stop the killings.

Current U.S. law only makes genocide a crime if it is committed by a U.S. citizen or within the United States. According to the Justice Department, there are individuals who participated in the Rwandan and Bosnian genocides who are living in the United States today that it will be able to prosecute with this legislation.

We will also ensure those who are committing genocide in Sudan today will not be able to look to the United States as their safe haven in the future.

Mr. CONYERS. Mr. Speaker, the chairman of the Crime Subcommittee has played an enormously important role in the measure before us, and I am pleased to recognize Chairman BOBBY SCOTT for 3 minutes.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, the slaughtering of individuals simply because they are a member of a certain ethnic or racial group has occurred throughout history, and, regrettably, continues today. As we witnessed, as many as 800,000 of the Tutsi minority, men, women and children, were murdered in Rwanda. Mass violence has occurred against civilians in Bosnia, where up to 8,000 Muslim men and boys were systematically executed.

The obligations of the United States under the Genocide Convention are in the criminal code in title 18 beginning at section 1091. Genocide is defined as having the specific intent to destroy, in whole or in part, a national, ethnic, racial or religious group. The code offers severe punishment for anyone who commits genocide within the United States. The law also makes it a Federal crime for a U.S. national to commit genocide anywhere in the world. Fortunately, there has not been a need to use the law against anyone now covered by it. However, by only covering genocide if it is committed in this country or committed by a U.S. national, we leave a gap which allows non-U.S. persons who commit genocide elsewhere to come to this country with impunity under our laws.

To this end, the Senator from Illinois, Senator DURBIN, and the gentleman from California (Mr. BERMAN) introduced identical legislation designed to amend title 18 of the United States Code to expand jurisdiction of genocide over the following categories of people who have committed genocide outside of the United States: (1) an alien lawfully admitted for permanent residence; (2) a stateless person whose habitual residence is in the United States; or (3) an individual physically present in the United States.

Similar to the legislation before us, many other Federal laws, including those laws that criminalize torture, allow for the extraterritorial jurisdiction over crimes committed outside the United States by those present in the United States.

Genocide continues to be a threat in the world and we should attack it wherever we find it. In Darfur, we see the tragic replay of suffering and death. Hundreds of thousands of innocent people who have been killed, raped, tortured, or forced to flee, and over 2 million people have been driven from their homes. For them, the commitment of "never again" after the Holocaust rings hollow. The United States should have the ability to prosecute those who find safe haven in the United States for their acts of genocide. The Genocide Accountability Act would end this impunity gap in the genocide law. Therefore, I urge my colleagues to adopt this important legislation.

Mr. FORBES. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, here in Washington, D.C., down the street from this very building is the United States Holocaust Memorial Museum, a museum that serves as a living memorial to the Holocaust and which challenges its visitors and the world in the words written in its charter to: "Confront hatred, prevent genocide, promote human dignity, and strengthen democracy." All of us serving in Congress take the challenge of those words to heart.

We have the unique ability in this institution to promulgate laws and policies that protect life, preserve liberty and confront genocide. Today, with the passage of the Genocide Accountability Act, in bipartisan numbers, this Congress will discharge that duty to history.

Mr. Speaker, I rise today in support of S. 888, the Genocide Accountability Act. In May of this year, it was my privilege to join my friend, the gentleman from California (Mr. BERMAN) to introduce H.R. 2489, which is the companion of the Senate version of the bill that is being considered today. I would like to commend the gentleman from California whose partnership on this and other legislation demonstrates his deep commitment to human rights and to human dignity and to America's place in advancing those principles in the world.

This is an important piece of bipartisan legislation simply because it provides America with a real and powerful tool to combat genocide around the world. The need for the Genocide Accountability Act is straightforward. Currently under U.S. law, genocide is only a crime if it is committed within the borders of the United States or by a U.S. national outside the country. Therefore, the Department of Justice is prevented from prosecuting people who may be in America who have committed genocide, as unthinkable as that might be.

Imagine a scenario where an individual who contributed to genocidal acts in Bosnia, Rwanda, or Sudan, or elsewhere, is determined to be here in America, somehow living under false pretenses or even traveling throughout our country. Under this scenario, the Department of Justice would be prevented under current law from prosecuting that person for genocide in this country. The Genocide Accountability Act closes this loophole. When implemented, it will allow prosecution of non-U.S. nationals who are in the United States for genocide committed outside the United States.

Under the scenario I just described, the Department of Justice would be able to prosecute people who are found to be in America and have perpetrated the worst kind of crime against humanity. Giving our law enforcement this type of tool is absolutely necessary in order to make it clear to the world that America will not tolerate genocide or the perpetrators of genocide, and that we will do all we can to hold those accountable who perform these heinous acts.

As Elie Wiesel stated, "Once you bring life into the world, you must protect it. We must protect it by changing the world."

Mr. Speaker, the Genocide Accountability Act changes the world today in a very small but a profound way, in my judgment. It strengthens the hand of the most powerful free Nation on Earth in fighting and prosecuting those who would commit the crimes of genocide. It is important and necessary, and I encourage my colleagues in the House to support this legislation today so it can be sent to the President for signature.

I want to commend the chairman of the committee, the ranking member and again the gentleman from California (Mr. BERMAN) for his extraordinary leadership on this important and historic measure.

Mr. Speaker, I would like to engage in a colloquy on an issue affecting this legislation with the gentleman from California, Mr. BERMAN.

Our legislation, H.R. 2489, and S. 888 are identical bills, as you know. But during the Crime Subcommittee hearing on H.R. 2489, a witness from the Department of Justice theorized that the changes proposed by this bill might constitute a violation of the ex post facto clauses of article I of the Constitution in some cases. Let me ask you, if this legislation becomes law, Mr. BERMAN, would we be able to use it to prosecute a non-U.S. national taking part in the genocide in Darfur today?

I yield to the gentleman from California.

Mr. BERMAN. I thank the gentleman for his question and yielding to me and appreciate his comments and partnership on this bill.

In response, I would say that the genocide in Darfur is an ongoing crime. The House recognized it as such over 2 years ago, and there is no question that this crime continues today. We believe that ex post facto clearly would not apply in this situation.

Mr. PENCE. I thank the gentleman for clarifying that.

Lastly, going back to that specific hypothesis from the witness from the Department of Justice, if this new law were used to prosecute a perpetrator of a past genocide, the assertion was it may constitute an ex post facto violation of the Constitution. Do you agree with that hypothesis?

Mr. BERMAN. The gentleman raises an important issue, and I do not agree with that hypothesis. I think the witness from the Department of Justice was offering a spontaneous and personal opinion, which he was careful to label as such, and not an official interpretation by the Department.

When we crafted this bill, we were careful to write it as narrowly and precisely as possible. We were and remain interested only in changing the circumstances under which certain parties may be charged under the genocide statute. Our intent is to make a procedural alteration to the current law and leave everything else in the statute untouched.

In determining whether or not a law presents a violation of the ex post facto clauses of the Constitution, courts have generally considered whether the new law: one, places the defendant at a substantial disadvantage compared to the law as it stood when he committed the crime of which he has been convicted; secondly, changes the definition of the crime; or three, increases the maximum penalty for it. The Genocide Accountability Act doesn't alter in any way either the elements or the punishment for the crime of genocide.

The underlying notion here is that the defendant should be on notice that his actions constituted a crime. I think it would be very difficult for anyone to argue that the world is not on notice that we consider and have considered for many years genocide a crime. The United States has recognized genocide as a crime for nearly 60 years as a signatory of the Genocide Convention.

Neither do we make any change that would deprive one charged with the crime of any defense that is now available under the law. It is important to add that the Supreme Court has found a key exception to the ex post facto rule where changes to a law are procedural in nature.

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In numerous decisions, the court has held that where a law involves changes in the procedures by which a criminal case is adjudicated as opposed to changes in the substantive laws of crimes, and I quote that phrase directly, that does not deprive a defendant of substantial legal protections, then it is constitutional.

It is our conclusion that this bill falls within that exception and makes only procedural changes to the law. So it was our intent that this law be used to prosecute perpetrators of genocide who are on notice that their acts constitute a crime wherever it was committed.

Mr. PENCE. I thank the gentleman for his response. I thank him again for his leadership on this issue, to the ranking member Mr. FORBES for his leadership and courtesy today, and to the chairman and ranking member of the full committee. It is important legislation, and I urge all of my colleagues to join us in a strong bipartisan vote against genocide, in favor of the Genocide Accountability Act. It is time we gave the force of American law here at home behind our commitment to end genocide in the world.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize a distinguished member of Judiciary, STEVE COHEN of Tennessee, for such time as he may consume.

Mr. COHEN. Thank you, Mr. Chairman, and Mr. BERMAN for bringing this legislation.

It is obvious we need such a bill, for America should never be a haven for people who commit crimes against mankind. And that is what genocide is, a crime against mankind. It is ironic that God's rightest creature, human beings, are the only species that God created that commits genocide. Animals attack each other out of need for food or for other reasons, but not to destroy and kill an entire other group of animals. Only man, with his ability to think, can create the most unhumanlike crime against mankind, which is the attempt to kill others because of ethnic differences. That is an irony and a shame. And the fact is that we should never be a country that does anything but try to make this world a better place. People should not find America a harbor when they escape from the area, whether it be Darfur or Rwanda or any other place where genocide has been committed.

As a Jewish person, I have known about genocide because we know about the Holocaust and Jewish people have had relatives and possible would-be relatives if our ancestors had not emigrated to this country who would have been victims of this Holocaust or who were. So many of us have been to the Holocaust Museum or Yad Vashem in Jerusalem, or other places or concentration camps and learned.

I would submit that this bill, as the previous bill about nooses, should make a strong statement from this Congress, Mr. Speaker, but to the American people and the educators of this country that what we need in this country is more education about tolerance, more education about the horrors that we have had in the past in history. Because if you don't learn from history, you will repeat it again. And here we are, almost 2008, talking about genocide and nooses and oppressive tactics used by groups to intimidate religious and ethnic minorities and people of different backgrounds.

I commend the authors for bringing the bill, and it is a bipartisan bill and that is what we need, but there are so many other aspects that we need to look into.

Elie Wiesel, who was cited just recently by a Member on the other side, said that people who hate, hate everyone. People who hate Jews hate blacks, hate Hispanics, hate gays.

We have had hate crimes come up in this Congress that have passed and hopefully we will have a hate crime that passes, because hate in any form, whether it is racial, religious, or sexual orientation is just that, it is hate, and it is un-American and it is something unfortunately unique to humankind that should be stamped out and abolished in this country, and this Congress should not allow it, countenance it, or in any way condone it.

And so I thank the chairman and Mr. BERMAN for their leadership and the other people who have worked on this bill, Mr. FORBES and others, and we should work together in a bipartisan fashion to make this country what it is supposed to be, and that is an area where we can work together and hopefully one day have the Age of Aquarius and a place where we don't have these problems that we have had in the past.

Mr. FORBES. Mr. Speaker, at this time, I yield 2 minutes to the distinguished gentleman from Michigan, Congressman EHLERS.

Mr. EHLERS. I thank the gentleman for yielding. I feel very strongly about this issue, and I want to echo the words of the previous speaker, the gentleman from Tennessee who, of course, because of his background, has a deep historical interest and feeling about genocide.

I have been appalled at the lack of advancement of the nations in dealing with genocide, particularly the current genocide in Darfur. There is no reason in the world that our Nation, coupled with the other nations, could not have stopped this earlier. And because of the niceties of diplomatic relations worldwide, we have not done so. I believe that is a mistake, and I feel very strongly about this. Genocide should not occur. As the gentleman before me commented, that we are the only creatures who deliberately kill large numbers of our own kind. And it is not new. It started with Cain and Abel, the killing of a brother.

We must pursue genocide worldwide. We must insist that it not take place. And we must punish those who commit genocide. There is no reason on God's good Earth that we should permit genocide. And we, along with the other nations, have the power to stop it and we should do so.

So I rise with great gratitude to the sponsors of this bill and those presenting this bill on the floor. This is one small step forward in what we really have to do, and that is to totally and completely outlaw genocide worldwide and act expeditiously to stop it wherever it occurs.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

As the gentleman from Indiana said, this is a small step but a very profound step. You have heard the voices all in almost unanimous agreement supporting this bill. I hope that would be the pleasure of the House.

I would like to yield the balance of my time to the chairman of the committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman, Mr. Speaker.

I want to close by observing that the Judiciary Committee has handled four measures on the floor this afternoon, and I have enjoyed the full, unstinting cooperation of the gentleman from Virginia (Mr. FORBES). I want to thank him very much for it. And I appreciate the kinds of issues that we have handled here on this day in the House of Representatives. They are issues of local and global import that I think reflect in a very complimentary sense upon the things that can be accomplished in the Congress when we put our best efforts and bring our most cooperative spirits to the table. And so I thank all of the speakers on both sides of the aisle.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of S. 888, the Genocide Accountability Act of 2007, introduced by Senator DURBIN. I would like to thank my colleague Representative BERMAN for introducing this resolution in the House, where I am proud to join over 10 of my colleagues as a cosponsor of this important legislation. May I also take this opportunity to thank Chairman CONYERS for his leadership in guiding this legislation through the Judiciary Committee.

Mr. Speaker, it is a tragedy that the 20th century, which excelled in technological innovation and great accomplishments in arts and letters, could also be remembered for events symbolizing man's inhumanity to man. Genocide in Rwanda, the former Yugoslavia, Cambodia, Germany, and the Ottoman Empire, to cite a few examples, showed us the monstrous potential of totalitarian regimes determined to annihilate entire ethnic, racial and religious groups.

Sadly, though the 20th century has been called "the Age of Genocide" by at least one prominent scholar, the crime has already been seen in the new 21st century, with the deplorable situation in Darfur. Over the recent August recess, I led a congressional delegation to Darfur, where, together with two of my colleagues, I had the tragic opportunity to see the plight of the people of Darfur, victims of the systematic annihilation attempt supported by the Government of Sudan.

Not since the Rwandan genocide of 1994 has the world seen such a systematic campaign of displacement, starvation, rape, mass murder, and terror as we are witnessing in Darfur for the last 3 years. At least 400,000 people have been killed in Darfur; more than 2 million innocent civilians have been forced to flee their homes and now live in displaced-persons camps in Sudan or in refugee camps in neighboring Chad; and more than 3.5 million men, women, and children are completely reliant on international aid for survival. Unless the world stirs from its slumber and takes concerted and decisive action to relieve this suffering, the ongoing genocide in Darfur will stand as one of the blackest marks on humankind for centuries to come.

In 1948, the United Nations General Assembly adopted the "Convention on the Prevention and Punishment of the Crime of Genocide." As its title suggests, the treaty imposes two core obligations on participating states: first, state parties undertake to prevent genocide; and second, they commit to punish genocide as well as several related acts, such as attempting to commit genocide. The Genocide Convention establishes our core obligations in combating the genocide phenomenon—preventing and punishing Genocide. The document gives the U.N. a broad license to deal with genocide. In addition, individual states are expected to do all they can to prevent genocide. It also gives responsibility to state parties to prosecute the perpetrators of genocide.

In 1987, Congress enacted legislation to bring U.S. law into conformity with the Genocide Convention. The "Proxmire Act" (The Genocide Convention Implementation Act of 1987) is the key U.S. law implementing the Genocide Convention. When read together with other provisions of the federal criminal code concerning conspiracy and complicity, the Proxmire Act addresses the explicit obligation set forth in Article VI of the Genocide Convention concerning prosecution of genocide and related criminal acts in courts of the State where genocide occurs. In addition, the Proxmire Act makes it a federal crime for a U.S. national to commit genocide anywhere.

The proliferation of civil wars accompanied by ethnic cleansing and outright genocide which characterized the end of the 20th century, from Bosnia and Herzegovina to the civil wars in Somalia and Liberia, produced a number of perpetrators of genocidal acts who later ended up on American shores. This revealed a shortcoming in our current laws, under which the United States cannot indict someone for genocide committed outside the United States, even when the victim is an American citizen, unless the perpetrator is a U.S. national.

In contrast, laws on torture, material support for terrorism, terrorism financing, hostage taking, and many other federal crimes allow for extraterritorial jurisdiction for crimes committed outside the United States by non U.S. nationals. In light of this legal gap in our obligations to prosecute perpetrators of genocide, I commend my colleagues Mr. BERMAN and Mr. PENCE for introducing the Genocide Accountability Act., H.R. 2489 in May of 2007.

Mr. Speaker, this legislation would close a legal loophole that prevents the U.S. Justice Department from prosecuting people in our country who have committed genocide. The bill specifically amends Title 18 to establish federal criminal jurisdiction over the crime of genocide wherever the crime is committed. This jurisdiction should be exercised when the alleged offender is present in the United States and he or she will not be vigorously and fairly prosecuted by another court with appropriate jurisdiction.

Many countries have adopted or enforced legislation establishing jurisdiction over certain international crimes, including genocide, wherever committed if the alleged perpetrator is in their territory and any additional requirements are satisfied. This legislation will be a further step toward bring the United States into line with its international obligations, and toward ensuring that no perpetrator of genocide living on U.S. soil can go unpunished.

I strongly urge my colleagues to join me in supporting this important legislation.

Mr. RANGEL. Mr. Speaker, I rise today in support of S. 888, Genocide Accountability Act of 2007, which ensures that U.S. laws provide adequate authority to prosecute acts of genocide. Genocide, despite its being such a heinous and atrocious crime, has taken place too frequently, it needs to stop and the perpetrators need to be held accountable for their actions. This systematic destruction of a group of people based on religion, ethnicity or nationality is one of the most horrifying acts that a person can imagine.

Genocidal tendencies can be traced back to the Armenian Genocide that occurred more than seventy years ago and again during the Holocaust. But the end of those conflicts did nothing to prevent genocide from being committed again. Acts of genocide occurred again in Cambodia, Bosnia and Rwanda and are currently taking place in Darfur. Too many have died and continue to die as we stand by and watch. It is our job to do whatever is in our power to end these conflicts.

Individuals who have committed acts of genocide have been identified as seeking refuge in the United States. The constitution of the United States does not allow them to be prosecuted here because they are not U.S. nationals. The Genocide Accountability Act of 2007 will give the U.S. the authority to prosecute the perpetrators in the U.S. as opposed to just deporting them and not knowing if they will ever be held accountable for their actions. This bill will assure that justice is served for their acts of torture and murder.

By passing this bill we are contributing to the welfare of the world. Genocide affects people around the world and not only the direct victims; therefore, I urge my colleagues to support this bill.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 888.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3690) to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007".

SEC. 2. TRANSFER OF PERSONNEL.

(a) TRANSFERS.—

(1) LIBRARY OF CONGRESS POLICE EMPLOYEES.—Effective on the employee's transfer date, each Library of Congress Police employee shall be transferred to the United States Capitol Police and shall become either a member or civilian employee of the Capitol Police, as determined by the Chief of the Capitol Police under subsection (b).

(2) LIBRARY OF CONGRESS POLICE CIVILIAN EMPLOYEES.—Effective on the employee's transfer date, each Library of Congress Police civilian employee shall be transferred to the United States Capitol Police and shall become a civilian employee of the Capitol Police.

(b) TREATMENT OF LIBRARY OF CONGRESS POLICE EMPLOYEES.—

(1) DETERMINATION OF STATUS WITHIN CAPITOL POLICE.—

(A) ELIGIBILITY TO SERVE AS MEMBERS OF THE CAPITOL POLICE.—A Library of Congress Police employee shall become a member of the Capitol Police on the employee's transfer date if the Chief of the Capitol Police determines and issues a written certification that the employee meets each of the following requirements:

(i) Based on the assumption that such employee would perform a period of continuous Federal service after the transfer date, the employee would be entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code (as determined by taking into account paragraph (3)(A)), on or before the date such employee becomes 60 years of age.

(ii) During the transition period, the employee successfully completes training, as determined by the Chief of the Capitol Police.

(iii) The employee meets the qualifications required to be a member of the Capitol Police, as determined by the Chief of the Capitol Police.

(B) SERVICE AS CIVILIAN EMPLOYEE OF CAPITOL POLICE.—If the Chief of the Capitol Police determines that a Library of Congress Police employee does not meet the eligibility requirements, the employee shall become a civilian employee of the Capitol Police on the employee's transfer date.

(C) FINALITY OF DETERMINATIONS.—Any determination of the Chief of the Capitol Police under this paragraph shall not be appealable or reviewable in any manner.

(D) DEADLINE FOR DETERMINATIONS.—The Chief of the Capitol Police shall complete the determinations required under this paragraph for all Library of Congress Police employees not later than September 30, 2009.

(2) EXEMPTION FROM MANDATORY SEPARATION.—Section 8335(c) or 8425(c) of title 5, United States Code, shall not apply to any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection, until the earlier of—

(A) the date on which the individual is entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code; or

(B) the date on which the individual—

(i) is 57 years of age or older; and

(ii) is entitled to an annuity for immediate retirement under section 8336(m) or 8412(d) of title 5, United States Code, (as determined by taking into account paragraph (3)(A)).

(3) TREATMENT OF PRIOR CREDITABLE SERVICE FOR RETIREMENT PURPOSES.—

(A) PRIOR SERVICE FOR PURPOSES OF ELIGIBILITY FOR IMMEDIATE RETIREMENT AS MEMBER OF CAPITOL POLICE.—Any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection shall be entitled to have any creditable service under section 8332 or 8411 of title 5, United States Code, that was accrued prior to becoming a member of the Capitol Police included in calculating the employee's service as a member of the Capitol Police for purposes of section 8336(m) or 8412(d) of title 5, United States Code.

(B) PRIOR SERVICE FOR PURPOSES OF COMPUTATION OF ANNUITY.—Any creditable service under section 8332 or 8411 of title 5, United States Code, of an individual who becomes a member of the Capitol Police under this subsection that was accrued prior to becoming a member of the Capitol Police—

(i) shall be treated and computed as employee service under subsection 8339 or 8415; but

(ii) shall not be treated as service as a member of the Capitol Police or service as a congressional employee for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(c) DUTIES OF EMPLOYEES TRANSFERRED TO CIVILIAN POSITIONS.—

(1) DUTIES.—The duties of any individual who becomes a civilian employee of the Capitol Police under this section, including a Library of Congress Police civilian employee under subsection (a)(2) and a Library of Congress Police employee who becomes a civilian employee of the Capitol Police under subsection (b)(1)(B), shall be determined solely by the Chief of the Capitol Police, except that a Library of Congress Police civilian employee under subsection (a)(2) shall continue to support Library of Congress police operations until all Library of Congress Police employees are transferred to the United States Capitol Police under this section.

(2) FINALITY OF DETERMINATIONS.—Any determination of the Chief of the Capitol Police under this subsection shall not be appealable or reviewable in any manner.

(d) PROTECTING STATUS OF TRANSFERRED EMPLOYEES.—

(1) NONREDUCTION IN PAY, RANK, OR GRADE.—The transfer of any individual under this section shall not cause that individual to be separated or reduced in basic pay, rank or grade.

(2) LEAVE AND COMPENSATORY TIME.—Any annual leave, sick leave, or other leave, or compensatory time, to the credit of an individual transferred under this section shall be transferred to the credit of that individual as a member or an employee of the Capitol Police (as the case may be). The treatment of leave or compensatory time transferred under this section shall be governed by regulations of the Capitol Police Board.

(3) PROHIBITING IMPOSITION OF PROBATIONARY PERIOD.—The Chief of the Capitol Police may not impose a period of probation with respect to the transfer of any individual who is transferred under this section.

(e) RULES OF CONSTRUCTION RELATING TO EMPLOYEE REPRESENTATION.—

(1) EMPLOYEE REPRESENTATION.—Nothing in this Act shall be construed to authorize any labor organization that represented an individual who was a Library of Congress police employee or a Library of Congress police civilian employee before the individual's transfer date to represent that individual as a member of the Capitol Police or an employee of the Capitol Police after the individual's transfer date.

(2) AGREEMENTS NOT APPLICABLE.—Nothing in this Act shall be construed to authorize any collective bargaining agreement (or any related court order, stipulated agreement, or agreement to the terms or conditions of employment) applicable to Library of Congress police employees or to Library of Congress

police civilian employees to apply to members of the Capitol Police or to civilian employees of the Capitol Police.

(f) RULE OF CONSTRUCTION RELATING TO PERSONNEL AUTHORITY OF THE CHIEF OF THE CAPITOL POLICE.—Nothing in this Act shall be construed to affect the authority of the Chief of the Capitol Police to—

(1) terminate the employment of a member of the Capitol Police or a civilian employee of the Capitol Police; or

(2) transfer any individual serving as a member of the Capitol Police or a civilian employee of the Capitol Police to another position with the Capitol Police.

(g) TRANSFER DATE DEFINED.—In this Act, the term "transfer date" means, with respect to an employee—

(1) in the case of a Library of Congress Police employee who becomes a member of the Capitol Police, the first day of the first pay period applicable to members of the United States Capitol Police which begins after the date on which the Chief of the Capitol Police issues the written certification for the employee under subsection (b)(1);

(2) in the case of a Library of Congress Police employee who becomes a civilian employee of the Capitol Police, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2009; or

(3) in the case of a Library of Congress Police civilian employee, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2008.

(h) CANCELLATION IN PORTION OF UNOBLIGATED BALANCE OF FEDLINK REVOLVING FUND.—Amounts available for obligation by the Librarian of Congress as of the date of the enactment of this Act from the unobligated balance in the revolving fund established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182c) for the Federal Library and Information Network program of the Library of Congress and the Federal Research program of the Library of Congress are reduced by a total of $560,000, and the amount so reduced is hereby cancelled.

SEC. 3. TRANSITION PROVISIONS.

(a) TRANSFER AND ALLOCATIONS OF PROPERTY AND APPROPRIATIONS.—

(1) IN GENERAL.—Effective on the transfer date of any Library of Congress Police employee and Library of Congress Police civilian employee who is transferred under this Act—

(A) the assets, liabilities, contracts, property, and records associated with the employee shall be transferred to the Capitol Police; and

(B) the unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the employee shall be transferred to and made available under the appropriations accounts for the Capitol Police for "Salaries" and "General Expenses", as applicable.

(2) JOINT REVIEW.—During the transition period, the Chief of the Capitol Police and the Librarian of Congress shall conduct a joint review of the assets, liabilities, contracts, property records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the transfer under this Act.

(b) TREATMENT OF ALLEGED VIOLATIONS OF CERTAIN EMPLOYMENT LAWS WITH RESPECT TO TRANSFERRED INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (3), in the case of an alleged violation of any covered law (as defined in paragraph (4)) which is alleged to have occurred prior to the transfer date with respect to an individual who is transferred under this Act, and for which the individual has not exhausted all of the remedies available for the consideration of the alleged violation which are provided for employees of the Library of Congress under the covered law prior to the transfer date, the following shall apply:

(A) The individual may not initiate any procedure which is available for the consideration of the alleged violation of the covered law which is provided for employees of the Library of Congress under the covered law.

(B) To the extent that the individual has initiated any such procedure prior to the transfer date, the procedure shall terminate and have no legal effect.

(C) Subject to paragraph (2), the individual may initiate and participate in any procedure which is available for the resolution of grievances of officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to provide for consideration of the alleged violation. The previous sentence does not apply in the case of an alleged violation for which the individual exhausted all of the available remedies which are provided for employees of the Library of Congress under the covered law prior to the transfer date.

(2) SPECIAL RULES FOR APPLYING CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—In applying paragraph (1)(C) with respect to an individual to whom this subsection applies, for purposes of the consideration of the alleged violation under the Congressional Accountability Act of 1995—

(A) the date of the alleged violation shall be the individual's transfer date;

(B) notwithstanding the third sentence of section 402(a) of such Act (2 U.S.C. 1402(a)), the individual's request for counseling under such section shall be made not later than 60 days after the date of the alleged violation; and

(C) the employing office of the individual at the time of the alleged violation shall be the Capitol Police Board.

(3) EXCEPTION FOR ALLEGED VIOLATIONS SUBJECT TO HEARING PRIOR TO TRANSFER.—Paragraph (1) does not apply with respect to an alleged violation for which a hearing has commenced in accordance with the covered law on or before the transfer date.

(4) COVERED LAW DEFINED.—In this subsection, a "covered law" is any law for which the remedy for an alleged violation is provided for officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

(c) AVAILABILITY OF DETAILEES DURING TRANSITION PERIOD.—During the transition period, the Chief of the Capitol Police may detail additional members of the Capitol Police to the Library of Congress, without reimbursement.

(d) EFFECT ON EXISTING MEMORANDUM OF UNDERSTANDING.—The Memorandum of Understanding between the Library of Congress and the Capitol Police entered into on December 12, 2004, shall remain in effect during the transition period, subject to—

(1) the provisions of this Act; and

(2) such modifications as may be made in accordance with the modification and dispute resolution provisions of the Memorandum of Understanding, consistent with the provisions of this Act.

(e) RULE OF CONSTRUCTION RELATING TO PERSONNEL AUTHORITY OF THE LIBRARIAN OF CONGRESS.—Nothing in this Act shall be construed to affect the authority of the Librarian of Congress to—

(1) terminate the employment of a Library of Congress Police employee or Library of Congress Police civilian employee; or

(2) transfer any individual serving in a Library of Congress Police employee position or Library of Congress Police civilian employee position to another position at the Library of Congress.

SEC. 4. POLICE JURISDICTION, UNLAWFUL ACTIVITIES, AND PENALTIES.

(a) JURISDICTION.—

(1) EXTENSION OF CAPITOL POLICE JURISDICTION.—Section 9 of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (2 U.S.C. 1961) is amended by adding at the end the following:

"(d) For purposes of this section, 'United States Capitol Buildings and Grounds' shall include the Library of Congress buildings and grounds described under section 11 of the Act entitled 'An Act relating to the policing of the buildings of the Library of Congress', approved August 4, 1950 (2 U.S.C. 167j), except that in a case of buildings or grounds not located in the District of Columbia, the authority granted to the Metropolitan Police Force of the District of Columbia shall be granted to any police force within whose jurisdiction the buildings or grounds are located.".

(2) REPEAL OF LIBRARY OF CONGRESS POLICE JURISDICTION.—The first section and sections 7 and 9 of the Act of August 4, 1950 (2 U.S.C. 167, 167f, 167h) are repealed on October 1, 2009.

(b) UNLAWFUL ACTIVITIES AND PENALTIES.—

(1) EXTENSION OF UNITED STATES CAPITOL BUILDINGS AND GROUNDS PROVISIONS TO THE LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—

(A) CAPITOL BUILDINGS.—Section 5101 of title 40, United States Code, is amended by inserting "all buildings on the real property described under section 5102(d)" after "(including the Administrative Building of the United States Botanic Garden)".

(B) CAPITOL GROUNDS.—Section 5102 of title 40, United States Code, is amended by adding at the end the following:

"(d) LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—

"(1) IN GENERAL.—Except as provided under paragraph (2), the United States Capitol Grounds shall include the Library of Congress grounds described under section 11 of the Act entitled 'An Act relating to the policing of the buildings of the Library of Congress', approved August 4, 1950 (2 U.S.C. 167j).

"(2) AUTHORITY OF LIBRARIAN OF CONGRESS.—Notwithstanding subsections (a) and (b), the Librarian of Congress shall retain authority over the Library of Congress buildings and grounds in accordance with section 1 of the Act of June 29, 1922 (2 U.S.C. 141; 42 Stat. 715).".

(C) CONFORMING AMENDMENT RELATING TO DISORDERLY CONDUCT.—Section 5104(e)(2) of title 40, United States Code, is amended by striking subparagraph (C) and inserting the following:

"(C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of—

"(i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or

"(ii) the Library of Congress;".

(2) REPEAL OF OFFENSES AND PENALTIES SPECIFIC TO THE LIBRARY OF CONGRESS.—Sections 2, 3, 4, 5, 6, and 8 of the Act of August 4, 1950 (2 U.S.C. 167a, 167b, 167c, 167d, 167e, and 167g) are repealed.

(3) SUSPENSION OF PROHIBITIONS AGAINST USE OF LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—Section 10 of the Act of August 4, 1950 (2 U.S.C. 167i) is amended by striking "2 to 6, inclusive, of this Act" and inserting "5103 and 5104 of title 40, United States Code".

(4) CONFORMING AMENDMENT TO DESCRIPTION OF LIBRARY OF CONGRESS GROUNDS.—Section 11 of the Act of August 4, 1950 (2 U.S.C. 167j) is amended—

(A) in subsection (a), by striking "For the purposes of this Act the" and inserting "The";

(B) in subsection (b), by striking "For the purposes of this Act, the" and inserting "The";

(C) in subsection (c), by striking "For the purposes of this Act, the" and inserting "The"; and

(D) in subsection (d), by striking "For the purposes of this Act, the" and inserting "The".

(c) CONFORMING AMENDMENT RELATING TO JURISDICTION OF INSPECTOR GENERAL OF LIBRARY OF CONGRESS.—Section 1307(b)(1) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 185(b)), is amended by striking the semicolon at the end and inserting the following: ", except that nothing in this paragraph may be construed to authorize the Inspector General to audit or investigate any operations or activities of the United States Capitol Police;".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2009.

SEC. 5. COLLECTIONS, PHYSICAL SECURITY, CONTROL, AND PRESERVATION OF ORDER AND DECORUM WITHIN THE LIBRARY.

(a) ESTABLISHMENT OF REGULATIONS.—The Librarian of Congress shall establish standards and regulations for the physical security, control, and preservation of the Library of Congress collections and property, and for the maintenance of suitable order and decorum within Library of Congress.

(b) TREATMENT OF SECURITY SYSTEMS.—

(1) RESPONSIBILITY FOR SECURITY SYSTEMS.—In accordance with the authority of the Capitol Police and the Librarian of Congress established under this Act, the amendments made by this Act, and the provisions of law referred to in paragraph (3), the Chief of the Capitol Police and the Librarian of Congress shall be responsible for the operation of security systems at the Library of Congress buildings and grounds described under section 11 of the Act of August 4, 1950, in consultation and coordination with each other, subject to the following:

(A) The Librarian of Congress shall be responsible for the design of security systems for the control and preservation of Library collections and property, subject to the review and approval of the Chief of the Capitol Police.

(B) The Librarian of Congress shall be responsible for the operation of security systems at any building or facility of the Library of Congress which is located outside of the District of Columbia, subject to the review and approval of the Chief of the Capitol Police.

(2) INITIAL PROPOSAL FOR OPERATION OF SYSTEMS.—Not later than October 1, 2008, the Chief of the Capitol Police, in coordination with the Librarian of Congress, shall prepare and submit to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate an initial proposal for carrying out this subsection.

(3) PROVISIONS OF LAW.—The provisions of law referred to in this paragraph are as follows:

(A) Section 1 of the Act of June 29, 1922 (2 U.S.C. 141).

(B) The undesignated provision under the heading "General Provision, This Chapter" in chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (2 U.S.C. 141a).

(C) Section 308 of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 1964).

(D) Section 308 of the Legislative Branch Appropriations Act, 1997 (2 U.S.C. 1965).

SEC. 6. PAYMENT OF CAPITOL POLICE SERVICES PROVIDED IN CONNECTION WITH RELATING TO LIBRARY OF CONGRESS SPECIAL EVENTS.

(a) PAYMENTS OF AMOUNTS DEPOSITED IN REVOLVING FUND.—Section 102(e) of the Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182b(e)) is amended to read as follows:

"(e) USE OF AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), amounts in the accounts of the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the programs and activities covered by such accounts.

"(2) SPECIAL RULE FOR PAYMENTS FOR CERTAIN CAPITOL POLICE SERVICES.—In the case of any amount in the revolving fund consisting of a payment received for services of the United States Capitol Police in connection with a special event or program described in subsection (a)(4), the Librarian shall transfer such amount upon receipt to the Capitol Police for deposit into the applicable appropriations accounts of the Capitol Police.".

(b) USE OF OTHER LIBRARY FUNDS TO MAKE PAYMENTS.—In addition to amounts transferred pursuant to section 102(e)(2) of the Library of Congress Fiscal Operations Improvement Act of 2000 (as added by subsection (a)), the Librarian of Congress may transfer amounts made available for salaries and expenses of the Library of Congress during a fiscal year to the applicable appropriations accounts of the United States Capitol Police in order to reimburse the Capitol Police for services provided in connection with a special event or program described in section 102(a)(4) of such Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services provided by the United States Capitol Police on or after the date of the enactment of this Act.

SEC. 7. OTHER CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 1015 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1901 note) and section 1006 of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1901 note; Public Law 108–83; 117 Stat. 1023) are repealed.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 2009.

SEC. 8. DEFINITIONS.

In this Act—

(1) the term "Act of August 4, 1950" means the Act entitled "An Act relating to the policing of the buildings and grounds of the Library of Congress," (2 U.S.C. 167 et seq.);

(2) the term "Library of Congress Police employee" means an employee of the Library of Congress designated as police under the first section of the Act of August 4, 1950 (2 U.S.C. 167);

(3) the term "Library of Congress Police civilian employee" means an employee of the Library of Congress Office of Security and Emergency Preparedness who provides direct administrative support to, and is supervised by, the Library of Congress Police, but shall not include an employee of the Library of Congress who performs emergency preparedness or collections control and preservation functions; and

(4) the term "transition period" means the period the first day of which is the date of the enactment of this Act and the final day of which is September 30, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

As chairman of the House Administration Committee, I am pleased to recommend H.R. 3690, the United States Capitol Police and Library of Congress Police Merger Implementation Act of 2007, to the House. This bill will implement the merger of the Library Police into the Capitol Police. Our committee believes the merger plan contained in this bill is sound and that Congress should enact it as soon as possible.

This day has been a long time coming. In 2003, Congress passed legislation merging the Library Police and the Capitol Police. The goal was to create "seamless security" on Capitol Hill. The legislation called for the two agencies to develop a merger plan for congressional approval.

Since 2003, many people in both agencies devoted countless hours to the task. For several reasons, 4 years later, the merger has not yet been implemented. This is unfortunate. Much valuable time has been lost.

It's time to get on with it. If done carefully and well, this merger will make Capitol Hill more secure for the millions who visit every year and the thousands privileged to work here every day.

Briefly, H.R. 3690 will implement the merger plan written by the Library and the Capitol Police and jointly recommended to our committee and our Senate counterpart. Under their plan, all Library Police employees will move to the Capitol Police by September 30, 2009. Library officers who meet age and service requirements and who complete Capitol Police training will continue as officers. Library officers who do not meet those requirements will be offered Capitol Police civilian jobs.

This is important: under this plan, nobody will lose their job or suffer a reduction in pay, rank, leave, or other benefits. Officers now represented by the Library's Fraternal Order of Police will transfer to the Capitol Police's FOP who will bargain with management over seniority and other labor matters that may arise during the merger.

The plan shifts jurisdiction over Library buildings in Washington to the Capitol Police. The Librarian will retain responsibility for design of security systems and will issue regulations to protect his collections and maintain order. Finally, the bill provides for handling employment-related claims during the transition and authorizes Library reimbursement of Capitol Police costs for special events. As PAYGO rules require, a minor increase in direct spending is fully offset.

Mr. Speaker, the committee believes this is a sound plan. I commend everyone involved in both agencies, especially for ensuring that nobody loses a job or pay. It has been my pleasure working with the gentleman from Michigan (Mr. EHLERS) who spent much time on this matter while chairman of the committee during the last Congress. We would not be here today without his efforts. I urge an "aye" vote.

I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Pennsylvania for his kind words and particularly for his leadership on this issue and finally bringing it to fruition. As he said, it has taken far too long. But now it is here and we are doing it right.

I rise in support of H.R. 3690, the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007, which will provide for the merger between the Library of Congress Police and the United States Capitol Police.

While bringing together two law enforcement bodies may seem like an easy proposition, whenever you have two entities with existing cultures, established protocols, and disparate missions, it is important to conduct a merger of those two groups thoughtfully and with due diligence. This, we have attempted to do.

While the Library of Congress Police and the U.S. Capitol Police both serve and protect the Congress and its assets, they do so in very different capacities. The U.S. Capitol Police are primarily charged with securing the Capitol buildings, Members of Congress, staff and visitors and providing an emergency planning and response function in the event of a terrorist attack or other unplanned activity.

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Its core mission is too important to set aside even in the interest of completing this merger. The Library has a mission to serve the Congress and provide essential materials to enable Members and staff to get the information they need to craft effective legislation and perform other essential duties. One very important yet incomplete undertaking within the Library is to conduct a complete inventory of its collection, not only to have an accurate record of what materials are in its possession, but to also create a baseline for measurement of its inventory control efforts going forward. The committee is working closely with Library staff to ensure that progress continues to be made on the inventory of its collections, despite the additional work and effort required to unite these two law enforcement bodies.

The Library and the U.S. Capitol Police have studied the effects of this merger on executing their core operations and how problematic aspects might be mitigated. I am confident that both organizations will continue to carry out their core functions with the level of excellence that the Congress has come to expect.

Over the past 4 years, through numerous hearings and countless meetings with staff of both organizations, the Library and the Capitol Police have exhibited a commitment to apply the law enforcement expertise of the U.S. Capitol Police to the unique needs of the Library, creating an organization that will be greater than the sum of its parts. They have worked to put in place policies and procedures that will ensure that this union is successful and that it achieves the desired objectives of both organizations. Still, this merger marks a beginning, not an end.

As ranking member of the Committee on House Administration, I look forward to working with Chairman BRADY to make certain that, going forward, both organizations have the resources and assistance they need to successfully integrate their law enforcement divisions. In particular, we wish to provide the Library and the Capitol Police with a means to communicate with the Congress on the progress of the merger and impart any guidance or resources that they require to achieve long-term success. I urge our colleagues to join me in supporting this bill which will help ensure that the Library's treasures are protected from harm and preserved for generations to come.

I want to once again thank Chairman BRADY and the other members of the committee for their hard work on this very, very difficult issue. It seemed easy, but it wasn't, and I'm pleased that we finally have achieved this good result.

I also want to thank Chief Morris of the U.S. Capitol Police who has handled this very well and gone through some very delicate negotiations. In addition, the administration of the Library has been very helpful in trying to reach agreement, and they, of course, have very legitimate concerns about their needs to protect their collection, and they, one and all, have been very helpful in working with us.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Madam Speaker, for the RECORD, I include the following exchange of letters between the Committee on Oversight and Government Reform and the Committee on House Administration concerning H.R. 3690:

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, December 5, 2007.

Hon. ROBERT A. BRADY
Chairman, Committee on House Administration, Washington, DC.

DEAR CHAIRMAN BRADY: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 3690, the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007.

As you know, on November 7, 2007, the Committee on House Administration ordered H.R. 3690 reported to the House. The Committee on Oversight and Government Reform appreciates your effort to consult regarding those provisions of H.R. 3690 that fall within the Oversight Committee's jurisdiction. More specifically, those sections involving the federal workforce.

In the interest of expediting consideration of H.R. 3690, the Oversight Committee will not separately consider this bill. The Oversight Committee does so, however, with the understanding that this does not prejudice the Oversight Committee's jurisdictional interests and prerogatives regarding this bill or similar legislation.

I respectfully request your support for the appointment of outside conferees from the Oversight Committee should H.R. 3690 or a similar bill be considered in conference with the Senate.

I also request that you include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

HENRY A. WAXMAN
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, December 5, 2007.

Hon. HENRY WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write to confirm our mutual understanding with respect to your claim of jurisdiction regarding H.R. 3690, the U.S. Capitol Police and Library of Congress Police Implementation Act of 2007. As you know, the Committee on House Administration reported H.R. 3690 to the House on December 4, 2007.

Given the importance of moving this legislation forward promptly, I appreciate your decision not to pursue your claim of jurisdiction at this time and your willingness to allow it to move forward today. Furthermore, I agree that this action in no way diminishes or alters the jurisdictional interest of our respective committees with regard to future legislation.

Sincerely,

ROBERT A. BRADY,
Chairman.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. SOLIS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 3690, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REAPPOINTMENT OF PATRICIA Q. STONESIFER AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. BRADY of Pennsylvania. Madam Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 8) providing for the reappointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read the title of the Senate joint resolution.

The text of the Senate joint resolution is as follows:

S.J. RES. 8

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring because of the expiration of the term of Patricia Q. Stonesifer of Washington, is filled by the reappointment of Patricia Q. Stonesifer, for a term of 6 years, effective December 22, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on this joint resolution and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Madam Speaker, I yield myself as much time as I may consume.

This joint resolution would reappoint Patricia Stonesifer to a new 6-year term as a citizen regent of the Smithsonian Institute. Her current term will expire December 22. Ms. Stonesifer is the chief executive officer of the Bill and Melinda Gates Foundation, a renowned philanthropic institution based in Seattle, Washington. She was previously a senior vice president at Microsoft.

On the Smithsonian Board of Regents, Stonesifer is currently Chair of the Executive Committee, the institution's most important internal panel which acts on behalf of the board between its meetings. She also chairs the Compensation and Human Resources Committee.

Ms. Stonesifer previously chaired the Governance Committee which guided the board's most significant action this year, preparing its comprehensive report last June responding to the broad range of issues emerging from the resignation of former Secretary Lawrence Small. Proper implementation of this report will be critical to the effective reform and modernization of the Smithsonian.

The House Administration Committee, as the House panel with exclusive jurisdiction over Smithsonian governance matters, will exercise vigorous oversight to ensure that the board approves additional significant changes.

As the Smithsonian Board of Regents undertakes the urgent task of reinventing itself as a full-time management and policymaking body, Ms. Stonesifer's expertise and willingness to communicate with Congress will continue to be a valuable asset. Members of the House Administration Committee held a briefing with her 3 weeks ago, were impressed by her continued commitment to the task ahead, and agreed to move this joint resolution expeditiously. I want to thank the ranking member again, Mr. EHLERS, for his active participation and cooperation in these actions.

Madam Speaker, I urge the passage of the joint resolution.

I reserve the balance of my time.

Mr. EHLERS. Madam Speaker, as the ranking member of the House Administration Committee, I'm pleased to support the reappointment of Patty Stonesifer as a citizen regent of the Smithsonian Institution.

Six years ago I stood at this very microphone in a slightly different role as a member of the majority recommending Ms. Stonesifer for her initial appointment. I was very impressed with her qualifications at that time. She has not disappointed us. She has done very well.

In her role as chief executive officer of the Bill and Melinda Gates Foundation, Ms. Stonesifer leads the foundation in their mission to help all peoples of the world lead healthy, productive lives. At the end of last year, under the leadership of Ms. Stonesifer, the Bill and Melinda Gates Foundation had an endowment of approximately $33 billion, and remains one of the largest charitable foundations in the world.

In developing countries, the foundation focuses on improving people's health and giving them the chance to lift themselves out of hunger and extreme poverty. In the United States, it seeks to ensure that all people, especially those with the fewest resources, have access to the opportunities they need to succeed in school and life. For all three of the Bill and Melinda Gates Foundation program groups, Patty Stonesifer sets strategic priorities, monitors results and facilitates relationships with key partners.

Before helping Bill and Melinda Gates launch the Gates Learning Foundation in 1997, Ms. Stonesifer was a senior vice president at Microsoft, where she was responsible for an $800 million business activity focused on interactive entertainment, news, information and service products. She is active in a number of other charitable endeavors, and has served as a member of the U.S. delegation to the United Nations General Assembly Special Session on AIDS.

As Chair of the Smithsonian's Governance Committee, Ms. Stonesifer led the board's efforts to implement best practices in the nonprofit sector, and helped develop and implement the recommendations from the independent review committee designed to strengthen the board's oversight of the institution and reform its operations. In June, the board formally adopted the Governance Committee's 25 recommendations, and they are on target for completion by early 2008.

She has performed incredibly well in all of these areas, and the problems that we have had at the Smithsonian are well underway to conclusion simply due to the work of Ms. Stonesifer. The reforms include a reexamination of compensation, compliance with the Freedom of Information Act, and restructuring senior management to create a stronger reporting relationship with the board. Once implemented, these strengthened government practices will be an important step towards restoring faith in the Smithsonian and its management structure, and they demonstrate the positive impact of Ms. Stonesifer's leadership in this area.

After meeting once again with Ms. Stonesifer, I'm confident that her unique blend of business and philanthropic experience will continue to be a most valuable factor on the board that is charged with overseeing the Nation's attic, our fond description for the Smithsonian.

I urge my colleagues to join me in supporting a very capable person, Patty Stonesifer, for reappointment to the Smithsonian's Board of Regents.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 8.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE 100TH ANNIVERSARY YEAR OF THE FOUNDING OF THE PORT OF LOS ANGELES

Ms. RICHARDSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 822) recognizing the 100th anniversary year of the founding of the Port of Los Angeles, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 822

Whereas on December 9, 1907, the Los Angeles City Council approved City Ordinance No. 15621, creating the Board of Harbor Commissioners and officially founding the Port of Los Angeles;

Whereas the Port of Los Angeles's earliest history was recorded by Portuguese explorer Juan Rodriguez Cabrillo who named this natural harbor "Bahia de los Fumos" or "Bay of Smokes" on October 8, 1542, when he noted that the bay "is an excellent harbor and the country is good with many plains and groves of trees";

Whereas in the 1850s, a spirited entrepreneur named Phineas Banning began the first of a lifetime of ventures that would eventually earn him distinction as the "Father of Los Angeles Harbor" by leading the evolution of the harbor from a trading center for fur and hides to a hub for more diverse commerce, largely through a freight and passenger transportation business that grew into a shipping firm with 15 stagecoaches and 50 wagons serving five western States;

Whereas the Los Angeles and San Pedro Railroad began service between San Pedro Bay and Los Angeles in 1869 as a 21-mile stretch of track comprising the first railroad in Southern California and marking the beginning of a new era of development for the harbor region;

Whereas proposals for new ports in present-day Santa Monica, Marina del Rey, and Redondo Beach began surfacing in the late 1800s until 1897, when a five-man board of engineers, chaired by Rear Admiral John C. Walker, settled the great free-harbor fight by recommending continued port development in San Pedro Bay, resulting in additional improvements to the harbor including the first 8,500-foot section of the Federal breakwater that was completed in 1911, widening and dredging of the Main Channel to accommodate the largest vessels of that era, and completion by the Southern Pacific Railroad of its first major wharf in San Pedro, allowing railcars to efficiently load and unload goods simultaneously;

Whereas the Port was involved in World War II on a massive scale, with every vessel building operation assisting in the construction, conversion, and repair of vessels for the war effort, and shipbuilding quickly became the Port of Los Angeles's prime economic activity, with California Shipbuilding Corp., Bethlehem Shipbuilding Corp., Consolidated Steel Corp., Todd Shipyards, and other enterprises collectively employing more than 90,000 workers;

Whereas in August 1958, the HAWAIIAN MERCHANT delivered its first shipment of 20 cargo containers to the Port of Los Angeles, marking the beginning of the containerized cargo revolution in California;

Whereas the Port was a principal partner of the $2,500,000,000 Alameda Corridor project which opened in April 2002 as a 20-mile rail expressway that reliably and efficiently connects the Port to America's transcontinental rail system, a project which epitomizes the Port's involvement in developing robust regional transportation infrastructure solutions by working in partnership with local, regional, and statewide agencies to improve goods movement systems;

Whereas the Port's 2004 completion of the nearly 500-acre Pier 400 container complex as the largest single-user container terminal in the world has been acclaimed as an engineering marvel and model of operational efficiency;

Whereas the Port of Los Angeles has long recognized its responsibility for infrastructure and operational improvements that are supportive of sustainable growth compatible with environmental stewardship, the most recent example being a historic November 2006 action by the Boards of Harbor Commissioners of Los Angeles and Long Beach in approving an aggressive plan to reduce air pollution by nearly 50 percent in 5 years, making the San Pedro Bay Ports Clean Air Action Plan the world's first program addressing all port-related emission sources to significantly reduce health risks posed by regional air pollution from port-related operations;

Whereas the Port of Los Angeles is located in San Pedro Bay, California, and is part of the Southern California port complex which handles more than 43 percent of all goods arriving in the United States, impacting over 1,000,000 jobs nationwide;

Whereas as a premier international gateway, the Port of Los Angeles is the leading container handling port in the United States, with more than 8,500,000 TEU's (twenty-foot equivalent units) recorded in 2006, thus retaining its stature as the leading United States containerport for the seventh consecutive year;

Whereas the Port of Los Angeles as part of the San Predro Bay Port Complex has grown 246 percent over the past 11 years, tripling its trade-related jobs, generating $256,000,000,000 in commerce, and producing $28,000,000,000 in tax revenue, and is expected to triple again the amount of cargo handled by 2030;

Whereas in 2007, under the leadership of Los Angeles Mayor Antonio Villaraigosa, President S. David Freeman and the Board of Harbor Commissioners, and Executive Director Geraldine Knatz, the Port is celebrating its Centennial, commemorating the great strides made in its 100-year tradition of service as an international trade hub and maritime industry leader; and

Whereas from its tradition of handling fishing, lumber, and hides at the turn of the century to today's reputation for expeditiously moving a diverse, unprecedented global cargo mix, the Port of Los Angeles now looks toward its next 100 years with a legacy as an undisputed international leader in setting global standards for industry-leading environmental initiatives, terminal efficiency, and sustainable growth: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 100th anniversary year of the founding of the Port of Los Angeles, which is the Nation's largest containerport;

(2) congratulates the Port of Los Angeles for its achievements as a leader throughout its history in implementing modern and innovative transportation and goods movements systems that are compatible with responsible environmental stewardship; and

(3) wishes the Port of Los Angeles continued success during its next 100 years as it strives to remain the Nation's largest and most successful conveyor of the Nation's and the world's commerce.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. RICHARDSON) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. RICHARDSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 822.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. RICHARDSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I'm proud to honor the Port of Los Angeles today with the passage of House Resolution 822, which recognizes the port's 100th anniversary. I was pleased to undertake this effort with my colleague from the Republican side of the aisle, Representative DANA ROHRABACHER.

The Port of Los Angeles enjoys a meaningful history, Madam Speaker, starting in the mid-19th century as a trading center for furs and hides serviced by stagecoaches and wagons and transforming over time into a distinction today as the Nation's largest container port.

In 1911, Rear Admiral John C. Walker helped push for greater development in the San Pedro Bay, and his efforts resulted in the first Federal breakwater.

In World War II, the Port of Los Angeles played a large role in our Nation's ability to respond to the shipbuilding challenge and to arm the U.S. Navy. This effort also quickly became a part of the Port of Los Angeles' prime economic activity.

More recently, in 2004 the port completed the 500-acre Pier 400 container complex as the largest single user container terminal in the world, which has been acclaimed as an engineering marvel.

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The Port of Los Angeles is located in the San Pedro Bay in California and is a part of the Southern California port complex. In California, both ports, Los Angeles and Long Beach, process approximately 85 percent of the State's goods movement program. For the Nation, the Southern California complex additionally handles more than 45 percent of the entire Nation's cargo arriving in the United States, impacting over 1 million jobs nationwide. As a premier international gateway, the Port of Los Angeles has been recorded as the number one largest container handling port in the United States for the last 7 consecutive years.

My colleagues, the impact of the Port of Los Angeles is monumental, and the numbers are staggering. The port has grown 246 percent over the last 11 years, tripling its trade-related jobs, generating $256 billion in commerce, and producing $28 billion in tax revenue. This growth is not likely to slow, as the port is expected to again triple the amount of cargo it handles by the year 2030.

With this progress comes great responsibility, however. In 2006, the historic Clean Air Action Plan was agreed to by the Boards of Harbor Commissioners, which seeks to reduce air pollution by 50 percent in the next 5 years.

With House Resolution 822, the House now has an opportunity to bestow the appropriate recognition on the Port of Los Angeles that it deserves after 100 years of successful operation and service to the American public and our economy.

I urge my colleagues to support House Resolution 822.

Madam Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 822 recognizes the 100th anniversary of the Port of Los Angeles. The Port of Los Angeles is the busiest port in the United States in terms of maritime cargo volume and, when combined with the adjoining Port of Long Beach, is the fifth busiest commercial seaport worldwide.

This trade is a critical component to our national economy, and directly and indirectly supports millions of jobs nationwide. The port has also taken action to lessen impacts on the surrounding areas and the environment by recently implementing a comprehensive strategy to reduce emissions from ships and port operations.

I join the resolution's sponsors, Congresswoman RICHARDSON of California and Congressman ROHRABACHER of California, and all of the cosponsors in recognizing the Port of Los Angeles' first 100 years and wishing the port continued success in the future.

I urge all Members to support the resolution. And I want to congratulate one of our newest Members in the House, Congresswoman RICHARDSON, on guiding this legislation to the floor in such a quick manner.

Madam Speaker, I reserve the balance of my time.

Ms. RICHARDSON. Madam Speaker, I wish to recognize for 3 minutes a strong ally of the Port of Los Angeles and my friend from Los Angeles County, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentlewoman for yielding to me and commend her for her leadership on this legislation, along with Mr. ROHRABACHER. In 2 months in Congress, you have hit the ground running, and we're all very proud to serve as your colleagues.

Madam Speaker, I rise in support of this resolution congratulating the Port of Los Angeles on its 100th anniversary.

When I first came to Congress in 1992, the Port of L.A. looked far different than it does today. It wasn't quite the sleepy port of 100 years ago, with mule-driven trains and wooden ships. It was a regional presence. But today it is the largest container port in the United States and part of the fifth busiest container complex in the world. It supports over 250,000 jobs at the port and adjacent communities and nearly 1 million jobs worldwide. It is an economic powerhouse whose importance to Southern California and the Nation cannot be overstated.

In recent years, the port has taken great strides to address the challenges that come with being a major port in the 21st century. It has dedicated millions to ensuring the quality of life for the surrounding communities, many of which are located in my congressional district. It has also taken on groundbreaking environmental initiatives to reduce the air pollution that it generates. Maybe most importantly, 100 years ago there was no such thing as a maritime security strategy. Today, the issue is of paramount importance, and the port has been a national leader.

In the hours after the September 11 attacks, port officials, the Coast Guard, and local law enforcement executed a pre-approved plan that quickly and efficiently secured the port. The planning, communication and execution we saw that day became the inspiration for many of the security initiatives that have come since, including the SAFE Port Act, which I coauthored with my California colleague, DAN LUNGREN, and which became law last year.

As I mentioned, Congresswoman RICHARDSON deserves enormous appraise for her leadership on an issue that was very timely but which the rest of us had overlooked. I don't think this resolution would have come to the floor without her initiative. And it really is a big deal to the San Pedro community.

I look forward to working with her as her partner when we celebrate the next 100 years. We may be feeble, but we will be here.

And at this time, I would like to insert into the RECORD an article from today's edition of the Daily Breeze.

[From the Daily Breeze, Dec. 5, 2007]

PORT OF LOS ANGELES MARKS 100 YEARS SINCE ITS CREATION

(By Art Marroquin)

San Pedro Bay had been struggling as a port for nearly a half-century, but the mud flats surrounding the inland harbor failed to excite railroad magnate Collis P. Huntington.

So rather than run his Southern Pacific Railroad down to San Pedro, Huntington bought more than 200 acres in Santa Monica in the hope of bolstering his vision for a "Port Los Angeles."

He built a wharf that extended 4,720 feet into the Pacific Ocean, attracting more than 300 cargo ships during its first year in 1893.

"He wanted people to think his port was close to Los Angeles, when in fact it wasn't," said Ernest Marquez of West Hills, who chronicled Huntington's efforts in his 1975 book "Port Los Angeles: A Phenomenon of the Railroad Era."

"If he was successful, then the region's economy would have been at the mercy of Southern Pacific and that would have been disastrous," Marquez said.

While Huntington tried to get his Santa Monica port recognized as the official harbor for the Los Angeles region, efforts were already under way to bulk up the port in San Pedro.

U.S. Sen. Stephen M. White, the Los Angeles Chamber of Commerce and Los Angeles Times Publisher Harrison Gray Otis believed the port should be a city-operated enterprise and pushed efforts to build a "Port of Los Angeles" in San Pedro Bay.

"Those men saw potential for the mud flats in San Pedro," Marquez said. "They believed the harbor could be developed by lots of digging and dredging."

To a lesser extent, interests in Redondo Beach and Playa del Rey had tried to enter the fray, but those efforts quickly fell by the wayside, setting the scene for an epic battle that became known as the "Free Harbor Contest."

Congress established the River and Harbor Act of 1896, which created a commission to decide whether federal funds should go to Santa Monica or San Pedro.

Three years later, Congress put its money on San Pedro and breakwater construction began a short time afterward.

"There was no way a harbor of this magnitude could have been developed in Santa Monica because there are too many cliffs on the beach, and it was wide open to the ocean," Marquez said. "San Pedro was favored because the harbor went inland and protected ships from the open seas."

The city of Los Angeles then annexed a 16-mile strip of land to connect to the port in 1906. The communities of San Pedro and Wilmington were annexed three years later.

The city's newfound ownership of the port gave rise to a new harbor commission, a three-member panel appointed in 1907 by then-Mayor A.C. Harper.

The 100th anniversary of the harbor commission's creation will be marked during a celebration at 4 p.m. Sunday.

The bash will include historical displays, refreshments, boat shows and a performance by Taiwan's Evergreen Symphony Orchestra. A fireworks display is set for 7 p.m.

The first commissioners—George H. Stewart, Frederick William Braun and T.E. Gibbon—regularly met in downtown Los Angeles and made "big news" during the rare occasions they traveled about 20 miles south to San Pedro, according to Geraldine Knatz, executive director for the Port of Los Angeles.

The panel didn't have a budget and its members often had to pay for expenses out of their own pockets, she said.

"When the voters approved the annexation and bond improvements for port improvements, the money went to the Board of Public Works, not the harbor commissioners," Knatz said. "It got so bad that all the commissioners resigned in disgust by 1913."

The first harbor commission faced many of the struggles that persist today, such as building new infrastructure and bolstering regional economic development, Knatz said.

"When you read through the meeting minutes from 100 years ago, you learn that nothing really changes," Knatz said. "There will never be enough money, you'll be lobbied by different interest groups, and you'll always have to deal with residents who live near the port. It's always going to be hard."

The port has come a long way since those early years, with the arrival of cargo container ships in 1937, the advent of towering gantry cranes during the late 1960s and, more recently, an environmental push aimed at reducing diesel emissions from ships and trucks.

About 15.8 million cargo units passed through the ports of Los Angeles and Long Beach last year, accounting for more than 40 percent of the nation's imports. That number is expected to double by 2020 and nearly triple by 2030, according to local economist John Husing.

Additionally, some 500,000 people in Southern California are employed directly and indirectly by port-related businesses, Husing said last month.

"The port is a vital part of our national economy, but it is just as important locally, providing good jobs for generations of local residents," said Los Angeles City Councilwoman Janice Hahn, whose 15th District includes the port.

To remain competitive, the port must continue to grow while also keeping the environment in mind, Husing said.

Several shipping companies operating at the Port of Los Angeles are studying expansion options that call for environmentally friendly accommodations, such as AMP technology that allows container ships to "plug in" to a generator and operate on electrical power while docked, rather than idling on their diesel engines.

China Shipping was the first company to use the technology at the Port of Los Angeles, resulting in the elimination of 300 tons of pollution-forming nitrogen oxides since 2004, according to port officials.

"Growing green is imperative if any kind of expansion is going to happen," Knatz said. "It's always difficult to be out front on these issues, but we can't afford to be a follower."

Indeed, the ports of Los Angeles and Long Beach approved a clean air plan in 2006 aimed at reducing emissions by 50 percent over the next five years.

The ports are poised in 2008 to roll out the plan's first provisions, including a so-called Clean Trucks Program that calls for replacing or retrofitting about 16,000 diesel-spewing big rigs with cleaner-burning vehicles by 2012.

"The time has come for us to truly commit to cleaning up our air and limiting emissions from the port," Hahn said. "It is my hope that working together, we can finally have both a productive and efficient port, but also clean and healthy communities."

Mr. LATOURETTE. Madam Speaker, at this time it is my pleasure to yield as much time as he may consume to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Madam Speaker, next week, on December 9, as we have mentioned today, the Port of Los Angeles, which I am proud to say is located in my district, will celebrate its 100-year anniversary.

Yes, the Port of Los Angeles has had a long and distinguished history. It was the location of one of the first railroads in Southern California. We are also proud of the crucial role played by the Port of Los Angeles in the battle for the Pacific during the Second World War.

Throughout its history, the Port of Los Angeles has been a harbinger of prosperity and economic growth, as well as an impetus for the engineering and technology development that we have noted. In August of 1958, for example, a cargo vessel named the *Hawaiian Merchant* delivered its first shipment of 20 cargo containers to the Port of Los Angeles, ushering in a cargo container revolution that has had an enormous impact on the world economy.

Let us note on this 100th anniversary that there was someone who played an important role in providing the infrastructure to the ports and to the transportation systems that serve the ports. Let us pay homage to Congressman Glen Anderson, who helped provide, with his influence in this House as chairman of the Transportation Committee, such support that gave us the infrastructure we needed to have the great port complex of Los Angeles and Long Beach.

When I first was a Member elected here, Glen Anderson was still serving here, and I was proud to call him my friend. He has left us a legacy that he can be proud of.

We've come a long way in these last 50 years, with the help of people like Glen Anderson. Those initial 20 cargo containers have grown to over 8.5 million cargo containers just last year. And as we noted, the combination of the Ports of Los Angeles and Long Beach represent the fifth largest port complex in the world. More than 43 percent of all goods arriving in the United States enter through this port complex. And I guarantee you that in every congressional district represented in this Congress, there is something there that has been brought through the international gateway, which is the Port of Los Angeles.

There is a challenge in this new century, several challenges, however. Madam Speaker, our greatest challenge is to improve the way that containers are moved through the port complex of Los Angeles and Long Beach. Over 70 percent of the containers now arriving in our ports are headed inland from Southern California to destinations and localities within the United States. Every day, thousands of these containers are hauled by truck from the port to inland rail depots. This results in unsafe road conditions, traffic jams, dangerous health conditions, pollution, and our freeways and our roadways are unacceptably crowded. And yes, that is unacceptable now. As container traffic grows, the situation will get worse unless we act.

If we continue with the current method of transporting those containers individually by truck system, the whole system will collapse as it pollutes and clogs Southern California's roads and freeways. That said, however, there is a new solution on the way, a new clean and efficient way of moving containers through the ports through inland railroad depot, a way that will revolutionize the process. This new approach has bipartisan support. That bipartisan support ranges from myself and Governor Schwarzenegger to my Democratic colleagues, Representatives RICHARDSON and OBERSTAR.

The cutting-edge technology to which I refer is an electronic cargo conveyor system. Instead of being loaded onto trucks to sit in traffic, containers will be quickly sent to an interior rail depot utilizing clean electric mag-levlike technology, an electronic conveyor belt system of sorts. With container traffic being removed from our roads and our freeways, traffic and health conditions will dramatically improve. We will be able to quickly and cleanly move the cargo out of our ports and to consumer outlets throughout the United States. And the best part, Madam Speaker, is that it will cost less to build and run a new system like I have just described than to continue to pay to have containers shipped individually by truck.

The ports in Southern California will continue to prosper and lead the way as long as it is willing to innovate with the type of creativity reflected in the mag-lev system that I just discussed. I congratulate the Port of Los Angeles and its board of directors on their anniversary and the tremendous success of the last 100 years.

We have other issues as well, and let me just note one other issue as we know, and Ms. HARMAN has played a major role in trying to develop the security that we need at our ports of Los Angeles and Long Beach. There are security needs and other infrastructure needs that will cost money. Whenever you have any benefit, it will cost. We need to face the cost of these improvements with the same creativity that I just discussed technologically that we need to do in the cargo movement.

The way that I would suggest, and I hope that on this anniversary that we note that, yes, Glen Anderson played an important role in getting Federal money for the ports. That is not an unending source of revenue. But if we were to charge a container fee and base our improvements in the ports, instead of on the taxpayers of the United States channeling money to our ports, that we instead charge those using the ports a reasonable container fee so that those who have set up manufacturing facilities in China and elsewhere will pay to utilize the ports, that container fee will not only be fair, but it will be something that will provide us a new source of revenue in order to provide the security and infrastructure needs of the future.

So these two combination things, the new mag-lev technology conveyor belt system I described, and a new container fee which is basically a user fee for those using the ports, will be the type of innovation that will ensure that the Ports of Los Angeles, and yes, the port complex in Long Beach, has a great second 100 years, and that, again, this port complex will provide us with an example of innovation and forward thinking and economic prosperity that will serve all of the people of the United States.

Again, I congratulate the Port of Los Angeles on their 100th anniversary.

Ms. RICHARDSON. Madam Speaker, I wish to recognize for 2 minutes my good friend and representative who covers the Port of San Diego, our sister port, the gentleman from California (Mr. FILNER).

Mr. FILNER. I thank the gentlelady, and I thank you for your leadership, which has come very early in your congressional career. It's nice to be here. Thank you for allowing a Congressman from San Diego to join you in this celebration of the 100th anniversary of the Port of Los Angeles.

As a representative of San Diego, there are a lot of things we don't want to imitate about Los Angeles, but we look with envy at the economic engine that the Port of Los Angeles represents. It is truly, and I say this with some envy, Southern California's gateway to international commerce, maintaining its competitive edge with record-setting cargo operations, groundbreaking environmental issues, progressive security measures, and diverse recreational and educational facilities.

The port's economic contributions are far-reaching. The port is connected directly and indirectly with tens of billions of dollars in industry sales each year in the Southern California region and in the Nation, translating into hundreds of thousands of local jobs and billions of dollars in wages, salaries and State and local taxes.

One out of every 24 jobs in Southern California is generated by the port. That's almost 260,000. One out of every $23 paid in wages and salaries, almost $9 billion, comes from the Port of Los Angeles.

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Almost 1½ million jobs are generated nationwide, and the port generates almost $1.5 billion in State and local taxes.

So this economic engine is far-reaching. We marvel at what you have produced there. We hope to take away sometime some of the congestion that the previous gentleman talked about by expanding our Port of San Diego, but we look at you again for a model of how to do these things. At least one business in every congressional district in this Nation imports or exports goods through the Los Angeles port complex. It is truly America's gateway, and we have an opportunity provided by you to recognize the 100th anniversary, and we hope there is unanimous support for your resolution.

Mr. LATOURETTE. Madam Speaker, it's my pleasure to yield such time as he may consume to another gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for the time.

Madam Speaker, I rise in support of the resolution. As one who grew up in the City of Long Beach and spent a great deal of time as a child being taken by parents down to the Ports of Los Angeles and Long Beach and having as a college student in the summertime worked in the Port of Los Angeles, I have had the opportunity to see that port grow, along with its sister port, the Port of Long Beach. The progress that has been made there, the advances that have been made there, the jobs that have been created there, the tremendous economic engine that that port is, is an example to not only California and the country but to the rest of the world how you can take a natural resource and in some ways refine it and in some ways make it better than it was before so that it enhances the entire area or the entire region.

The Port of Los Angeles has a distinguished record. It is one that is marked with achievement. It is one that is marked with advances in technology, and it is one that has always contributed to the health of the region that I used to represent in this body some 20 years ago.

I congratulate the gentlewoman for bringing this forth, and I would suggest to my colleagues not only that they support this, but if they ever have the opportunity to be in California and they want to see a magnificent engine of economic vitality, they ought to come by and see the Port of Los Angeles. It is a credit to the people of the region. It is a credit to those who had the foresight to develop it as a working port. And I join everyone else in congratulating those who now are responsible for its continued operation.

Ms. RICHARDSON. Madam Speaker, I wish to yield 2 minutes to my good friend from Los Angeles and a fellow member of the Transportation Committee, the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Madam Speaker, I certainly want to thank Representative RICHARDSON for introducing House Resolution 822, and I join my colleagues in their accolades on the Port of Long Beach's reaching their 100th anniversary and on their accomplishments, as they are a tremendous asset to California. Their leadership has been, as you've heard, exemplary. It has provided hundreds of thousands of jobs over the 100 years. Many of the longshoremen and stevedores are immigrants and live in our districts in Los Angeles.

The fact is these ports and their workers are vital to all of our U.S. economy. As you have heard, they provide movement of 8.5 million containers, and 1 million jobs throughout the United States, not just in Los Angeles and in California. And my district is home to many factories and companies and distribution centers that import and export their products through these ports. The $8 billion in trade from imports impact my district tremendously, and it is expected to triple by the year 2030, undertaking, you've heard, the $2 billion Clean Air Action Plan to reduce emissions by 50 percent in 5 years, replacing dirty diesel trucks from the ports, and requiring low sulfur gas to be used by the incoming ships.

We congratulate and are joined by many other members of the Los Angeles delegation, including DAVID DREIER, who just stopped by and said that he too joins us on congratulating the Port of Los Angeles on the great strides to improve our environment and in strong support of this bill.

I also request my colleagues to join us in passing this resolution honoring the Port of Los Angeles on their 100th anniversary.

Mr. LATOURETTE. Madam Speaker, I reserve the balance of my time.

Ms. RICHARDSON. Madam Speaker, I wish to yield 2-1/12 minutes to my dear friend also from the Los Angeles County area, the gentlewoman from California, Ms. ROYBAL-ALLARD.

Ms. ROYBAL-ALLARD. Madam Speaker, I rise in support of House Resolution 822, recognizing the 100th anniversary of the founding of the Port of Los Angeles, and I commend Congresswoman LAURA RICHARDSON for her leadership and introduction of this resolution.

When the port opened in 1907, the population of the City of Los Angeles stood at only 300,000 residents. Today the City of Los Angeles is a thriving metropolis of more than 4 million residents, the second largest city in the Nation. This transformation into a sprawling urban giant was enhanced by the ever-growing global trade that passes through the Port of Los Angeles.

As a major gateway to the Pacific Rim, the L.A. port handles an estimated $225 billion worth of cargo a year, and with its neighboring Port of Long Beach, it is the largest container port complex in the Nation and the fifth largest in the world.

The Port of Los Angeles plays a critical role in our local and State economy. It contributes $1.4 billion in State and local tax revenues, provides 259,000 jobs, and pays $8.4 billion in wages annually. Equally as important, if not more so, the Port of Los Angeles is also a strong economic engine for our national economy.

Goods arriving through the port complex account for more than 40 percent of our Nation's total import traffic and 24 percent of its total exports. In fact, more than 60 percent of arriving cargo has destinations outside of Southern California.

In 2005, the number of direct and indirect jobs associated with the trade activity generated by the L.A. ports was 3.3 million jobs nationwide. This is a 200 percent increase over 1994 data.

On this historic 100th anniversary, I salute the Port Authority; the City of Los Angeles; the communities of Wilmington and San Pedro, which host the port; and I especially want to salute the thousands of hardworking men and women who ensure the port's daily operations and its reliable movement of goods. And I urge all of my colleagues to support this resolution.

Mr. LATOURETTE. Madam Speaker, I reserve the balance of my time.

Ms. RICHARDSON. Madam Speaker, I wish to recognize the next three speakers that you will hear for 2 minutes, but in particular I want to yield 2 minutes to my dear friend from Oakland, who represents another sister city port, the Port of Oakland, the gentlewoman from California (Ms. LEE).

Ms. LEE. Madam Speaker, first let me thank the gentlewoman from Los Angeles for her leadership and for giving me the opportunity to speak for a few minutes on behalf of this resolution, H. Res. 822, recognizing the 100th anniversary of the founding of the Port of Los Angeles.

The Port of Los Angeles, and we are hearing this over and over again, and many of us who represent ports have known this for a long time, but it has a long and distinguished history as a training hub in California. Today, the fifth largest container complex in the entire world along with the Port of Long Beach, the cargo that comes through the port reaches every congressional district throughout the country. The Port of Los Angeles is an economic engine, not just for Los Angeles but for the region, for our entire State and our entire country. The economic benefits that it provides to the Nation are impossible to measure but assuredly are immense, just as is the Port of Oakland located in my congressional district.

So I want to commend my colleague from Los Angeles, California, our newest Member from California, for introducing this resolution. I could think of no Member who has come to Congress who has hit the ground running, who has done the hard work, and who has been able to bring forth a resolution such as this as Congresswoman RICHARDSON. She recognizes the economic opportunities, the job creation aspects, the trade benefits of the Port of Los Angeles.

So I salute you, Congresswoman RICHARDSON. From the Port of Oakland to the Port of Los Angeles, happy anniversary.

Mr. LATOURETTE. Madam Speaker, I reserve the balance of my time.

Ms. RICHARDSON. Madam Speaker, I wish to yield 2 minutes to my sister colleague and dear friend who also represents the Port of San Diego, Congresswoman SUSAN DAVIS.

Mrs. DAVIS of California. Madam Speaker, I rise in support of this resolution. As a representative with a bustling port in San Diego, I fully recognize the importance of this historic occasion, and I am very proud to join my colleague in honoring the Port of Los Angeles and celebrating its 100th anniversary.

As my colleagues have cited, the Port of Los Angeles is a bastion for commerce and the economy for the region, and it provides one out of every 24 jobs in Southern California.

Madam Speaker, we know that seaports are gateways for domestic and international trade connecting us to the rest of the world. And because ports are naturally located on coasts and inland waterways, they really play a special opportunity to act as environmental stewards and caretakers for our precious coastal resources. Just last year the Ports of Los Angeles and Long Beach jointly released the San Pedro Bay Ports Clean Air Action Plan, which aims to reduce emissions by 50 percent over the next 5 years.

It's true, every single one of our districts benefits from the imports and exports that flow through the Port of Los Angeles.

So I want to urge my colleagues to join me in bestowing this well-deserved honor on the Port of Los Angeles after 100 years of successful operation, and I particularly want to commend my colleague for bringing it forward.

Mr. LATOURETTE. Madam Speaker, I reserve the balance of my time.

Ms. RICHARDSON. Madam Speaker, I wish to yield 2 minutes to my dear friend and sister from the great area of Santa Barbara. She also has a port in her district, Mrs. LOIS CAPPS.

Mrs. CAPPS. Madam Speaker, I join several of my colleagues in strong support of House Resolution 822.

It's a pleasure to honor the Port of Los Angeles on your 100th anniversary and to commend our new colleague from California, Congresswoman RICHARDSON, for calling attention to all of us the importance of our ports and for signaling this specific anniversary of the Port in Los Angeles, our Nation's largest container port. And when you include its neighbor, the Port of Long Beach, this complex is the fifth largest in the world.

I also represent a deepwater port, a neighboring port up the coast from the Port of Los Angeles, the Port of Hueneme, so I also know how important the maritime industry is to the health of our Nation's economy. And ports like the Port of Los Angeles are the gateway into the vastly interconnected global economy.

In fact, 95 percent of all international overseas trade moves through our Nation's ports, and much of it, $1 billion a day of economic activity, happens at the Ports of Los Angeles and Long Beach. In fact, at least one business in every congressional district in this country imports or exports goods through these ports.

Madam Speaker, I also want to acknowledge the port's work to improve the region's air quality. This is a big deal. This is a busy port with lots of traffic and has in the past produced lots of congestion. Recently, the Ports of Los Angeles and Long Beach announced a proposal to reduce diesel pollution from trucks at the facilities by overhauling their dockside trucking systems. This is a model that the rest of the Nation would do well to watch and then copy. This is good news for the people working and living near these busy complexes. And I hope other ports in California and around the country will follow their lead.

Again, I'm glad the House can recognize the important contributions of this port. I congratulate all its employees, its Members of Congress, and its successful operation of the last 100 years.

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Mr. LATOURETTE. Madam Speaker, may I inquire of the Chair the time remaining on each side.

The SPEAKER pro tempore. The gentleman from Ohio has 9 minutes remaining. The gentlewoman from California has 2½ minutes.

Mr. LATOURETTE. Madam Speaker, I am going to continue to reserve. But I do see the distinguished chairman of our subcommittee on the floor, and if 2½ minutes isn't enough time for his observations, I would be happy to inquire to see if the gentlewoman needs time.

Would you like me to yield to the chairman?

Ms. RICHARDSON. Madam Speaker, actually as the manager of this bill, I was prepared to give the honor of closing this bill to the dear chairman. So since he is our last speaker, I am prepared to close at that point once you have yielded the remaining time.

Mr. LATOURETTE. I would yield 2 minutes of our time and ask unanimous consent that it be added to the gentlewoman's time so they have 4½ minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. I yield back the remainder of my time.

Ms. RICHARDSON. Madam Speaker, it is with great pleasure that I have the opportunity to introduce the distinguished chairman of the Coast Guard and Maritime Transportation Subcommittee, on which we both serve. His leadership I have had an opportunity to work with in a very quick fashion, and I am very pleased to have him join us in this effort. Please welcome the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Madam Speaker, I rise today to urge my colleagues to adopt House Resolution 822 and to recognize the 100th anniversary of the Port of Los Angeles. I want to thank you, Mr. LATOURETTE, for yielding time, and you, Ms. RICHARDSON, for your very, very fine work which I will get back to in a moment.

During its first century, the Port of Los Angeles has grown to become a massive freight processing complex encompassing 27 cargo terminals which handle more than 43 percent of all the goods arriving in the United States. By any metric, the size of operations at the Port of Los Angeles is simply staggering. Over just the past 11 years, as part of the San Pedro Bay Port Complex, the port has grown 246 percent, generating $256 billion in commerce and $28 billion in tax revenue. That is simply astounding.

Already the largest container terminal in the United States, the port handled more than 8.5 million 20-foot container units last year alone. By 2030, the port complex is expected to triple its cargo handling activities again.

Not surprisingly, the port is an industry leader in all aspects of transportation. In 2002, the port was a principal partner of the $2.5 billion Alameda Corridor project, which connected the port to America's transcontinental rail system with a 20-mile rail expressway. Created through a partnership with local, regional and statewide agencies, this project epitomizes the multimodal connections that are essential to speeding and easing freight movements through our Nation's ports.

The port has also undertaken a dedicated effort to address the impacts of its operations on the local environment through the San Pedro Bay Ports Clean Air Action Plan, which is intended to reduce air pollution from port activities by nearly 50 percent in 5 years.

The action plan is the world's first program proposed to significantly reduce health risks around a major port by combating regional air pollution from port-related operations.

I also want to take a moment to salute Ms. RICHARDSON. She has, without a doubt, I think it was Ms. LEE that said that she came in and hit the ground running. I say she hit the ground flying, including her work just recently with me. When we visited San Francisco, she was the only other subcommittee member who attended the special field hearing convened by our subcommittee to examine the terrible oil spill in San Francisco Bay. Ms. RICHARDSON ably represents California's 37th Congressional District, including the interests of the Port of Los Angeles as evidenced through her work on the resolution before us today. I shall never forget in her opening statement on the floor in the well of this House, one of the things that she mentioned, Madam Speaker, was that she wanted to make sure that the port and the port's interests in her district were well situated and that they were made better by her presence in this great House. And so I want to applaud her for her efforts.

I want to thank her for her insight, and I am so, so excited that she is part of the subcommittee which I chair. And with that, Madam Speaker, I thank her and I thank my ranking member on our subcommittee.

Ms. RICHARDSON. I yield myself the balance of my time.

The Port of Los Angeles now looks forward to its next 100 years with a legacy as a leader in terminal efficiency and setting environmental standards. It is indeed the Nation's largest and most successful conveyor of the Nation's and the world's commerce.

Madam Speaker, I urge all the Members to support the Port of Los Angeles and House Resolution 822 and applaud the efforts of Mr. LATOURETTE, our chairman, as you heard, Mr. CUMMINGS, and also our chairman of Transportation, Mr. OBERSTAR.

Mrs. TAUSCHER. Madam Speaker, I rise in support of House Resolution 822, which recognizes the 100th anniversary of the Port of Los Angeles.

I would like to commend my colleague from California, Congresswoman RICHARDSON, for bringing this important resolution to the floor. I am proud to serve with the Congresswoman on the Transportation and Infrastructure Committee. One hundred years ago, the Los Angeles City Council created the Port of Los Angeles, and it has since developed into one of the largest in the world. More than 43 percent of all goods arriving in the United States travel through the Port of Los Angeles. I appreciate the impact that goods movement plays in our Nation's economy, and the port has an important role in that process.

I would like to congratulate the port for reaching its 100th anniversary and congratulate it for being a strong provider of jobs in California. I commend my colleague on the Transportation Committee for her diligent work.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H. Res. 822, which recognizes the 100th anniversary year of the founding of the Port of Los Angeles.

The Port of Los Angeles is located in San Pedro, California and is a part of the Southern California port complex. This complex handles more than 43 percent of all goods arriving in the United States. The complex has grown 246 percent over the past 11 years, and trade-related jobs at the complex have tripled. The amount of cargo handled by this complex is also expected to triple by the year 2030.

Although the earliest history of the Port of Los Angeles dates back to the 1500s, the Board of Harbor Commissioners was created on December 9, 1907, which officially founded the port. In 1542, a Portuguese explorer named the natural harbor "Bahia de los Fumos" or "Bay of Smokes," when he stated the bay "is an excellent harbor and the country is good with many plains and groves of trees."

In 1869, a new era of development for the harbor region was marked when Los Angeles and San Pedro Railroad began service between San Pedro Bay and Los Angeles, becoming the first railroad of Southern California.

In 1958, the containerized cargo revolution began on the west coast, when the Hawaiian Merchant delivered its first shipment of 20 cargo containers to the port.

A principal partner in the $2.5 billion Alameda Corridor project, which opened in April 2OO2, the port worked with local, regional, and statewide agencies to develop a robust regional transportation infrastructure. The project is a 20-mile expressway that connects the Port of Los Angeles to America's transcontinental rail system, improving the transportation systems that move goods throughout the region.

Last year, the Port of Los Angeles handled more than 8.5 million twenty-foot container units, making it the leading container port in the United States for 7 consecutive years. The port has the largest single container terminal in the world. The nearly 500-acre container complex, operated by Maersk Sealand and APM Terminals, was completed in 2004 and has been acclaimed as an engineering phenomenon and a model of operational efficiency.

The port has implemented modern and innovative transportation and good movements systems, has set global standards, and is a leader in terminal efficiency and environmental initiatives. I congratulate the Port of Los Angeles on its achievements for the past 100 years and wish the port continued success in national and world commerce for the next century.

I urge my colleagues to support this resolution.

Mr. LATOURETTE. Madam Speaker, House Resolution 822 recognizes the 100th anniversary of the founding of the Port of Los Angeles. The Port of Los Angeles is the busiest port in the United States in terms of maritime cargo volume and, when combined with the adjoining Port of Long Beach, is the fifth busiest commercial seaport worldwide. This trade is a critical component to our national economy and directly and indirectly supports millions of jobs nationwide.

The port has also taken action to lessen impacts on the surrounding areas and the environment by recently implementing a comprehensive strategy to reduce emissions from ships and port operations.

I join the resolution's sponsor, Congresswoman RICHARDSON of California, and all of the cosponsors in recognizing the Port of Los Angeles' first 100 years and in wishing the port continued success in the future. I urge all Members to support the resolution.

Ms. RICHARDSON. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. RICHARDSON) that the House suspend the rules and agree to the resolution, H. Res. 822, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. RICHARDSON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MILITARY RESERVIST AND VETERAN SMALL BUSINESS REAUTHORIZATION AND OPPORTUNITY ACT OF 2007

Ms. VELÁZQUEZ. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4253) to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—VETERANS BUSINESS DEVELOPMENT

Sec. 101. Increased funding for the Office of Veterans Business Development.
Sec. 102. Interagency task force.
Sec. 103. Permanent extension of SBA Advisory Committee on Veterans Business Affairs.
Sec. 104. Office of Veterans Business Development.
Sec. 105. Increasing the number of outreach centers.
Sec. 106. Independent study on gaps in availability of outreach centers.

TITLE II—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY

Sec. 201. Short title.
Sec. 202. Purpose.
Sec. 203. National Guard and Reserve business assistance.
Sec. 204. Veterans Assistance and Services program.

TITLE III—RESERVIST PROGRAMS

Sec. 301. Reservist programs.
Sec. 302. Reservist loans.
Sec. 303. Noncollateralized loans.
Sec. 304. Loan priority.
Sec. 305. Relief from time limitations for veteran-owned small businesses.
Sec. 306. Service-disabled veterans.
Sec. 307. Study on options for promoting positive working relations between employers and their Reserve Component employees.
Sec. 308. Increased Veteran Participation Program.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "activated" means receiving an order placing a Reservist on active duty;

(2) the term "active duty" has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term "Reservist" means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the terms "service-disabled veteran" and "small business concern" have the meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

TITLE I—VETERANS BUSINESS DEVELOPMENT

SEC. 101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008; and

(2) $2,300,000 for fiscal year 2009.

(b) FUNDING OFFSET.—Amounts necessary to carry out subsection (a) shall be offset and made available through the reduction of the authorization of funding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).

(c) SENSE OF CONGRESS.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

SEC. 102. INTERAGENCY TASK FORCE.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended—

(1) by redesignating subsection (c) as (f); and

(2) by inserting after subsection (b) the following:

"(c) INTERAGENCY TASK FORCE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the award of Federal contracting and subcontracting opportunities to, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans (in this section referred to as the 'task force').

"(2) MEMBERSHIP.—The members of the task force shall include—

"(A) the Administrator, who shall serve as chairperson of the task force;

"(B) a senior level representative from—

"(i) the Department of Veterans Affairs;

"(ii) the Department of Defense;

"(iii) the Administration (in addition to the Administrator);

"(iv) the Department of Labor;

"(v) the Department of the Treasury;

"(vi) the General Services Administration; and

"(vii) the Office of Management and Budget; and

"(C) 4 representatives from a veterans service organization or military organization or association, selected by the President.

"(3) DUTIES.—The task force shall coordinate administrative and regulatory activities and develop proposals relating to—

"(A) increasing capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

"(B) increasing access to Federal contracting and subcontracting for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

"(C) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

"(D) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities;

"(E) increasing and improving training and counseling services provided to small business concerns owned and controlled by veterans; and

"(F) making other improvements relating to the support for veterans business development by the Federal Government.

"(4) REPORTING.—The task force shall submit an annual report regarding its activities and proposals to—

"(A) the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate; and

"(B) the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.".

SEC. 103. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

SEC. 104. OFFICE OF VETERANS BUSINESS DEVELOPMENT.

Section 32 of the Small Business Act (15 U.S.C. 657b), as amended by section 102, is further amended by inserting after subsection (c) (as added by section 102) the following:

"(d) PARTICIPATION IN TAP WORKSHOPS.—

"(1) IN GENERAL.—The Associate Administrator shall increase veteran outreach by ensuring that Veteran Business Outreach Centers regularly participate, on a nationwide basis, in the workshops of the Transition Assistance Program of the Department of Labor.

"(2) PRESENTATIONS.—In carrying out paragraph (1), a Center may provide grants to eligible entities located in Transition Assistance Program locations to make presentations on the opportunities available from the Administration for recently separating veterans. Each such presentation must include, at a minimum, the entrepreneurial and business training resources available from the Administration.

"(3) WRITTEN MATERIALS.—The Associate Administrator of Veterans Business Development shall create written materials that provide comprehensive information on self-employment and veterans entrepreneurship, including information on Small Business Administration resources available for such topics, and shall make these materials available for inclusion in the Transition Assistance Program manual.

"(4) REPORTS.—The Associate Administrator shall submit to Congress progress reports on the implementation of this subsection.

"(e) WOMEN VETERANS BUSINESS TRAINING RESOURCE PROGRAM.—The Associate Administrator shall establish a Women Veterans Business Training Resource Program. The program shall—

"(1) compile information on resources available to women veterans for business training, including resources for—

"(A) vocational and technical education;

"(B) general business skills, such as marketing and accounting; and

"(C) business assistance programs targeted to women veterans; and

"(2) disseminate the information through Veteran Business Outreach Centers and women's business centers.".

SEC. 105. INCREASING THE NUMBER OF OUTREACH CENTERS.

The Administrator of the Small Business Administration shall use the authority in section 8(b)(17) of the Small Business Act (15 U.S.C. 637(b)(17)) to ensure that the number of Veterans Business Outreach Centers throughout the United States increases—

(1) by at least 2, for each of fiscal years 2008 and 2009, in accordance with funding provided in sections 101(a)(1) and (a)(2) of this Act; and

(2) by the number that the Administrator considers appropriate, based on existing need, for each fiscal year thereafter.

SEC. 106. INDEPENDENT STUDY ON GAPS IN AVAILABILITY OF OUTREACH CENTERS.

The Administrator of the Small Business Administration shall sponsor an independent study on gaps in the availability of Veterans Business Outreach Centers across the United States. The purpose of the study shall be to identify the gaps that do exist so as to inform decisions on funding and on the allocation and coordination of resources. Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

TITLE II—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY

SEC. 201. SHORT TITLE.

This title may be cited as the "National Reservist Enterprise Transition and Sustainability Act of 2007".

SEC. 202. PURPOSE.

The purpose of this title is to establish a program to—

(1) provide managerial, financial, planning, development, technical, and regulatory assistance to small business concerns owned and operated by Reservists;

(2) provide managerial, financial, planning, development, technical, and regulatory assistance to the temporary heads of small business concerns owned and operated by Reservists;

(3) create a partnership between the Small Business Administration, the Department of Defense, and the Department of Veterans Affairs to assist small business concerns owned and operated by Reservists;

(4) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers receiving funding from the National Veterans Business Development Corporation, and any other Veterans Business Assistance program which receives federal funding, to expand the access of small business concerns owned and operated by Reservists to programs providing business management, development, financial, procurement, technical, regulatory, and marketing assistance;

(5) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers receiving funding from the National Veterans Business Development Corporation, and any other Veterans Business Assistance program which receives federal funding, to quickly respond to an activation of Reservists that own and operate small business concerns; and

(6) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers receiving funding from the National Veterans Business Development Corporation, and any other Veterans Business Assistance program which receives federal funding, to assist Reservists that own and operate small business concerns in preparing for future military activations.

SEC. 203. NATIONAL GUARD AND RESERVE BUSINESS ASSISTANCE.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 (15 U.S.C. 631 note) as section 38; and

(2) by inserting after section 36 the following:

"SEC. 37. RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY.

"(a) IN GENERAL.—The Administrator shall establish a program to provide business planning assistance to small business concerns owned and operated by Reservists.

"(b) DEFINITIONS.—In this section—

"(1) the terms 'activated' and 'activation' mean having received an order placing a Reservists on active duty, as defined by section 101(1) of title 10, United States Code;

"(2) the term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers;

"(3) the term 'Association' means the association established under section 21(a)(3)(A);

"(4) the term 'eligible applicant' means—

"(A) a small business development center that is accredited under section 21(k);

"(B) a women's business center;

"(C) a Veterans Business Outreach Center that receives funds from the Office of Veterans Business Development;

"(D) an information and assistance center receiving funding from the National Veterans Business Development Corporation under section 33; or

"(E) any other Veterans Business Assistance program which receives federal funding;

"(5) the term 'enterprise transition and sustainability assistance' means assistance provided by an eligible applicant to a small business concern owned and operated by a Reservist, who has been activated or is likely to be activated in the next 12 months, to develop and implement a business strategy for the period while the owner is on active duty and 6 months after the date of the return of the owner;

"(6) the term 'Reservist' means any person who is—

"(A) a member of a reserve component of the Armed Forces, as defined by section 10101 of title 10, United States Code; and

"(B) on active status, as defined by section 101(d)(4) of title 10, United States Code;

"(7) the term 'small business development center' means a small business development center as described in section 21 of the Small Business Act (15 U.S.C. 648);

"(8) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam; and

"(9) the term 'women's business center' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

"(c) AUTHORITY.—The Administrator may award grants, in accordance with the regulations developed under subsection (d), to eligible applicants to assist small business concerns owned and operated by Reservists by—

"(1) providing management, development, financing, procurement, technical, regulatory, and marketing assistance;

"(2) providing access to information and resources, including Federal and State business assistance programs;

"(3) distributing contact information provided by the Department of Defense regarding activated Reservists to corresponding State directors;

"(4) offering free, one-on-one, in-depth counseling regarding management, development, financing, procurement, regulations, and marketing;

"(5) assisting in developing a long-term plan for possible future activation; and

"(6) providing enterprise transition and sustainability assistance.

"(d) OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Administrator shall make available informational materials established by this section to other Federal departments and agencies for their own internal programs.

"(e) RULEMAKING.—

"(1) IN GENERAL.—The Administrator, in consultation with the Association and after notice and an opportunity for comment, shall promulgate regulations to carry out this section.

"(2) DEADLINE.—The Administrator shall promulgate final regulations not later than 180 days of the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007.

"(3) CONTENTS.—The regulations developed by the Administrator under this subsection shall establish—

"(A) procedures for identifying, in consultation with the Secretary of Defense, States that have had a recent activation of Reservists;

"(B) priorities for the types of assistance to be provided under the program authorized by this section;

"(C) standards relating to educational, technical, and support services to be provided by a grantee;

"(D) standards relating to any national service delivery and support function to be provided by a grantee;

"(E) standards relating to any work plan that the Administrator may require a grantee to develop; and

"(F) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for assistance by a grantee.

"(f) APPLICATION.—

"(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall describe—

"(A) the activities for which the applicant seeks assistance under this section; and

"(B) how the applicant plans to allocate funds within its network.

"(g) AWARD OF GRANTS.—

"(1) DEADLINE.—The Administrator shall award grants not later than 60 days after the promulgation of final rules and regulations under subsection (e).

"(2) AMOUNT.—Each eligible applicant awarded a grant under this section shall receive a grant in an amount not greater than $300,000 per fiscal year.

"(h) REPORT.—

"(1) IN GENERAL.—The Comptroller General of the United States shall—

"(A) initiate an evaluation of the program not later than 30 months after the disbursement of the first grant under this section; and

"(B) submit a report not later than 6 months after the initiation of the evaluation under paragraph (1) to—

"(i) the Administrator;

"(ii) the Committee on Small Business and Entrepreneurship of the Senate; and

"(iii) the Committee on Small Business of the House of Representatives.

"(2) CONTENTS.—The report under paragraph (1) shall—

"(A) address the results of the evaluation conducted under paragraph (1); and

"(B) recommend changes to law, if any, that it believes would be necessary or advisable to achieve the goals of this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $5,000,000 for the first fiscal year beginning after the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007; and

"(B) $5,000,000 for the fiscal year following the fiscal year described in subparagraph (A).

"(2) FUNDING OFFSET.—Amounts necessary to carry out this section shall be offset and made available through the reduction of the authorization of funding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).".

SEC. 204. VETERANS ASSISTANCE AND SERVICES PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

"(n) VETERANS ASSISTANCE AND SERVICES PROGRAM.—

"(1) IN GENERAL.—A Small Business Development Center may apply for an additional grant to carry out a veterans assistance and services program.

"(2) ELEMENTS OF PROGRAM.—Under a program under paragraph (1), the Center shall—

"(A) create a marketing campaign to promote awareness and education of the services of the Center that are available to veterans, and to target the campaign toward veterans, disabled veterans, military units, Federal agencies, and veterans organizations;

"(B) use technology-assisted online counseling and distance learning technology to overcome the impediments to entrepreneurship faced by veterans and members of the Armed Forces; and

"(C) increase coordination among organizations that assist veterans, including by establishing virtual integration of service providers and offerings for a one-stop point of contact for veterans who are entrepreneurs or small business owners.

"(3) MINIMUM AMOUNT.—Each grant under this subsection shall be for at least $75,000.

"(4) MAXIMUM AMOUNT.—A grant under this subsection may not exceed $250,000.

"(5) FUNDING.—Subject to amounts approved in advance in appropriations Acts, the Administration may make grants or enter into cooperative agreements to carry out the provisions of this subsection.".

TITLE III—RESERVIST PROGRAMS

SEC. 301. RESERVIST PROGRAMS.

(a) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended—

(1) by striking "90 days" and inserting "1 year"; and

(2) by adding at the end the following: "The Administrator may, when appropriate (as determined by the Administrator), waive the ending date specified in the preceding sentence and provide a later ending date.".

(b) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term "eligible Reservist" means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a preconsideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(c) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the "program") to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

SEC. 302. RESERVIST LOANS.

(a) IN GENERAL.—Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by striking "$1,500,000" each place such term appears and inserting "$2,000,000".

(b) LOAN INFORMATION.—

(1) IN GENERAL.—The Administrator and the Secretary of Defense shall develop a joint website and printed materials providing information regarding any program for small business concerns that is available to veterans or Reservists.

(2) MARKETING.—The Administrator is authorized—

(A) to advertise and promote the program under section 7(b)(3) of the Small Business Act jointly with the Secretary of Defense and veterans' service organizations; and

(B) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

SEC. 303. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by adding at the end the following:

"(G)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than $50,000 without collateral.

"(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

"(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

"(II) the period during which the relevant essential employee is on active duty.".

SEC. 304. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

"(H) The Administrator shall give priority to any application for a loan under this paragraph and shall process and make a determination regarding such applications prior to processing or making a determination on other loan applications under this subsection, on a rolling basis.".

SEC. 305. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding at the end the following:

"(5) RELIEF FROM TIME LIMITATIONS.—

"(A) IN GENERAL.—Any time limitation on any qualification, certification, or period of participation imposed under this Act on any program that is not subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) and is available to small business concerns shall be extended for a small business concern that—

"(i) is owned and controlled by—

"(I) a veteran who was called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, on or after September 11, 2001; or

"(II) a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military, naval, or air service during a period of active duty pursuant to a call or order to active duty under a provision of law referred to in subclause (I) on or after September 11, 2001; and

"(ii) was subject to the time limitation during such period of active duty.

"(B) DURATION.—Upon submission of proper documentation to the Administrator, the extension of a time limitation under subparagraph (A) shall be equal to the period of time that such veteran who owned or controlled such a concern was on active duty as described in that subparagraph.

"(C) EXCEPTION FOR PROGRAMS SUBJECT TO FEDERAL CREDIT REFORM ACT OF 1990.—The provisions of subparagraphs (A) and (B) shall not apply to any programs subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).".

SEC. 306. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report describing—

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

SEC. 307. STUDY ON OPTIONS FOR PROMOTING POSITIVE WORKING RELATIONS BETWEEN EMPLOYERS AND THEIR RESERVE COMPONENT EMPLOYEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the time in which employers of Reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and

(iii) whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers, including any steps that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the hiring of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or

(ii) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

SEC. 308. INCREASED VETERAN PARTICIPATION PROGRAM.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(32) INCREASED VETERAN PARTICIPATION PROGRAM.—The Administrator shall carry out an Increased Veteran Participation Program. For a loan made under this paragraph, the following shall apply:

"(A) The loan shall be made to a business concern the majority ownership interest of which is directly held by individuals who are veterans of the Armed Forces or members of the reserve components of the Armed Forces.

"(B) The loan shall include the participation by the Administration equal to 90 percent of the balance of the financing outstanding at the time of disbursement.

"(C) The fees on the loan under paragraphs (18) and (23) shall not apply.".

(b) NOTICE AND COMMENT.—The program required by section 7(a)(32) of the Small Business Act, as added by subsection (a), shall be established after the opportunity for notice and comment and not later than 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Madam Speaker, I yield myself as much time as I may consume.

In their service to the Nation, veterans have demonstrated strength, discipline and dedication to preserving security. At home, they have proven to be invaluable components of a strong economy.

We have already seen the impact veterans can have on the business community. Currently, approximately 22 percent of servicemembers in the United States have either purchased or started a new business. These entrepreneurs are significant contributors to job growth and expansion of local economies.

I wish to commend Congressman JASON ALTMIRE and Congressman VERN BUCHANAN for their leadership in crafting this bill that will further this effort. H.R. 4253 promotes veterans' continued pursuit of self-employment and provides them with the support for growth that they deserve. It accomplishes this objective by comprehensively updating several of the Small Business Administration's programs to better meet the current needs of veteran entrepreneurs.

The bill addresses several of the impediments to veterans' success as entrepreneurs. Because servicemembers are removed from the workforce for an extended period of time, they can often then face difficulties securing capital or technical assistance upon their return from service. Additionally, while many veterans receive specialized skills during their service, it is often quite difficult transforming those skills into profitable resources. We can increase veteran entrepreneurial opportunities by creating the right tools to ensure their success.

H.R. 4253 responds to these challenges by establishing a strong role for the Federal Government to help veterans overcome obstacles to entrepreneurship. The legislation increases veterans' access to affordable capital, enhances entrepreneurial development resources, and sharpens the focus of Federal resources on this key member of the small business community.

Veterans will have improved access to capital with specially tailored initiatives in the SBA's 7(a) and disaster loan programs. This will help returning servicemen and women bridge the gap for financial capital that they need to start and grow a new endeavor. By increasing outreach assistance centers and entrepreneurial development program resources, the bill also improves access to assistance that will help veteran entrepreneurs evaluate business ideas, conduct market research, and receive technology training.

This legislation will also establish an interagency task force that will take a lead role in altering the institutional culture at the Federal level to promote increased veteran entrepreneurship. This will significantly improve the coordination of various Federal agencies' veteran service programs. Additionally, new initiatives will improve transition assistance for separating servicemembers, and provide customized support to service disabled, women veterans, and the members of the reserves. This will ensure that all sectors are considered in Federal veteran policymaking.

As new troops are added to the already 13,000 that have returned home just from Iraq and Afghanistan, it is imperative that our resources and initiatives are designed to effectively prepare them for economic success.

With their tremendous potential to thrive as entrepreneurs and their critical service for which we all greatly benefit, we must continue to work to allow these budding entrepreneurs to realize the American Dream of business ownership. I believe this bill is a major step towards realizing this goal, and I strongly support this legislation.

I urge my colleagues to support H.R. 4253.

I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield myself such time as I may consume.

Today, Madam Speaker, I rise in support of the request to suspend the rules and pass H.R. 4253, the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007. I would like to thank Chairwoman VELÁZQUEZ for working in a cooperative and bipartisan manner to bring this bill, which incorporates provisions of a bill authored by Mr. BUCHANAN, who is a freshman member of the Small Business Committee and who has already shown tremendous initiative and leadership on that committee, to the House floor.

While we could never adequately repay the debt we owe to America's fighting men and women for their service and sacrifice, today's bill takes important steps to help our Nation's veterans make a smoother transition to civilian life.

While serving in the Armed Forces, service men and women learn and practice technical skills valued in today's civilian workforce, in addition to the leadership and decisionmaking skills that they learn on the battlefield. All of these attributes are critical to success in the business world and are particularly important traits for successful small business owners.

Despite the success that veterans have shown in starting and operating small businesses, more must be done to assist our veterans in the startup and operation of their businesses. Outreach must improve to ensure that veterans wishing to start their own businesses will have the training and advice needed to transfer their skills to entrepreneurship without first working for someone else.

Title I of H.R. 4253 represents an excellent start in the efforts to expand and ensure that our veterans have the technical support they need to start their own businesses.

I want to especially thank the chairwoman for incorporating Mr. BUCHANAN's interest in expanding the number of Veterans Business Outreach Centers, which will play an increased role in providing assistance to veterans wishing to start small businesses.

The technical advice and assistance are not limited to veterans continuing their service in the Reserves. Title II of the bill recognizes Reservists who operate small businesses have their own unique set of operational problems associated with their call-up to duty. They may not know how long their call-up will last and they need assistance in ensuring they have a plan in place to operate their business while they are on active duty. This legislation builds on the existing network of entrepreneurial partners to deliver key technical and operational assistance to Reservists.

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Another important element of the bill is the recognition of the changing nature of the military with a greater involvement of women. The legislation requires the administrator to expand assistance to women veterans and Reservists. Given the rapid expansion and success of women-owned businesses, it makes sense to ensure that the needs of women Reservists are met when they seek to start and operate small businesses.

Our fighting men and women are the best in the world. Let us help them become the best entrepreneurs in the world by enacting this legislation, H.R. 4253.

Again, I want to thank Mr. BUCHANAN for his leadership in this effort, and I also want to thank the gentleman from Pennsylvania, Mr. ALTMIRE, who also has worked very hard in this area as well and is responsible for this bill being here today.

Madam Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I recognize Mr. ALTMIRE, the sponsor of the legislation, for as much time as he may consume.

Mr. ALTMIRE. I thank the Chair and the ranking member for their continued leadership on these issues, and I especially want to thank my good friend from Florida, Mr. BUCHANAN. It was a pleasure working with him to craft this legislation. He was an equal partner in putting this bill on the floor today, and I want to recognize his leadership as well.

Madam Speaker, with nearly 25 million veterans and over 1 million Reservists in the United States, there is a need, and a growing need, for an increased commitment by the government to assist veterans and Reservists both during and after their service to our Nation. As more and more servicemembers return to civilian life after their deployments in Iraq and Afghanistan, the opportunities and economic benefits that the Federal Government can provide will become even more critical, especially for businesses that are owned and operated by veterans.

The brave men and women that put their lives on hold to defend our Nation should not have to sacrifice their jobs and their livelihoods. Starting and maintaining a small business presents challenges for anyone, and, unfortunately, veterans often face unique barriers as a result of their military service. The unemployment rate among veterans is double the overall national unemployment rate, and over half of all self-employed Reservists experience significant income loss when they are called to duty.

Over the past 3 years, we have watched as the number of returning veterans and Reservists has increased, and that number is only going to continue to grow.

While Congress has passed legislation and provided Federal agencies with some of the resources necessary to provide entrepreneurial opportunities for veterans, I believe that more can be done to relieve the burden that is placed on small business owners during and after their deployment.

To ensure that the Federal Government is there to assist our country's servicemembers, I have introduced the bill that we are debating here today, the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act. This legislation will support and expand entrepreneurial opportunities for veterans and Reservists to ensure that their livelihoods are not compromised because of their military service.

My bill increases funding for the Small Business Administration's Office of Veteran Business Development to $4.4 million and facilitates the coordination of all Federal agencies to focus attention on increasing the success rate of and opportunities for veteran-owned small businesses.

This legislation will make the Advisory Committee on Veterans Business

Affairs permanent, strengthening the focus and input advisory committees can provide to the Federal Government to ensure continued commitment to our Nation's veterans. The Advisory Committee has been an important source of information for the Federal Government. By making the committee permanent, we can continue to improve the support provided to veteran and Reservist small business owners.

We will also increase the number of Veteran Business Outreach Centers across the country and identify areas that are in need of additional assistance to ensure that veterans and Reservists in every region are able to keep their businesses afloat.

Through grants of up to $300,000 per year made to Small Business Development Centers, this bill will establish the Reservist Enterprise Transition and Sustainability program to provide one-on-one counseling on management, financing, procurement and regulatory assistance to small business owners to help our returning service men and women successfully transition to civilian life.

Finally, my legislation makes much-needed improvements to the Military Reservist Economic Injury Disaster Loan program by requiring the SBA to extend the application deadline, raise the maximum loan amount and create a pre-consideration process for small businesses applying for assistance during military deployment. This is important, because currently Reservists can apply for a loan only after deployment, when their businesses are already in the red. A pre-deployment loan would be helpful to many small business owners during active duty when the funding is most critical.

Madam Speaker, there is no question that veterans have a unique ability to thrive as entrepreneurs. They have the leadership skills and work ethic necessary to run a small business and a successful business. But we must do more to help veteran entrepreneurs fully meet their needs and overcome the unique challenges that they face.

I believe that we owe no greater debt than to our brave men and women in uniform, and it is essential that they are afforded every opportunity for economic success at home, especially given their sacrifices for us abroad.

I strongly support the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act, and I ask my colleagues to support this important legislation.

Mr. CHABOT. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. BUCHANAN).

Mr. BUCHANAN. Madam Speaker, I want to thank the ranking member for yielding me the time, and I rise in support of H.R. 4253. I would also like to thank the Congressman from Pennsylvania, Congressman ALTMIRE. He has worked on a bipartisan basis. I appreciate it. It has been a great partnership. And also Madam Chairman, and the ranking member, you guys have done an incredible job this first year. A lot of people said we couldn't work together, but it has been great leadership this year. I also want to thank you for the opportunity to include a lot of the provisions in this bill.

H.R. 4253 incorporates legislation I introduced in May and was passed in the House in June creating an important program within the Small Business Administration that will give our veterans a chance to succeed in business enterprises but provides them with all the help and assistance a grateful Nation can offer.

My legislation is intended to help veterans through grants, information services and contacts with professionals in fields of their endeavor. This Federal program will enhance the ability of a veteran to become a successful entrepreneur in his or her chosen field. I know from personal experience, being a veteran of 6 years and an entrepreneur for 30 years, I was able to realize the American Dream, and I think this bill does it.

H.R. 4253 puts an emphasis on providing veterans with the market research, financial options and the technological training important to become a successful small business owner. This legislation not only expands the number and the scope of the Veteran Outreach Centers, it ensures the opening of more doors and an opportunity for our women veterans. Assisting our women returning from combat is something that has long been overlooked and overdue. It is high time that we did something about it.

Today, the House will pass a bill that will help individuals make an important transition from being a veteran to a small business entrepreneur. I urge my colleagues to support H.R. 4253.

Mr. CHABOT. Madam Speaker, I have no further speakers, so I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I would like to yield myself the balance of my time.

Madam Speaker, the wars in Iraq and Afghanistan have produced over 600,000 new veterans thus far and have created a serious challenge for the Nation: how to facilitate our returning servicemembers' successful transition back home and into our economy. Given the ongoing nature of these conflicts, the shift in economic opportunities and the diverse needs of returning veterans, this is an unprecedented situation that will require a major and rapid response.

To promote veterans' abilities to be productive engines of the economy, I believe we must comprehensively modernize Federal programs designed to assist this key group through self-employment opportunities. H.R. 4253 achieves this objective by obtaining the Small Business Administration programs to ensure they are customized to meet the growing needs of this sector in a changing economy.

This Nation has a clear obligation to ensure that our returning servicemembers have the assistance they need to succeed at entrepreneurship. By complementing their individual strengths with appropriate Federal resources, we can help them realize their full potential, while also growing the economy.

Madam Speaker, I want to thank the staff that worked on this bill. From the majority staff, Michael Day, Adam Minehardt and Andy Jimenez. From the minority staff, Barry Pineles and Kevin Fitzpatrick. I also want to recognize Max Goodman from Mr. BUCHANAN's staff and Cara Toman and Erik Komendant from Mr. ALTMIRE's staff.

I strongly urge my colleagues to vote for H.R. 4253.

Mr. BUCHANAN. Madam Speaker, I thank the Ranking Member for yielding me the time and rise in support of H.R. 4253.

I would like to thank Congressman ALTMIRE for bringing this bill to the floor today and for including in the bill a number of provisions important to me.

H.R. 4253 incorporates legislation I introduced in May and the House passed in June creating an important program within the Small Business Administration that will give our veterans not just a chance at success in a business enterprise but provide them with all the help and assistance a grateful Nation can offer.

My legislation is intended to help veterans through grants, information services, and contact with professionals in their fields of endeavor.

This federal support will enhance the ability of a veteran to become an entrepreneur in his or her own right.

H.R. 4253 puts an emphasis on providing veterans with the market research, financial options and technological training important to becoming a successful small business owner.

This legislation not only expands the number and scope of Veteran Outreach Centers, it ensures the opening of more doors and opportunities for our women veterans. Assisting our women returning from combat has been an area long overlooked and it's high time we did something about it.

Today, the House will pass a bill that will help individuals make an important transition from veteran to small business entrepreneur.

I urge all of my colleagues to support H.R. 4253.

Mr. KLEIN of Florida. Madam Speaker, I rise today to support the Improve & Expand Small Business Assistance Programs for Veterans Act of 2007. America's veterans have given their best for this country, for the freedoms that we cherish so much, and we must give them our best in return.

This legislation would expand the Small Business Administration's Office of Veterans Business Development in order to facilitate better business outreach to our Nation's veterans. The legislation requires that the SBA open two additional Veterans' Outreach offices in the coming year and expand opportunities for women veterans. It would also allow veterans to obtain reduced fee SBA loans.

Approximately 5 percent of the 80 million small businesses in this country are owned by veterans. Veteran-owned small businesses have a higher success rate than other small businesses, perhaps because of the strong work ethic and value system that the military imbues in its soldiers. I support this legislation because it will help veterans to enter and compete in today's business world, and I urge my colleagues to support this legislation today.

Ms. VELÁZQUEZ. Madam Speaker, I yield back the balance of my time, and urge its adoption.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 4253.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. VELÁZQUEZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TEMPORARY EXTENSION OF PROGRAMS UNDER SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958

Ms. VELÁZQUEZ. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4252) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 23, 2008, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Addministration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 110-57 (121 Stat. 560), is further amended by striking "December 15, 2007" each place it appears and inserting "May 23, 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 15, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today we will consider a short-term extension for programs in the Small Business Act and Small Business Investment Act. This bill extends the authorization of the Small Business Administration and these programs through May 23, 2008.

This short-term extension is necessary to ensure continuous operations at the agencies so that this Nation's entrepreneurs continue to receive vital assistance. The programs at the SBA are designed to stimulate job creation and economic development across the country.

As the sole Federal agency charged with assisting this Nation's 26 million small businesses, it is critical that the SBA is able to meet their needs through access to capital, technical assistance and increasing their ability to secure Federal contracting opportunities.

The Small Business Committee has been working to improve and revitalize these efforts through a number of bills. The committee has taken steps to provide an overhaul and improvements to ensure our Federal Government is adapting to the current economy.

With 15 bills passed out of the House, these reforms have been a collaborative and bipartisan effort to assist small firms. Four of these bills were sponsored by Members of the minority, and nearly all of these bills have passed with over 300 votes in the House. I will also note that 10 different members of the committee, six of whom are serving their first term in Congress, have been the sponsors of these bills.

These reforms include major changes to SBA programs which affect millions of small businesses. The bills that have been passed are designed to improve small business contracting programs, as well as providing needed updates to the SBA disaster program that failed so many Americans during Hurricane Katrina.

The committee and the House have also reported legislation which streamlines the SBA access to capital initiatives and increases the outreach of entrepreneurial programs. With these bills passed out of this Chamber, we are prepared to take the final step to pass a comprehensive reauthorization to the SBA and its programs.

We will continue working with the Senate to get these reforms signed into law. This extension will provide time for the Senate to move their own changes and allow us to work out any differences.

□ 1715

At a time when the economy is in an uncertain state, it is important that these programs continue to serve small firms as Congress crafts these reforms. I look forward to working with Ranking Member CHABOT to move ahead on these efforts. Our common goal is to ensure the SBA can adequately and efficiently respond to the needs of entrepreneurs. Our Nation's main job creators, small businesses, deserve nothing less.

Madam Speaker, I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield myself such time as I may consume.

I would urge my colleagues to suspend the rules and pass H.R. 4252, legislation to extend the authorization for programs under the Small Business Act and the Small Business Investment Act, as well as any program operated by the Small Business Administration for which Congress has already appropriated funds. This extension will last until May 23, 2008. I want to thank the distinguished chairwoman of the Small Business Committee, Ms. VELÁZQUEZ, for working with me in her usual gracious manner.

With the current extension set to expire December 15, which isn't very far away, obviously, the extension is crucial to ensuring programs designed to help our small businesses are able to continue to operate. Working in a bipartisan effort with Chairwoman VELÁZQUEZ, the committee has reported 14 bills, most of which have been overwhelmingly bipartisan, and all of which have passed the House of Representatives.

While we have worked at a rather furious pace in an effort to formally reauthorize SBA programs, the other legislative body has had difficulties coming to the same bipartisan consensus. So without passage of this temporary legislation today, we find ourselves at risk of shortchanging the government contracting and capital programs for small businesses and impeding the management of the SBA.

Even with deliberations completed in the House, we operate in a bicameral legislative system. Time is needed for the legislative process in both bodies to function and, if necessary, for the two bodies to meet in conference to iron out any disagreements and to ensure that the SBA and its programs are best promoting the health of America's entrepreneurs who, after all, employ an awful lot of people in this country. The work cannot be expected to be done in a deliberative, thoughtful, and bipartisan manner with the looming deadline of midnight December 15 hanging over our heads.

Again, Madam Speaker, I want to thank my friend from New York for her very hard work on this legislation, and I urge all my colleagues to join us in supporting H.R. 4252, this bill.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 4252.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule 1, the Journal stands approved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3791, by the yeas and nays;

H.R. 2517, by the yeas and nays;

H. Res. 822, by the yeas and nays.

Postponed votes on H.R. 3505, H.R. 4253, and H.R. 2085 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SECURING ADOLESCENTS FROM EXPLOITATION-ONLINE ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3791, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 3791, as amended.

The vote was taken by electronic device, and there were—yeas 409, nays 2, not voting 20, as follows:

[Roll No. 1131]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—2

Broun (GA)
Paul

NOT VOTING—20

Baird
Bishop (UT)
Carson
Cole (OK)
Cubin
DeLauro
Feeney
Hinojosa
Hooley
Jackson-Lee (TX)
Jindal
Kind
Lucas
Miller, Gary
Nunes
Ortiz
Reynolds
Smith (NE)
Tancredo
Young (AK)

□ 1743

Mr. JOHNSON of Georgia and Ms. HIRONO changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROTECTING OUR CHILDREN COMES FIRST ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2517, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and pass the bill, H.R. 2517, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 3, not voting 20, as follows:

[Roll No. 1132]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—3

Broun (GA)
Flake
Paul

NOT VOTING—20

Baird
Carson
Cole (OK)
Cubin
DeGette
DeLauro
Feeney
Hinojosa
Hooley
Jackson-Lee (TX)
Jindal
Lucas
Miller, Gary
Murtha
Nunes
Ortiz
Price (GA)
Smith (NE)
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining.

□ 1752

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE 100TH ANNIVERSARY YEAR OF THE FOUNDING OF THE PORT OF LOS ANGELES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 822, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. RICHARDSON) that the House suspend the rules and agree to the resolution, H. Res. 822, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 21, as follows:

[Roll No. 1133]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson

Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—21

Baird
Carson
Chandler
Cole (OK)
Cubin
DeFazio
DeLauro
Feeney
Hinojosa
Hooley
Jackson-Lee (TX)
Jindal
Lucas
Miller, Gary
Murtha
Nunes
Ortiz
Scott (GA)
Smith (NE)
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1759

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GRANTING AUTHORITY PROVIDED UNDER THE RULES OF THE HOUSE TO THE COMMITTEE ON EDUCATION AND LABOR FOR PURPOSES OF ITS INVESTIGATION INTO THE DEATHS OF 9 INDIVIDUALS THAT OCCURRED AT THE CRANDALL CANYON MINE NEAR HUNTINGTON, UTAH

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Report No. 110–473) on the resolution (H. Res. 836) granting the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigation into the deaths of nine individuals that occurred at the Crandall Canyon Mine near Huntington, Utah, which was referred to the House Calendar and ordered to be printed.

Ms. SLAUGHTER. I ask unanimous consent, Madam Speaker, for the immediate consideration of House Resolution 836.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 836

Resolved,

SECTION 1. GRANTING INVESTIGATIVE AUTHORITY TO COMMITTEE ON EDUCATION AND LABOR.

The Committee on Education and Labor is granted the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives in furtherance of the investigation by such Committee into the deaths of 9 individuals that occurred during August 2007 at the Crandall Canyon Mine (also known as the Genwal Mine) near Huntington, Utah, including the events that may have led to those deaths and into the administration of relevant laws by government agencies, including the Department of Labor and the Mine Safety and Health Administration, and into other related matters.

Mr. MCKEON. Madam Speaker, on August 6, 2007, a collapse at the Crandall Canyon mine in Utah took the lives of six miners. Days later, three rescuers were lost as well. We all grieved with this tragedy, and we all share a commitment to doing what we can to prevent such an event from happening in the future.

The Education and Labor Committee has initiated an investigation into possible causes of the collapse, as well as the handling of its aftermath by the mine ownership and Federal regulators. Our committee has at its disposal significant tools and resources to conduct this investigation, including the power to hold hearings, demand documents, interview witnesses, and enter evidence into the record.

At the same time as our committee pursues its inquiry, there are a series of official investigations underway by the Department of Labor and the State of Utah. The investigations by the Mine Safety and Health Administration are of a law enforcement nature—if it is determined that criminal conduct occurred, they can at any time make a referral to the Department of Justice.

Although our committee investigation is still in its early stages, it has already been fruitful. In addition to the single hearing that has been held, we have requested—and the Department of Labor has produced—hundreds of thousands of pages of documents. We have conducted interviews with witnesses, and visited the site of the accident.

Despite the progress that has been made with our significant existing oversight capabilities, the majority today is seeking to confer on our committee the extraordinary power to subpoena witnesses for closed-door, staff-led depositions. This is an authority granted only in the rarest of circumstances, such as the protection of national security, the impeachment of a President, or the alleged defrauding of a national organization by its leadership.

I have serious reservations about establishment of deposition authority at this early stage of our investigation. The majority has not established any clear need for this authority. In fact, we are not aware of a single witness who has refused to cooperate with the committee after an official invitation. Moreover, while the majority has been unwilling to disclose exactly whose testimony this authority is intended to compel, they have indicated that just a handful of individuals are expected to require a subpoena. Members on our side of the aisle are more than willing to cooperate with regular committee procedures including hearings for this purpose, and as such, it remains unclear to me why this authority is necessary.

In addition to being premature and unnecessary, I believe this authority carries with it the possibility of grave unintended consequences. Deposition authority will allow dozens of interviews to be conducted under oath and compelled by subpoena. This could create the possibility of conflicts of interest, privilege claims and rulings, requests for immunity, leaks, and contradictory evidence.

Previous congressional probes should serve as a cautionary tale as we head down this path. Tactics used in the congressional investigation of the Iran-Contra affair caused key testimony against Oliver North to be thrown out, and his convictions to be overturned.

The Acting Solicitor of Labor voiced concerns that this investigation could similarly imperil any civil or criminal enforcement that may be necessary in this matter. In September, he wrote to Chairman MILLER and me, along with the leadership of the House, saying that the Committee's "parallel investigation . . . may compromise the integrity of MSHA's law enforcement investigation and potentially jeopardize its ability to enforce the law and hold violators accountable. "

Up to this point, the majority has heeded our warnings and those of the Department of Labor. Our hearing and the series of interviews that have been conducted were structured in such a way as to avoid endangering the investigations. I'm concerned that by granting this extraordinary deposition authority, the House is backing away from that cautious approach and rekindling the threat that our activities could undermine the aggressive enforcement that MSHA and other investigators have an obligation to pursue.

The deposition authority proposed today is crafted narrowly to cover only the Crandall Canyon mine collapse, and the rules adopted in our committee to govern these depositions were developed fairly to ensure the full participation of the minority. I believe these steps are acknowledgements by the majority that deposition authority is truly an extraordinary step, and must be undertaken with great care. I appreciate their cooperation on these points.

As I have made clear, there are serious questions about the timing and necessity of this narrowly crafted authority. Beyond that, however, I want to be perfectly clear that the specific authority being granted in this instance should in no way be viewed as precedent for future oversight functions of our committee or any committee of this House. Committee rules allow for a range of tools and resources that can be used to conduct rigorous oversight. Any effort to grant broader deposition authority will surely bring greater danger, and therefore greater objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to include extraneous materials into the RECORD on H. Res. 836.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

SUPPORT THE VETERANS TIMELY ACCESS TO HEALTH CARE ACT

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, this year I introduced H.R. 92, the Veterans Timely Access to Health Care Act. H.R. 92 makes a responsible and reasonable commitment to veterans throughout this country. Under the bill, if a veteran cannot get an appointment with a primary care physician within 30 days, that veteran may see a private physician at no additional cost. Unfortunately, the Veterans' Affairs Committee refuses to move my bill and allow the House of Representatives to vote on it.

This year, I have witnessed the majority leadership use veterans as a political pawn. They've held the Military Construction and Veterans appropriations bill hostage. I won't allow the same thing to happen with veterans access to health care.

I ask my colleagues, regardless of their party affiliation, to stand up and protect veterans as they once stood up to protect you. And I ask the leadership to move H.R. 92.

HOLD THIS ADMINISTRATION ACCOUNTABLE FOR TRYING TO LEAD US INTO WAR AGAINST IRAN

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Let's hope that the National Intelligence Estimate will stop the drumbeat of war against Iran. This administration knew full well that Iran did not have a nuclear weapons program in the same way that they knew that Iraq did not have weapons of mass destruction.

Now that Congress knows that the administration misled the Congress and brought Congress into voting time after time after time to isolate Iran, it's time for diplomatic relations, but it's also time for Congress to hold this administration accountable for trying to lead us into a war against Iran. It's time, once again, to start talking about the impeachment of the President and to act upon the impeachment of the Vice President for attempting to mislead us into a war against Iran.

HUMAN RIGHTS IN SAUDI ARABIA

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, in Saudi Arabia, seven men abducted a 19-year-old woman and her male companion. The seven men then raped the woman. And how does Saudi Arabia treat this rape victim? By ordering lashes and imprisonment for her because they blamed her for being alone with this male companion because he wasn't her spouse.

A Saudi Arabian court originally, listen to this, sentenced her to 90 lashes because she was alone with this individual. As if further victimization wasn't enough, the court just increased the victim's sentence to 200 lashes and 6 months in prison.

The Saudi Arabian Government now seeks to quell international outrage over this sentence by saying the woman was married at the time of the rape but she was with a nonrelative male companion who wasn't her spouse.

No explanation or excuse can justify this punishment for the victim. This woman was victimized by her own nation.

The Saudi Arabian court also removed the lawyer from the case and revoked his license because he spoke to the media. The lawyer now faces permanent disbarment. So much for freedom of speech.

Human rights seem to be absent in Saudi Arabia, because rape victims should not be sent to jail, and even lawyers should have the right of freedom of speech.

And that's just the way it is.

A TRIBUTE TO THE HONORABLE HENRY HYDE

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, last night I was unable to be here when we had a tribute to our departed colleague, Henry Hyde. I just wanted to say this about Henry Hyde: It was a privilege and an honor to serve in this House with him.

I recall a conversation I had with him a number of years ago at which time I talked to him about sometimes did he ever get tired about the fact that people beat him up on the issue of abortion. And Henry thought a minute and he said, You know, as I get older and I think of my own mortality, I look forward to the time when I might be entering those gates into heaven and the voices of all those young children that we saved welcoming me there.

They're giving you a great welcome right now, Henry. We miss you.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CUELLAR). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE SECOND AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the Supreme Court is considering Washington, DC's total handgun ban. It is illegal to buy, sell or own a handgun in this Nation's Capital of ours. Of course, DC has one of the highest homicide rates in the entire country.

The center of this debate is a question that has never really been clearly answered. What exactly does the second amendment to our Constitution mean? Did the Framers intend to protect an individual right or provide for State militias?

The second amendment states, "A well regulated militia being necessary to the security of a free state, right of the people to keep and bear arms, shall not be infringed."

Our Founding Fathers risked their lives in the American revolution to create our Nation. They distrusted government, especially a government that wouldn't trust its own citizens.

Our Founding Fathers knew the importance of an armed citizenry from their experiences in the American War of Independence. They trusted an armed citizenry and a citizen militia as the best safeguard against the tyranny of government.

To truly understand the meaning and purpose of the second amendment, we need to understand the men that wrote the Constitution and what they said when it was ratified. The Founding Fathers were very concerned that a strong Federal Government would trample on individual freedom and individual rights because that's what happened to the colonists, and that's what governments historically do to their people, trample on individual rights.

So after the ratification of the Constitution, the Framers knew that a declaration of rights had to be added to protect basic individual rights, rights that are inalienable, created by our creator and not created by government.

So the Founders looked at the English common law, at the English declaration of rights of 1689, which specified the guaranteed right of the people to bear arms.

Those who claim there is no individual in the second amendment ignore the most basic feature of American rights: Rights in this nation belong to individuals.

The second amendment was included in the Bill of Rights to prevent the Federal Government from disarming the public like the British Army did to American citizens. The right of the free people to defend freedom and protect themselves was so important that it was placed second in the Bill of Rights.

Thomas Jefferson knew the importance of an armed citizenry. He said, "No free man shall ever be debarred from the use of arms."

Samuel Adams wrote that "The Constitution shall never be construed to prevent the people of the United States who are peaceable citizens from keeping their arms."

And of course James Madison, who helped write the Bill of Rights, once wrote that the Americans had "the advantage of being armed," and that other nations governments were "afraid to trust the people with such arms."

So, Mr. Speaker, the second amendment is a personal right for individuals in this country, and the DC ban is a violation of the United States Constitution, specifically, the second amendment to that Constitution.

And that's just the way it is.

☐ 1815

THE SO-CALLED SURGE HAS FAILED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, as a member of the Foreign Affairs Committee, I was pleased to participate in a joint hearing that took testimony from General Petraeus and Ambassador Crocker. It was supposed to be a turning point in the occupation of Iraq. The purpose of this hearing was to get a report from our military and diplomatic leaders about the record of the so-called surge or escalation in Iraq.

Let's first look at what the main purpose of the escalation really was. According to the chairman of the Joint Chiefs, Admiral Michael Mullen, the surge was to give space for political reconciliation. I quote him here: "Security is critical to providing the Government of Iraq the breathing space it needs to work toward political national reconciliation and economic growth. Barring that, no amount of troops in no amount of time will make much of a difference."

The President celebrates that there has been a short-term downward trend in violence. Of course that would happen. When we put our fighting men and women, the best in the world, on the ground in greater and greater numbers, of course they will bring some form of order. But let's be realistic. This is not sustainable. We cannot keep the same number of troops for very much longer. We simply do not have the resources to do so, and our troops should not have such a task.

So, yes, they are temporarily keeping a lid on the uprising and attacks. In fact, they've reached back to 2006 numbers, which at that time appalled us, and it should not be something we celebrate today. We are missing our ultimate goal. Like the Chairman of the Joint Chiefs said, the purpose of the surge was political reconciliation. If the White House put even half of the resources, political and fiscal, behind political reconciliation, we would be in a much different place right now. We would have a stable and inclusive Iraqi national government, not one propped up by the United States. It would have the support of the Iraqi people, and it would be providing strength and dependable security. That, Mr. Speaker, is not what we have. In fact, just last month, a new deal called the Declaration of Principles was inked between President Bush and Prime Minister al-Maliki. It's basically a blueprint to keep our troops in Iraq indefinitely, and it allows permanent bases.

It may even provide for arming insurgent security forces, which actually looks like arming a militia. The last time we got into the business of arming folks, we ended up with the Taliban. Are we ever going to learn the lesson not to repeat the mistakes of the past? It will be interesting to see how the two leaders will try to jam this latest agreement down the throats of the Iraqi Parliament because the Iraqi Parliament has clearly stated that they are not pleased with the agreement, to say the very least. Let's take a good look at what's going on: The surge has failed. The new White House agreement would keep our troops in Iraq indefinitely. This is not the road to success. This will not make America safer.

Mr. Speaker, it's time for bold action. Our friends in the other Chamber and the resident down the road on Pennsylvania Avenue need to face up to reality. Let's act boldly and fulfill our mandate. It's time to end this misguided occupation. It's time to bring our troops home.

H-2B RETURNING WORKER PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise today in support of extending the H-2B returning worker program this year.

The H-2B visa program was created to provide access to nonimmigrant temporary workers for seasonal and peak load needs when no American workers can be found. Foreign workers offer small and seasonal businesses short-term help and return to their home country at the end of the season.

H-2B visas are capped at 66,000 visas per year. Even with 66,000 visas a year, it still does not meet the labor needs of seasonal businesses. To help fill these additional needs, Congress established the H-2B returning worker program in 2005. This program exempts returning workers who have received an H-2B visa in one of the three previous fiscal years from counting against the 66,000 cap. However, this program expired on September 30.

On September 27, 4 days before the season even started, the U.S. Citizenship and Immigration Service had already received enough visa petitions to exceed the cap for H-2B visas for the first half of fiscal year 2008. The application process for the second half of fiscal year 2008 began on December 3, two days ago.

Without extending the returning worker program, it's expected that the visas will go quickly, leaving many businesses without the workers they need to fulfill their business needs. This demand highlights the immediate need for Congress to extend the H-2B returning worker program to help small and seasonal businesses fill their seasonal labor needs and keep full-time Americans and their businesses working.

These returning workers have provided relief to small businesses throughout the Nation, covering a broad spectrum of industries like landscapers, tourism, seafood processors and carnivals.

At this time, I will enter into the RECORD a letter from the H-2B Workforce Coalition in support of extending the H-2B returning worker program.

WORKFORCE COALITION,
November 19, 2007.

DEAR REPRESENTATIVE: As representatives of tens of thousands of seasonal employers throughout the country, we urge you to support H.R. 1843, the "Save Our Small and Seasonal Business Act of 2007."

This bipartisan bill would simply renew the highly successful relief provision for the H-2B visa program that was initially approved by the Senate by 94-6 in 2005. This provision recognizes the reliability and trustworthiness of past participants in the H-2B program by exempting those temporary seasonal workers who have participated fiscal the H-2B visa program and have completely followed the law during the past three fiscal years from counting toward the statutory cap.

The congressionally mandated 66,000 annual cap on the number of workers allowed to participate in the program that was established in 1990 does not reflect current economic realities or meet the needs of businesses which are seasonal or have peak load needs that rely on these workers.

Before employers can hire temporary seasonal workers under the program, they must advertise their job openings, work with local unemployment offices to identify potential American workers and offer the positions to any qualified domestic applicants. The jobs these guest workers fill do not take jobs away from Americans. It is not until employers have carried out this time consuming and expensive due diligence in trying to hire American workers that they are allowed to petition the federal government for a labor certification and ultimately bring in temporary workers—their final option to run their seasonal businesses.

In fiscal year 2004, the statutory cap was reached on March 9—only six months into the fiscal year and before many summer employers had an opportunity to apply for seasonal workers. As a result, many of these businesses had to cancel events, operate at partial capacity, not open parts of their businesses, or have their full-time staff work overtime to the point of burnout.

Each subsequent year, the cap has been reached sooner as a result of the increased need for seasonal workers and an increasing labor shortage. The cap for the first half of fiscal year 2008 was reached on September 27—3 days before the fiscal year even began.

Without immediate action by Congress, widespread economic consequences will severely impact diverse economic sectors throughout the country including lodging, restaurants, landscaping, clubs, amusement parks, ski resorts, food processing, stone, travel and tourism, horse sports, construction, entertainment, hospitality, recreation and many other seasonal industries.

On behalf of thousands of small businesses and seasonal employers throughout the country, we urge you to support H.R. 1843 and secure its immediate passage.

Sincerely,

National Organizations:

American Forest & Paper Association
American Horse Council
American Hotel & Lodging Association
American Immigration Lawyers Association
American Nursery and Landscape Association
American Rental Association
American Trucking Associations
Asian American Convenience Store Association
Asian American Hotel Owners Association
Associated Builders and Contractors
Associated General Contractors of America
Federation of Employers and Workers of America
International Association of Amusement Parks and Attractions
Interlocking Concrete Pavement Institute
International Franchise Association
National Club Association
National Federation of Independent Business
National Restaurant Association
National Roofing Contractors Association
National Ski Areas Association
National Thoroughbred Racing Association
Outdoor Amusement Business Association
Professional Landcare Network
Tree Care Industry Association
U.S. Chamber of Commerce

State and Regional Organizations:

Alabama Forestry Association
Alabama Hospitality Association
Alabama Restaurant Association
Alaska Hotel & Lodging Association
Alaska Restaurant & Beverage Association
Arizona Hotel & Lodging Association
Arizona Landscape Contractors Association
Arkansas Forestry Association
Arkansas Hospitality Association
Associated Landscape Contractors of Colorado
Branson Lakes Area Lodging Association
California Hotel & Lodging Association
California Ski Industry Association
Chesapeake Bay Seafood Industries Association
Colorado Association of Lawn Care Professionals
Colorado Hotel & Lodging Association
Colorado Restaurant Association
Commercial Flower Growers of Wisconsin
Delaware Restaurant Association
East Hampton Chamber of Commerce
Florida Forestry Association
Florida Restaurant and Lodging Association
Georgia Hotel & Lodging Association
Georgia Restaurant Association
Gulf Oyster Industry Council
Hawaii Hotel & Lodging Association
Hilton Head Island-Bluffton Chamber of Commerce
Hospitality Association of South Carolina
Hotel and Lodging Association of Greater Kansas City
Idaho Nursery & Landscape Association
Indiana Hotel & Lodging Association
Illinois Hotel and Lodging Association
Illinois Landscape Contractors Association
Iowa Lodging Association
Iowa Restaurant Association
Kentucky Hotel & Lodging Association
Kentucky Nursery & Landscape Association
Kentucky Restaurant Association
Kentucky Turfgrass Council
Landscape Contractors Association MD-DC-VA
Lawns of Wisconsin Network
Long Island Hotel and Lodging Association
Long Island Convention and Visitors Bureau
Maine Campground Owners Association
Maine Innkeepers Association
Maine Merchants Association
Maine Restaurant Association
Maine Tourism Association
Maryland Hotel & Lodging Association
Massachusetts Lodging Association
Massachusetts Nursery & Landscape Association
Massachusetts Restaurant Association
Metro Atlanta Landscape & Turf Association
Michigan Green Industry Association
Michigan Hotel, Motel & Resort Association
Michigan Nursery & Landscape Association
Michigan Restaurant Association
Mid-America Green Industry Council
Minnesota Nursery & Landscape Association
Minnesota Restaurant Association
Missouri Restaurant Association
Montana Innkeepers Association
Montauk Chamber of Commerce
Myrtle Beach Area Hospitality Association
Nebraska Hotel & Motel Association
Nevada Hotel & Lodging Association
Nevada Landscape Association
New England Apple Council
New Hampshire Lodging & Restaurant Association
New Jersey Green Industry Council
New Jersey Hotel & Lodging Association
New Jersey Irrigation Association
New Jersey Landscape Contractors Association
New Jersey Nursery & Landscape Association
New York State Hospitality and Tourism Association
New York State Lawn Care Association
New York State Restaurant Association
New York State Turf & Landscape Association
New York Thoroughbred Horsemen's Association
North Carolina Nursery & Landscape Association
North Carolina Restaurant and Lodging Association
North Dakota Hospitality Association
Northern Colorado Stone Quarriers Association
Ohio Hotel & Lodging Association
Ohio Landscape Association
Ohio Nursery & Landscape Association
Ohio Restaurant Association
Oklahoma Greenhouse Growers Association
Oklahoma Hotel and Lodging Association
Oklahoma Nursery & Landscape Association
Oklahoma Restaurant Association
Oregon Landscape Contractors Association
Oregon Lodging Association
Oregon Restaurant Association
Pennsylvania Landscape & Nursery Association
Pennsylvania Restaurant Association
Pennsylvania Tourism & Lodging Association
Restaurant Association of Maryland
Rhode Island Hospitality & Tourism Association
South Carolina Forestry Association
South Texas Nursery Growers Association
Southern Innkeepers Association
Southampton Chamber of Commerce
Tennessee Hotel & Lodging Association
Tennessee Restaurant Association
Texas Forestry Association
Texas Horsemen's Partnership
Texas Hotel & Lodging Association
Texas Nursery & Landscape Association
Texas Restaurant Association
Utah Hotel & Lodging Association
Vermont Ski Areas Association
Virginia Green Industry Council
Virginia Hospitality and Travel Association
Virginia Nursery & Landscape Association
Washington Association of Landscape Professionals
Washington State Hotel & Lodging Association

Washington State Nursery & Landscape Association
West Virginia Hospitality & Travel Association
Wisconsin Green Industry Federation
Wisconsin Innkeepers Association
Wisconsin Landscape Contractors Association
Wisconsin Nursery Association
Wisconsin Restaurant Association
Wisconsin Sod Producers Association
Wyoming Lodging and Restaurant Association

Businesses:
360 Degree Realty, Illinois
4T Total Lawn, Kansas
A-1 Chipseal Co., Colorado
A & A Construction Company, Texas
A To Z Lawn and Landscaping, Ohio
A.E. Phillips & Son, Maryland
A & M Underground Irrigation Systems, South Dakota
A Cut Above Landscape Management, Georgia
A Perfect Landscape, Colorado
A.S.T. Landscape Services, Texas
A Yard & A Half Landscaping, Massachusetts
A Wave Inn, New York
AA Tex-Lawn, North Carolina
AAA Landscape, Arizona
Abernethy & Spencer Greenhouses, Virginia
Absolute Landscaping Inc., New Jersey
Acacia Digging & Transplanting Services, Texas
Academy Sports Turf, Colorado
Ace Landscaping Corporation, Washington
Ackerson Landscape, Missouri
Acres Group, Illinois
Adams Landscaping, New York
Adventure Bound Camping Resorts, New Hampshire
Affordable Lawn Sprinklers & Lighting, Virginia
Airporter Inn, California
Akala, Florida
Al Allentuck Landscaping, Maryland
Alder Springs Enterprises, Maryland
All Around Concrete Cutting, Louisiana
All Around Concrete Demolition, Louisiana
All Pro Landscaping of Tallahassee, Florida
Allin Companies, Pennsylvania
Allen's Landscaping and Maintenance, Virginia
Almeda Wholesale Nursery, Colorado
Alpine Meadows Ski Resort, California
Amberscapes, Texas
Amelia Island Plantation, Florida
American Beauty Landscaping, Ohio
American Landscape, Wisconsin
America's Best Inn, Vicksburg, Mississippi
America's Catch, Mississippi
Ameriworks Global, Louisiana
Anchor Retaining Wall Systems, Texas
Anewalt's Landscape Contracting, Pennsylvania
Angel Inn of Branson, Missouri
Ann Breyer's Cottages, New York
Aplin Masonry of Telluride, Colorado
Apgar Turf Farm, Delaware
Aqua Barrier Exterior Waterproofing, Tennessee
Aqua-Lawn, Connecticut
Arapahoe Acres Nursery & Landscaping, Colorado
Arapahoe Horticulture, Colorado
Architectural Paving Systems, Oklahoma
Aqualawn, Ohio
ArborLawn, Michigan
Architerra, Illinois
Armstrong Landscape & Design Group, Texas
Arrowhead Resort, Michigan
Arteka Companies, Minnesota
ArtisTree, Florida
Artistree Nursery & Landscape Design, Florida
Artistic Designs Lawn & Landscape, Kansas
Arvest Bank, Missouri
Aspen Corporation, West Virginia
Aspen Grove Landscape Company, Maryland
Aspen Lawn Care, Kansas
Aspen Skiing Company, Colorado
Atlantic Plants, New Jersey
Diamond Landscapes, Kentucky
Dinneen Landscaping, Massachusetts
DMB-Highlands Group LLC, California
Doctor's Inc., Kansas
Doctors "At the Lake" Inc, Kansas
Doctor's Lawn & Landscape, Kansas
Dom's Landscaping, New York
Don CeSar Beach Resort, Florida
Duke's Tree Landscape Management, New Jersey
Dominguez Racing Stables, New Mexico
Double A Contracting, Texas
Double JJ Concrete, Colorado
Dove Creek Quarries, Utah
Dowco Enterprises, Missouri
Driftwood, New York
Dune Management, New York
Duryea's Lobster Deck, New York
Dusty Lout Agri Service, Texas
Dwyer Designscapes, Kentucky
E.A. Quinn Landscape Contracting, Connecticut
E.L. Irrigation & Landscaping, Texas
Eagle Crest Nursery, Colorado
East Deck Motel, New York
East Hampton House, New York
East West Rêsorts, Colorado
Eastgate Sod, Ohio
Eastern Land Management, Connecticut
Eastern Shipbuilding Group, Florida
Eco-Cutters, Colorado
ECO Specialty Systems, Missouri
Econo Lodge, Fayetteville, North Carolina
Econo Lodge, Flagstaff, Arizona
Econo Lodge, West Springfield, Massachusetts
ECOSystems Landscape Service, Texas
Ed Castro Landscape, Georgia
Edmundson Inc, Colorado
El Jarrito Restaurants, Texas
The Elevation Hotel and Spa, Colorado
Elite Lawn & Landscape, Ohio
Elite Lawn & Landscape, Tennessee
Elite Professional Lawn & Landscaping, Texas
Ellis Cement Contracting, Ohio
Embassy Lawn & Landscaping Group, Missouri
Emerald Lawn Care & Landscaping, Kansas
The Enchantment Resort & Spa, Arizona
Enviroscapes, Ohio
Epic Landscape Production, Kansas
Equibrand Products Group, Texas
Estate Landscape & Irrigation, California
Evening Shade Lawn Care, New Jersey
Evergreen Gene's, Maryland
Evergreen of Johnson City, Tennessee
Executive Moving Systems, Virginia
F. Espinoza Landscaping, Illinois
Fairfax Golf, Oklahoma
The Fairmont Hotel, Texas
Fairway Landscape & Nursery, Texas
Falcon Executive Inn, Texas
Falfurrias Executive Inn, Texas
Farmside Landscape & Design, New Jersey
Felipe's Lawncare, Oklahoma
Fieldworks Landscape, Massachusetts
Florasearch, Florida
Florida Lawns, Florida
The Fockele Garden Company, Georgia
Focal Pointe Outdoor Solutions, Illinois
Fort Pond Lodge, New York
Frank's Used Tank & Heaters, Texas
Frank Sharum Landscape Design, Arkansas
Franz Witte Landscape Contracting, Idaho
Franzen Farms, Texas
Fred Adams Paving Co, North Carolina
Front Range Snow & Ice, Colorado
Frontier Landscaping, Washington
Fullmer's Landscaping, Ohio
G.W. Hall & Son, Maryland
Gachina Landscape Management, California
Gallegos Corporation, Colorado
Gangemi Landscaping, New Jersey
Garden Gate Landscaping, Maryland
The Garden Greenhouse & Nursery, New Jersey
The Garden of Gethsemane Nursery & Landscaping, Texas
Garden State Irrigation, New Jersey
Gardeners' Guild, California
Gardens Beautiful Garden Centers, Wisconsin
Garner's Northwest, Washington
Garrick-Santo Landscape, Massachusetts
Gateway National Golf Links, Illinois
Gatlinburg Sky Lift, Tennessee
GDK Leasing Inc., Florida
Gear Garden Center, Ohio
Geissler Tree Farms, Pennsylvania
GEL Inc, Utah
Genesis Lawn & Landscape Management, Arkansas
Gentle Giant Moving Co., Massachusetts
Giambrocco Greenhouses, Colorado
Ginkgo Landscape Group, Illinois
GLV Construction, New York
The Good Earth Construction, Arkansas
Good Labor, Alabama
Goodwin Proturf, Kansas
Gosman's Culloden House, New York
Gosman's Restaurant, New York
Gothic Grounds Management, California
GPS Enterprises, Texas
Graham & Rollins, Virginia
Grand Hotel, Michigan
The Grand Lodge Crested Butte, Colorado
Grand Marais Hotel Company, Minnesota
Grand Oaks Hotel, Missouri
Grand Teton Lodge Company, Wyoming
Grand Traverse Resort and Spa, Michigan
GrandScapes, Michigan
Grandscapes Landscape & Design, New Jersey
Lighthouse Inn, Massachusetts
Lilac Tree Hotel & Spa, Michigan
Lindy's Seafood Inc., Maryland
Lindy's Taxi, New York
Lipinski Landscape & Irrigation, New Jersey
Lipinski Snow Services, New Jersey
The Little Nell, Colorado
Live Oak Landscape Contractors, New Jersey
Living Water Landscaping & Irrigation, New Mexico
LMC, Texas
LMI Landscapes, Colorado
LMI Landscapes, Florida
LMI Landscapes, Texas
LMS Guam, Guam
The Lodge at Mountaineer Square, Colorado
The Lodge of Four Seasons, Missouri
Loews Ventana Canyon Resort, Arizona
Longhorn Landscape Lighting & Holiday Decor, Texas
Lonnett Lawn & Landscape Maintenance Service, Pennsylvania
Loon Mountain, New Hampshire
Loyet Landscape Maintenance, Missouri
LSW Show Horses, Vermont

LT Rental Services, New York
Luciano & Son, Massachusetts
Lueders Environmental, Massachusetts
Lynch Landscaping, Maine
Lyons Sandstone, Colorado
M. Atkins Inc, Colorado
M & M Mowing, Colorado
Madison Planting & Design Group, Mississippi
Magic Gardens Landscape Contractors, New Jersey
Magma Industrial Co, Georgia
Magnolia Landscaping, New Jersey
Maid to Clean, Michigan
Main Street Inn & Suites, Michigan
Mainscape, North Carolina
Mandoki Hospitality Group, Alabama
Mango Design, Utah
Mark Kuppe & Associates, Michigan
Mariani Landscape, Illinois
Marriott International, Inc.
Martin Associates, Illinois
Martin Property Maintenance, Texas
Marvin Windows and Doors, Minnesota
Massengale Grounds Management, Louisiana
Mauer Landscapes, Ohio
McCarthy's Landscaping & Irrigation, Massachusetts
McFall & Berry Landscape Mgt, Maryland
MCL, LLC, Virginia
McGinty Bros., Inc. Lawn & Tree Care, Illinois
McKenna Construction, New York
Metco Landscape, Colorado
Meticulous Landscaping, New Jersey
Metivier Inn, Michigan
Michael Bellantoni, Inc., New York
Michigan Peddler, Michigan
Michigan Vacation Rentals, Michigan
Mickey's Carting, New York
Microtel Inn & Suites, Dixon, California
Midwest Landscapes, Minnesota
Milberger's Landscaping, Texas
Mike Ward Landscaping, Ohio
Milieu Design, Illinois
Miller Landscape, Georgia
Mission Point Resort, Michigan
Mohonk Mountain House, New York
Molenaar Greenhouse, Pennsylvania
Montauk Bake Shoppe, New York
Montauk Bike Shop, New York
Montauk Carriage House, New York
Montauk Clothing Co., New York
Montauk IGA, New York
Montauk Inlet Seafood, New York
Montauk Lighthouse Laundromat, New York
Montauk Manor, New York
Montauk Motel, New York
Montauk Soundview, New York
Montauk Sweatshirt Co., New York
Montauk Taxi, New York
Montauk Yacht Club, New York
Moon Nurseries of Maryland
Moon Site Management, Pennsylvania
Moore Landscapes, Illinois
Morin's Landscaping & Lawn Maintenance, New Hampshire
Morin's Landscaping, New Hampshire
Morton's Landscape Development Company, Ohio
Mortellaro's Nursery, Texas
Motivatit Seafoods, Louisiana
Mount Washington Resort, New Hampshire
Moyer Home Turf Advantage, Pennsylvania
MPS LLC, Louisiana
MTK Cafe, New York
Murdick's Fudge, Michigan
Myer Hotels, Missouri
Myers Family Enterprises, North Carolina
Naples Beach Hotel & Golf Club, Florida
National Filter Service, Virginia
Native Land Design, Texas
Natorp's, Ohio
Nature View Landscape, New Jersey
Nature Works Landscapes, Massachusetts
Naturescape, Ohio
Naylor Landscape Management, Michigan
NB Enterprises, Texas
NCN, Inc, Washington
Neave Landscaping, New York
NETAJI, LLC, Georgia
New Castle Hotels & Resorts
Newcon Inc, North Carolina
Newcrest Management, Texas
The Newport Harbor Hotel & Marina, Rhode Island
Newport Village Homeowners Association, Oklahoma
Newton Construction, Texas

This letter is signed by over 1,300 organizations and small businesses from every State in the union supporting this H–2B returning worker program.

H–2B workers offer short-term help. They cannot and do not stay in the United States. More importantly, the H–2B program contains strong provisions to ensure American workers have the first right to work.

Without an extension of the returning worker program, small and seasonal businesses will face significant labor shortages this year. If small businesses lose their ability to hire seasonal, nonimmigrant labor, full-time American jobs are at stake and may be lost.

GOLD, SILVER, COPPER AND THE PERU FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I wish to review a recent vote that was held here in this Congress regarding the so-called Peru Free Trade Agreement, and to encourage the American people to read the fine print and to pay attention to the connection between that Peru vote and the value of the U.S. dollar and some hidden forces that may have been responsible for bringing that vote on Peru to the forefront now. Because people in my district were saying, why vote on Peru now? Why vote on another NAFTA-like accord on trade when our balance of trade is so seriously out of whack? Let me mention for the RECORD, and I will place these articles in the RECORD this evening; Peru is the world's third largest producer of copper, zinc and tin. It is the biggest producer of silver, and is the fifth largest producer of gold. In fact, Peru has the largest gold mine in this hemisphere owned by an American company.

Many workers in the mines in Peru went on strike. Over 6,300 workers took their lives in their hands the Monday before the vote trying to send a message to the people of the United States and this Congress that they are treated unfairly, the wages they earn, conditions under which they work, their ability to share in profits, the ability to have decent pensions; all of those were very important issues. Their voices were hardly heard. It does not mean that they were not speaking truth to power; it means that certain ears here in Washington may have been closed, but they still spoke to us.

Mr. Speaker, the dollar continues its downward spiral. In fact, we know the value of our dollar has fallen by nearly a quarter against a trade-weighted basket of currencies. And while that dollar is falling, other commodities in the market are growing in value. And guess what those are. Metals. Metals are constituting a very large share of where people are moving assets because the dollar is losing its value. In fact, the U.S. Mint just directed that the American people aren't supposed to be melting down pennies for the copper content in them.

The Economist pointed out that in 2002 the euro was worth 86 cents; today, it buys $1.48. We know our credit markets are troubled. Credit Suisse predicted that gold would top $1,000 an ounce by 2012. There are big interests at stake in deals like this deal that was just passed in this House for Peru, and gold and silver and copper have a lot to do with it.

In an article entitled, "Miner Player" last month in the Economist, it reported, "The net profits of mining companies rose from $4 billion in 2002 to $67 billion in 2006." They're doing very well, thank you, but they are not sharing in that extraordinary increase in wealth with their own citizens. In fact, the export of these precious metals accounts for over half of Peru's export earnings, over half from mines owned by companies in this country. Are you beginning to get the picture?

The overall profitability of these concerns, which was negative in 1998, is now four times the 7 percent average of growth for the top 500 companies, and the dominant U.S. import from Peru is? Gold, constituting 24 percent of their exports in 2006.

So, when the miners of Peru, who work under godforsaken, horrendous conditions, tried to get our attention, this Congress turned its back. You hardly heard anything in the debate, but they were standing tall in their villages all across Peru. In fact, what's happening to the peasants in Peru is they're being shoved off their land because there might be gold underneath it. And they're crying out to us. Will anyone, for heaven's sake, will anyone here in this country hear them?

The article that was published on Monday before the vote indicated that Peru's Labor Ministry ordered the miners to go back to work or they would lose their jobs. And we were told that, oh, don't worry about the vote on Peru because labor conditions in Peru are just terrific. Well, the article that came out from Bloomberg News Service on November 6 indicated that, in fact, the government had declared the mining strike illegal.

We weren't listening to them. It's really tragic that when an agreement comes before us like this, we do not listen to those who are the least among us and speak truth to power.

I place all these articles in the RECORD this evening.

PERU TO DECLARE MINES STRIKE ILLEGAL, PINILLA SAYS

(By Alex Emery)

Nov. 6 (Bloomberg).—Peru's government will declare a two-day national mining strike illegal today, forcing miners to return to work or lose their jobs, Labor Minister Susana Pinilla said.

The strike, which seeks to pressure companies to improve pensions, profit-sharing and rights for subcontracted workers, is "politically motivated," Pinilla told Lima-based CPN Radio.

"Union leaders have a different stance that has nothing to do with worker vindication," Pinilla said. "They have led workers into an illegal strike where they could lose their jobs."

Strikes this year, including a five-day national walkout by Peruvian miners in May, have cut copper output in Peru, Chile and Mexico, helping to spur a 17 percent rally in the price of the metal. Peru is the world's third-largest producer of copper, zinc and tin, the biggest of silver and fifth-largest of gold.

The stoppage in Peru has affected mines owned by companies including Southern Copper Corp., Freeport-McMoRan Copper & Gold Inc., Newmont Mining Corp. and Doe Run Resources Corp.

Workers also are on strike at mines run by Cia. De Minas Buenaventura SA, tin miner Minsur SA, Shougang Hierroperu's iron mine and zinc producers Cia. Minera Raura SA and Cia. Minera Santa Luisa, according to Mining Federation spokesman Cirilo Yarihuaman.

TALKS PLANNED

Southern Copper's Peruvian mines, where 20 percent of workers went on strike, don't expect production losses, parent Grupo Mexico said in a filing to the Mexican Stock Exchange.

National metals output hasn't been cut and only 6,300 workers, or 5.3 percent of Peru's miners, are on strike, Pinilla said. The Mining Federation put the number at 45,000.

Union leaders planned to hold talks with Cabinet chief Jorge del Castillo and the president of Congress, Luis Gonzales Posada, to pass laws granting miners a 10 percent share of profits, up from the current 8 percent, and eight-hour shifts instead of the 12 hours imposed at many mines, Yarihuaman said.

The federation, which represents 70 unions and 28,000 miners, also wants 85,000 subcontracted workers put on company payrolls.

Copper futures for December delivery rose 3.95 cents, or 1.2 percent, to $3.3415 a pound on the Comex division of the New York Mercantile Exchange. Zinc rose $95, or 3.5 percent, to $2,820 a metric ton in London trading, and tin rose $345, or 2.1 percent, to $17,095 a ton.

Silver for December delivery rose 59.5 cents, or 4 percent, to $15.38 an ounce. Gold for December delivery rose $12.60, or 1.6 percent, to $823.40 an ounce.

"The strike in Latin America is quite supportive to prices," Dan Smith, an analyst at Standard Chartered Plc in London, said today by phone.

PROTESTERS RETURN TO WORK AND END NATIONAL MINING STRIKE IN PERU

Peru's Labor Ministry announced today that mining workers had returned to work and ended the strike they began on Monday, November 5.

The Labor Ministry attributed workers' surrender to the fact that the strike had been declared illegal and that workers had been told they could lose their jobs if they left their workplaces for more than three days.

Peru's Labor Minister, Susana Pinilla announced on Monday that Peru's National Federation of Mining, Metallurgy and Steel Workers had not formally filed any complaints and that there weren't any issues which had to be resolved. She added that strikes and protests were rights workers had when there were formal requests pending.

Pinilla clarified that Peru's Labor Ministry had not received any formal complaints and would therefore consider the strike illegal. She suggested that workers find better ways to negotiate their demands.

Minera Yanacocha. Latin America's largest gold mine, run by reported that the 109 workers, which had taken part in the strike, had returned to work. This was also the case in mining companies such as Chungar, Morococha and Sociedad Minera El Brocal.

According to the Mining Federation, workers from Casapalca had also abandoned the strike and returned to work. Pinilla stated that the strike had not had a significant impact on mining production, explaining that just over 5 percent (6,300) of workers had taken part in the strike.

☐ 1830

HONORING THE LIFE OF SALLY SMITH, FOUNDER OF THE LAB SCHOOL IN WASHINGTON, D.C.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MEEK) is recognized for 5 minutes.

Mr. MEEK of Florida. Mr. Speaker, with great sadness, I come to the floor today to honor a great American by the name of Sally Smith who passed away just days ago.

Sally Smith, during her time here amongst us, was a great American and left a footprint on this country in the area of education like no other in the past.

Sally Smith ran and actually founded with her husband the Lab School of Washington. And for someone who has been not only involved in the Lab School, but has a daughter that attends the Lab School, I had an opportunity to learn more about Mrs. Sally Smith and what she did in the very early days at the Washington Lab School.

Mrs. Smith and the faculty at the Lab School have done an excellent job in protecting and nurturing all of the young people with learning differences at the Lab School, here in Washington and in Baltimore.

On Saturday, December 1, 2007, Mrs. Smith died at the age of 78. Born on May 7, 1929, Mrs. Smith was a native of New York City and one of four daughters born to Isaac and Bertha Liberman. She graduated in 1950 from Bennington College and earned a master's degree in education from New York University in 1955.

In 1976, Mrs. Smith became a professor in the School of Education at American University, where she led the master's degree program specializing in learning disabilities.

Tonight, I ask Members of Congress to join me in honoring her life and the gifts that she bestowed upon the world of education. Mrs. Smith's empathy, experience, and creative expression prompted her to create the internationally acclaimed Lab School in Washington, D.C. in 1967.

The Lab School is one of the Nation's premier places for students with learning disabilities and an institution that uses arts as a central component to the school's education process. In fact, the Lab School students spend half of the day in highly specialized, individualized classrooms and offer the other half in the arts.

Inspired by her pursuit to assure that her youngest son received a quality education, Mrs. Smith created a school designed to educate students diagnosed with one or more learning disabilities. Relying on her intuition and creativity, Mrs. Smith developed the "academic method," which serves as the core of the Lab School's curriculum. The academic method is a nontraditional academic approach founded on the belief that a child's future to learn means that the teacher has not yet found a way to help him.

Not only did her academic method lead to her youngest son's academic and professional success, but it has also left behind a gift that has enriched the lives of so many. Her great legacy will continue to live through the success of the current students and adults that attend the Lab School of Washington, D.C., Baltimore, and Philadelphia. In addition, her excellence will live on through her literary works, many of which have earned her recognition.

Mrs. Smith was well accomplished in academia and also accomplished in awards, advisory board appointments, and was even highlighted by NBC's Today Show.

Mr. Speaker, I think it's important that the Members understand that there are many Americans, including myself and including many others, that have been honored by the Lab School of Washington. Those of us that have learning disabilities, auditory processing, dyslexia, what have you, Mrs. Smith gave young people the inspiration and adults the inspiration to pursue beyond their disabilities. Those have been honored by the Lab School because Sally was a part of lifting the hopes and the dreams not only of the students but the parents, people like Magic Johnson, James Earl Jones, and also Danny Glover and Charles Schwab have been honored by the Lab School.

We will miss Mrs. Smith, but we know that her legacy and memory will continue.

ENERGY INDEPENDENCE FOR AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Mexico (Mr. PEARCE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PEARCE. Mr. Speaker, I would like to address the body tonight about what we are facing in this country as we experience higher gasoline prices, higher energy prices. Today there is an article that I will submit for the RECORD today: Dow Chemical announced it is going to cut jobs and close plants in the United States.

DOW CHEMICAL TO CUT JOBS AND CLOSE PLANTS

(By Bob Sechler and Ana Campoy)

DEC. 5.—Dow Chemical Co. plans to cut 1,000 jobs and shutter a number of underperforming plants, saying it will put the savings into higher-growth opportunities.

The job cuts constitute about 2.3% of Dow's estimated 42,500 employees. The chemical company expects to incur a fourth-quarter charge of $500 million to $600 million, including costs for severance and asset write-downs.

The effort "reflects our commitment to prune businesses that are not delivering appropriate value and tackle tasks more efficiently across the entire organization," Chief Executive Andrew N. Liveris said in a statement.

Dow Chemical, based in Midland, Mich., has been struggling with higher prices for natural gas and oil, the main feedstock for chemicals, and lower prices for commodity chemicals, or the basic building blocks for more complex chemicals. Basic chemicals account for about 50% of the company's revenue.

To reduce its costs, the company has been actively moving its commodity-chemical production to places like Asia and the Middle East, where raw materials are cheaper. It has also worked with local companies in those regions to reduce the amount of money it has to invest.

The company also is trying to expand its specialty-chemical business, which is more profitable and less exposed to the ups and downs of energy markets. Dow has been widely expected to unveil a major joint venture or acquisition that would reduce its dependence on low-margin commodity chemicals.

The company pegged the annual savings from the moves at $180 million once complete.

Among the moves announced yesterday, Dow said it will exit the auto-sealers business in North America, Asia Pacific and Latin America, and explore options for the business in Europe. The company will close an agricultural-sciences manufacturing plant in Lauterbourg, France.

Now, it's not that it is cutting those jobs in the United States and simply lowering its production worldwide. What it is doing is cutting jobs in America in order to make more competitive changes to the company and have those jobs overseas.

This is a significant thing that we on the Republican side have been talking about for the last several years. It is time for us as a Nation to fight the economic fight that we are faced with. We cannot continue to ignore what other nations are doing and what our energy costs are or we are going to continue to see headlines like this today with Dow Chemical cutting jobs and closing plants.

Now, we had a precursor to this earlier this year. Dow Chemical announced that it was going to build a plant in Saudi Arabia that cost $22 billion, an investment that large in Saudi Arabia, and meanwhile they are going to also start in China another plant for approximately $8 billion, and they knew at that point that they would begin this transfer of jobs.

Now, we have to ask ourselves is it because Dow Chemical is just a bad corporate partner? Maybe they are just after corporate greed. They're going to make profits at the expense of the United States, because that's what we have heard. We have heard on the House floor that corporations are evil, that they don't have the interests of the country at heart.

As we look at it a little bit closer, we recognize that in the United States just today the prices for natural gas are quoted at above the $8 range. We have at the same point, and natural gas is a very key component of Dow Chemical's products; in other words, about 50 percent of their costs, if I am not mistaken, come from their raw material costs, of which natural gas is the key component. So there is a direct correlation between the price of natural gas and jobs in this country. Now, when we are paying above $8 for natural gas, what are they paying in Saudi Arabia? In Saudi Arabia the price is today about 75 cents. So almost one tenth, one tenth the cost for 50 percent of their raw materials in Saudi Arabia versus here.

Now, you don't have to be schooled in economics. You simply have to understand that you are not going to Wal-Mart and pay ten times the cost for something you buy when you could go down the street and get it somewhere else. You go to buy and get the best deal. Companies have to have the same incentive. If Dow Chemical stays here and pays ten times more, ultimately they become noncompetitive in the world. Someone else will set up the plant in Saudi Arabia with one tenth the cost of raw materials, and the jobs will come away from Dow Chemical and go to another plant. So all that Dow Chemical is doing is saying we have competitive forces that cause us to consider this move.

We have done nothing in this Congress to dispel those costs, to drive those costs lower. And, in fact, it is this Congress that is mandating the switch nationwide from coal production, coal-produced energy, to natural gas-produced energy. Now, that's fine except you must realize when we drive that demand up as a regulatory agency, as a government, that we drive the demand up and we say you are going to convert for clean air purposes from coal to natural gas, you have a great increase in demand. It is simply a supply and demand problem. So we have the outcome today. We are seeing Dow Chemical ship jobs overseas.

Now, we have to then look at what the Congress is doing. Speaker PELOSI announced very early on that it was her desire to make this country independent of foreign companies. I will tell you that what we are finding now, we see this particular chart, and this is for the summer of 2007 and moving forward, we see the predictions that we have a 23 percent estimated increase in prices in the northwestern part of the country; in the middle regions about 30 percent increase; 19 percent on the eastern seaboard; in Florida we are seeing 21 percent; Texas, 32 percent; California, 29 percent. Now, when you are seeing increasing prices, you would say that we as consumers are not seeing this energy independence. If we are, it's not a helpful thing to us, that, in fact, it is somewhat hurtful when we see energy prices and our home heating increase by that much. We are told these are the forecasts right now, so we are seeing the effects not only in jobs but also everyday costs.

We have passed two bills, one back in January, H.R. 6, and then we also passed H.R. 3221, and those were to deal with the problem of higher prices, and yet they still have not come back from the Senate. We still don't have an agreement. And I will say that in the early stages, the things that we saw pass off this House floor were actually penalties to energy independence. They tax American companies but they don't tax Hugo Chavez.

Now, we must at some point ask ourselves why we have a policy that would tax American companies and American jobs, would limit the supply so that the cost goes up and we lose jobs. Exactly why are we doing this as a country? Why are we suggesting passing policy off the floor that is causing this particular effect? Those are things that we as Americans should be asking, and we are asking, and yet we don't have a good, clear answer.

It appears to me, because I am not involved in the conference, the discussions between the House and the Senate, it appears to me that special-interest groups have dominated those discussions and have said we are going to tax those high-profit oil companies because they are making $100 per barrel of oil, or maybe today it is only $85, but it seems like there are strong forces out there that say we need to penalize and punish these American companies because, according to some, they are obviously doing things that are harmful.

I would say that the harmful effects are not to be found. The harmful effects are not there. They're not documented. The oil companies are simply price takers. Exxon cannot set the price of oil worldwide. They simply take the price that's offered to them. They have a large production. They are making quite a bit of money, but they have also got a large investment in the offshore rigs. They have got a large investment in onshore production, large transportation costs. Their costs are about the same as any company worldwide. But we are not taxing worldwide companies in each of the energy bills; we are only taxing American companies. And we have to ask ourselves why. Why are we driving the price of natural gas up, sending jobs overseas, and why are we taxing American companies and not taxing Hugo Chavez?

These are the questions that we are here tonight to talk about as we move very close to a discussion of what might be in the energy bill when we close this week. We were told at the beginning of the week we will have an energy bill this week; yet we have not seen it on our side. We have said that we are going to discuss it. Tomorrow is the last day of business for the week, to my knowledge, and yet we still don't have a printed copy, we on the Republican side, and I don't think many Democrats have seen a written bill. But we do have in front of us what has been done earlier this year.

I am joined tonight by a colleague from Pennsylvania, a classmate of mine, Congressman TIM MURPHY. He has concerns also about the direction that we are taking the energy policy in this country. We are facing worldwide competition, increasing pressure from the large states of China, India, the other competitive nations in the world, and at a time when we should be all looking outward and working, Democrats and Republicans alike, to protect the economic base of this country and understanding that energy is a key piece of the economic base of this country, that jobs are created around the cost of energy. At a time when we should be focused outward together, we instead have a, suggested policies that punish American producers, American oil and gas companies, and they give competitive advantage to other nations and other countries.

I would like to yield to the gentleman from Pennsylvania to talk about the nuclear, the coal, and the natural gas industries. He is from a coal-producing State and has good knowledge on these.

Again, I yield to the gentleman from Pennsylvania.

□ 1845

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman for yielding to me on this critically important issue about energy. As American families look into the next few months about how they are going to be paying their gas bills as the cold winter sets upon us, as natural gas prices go up, of how they will be paying their automobile costs as gasoline prices go up, as we look at such things as jobs such as chemical industry as was just outlined by my friend from New Mexico, it is extremely important that as Congress looks at facing an energy bill this week that we note not only what is in there but what we expect is not in the bill. And unless we take on a comprehensive energy policy in America, America will be facing more brownouts, more times when the power is not there. And in a world where other countries, such as China, are opening up a new coal-fired power plant every couple of weeks without the scrubbers and environmental controls we have on, they will be able to undercut us even further with our costs of manufacturing. Unless Congress takes sizable action to back up energy legislation that looks to the big picture of diversifying our energy production and help to lower costs for consumers, our problems will only multiply.

Now, I represent a district in Pennsylvania coal country, directly above the Pittsburgh coal seam. It extends throughout western Pennsylvania, Ohio, and West Virginia. Some geologists tell me that the Pittsburgh coal seam has been the most valuable mineral deposit in the world. It was responsible for the growth of the American steel industry, glass, chemical industry, it has some 50,000 jobs in southwestern Pennsylvania dependent on the coal industry, railroads, barges, trucking, so many other industries involved. It allowed for the development of modern railroads, river navigation networks. It remains a valuable resource that will be able to serve us for many years to come, perhaps 250 more years, long after the Mideast is dry in its oil wells.

Closing the mines in Pennsylvania would be like closing the beaches in Florida or closing the harbors in New Orleans. The country can't afford to stop using coal, either. It is a valuable economic resource for our region as other resources available in other parts of the country. So we have to take advantage of every possible resource to meet our energy demands. The messages today are quite simple. We cannot achieve energy independence without coal. We cannot achieve energy security without coal. And our coal must be clean coal, not the other option of no coal at all.

Now, listen to these numbers. They are quite compelling. Over the next 40 years or so, the electricity demand in the United States will double. These are the demands of people in their homes. They are also the demands of increasing jobs in this country. We will conserve, and we will have make great strides in efficiency. But with the growth in the population and improving quality of life, it all dictates that electricity demands will still increase substantially.

Coal accounts for about 50 percent of our electricity, and nonhydro renewables like solar and wind account for about 2 percent. We have already built as much hydroelectric as possible, and it is doubtful that people will want to see more large super dams built around the country. But even if we triple the share of renewable electricity, we will still need coal for close to half of our electricity in 2050. This means we will still have approximately to double the available coal capacity by 2050 just to meet demand.

Right now there are about 400 coal plants in the United States. Many of them are old and inefficient, outdated. Most or all of them will need to be replaced over the next 40 years. So just to maintain our current level, we are going to need to build about 400 plants to replace those. And then to meet the new electrical demands over the next 40 years, we are going to have to build an additional 400. That is 800 new coal-fired power plants between now and 2050. This is twice as many plants as have been built since the start of the Industrial Revolution. This translates to about one coal plant every 2 to 3 weeks, even if we start in 2010, just to maintain the current capacity. It is a huge demand. And we can do that in a way that has clean coal technology, zero emissions, if we will choose to make the investments. MIT said about $8 billion or so will be needed to meet those investments in real dollars. That seems a lot cheaper than it took us back in the 1960s to put someone on the Moon. In the meantime, China is adding about one or two coal plants a week and they are going to continue. They put cheap power in the plants without scrubbers. In the U.S., renewable technologies such as solar and wind are expanding rapidly and will continue to do so. But they simply cannot match coal in terms of delivered power.

Here are some examples. This past August, power from West Virginia's largest wind farm was available only about 10 percent of the time that it was actually needed. That is, the wind doesn't blow consistently every day. At 10 percent availability and 3 megawatts capacity, about 3,000 windmills would be needed to equal the useful output of just one coal plant. To completely replace coal with wind, we would need to build 1.2 million windmills by 2050. This assumes the utilities will actually be allowed to build all the new miles of transmission lines they will need. And will people want all those wind towers up?

Another area, the largest solar panel array in the United States is under construction at Nellis Air Force Base in Nevada. It is going to cover 140 acres of desert with 70,000 solar panels, but will produce only about 2 percent of the output of a modern coal-fired power plant. At that rate, we would have to destroy 11 square miles of beautiful southwestern Pennsylvania forest or consume this much valuable land from our farmers just to avoid building one coal plant.

The truth is, we need to increase the supply of all energy, coal, natural gas, nuclear and renewables. We can't afford to ignore any of them unless we are willing to put up with a series of brownouts and blackouts during times when the sun doesn't shine and the wind doesn't blow. So the key to solving this problem includes developing clean coal technologies with zero emissions and zero greenhouse gases.

Another option is to switch to natural gas, and what we are hearing in the energy bill is there will be more push for doing that, as was outlined by my friend from New Mexico. As natural gas prices continue to soar, that is more jobs out of America that use chemical plants and more families' gas bills going up. Natural gas provides about 19 percent of our current electricity demand, and its use will also have to double by 2050 to maintain its current market share. About 90 percent of the electric generating capacity installed since the year 2000 has been natural gas-based, and natural gas is about three times more expensive than coal per kilowatt of electricity generated. This has increased the demand for natural gas and raised the price of both gas and electricity. The increased use of natural gas for electricity combined with our policies that place off-limits much of our domestic gas resources has caused us to be become a gas-importing nation when we could be a gas-exporting nation.

Congress has repeatedly made vast areas of our coastlines off-limits, thus embargoing our own resources from ourselves, boycotting our own resources, and all the while countries like Cuba drill closer to our shore than we are allowed to.

We used to be self-sufficient in natural gas, but not anymore. Most of our imported gas still comes from Canada, but this is declining. Imports of liquid natural gas, or LNG, are increasing rapidly. Not only does this move us farther away from independence, but it is unsustainable because demand for liquefied natural gas throughout the world, especially in Europe, is also increasing rapidly. Chemical companies which use natural gas as their primary feedstock to make such chemicals and fertilizers and other products and other industries that depend heavily on natural gas are going to move their operations overseas where gas is cheaper. When natural gas costs in Middle East or Russia are $1 per unit or less compared to $6 to $12 at a fluctuating cost line in the United States, it is easy to see why the decisions are being made.

Already we have lost 3.2 million manufacturing jobs, almost 20 percent of the total since the year 2000. Chemical companies consistently say that natural gas costs are far more important than labor costs when making their decision to move overseas. Worse yet, if greenhouse gas legislation becomes reality in its current form, natural gas will become by default the fuel of choice for electric utilities. The trends we have already seen will only become worse. Prices will soar.

In the mix of which energy source is the cheapest, hydro is probably the cheapest, but as we said before, we doubt if people will want to build several more dams and dam up beautiful valleys across America. Next cheapest is nuclear power followed by coal, wind, natural gas and solar.

But let me briefly talk about nuclear. We need to decide whether nuclear power can pick up the required electricity supply. Nuclear plants currently provide about 19 percent of our electricity, about 30 percent in Pennsylvania. There are about 100 nuclear power plants in operation in the United States today, but we can't just keep relicensing them forever. They are also getting old and worn and will need to be replaced. By 2050, we will have to replace just about all of the existing nuclear fleet. They are long past their prime and will need to close. This means that by 2050, we will have to build about 200 new nuclear power plants. That is 100 replacements and 100 new to meet the expected demands of 2050. The trouble is we haven't built a single nuclear power plant in the last 30 years, given all the delays and costs associated with nuclear construction. It is going to be difficult, if not impossible, to build plants in the U.S. at the rate needed. That is about five per year, about one every 2½ months starting in 2010. Although the operating costs for nuclear plants are about the same or slightly cheaper than coal, the capital costs are much higher and the lead times for construction and permitting are much longer. The nuclear operating costs also do not include the long-term costs of nuclear waste disposal or storage.

As with natural gas, the enactment of greenhouse gas legislation in what we are understanding is the current form, without working to help the nuclear is going to increase the demand for nuclear power and place further strain on resources and increase costs. So there we are, two of our biggest resources for producing electricity, coal and nuclear, are areas that Congress has got to deal with seriously.

We have 250, perhaps 300 years' worth of coal in the ground. Scientists are working on ways of making sure we have zero emissions coal, zero greenhouse gases, massively reduce that. Right now I know in Pennsylvania about 40 percent of our coal-fired power plants have no scrubbers, or inadequate scrubbers. Unfortunately, the way new source review works is if a company says let's work to improve efficiency, let's put in new turbines or other things that improve efficiency by a few percent, at that point, the government comes in and says, no, we now have to review everything you do, and if you don't take care of everything with all the scrubbers, you can't do it at all. The companies say, well, we were thinking of spending 20, or 50 or $150 million on some upgrades but we don't have four or $500 million to take care of this one plant. So they hold off. That is not cleaning the air. That is not taking care of our needs.

What we have to do is look at ways of promoting the new technology, helping private business make those investments in new technology, but above all, meet our current and our future needs by addressing the issues of America's abundant supplies of coal and expanding the use of nuclear power which is clean. It is one of those areas we have to deal with seriously.

I thank the gentleman from New Mexico for yielding me this time and his leadership on working in these areas which is so important for America's energy security.

Mr. PEARCE. I thank the gentleman for his comments and recognize that we have a 15-year lead time before we build the first nuclear power plant. China is right now currently hiring our nuclear technology capability. They are hiring our people so that we first of all don't have young people going into the nuclear industry, those who are retiring are going to China because they have a commitment to build nuclear power plants. And as the gentleman said, we face a severe shortage of energy in the future. We are already giving up jobs. And we are doing nothing about it.

Now, I would like to show a difference in viewpoints. Up above the Speaker's dais is a quote by Daniel Webster. If I were to read that quote, it says, "Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered." It begins, "Let us develop the resources of our land." Daniel Webster.

Can we do something great that our generation might be remembered for? Now, I would go also to a quote from earlier this year from the chairman of our Resources Committee. Now, keep in mind Daniel Webster said, "Let's develop our resources," but the chairman of our Resources Committee this year says, "I see no reason, no reason whatsoever why good public land law should be linked to the gross national product." I'm sorry, the gross national product is our capability to generate jobs. And contrasting with Daniel Webster who says, Let's do everything we can to build a great country. Let's build this dream of American exceptionalism and let's fight to have the hope and opportunity that we as a country have and let's use our resources to do it.

Contrast that to this year, this year's energy bill, "No reason, no reason whatsoever, why good public land law should be linked to the gross national product." Just earlier this week, I authored an article in Human Events magazine. If you want to go online, pearce.house.gov. Be sure and spell it p-e-a-r-c-e. If you spell it p-i-e-r-c-e, there are things on the Web site that come up on that that your mother would not want you to see. We simply need to go and look at energy policy. If you go to pearce.house.gov and look at the Human Events article earlier this week, we talk about the energy bill that was passed out of the House by the chairman who says, "No reason why public law should be linked to gross national product" and what they did in that particular bill, H.R. 3221, was they cut off 9 trillion cubic feet of natural gas from Colorado's Roan Plateau.

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They cut off 2 trillion barrels of oil from shale oil. That is in Colorado. This, by the way, is twice the reserves of all known reserves in the world. We could be the Saudi Arabia of oil if we would simply harness those resources down there Webster talks about, that shale oil in Colorado.

The bill, H.R. 3221, dramatically expands the environmental study requirements on existing oil and gas pads. This provision alone is expected to reduce or delay onshore natural gas supply by approximately 18 percent. So at a time when Dow Chemical is investing $22 billion in Saudi Arabia because their natural gas prices are one tenth of ours, we are limiting supply by another 18 percent by our bureaucratic and regulatory requirements. It just does not make sense.

There are breaches in the legitimate legal offshore energy contracts between companies and the U.S. Government, in much the same way as Hugo Chavez and Vladimir Putin might install. That is a quote from some of our friends at the Washington Post earlier this year writing about H.R. 6.

It cuts off 10 billion barrels of oil from the National Petroleum Reserve in Alaska, and it cuts off the government agency's communication for oil and gas permitting activities, as they currently do under law.

Now, these are things in the bill that supposedly are going to bring us energy independence. It is a bill that we oppose. We as Republicans and we as conservatives say that we must first take care of the opportunity for our young people to have jobs and careers. We first want to defend our economy against those foreign countries that would take our living standard, that would take our jobs. And yet we are passing a bill where the chairman says there is no reason, no reason whatsoever, why good public land law should be linked to the gross national product. I find that quote to be stunning.

One of the provisions in the bill that is suggested that might come up, again, the Democrats are saying, NANCY PELOSI is saying we are going to have an energy bill this week, and one of the provisions in that is a provision to require renewable fuel standards.

Now, that is well and good, until one looks more closely. That part of the renewable fuel standard is ethanol from cellulose fibers. Those are wood fibers.

I would like to yield to the gentleman from Utah, a good friend of mine, Representative BISHOP, who heads the National Parks Public Lands Subcommittee in the Resources Committee, is knowledgeable about national forests and about the opportunity that we have to help lower energy costs by using renewable fuels as the technology exists or does not exist today.

I yield to the gentleman from Utah.

Mr. BISHOP of Utah. I thank the gentleman from New Mexico for offering, for allowing me an opportunity of saying a few words on what will be a significant piece of legislation that we will maybe be asked to vote upon this week.

You know, it is only intuitive that this Nation should be energy independent. If we were energy independent, not relying on foreign sources of energy from obviously other places, not only would it allow our military to have the flexibility it needs to function in whatever situation upon which it is called to be used, but it allows our diplomacy to be used in flexibility in any situation.

So, how do we actually replace this foreign oil that is presently being brought in here? Everyone who understands the situation will tell you there is no simple, single silver bullet. Multiple means have to be used.

Energy conservation, efficiency in transportation, things we have talked about, those are good. That is part of the mix. But only about 16 percent of our foreign oil imports could be eliminated simply by using efficiency in transportation or energy conservation means. Other methods have to be added to the mix as well, and one of those is biomass.

Biomass by itself could produce 24 percent of all the foreign oil we are importing into this country, far more than even our best efforts of conservation or efficiency. If we combined those two together, we are well on our way to trying to become energy independent.

For those of you like me that like technical talk, biomass is dead trees, dead shrubs, the stuff that burns in forests if you don't remove it first. And as much as our friends on the other side of the aisle will continuously say they want to require biomass to be part of the fuel standards, the renewable alternative fuel standards, the bill that will be brought before us this week will not allow biofuels, dead trees, to come from the one and the largest source of those dead materials, and that is Federal lands where we have unhealthy and overgrown forests. That is specifically prohibited as part of the alternative energy formula.

Now, when we limit the collection of hazardous fuels from those forests, that biomass material, what we are really doing in essence is gutting the Healthy Forest Restoration Act, a bipartisan bill that was passed last year, in an effort to prevent catastrophic fires, wildfires, those fires that we have seen that destroy property, that actually push more pollutants into the air than any highway full of cars can ever do, and, more importantly, they destroy the lives of people who are caught in the path. This act was there to bring a new energy to people in the West and to help rural economies recover from a collapsed timber industry forced on them by outside sources.

This bill tries in some way to help with payment in lieu of taxes to western counties and secure rural schools; yet at the same time, secure rural schools are rural districts that relied upon the timber industry and can no longer do it because of outside decisions, and therefore they are getting subsidizations for their school systems. At the same time this bill tries to help those schools, it prohibits them from ever having any kind of natural recovery within those areas by prohibiting their last source of job creation in those areas, which is recovering the dead fuel in the forests.

Now, that is the hope, and that is eliminated in the bill that we will have coming before us. It isn't enough that this energy bill prevents the use of this material that is grown in those areas; it prohibits the use that is used in private forests to maintain their health as well.

The Democrat intents of this bill seems to be clear: If you can prohibit the collection of biomass, the dead stuff of the forests, and make the provisions so unworkable, then obviously no responsible company would ever attempt to comply and go in and therefore do it. So the essence is, like Marie Antoinette of old who said "Let them eat cake," the essence of this bill is simply let it burn. That is what will happen to our forests, when it could be being used to help us become energy independent and energy self-sufficient.

And it is a key and crucial element. Not only can we help our societies by reducing wildfires, we can help have jobs in those rural areas that need them so desperately. We can help all of society become energy independent by using a renewable source, but it is specifically prohibited by the language that you will find in this particular bill.

Now, once again, I am very simple, and I need to know who is going to be hurt by this situation. I am an old schoolteacher.

We have two States in the West bordering one another, one of which puts its emphasis on proactive energy development and the other does not. A starting teacher in the school district that puts its emphasis in proactive energy development makes $4,000 a year more than a fourth-year teacher in the neighboring State will do. So who is hurt when we prohibit and eliminate the opportunity of expanding our energy production in the West? Well, the kids are, the school system is, the teachers are, the road funds that you need to construct roads in those larger western areas. Those people who actually pay taxes will be hit higher when we don't need to do it if we simply look to the resources we have.

As the gentleman from New Mexico clearly said, quoting Daniel Webster, this quote that is in this Chamber, we sit and look at it every day, very few of us actually look up the words, but, once again, Daniel Webster said, "Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests." And why? "And see whether we also, in our day and generation, may not perform something worthy to be remembered."

This bill that will be before us is a bill that is not going to be worthy to be remembered. It does not move us towards energy self-sufficiency. It does not make us independent in our efforts. It does not grow our energy needs and provide jobs and provide a cleaner kind of energy for the future.

It simply doesn't make the cut on a whole bunch of areas, one of which happens to be biomass. What could have been a great source for energy in the future is literally shut out by provisions in this bill that should not be there, ever. It is the wrong approach to take.

Now, I appreciate the chance of rambling on here for a minute, and I appreciate what my good friend from New Mexico is doing to present the concepts that are in this bill that we are glossing over in an effort to try and rush an energy bill just before Christmas. No one is going to have the time to look at it. No one is going to have the time to study it. No one is going to have the time to simply sit down and say, you know, there is a better way. We could tweak it here and there and actually come up with a decent policy. But because we have waited and piddled around until the very end of the session when our backs are to the wall, we are going to be faced with an up or down vote on something that just isn't worth it. It has too many flaws.

With that, I would yield back to the gentleman from New Mexico.

Mr. PEARCE. I thank the gentleman from Utah for his compelling arguments.

The situation is, again, there appears that there will be a requirement to produce ethanol from cellulose, which is a nice thing to think about. We have had testimony, though, that no technology exists to do that, and it could be 20 years before that technology exists.

Now, you would ask what are the circumstances in the bill that deal with this. What if there is no technology, but there is a requirement? That is fairly simple. There is up to $2 a gallon penalty, tax, fee, on the companies, the refiners, if they can't produce the minimum amount of ethanol from cellulose fibers. So, first of all, we are restricted from going into our national forests and stopping them from burning down. We have all seen the wildfires in San Diego and New Mexico. We had the Los Alamos fire back in 2000. We had the Kokopelli fire up near Ruidoso that burned 30-something houses. We have seen the devastating effects of wildfires in the West, and yet we are prohibited now by this law from going in and taking those fibers. One has to ask, where is the sense in that? Why are we doing that? I would say again, it is special interests, the extremists of the environmental movement who say we are not going to allow the Forest Service to cut one single tree. We are not going to allow any harvest.

We passed the healthy forest initiative back about 2004, and yet this is the way that we gut the bills. We can say on the one hand we passed the healthy forest initiative, and then we don't quite tell the people of the country that the healthy forest initiative will not be implemented. We won't keep our forests healthy because we are going to prevent anybody from using those materials out of them. So it is going to be a sheer cost, a cost to the government, where we could get someone to pay the government.

Mr. Speaker, I would submit the article from the Human Events paper, "America Does Not Need a San Francisco Energy Policy," for the RECORD.

AMERICA DOES NOT NEED A SAN FRANCISCO ENERGY POLICY

(By Representative Steve Pearce)

When Democrats took control of Congress last year, they promised to do something about energy prices. They have delivered on that promise by driving the price of oil to an all-time high of $99 per barrel and forcing families to tighten their budgets. Apparently unfazed by this dramatic increase, the Democratic leadership is poised to deliver legislation that will drive prices even higher and make us more reliant on foreign sources of energy.

LEAVING AMERICANS IN THE DARK

Behind closed doors, House Speaker Nancy Pelosi (D.-Calif.) and Senate Majority Leader Harry Reid (D.-Nev.) are piecing together an energy bill that they plan to unfold sometime in December. In addition to violating procedural rules they promised to uphold, this secretive process prevents both Republicans and Democrats from heading off offensive provisions that would otherwise receive public scrutiny. It appears it is not just the majority's energy plan, but also the process that leaves Americans in the dark.

The mad scientists behind those locked doors are using the remains of two considerably flawed energy bills that came one each from the House and from the Senate. Every objective analysis of both bills concludes they will hurt the U.S. economy. A recent study conducted by a highly respected nonpartisan business consulting firm estimated that by 2030, the House and Senate energy bills will cause the loss of five million American jobs, a 4% reduction in gross domestic product annually (more than $1 trillion) and an estimated loss of $1,788 in spending power for the average household each year.

BUREAUCRATIC HURDLES

The House bill, in particular, is designed to increase bureaucratic hurdles to domestic energy production from oil, natural gas, wind, solar and biomass and punish American energy companies for being in the business of making energy.

Here are just a few of the worst examples of how Democrats would make energy more expensive and less available to Americans. Their plan:

Cuts off nine trillion cubic feet in natural gas from the Colorado Roan Plateau. This is enough clean-burning natural gas to heat four million homes for 20 years.

Cuts off two trillion barrels of oil from oil shale resources. This is twice the total proven oil reserves available in the world.

Dramatically expands the environmental study requirements on existing oil- and gas-drilling pads. This provision alone is expected to reduce or delay our onshore natural-gas supply by approximately 18%.

Breaches legitimate legal offshore energy contracts between companies and the U.S. government in much the same way as Hugo Chavez and Vladimir Putin.

Cuts off 10 billion barrels of oil from the National Petroleum Reserve in Alaska, as though derailing production of 10 billion barrels from the Artic National Wildlife Refuge weren't enough.

Cuts off government agencies' communication for oil- and gas-permitting activities as they do under current energy law.

Raises the tax on American-made oil and refined products by as much as 9%. This tax will simply be passed on to consumers.

DANGEROUS RELIANCE ON FOREIGN SOURCES

Since their plan will make domestic energy harder and more expensive to produce, the majority's energy future creates a dangerous reliance on foreign energy sources. They have repeatedly prevented the use of energy resources in ANWR and the Outer Continental Shelf and locked up a large portion of our public lands that are rich in energy. Without access to domestic sources, we will become increasingly reliant on energy from ruthless dictators such as Hugo Chavez or from highly volatile regions of the world like the Middle East.

This is not a good time to be experimenting with San Francisco-style energy policies. Our fastest-growing competitors for energy around the world are China and India, who are expected to surpass the United States in economic output within two decades. Both countries vaulted past America at the beginning of this year as an exporter and have since moved at lightning speed to eclipse Germany's once insurmountable export machine. While China and India are using every type of energy they can get their hands on, our leadership in Congress is trying to severely limit our energy options.

America needs energy to survive. If we have the means to ensure that survival, we shouldn't lock it up and throw away the key.

Mr. Speaker, now we should talk about the components of the bill that is suggested. Again, keep in mind that we are here talking about the future of the Nation. We are talking about the philosophical underpinning of where we are going in this country with our jobs, with our economy, with our future. This bill is at the basis, because the American economy is driven by affordable, cheap energy.

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And what are we to say about the bill? We are having to speculate. We are told that it's coming up this week, either today or tomorrow. It's obvious that it's not coming up today. So one would say that it must come up tomorrow because we had that promise from the Speaker of the House. And yet we don't have the text of the bill that is dealing with our future as a Nation, our ability to make and create jobs, and we know nothing tonight so that we can not really talk in anything but speculative terms. But we feel fairly certain on those speculative terms because we have had leaks from behind those closed doors where this process is going on.

What are we to believe might be in that bill? First of all, there is going to be the renewable fuel standard, the RFS, renewable fuel standard, which says that we need to produce a certain amount of our energy, our gasoline, from ethanol. That is a worthy and acceptable thing if it's possible and if it doesn't stop us from implementing the Healthy Forests Act.

The second thing that is in the bill that we feel pretty certain about is that there will be some renewable portfolio. That is, we are suggesting that companies should produce electricity using renewable fuels. The only problem is that the suggestion up to now has been that they should produce 15 percent. Now, there's a delicate problem there because we have not yet seen the capability to produce from renewable fuels 15 percent. Again, one has to wonder about the penalty. Every major utility is against this provision because they know they cannot comply.

Every single one of us wishes that we were independent of Saudi Arabian oil and Hugo Chavez oil. But the truth is we are not. We made the wrong decisions 30 years ago, and the wrong decisions are causing us the problems that we have today. We did not make incentives in renewables 30 years ago. We made it harder to invest in nuclear power 30 years ago. Today, we are making it harder to invest in coal. We are requiring the conversion to natural gas, and that conversion to natural gas is pushing the price of natural gas up, which is causing Dow Chemical to say we are taking our jobs to where the price of gas is 75 cents, not over $8. It is a very simple process that we are engaged in.

So the bill, we think, is going to have a renewable fuel standard. It's going to have a renewable fuel standard that says we cannot take woody fibers out of our national forests, even when they are burning down, even when the trees are dead, even when they are at threat of burning down. There's going to be a renewable portfolio standard which says that you have to produce more energy than what is technically feasible right now in this country from renewable sources.

The next thing actually appears to be a good consensus from the auto industry on the CAFE standards. If the automakers say that we can hold American jobs and we can produce to those standards, again, we have not seen the exact standards, but if the automakers say we can keep American jobs, then that's one of the key pieces of the debate.

There is another thing in this energy bill that we are supposed to bring up tomorrow but yet haven't seen. But there is a component that we are assured is going to be there. That is $21 billion in taxes on American companies, $21 billion, and the truth is taxes are not paid by companies, taxes are passed along by companies. So that is $21 billion that is going to come out of the taxpayers' pocket. Every time you fill up with gas, $21 billion is going to come from the producer or from the taxpayer. It's going to the government and it's going to lower the capability for us to balance our personal budgets. So $21 billion in taxes in this bill that will be borne by consumers.

Now, the sad thing, and this is where you really must understand that there are elements of this tax provision that include a rollback of the section 199 manufacturers' deduction. That was a deduction that was passed in Congress back in 2004. It included oil and gas, but it was specifically there to encourage increased domestic production activities. We wanted to assure American jobs and we wanted to assure that American jobs were competitive with overseas countries, so we had a rollback in the 199 taxes. I'm sorry; we established the section 199 manufacturers' deduction but the bill that is coming before us, it has leaked out that it has a rollback in those incentives for producers.

Now, the difficult thing is that the rollback hits only the top five producers. It hits BP, Chevron, ConocoPhillips, ExxonMobil, and Shell. Now if you are listening like I am reading, you're wondering who got left out of the list. Who's not going to see a tax increase? Citgo.

Now Citgo is owned by Hugo Chavez. I do not know if it is by design, but I can say that according to the information that is out right now, there is going to be a rollback in deduction for the top five companies so that they pay more taxes, and we are not charging Hugo Chavez any more tax. One has to wonder about the value system that says don't charge Hugo Chavez tax but do charge Exxon, do charge ConocoPhillips, do charge Chevron/Texaco, do charge Shell and BP.

Now, what you have been led to believe, if you listen to the people on the left, they want you to believe that ExxonMobil is an evil entity; that they by themselves are driving the price of oil up that they might profit. When we look at a world assessment of size of companies, we realize the falseness of that argument.

Let's look at this chart which begins to look at countries and companies. Many countries own their oil companies. Saudi Arabia by far has the largest oil company, you can see. It has about 10.3 million barrels per day. You go to Iran. It has a very large oil company. The Iraqi National Oil Company is actually quite large. Qatar, Kuwait, Venezuela, ADNOC, Nigeria. You notice we are not even yet to ExxonMobil.

And yet HILLARY CLINTON says, I am going to take ExxonMobil's profits and spend them. NANCY PELOSI has said the same thing, We are going to take ExxonMobil profits and spend them. We haven't taken yet any profits from any of these companies, and they dwarf, they dwarf ExxonMobil. We go all the way down to this far on the chart before we find the first privately owned company, ExxonMobil.

ExxonMobil is owned privately by you, the shareholders, the stockholders. You can buy it every day. ExxonMobil is going to be charged taxes. It's going to make them less competitive worldwide. We are going to do away with more jobs so that these companies, these state-owned companies might have an easier time to take our jobs. I wonder at the thought process that went into that. I wonder what compelled policymakers here, the Speaker of the House to say we are going to tax American consumers, we are going to tax American companies, and we are going to let Hugo Chavez, we are going to let Nigeria, we are going to let Kuwait, Saudi Arabia go.

We also have other considerations. In the bills that we have passed, the bills that we have passed out of this Congress so far about energy, we have done kind of sort of a tricky thing. There is much discussion about Enron. That was the large power company that became synonymous with tricky dealings, double dealings.

What did they do? One of the things they did in defrauding the consumer, one of the things they did in defrauding the shareholders is that they did things called round-trip sales. If they needed their balance sheet to look better on a certain day, they would maybe buy or sell a lot of energy, maybe a specified amount of energy, and then they would simply buy it back, sell it to their own selves in a different company, and buy it and sell it, buy it and sell it, round trip, so that nobody was actually giving them money, but it looked like money coming in, and no one could ever see their balance sheet to see that they were actually paying out the money to themselves. It was coming in. The sales looked really good until some day you simply have to have the cash in hand. Those round-trip sales became synonymous with Enron and their double dealing.

But let's look at what this Congress, the new majority, who said they are going to do things in such an ethical fashion, let's look at what they have done. They have used the same taxes on offshore oil and gas in the gulf coast, the gulf region. They used those as on offset because we in Congress say we can't spend money without providing for it; the PAYGO provision. So they use those same taxes in H.R. 6, and, by the way, I am calling these the Enron tax provisions because they are kind of like those Enron round-trip sales, those ways of stating things so you have to check both sides of the ledger before you understand, but there's really not anything there.

So our friends on the other side of the aisle used those offshore taxes, those 1998/1999 leases to offset, to be the PAYGO in H.R. 6. They used it in H.R. 2419. H.R. 6 we passed back on January 18. H.R. 2419, we passed July 27. They used them again on August 4 in H.R. 3221. And they used them again in H.R. 3058, which still has only passed committee but yet has not passed the floor.

When we as policymakers begin to do round-trip sales, it's no wonder that we have the reputation that only 9 or 10 percent of the American public really trusts what we are doing. We are doing things that do not make sense for our economy. We are doing things that are creating a false illusion about our potential to pay for things that we are saying we are going to do. We are watching our jobs leave and go away, all because we in this country need affordable energy, and yet we are doing things that hurt the chances of providing affordable energy.

Again, the point that we object to in this coming bill, the energy bill we are talking about this week, are the renewable fuel standards that are not achievable and keep us from implementing the healthy forest initiative so that we don't burn down our forests. It's objectionable that a renewable portfolio standard is being set that we cannot reach. It's objectionable that we are raising taxes by $21 billion to American consumers. It's objectionable that we are using a tax that is going to be punitive to American companies but will not tax foreign oil companies, will not tax Hugo Chavez. At the end of the day we have to ask ourselves exactly why. Why is it that this majority is taking these stances that harm Americans so much? I don't know an answer to that.

I would like to submit for the RECORD a summary of the report, the Charles River report. In that, Charles River is suggesting that we are going to lose jobs, almost $5 million from the energy policies that are being suggested right now by this Congress. We are going to lose 5 million jobs. The average American household's purchasing power could drop by $1,700 by 2030. Aggregate business investment in the U.S. could drop by as much as $220 billion by 2030. Our gross domestic product could decline by more than $1 trillion by 2030. The costs of petroleum products could more than double by 2030. If you take a look at that report, you will see the damaging effects to your future, your children's future, and your grandchildren's future. The Charles River report is nationally respected and says: Please, please reconsider what you're doing in Congress, what the majority is doing in Congress right now to affect energy prices in the wrong way. We need lower costs of gasoline at the pump, lower costs of heating oil. We need policies which will implement those, not drive them up. We need them to be driven lower.

Mr. Speaker, I thank you for the time that you have yielded me tonight. I thank my friends from Utah (Mr. BISHOP) and from Pennsylvania (Mr. MURPHY). This is a very important consideration that we are talking about tonight.

THE ECONOMIC IMPACTS OF PROPOSED ENERGY LEGISLATION, CHARLES RIVER ASSOCIATES INTERNATIONAL, NOVEMBER 2007

A report by a respected economic analysis firm examines the economic impacts of seven major energy legislative provisions being considered by Congress. If adopted, these provisions would mandate that American families and businesses replace proven energy sources such as oil and natural gas with unproven high cost sources, likely leading to higher energy costs. The study reveals the following:

Almost 5 million jobs could be lost by the year 2030. The impact would likely be felt even sooner, with an estimate of more than 2 million jobs lost by the year 2020, and about 3.4 million jobs lost by the year 2025. These estimates take into account jobs that would be created by the nearly five-fold expansion of the biofuels mandate.

The average American household's purchasing power could drop by about $1,700 by 2030. Higher energy and non-energy costs estimated in the study would likely mean that consumers must spend a larger percentage of their income to maintain their current level of consumption. This could force Americans to make lifestyle changes, as significant quantities of energy would be needed to produce and transport many goods and services.

Aggregate business investment in the U.S. could drop by as much as $220 billion by 2030. Higher energy costs place upward pressure on manufacturing costs, and businesses have less capital to absorb the impact. As household and business consumption fall, demand for goods and services weakens.

Our national GDP could decline by more than $1 trillion by 2030, relative to the baseline. This estimated 4 percent decline in GDP would be the result of energy supplies declining and energy sources becoming more expensive. The economy as a whole likely would suffer, but the impact would resonate strongest in the following sectors: commercial transportation, electric generation, motor vehicles, and manufactured goods.

Costs of petroleum products could more than double by 2030. The impact would likely be felt sooner, with a roughly 44 percent cost increase by 2020. In addition to refined fuels and home heating oil, this would likely impact the many products that have oil or natural gas components, including toothpaste, cell phones, infant seats, and pacemakers.

☐ 1930

IOWA PRESIDENTIAL CAUCUS

The SPEAKER pro tempore (Mr. CUELLAR). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I very much appreciate the privilege to be recognized and address you here on the floor of the United States House of Representatives. Each time I come to the floor to address you and speak into the RECORD, I am very well aware that there are people in my district, Iowans and Americans, who are tuned in for one reason or another, who are shaping their ideas and their values as they listen to us here in the people's House, this great deliberative and this great debate body which has 435 Members, representing 300 million of us, each of us representing roughly 660,000 constituents. We are called upon by the Constitution and the rights that are passed from God through the Declaration and the Constitution, we are called upon to step up to those responsibilities. We are elected to represent the people in our districts with the priorities of what is good for America. First God, then country, then State, and then district.

I know, Mr. Speaker, there are Members of this body who view their job as simply reflecting the political will of their constituents. In other words, take a poll, wet the finger, see which way the wind is blowing, put down a vote, and determine that your longevity here in this Congress somehow puts together this vast mosaic which turns out to be a beautiful painting. I, Mr. Speaker, do not believe that.

I believe we are charged with the responsibility of leadership. We are elected for our judgment. We owe our best effort and best judgment to our constituents, and part of that best effort and best judgment is to listen to them and receive their input, but exchange the information that we gather here and across the country.

We are full-time paying attention to the issues that affect this Nation. We have access to more information than most of our constituents do. We have a responsibility to process that information, give our opinion back to our constituents, exchange our ideas and reach a conclusion on how best to conduct ourselves on our public statements which affect public policy, on our votes and on our activities, on the bills that we sponsor and cosponsor and author, and the positions that we take in committee and here on the floor. All of that comes with a great profound responsibility of serving people here in the United States Congress.

I came here this evening to address one of those profound responsibilities, and maybe a little bit outside of the realm of an official duty of a Member of Congress, but certainly implied within our duty and responsibility, and that is that all of us in this Chamber are involved in a constant conversation with each other, with our constituents, with our associates, with the press, on how we select the next leader in the free world because, Mr. Speaker, the nomination process here in America will determine generally two nominees, one Democrat and one Republican, and perhaps an Independent, that will be on the ballot in November. One of them will be the next leader of the free world. One of them will be the Commander in Chief of the Armed Services of the only unchallenged superpower on the globe, and with that comes a series of profound responsibilities.

So how then do we in these positions of leadership, how do we take this job, and I am going to say seriously, to make this evaluation? How do we come to the conclusion on whom we support and might consider endorsing for President of the United States?

I, Mr. Speaker, have the great privilege to represent a district in Iowa, one of five Congressional districts, where we are the first in the Nation contest. Iowans will, in the caucus on January 3, make the first recommendation to the rest of the Nation and the individuals that Iowans believe would make the next President of the United States, both Democrats and Republicans.

We have had that responsibility of the first in the Nation caucus for several decades now. I believe it was Jimmy Carter that first identified the leverage and the opportunity to come to Iowa in the first in the nation caucus and engage in that process and emerge victorious and go on to New Hampshire and South Carolina and beyond and be successful in the process of nomination and be successful in the process of being elected as President.

Jimmy Carter identified that opportunity in Iowa, and since that time we have had Presidential candidates constantly in Iowa over the last year and a half in particular. But this process is an open process whereby it is the first time in my memory that both the Democrats and the Republicans neither has an incumbent President that will be up for renomination for a second term or a Vice President who might have been picked or anointed by a sitting President. It is wide open. It is wide open for Democrats and Republicans. We have known that for 3 years, perhaps, maybe a little more than 3 years.

So we have seen candidates come through Iowa, and I am sure the people in New Hampshire have as well, and the South Carolinians as well, and this has been going on for a year and a half. Now it is coming down to the crunch time. Iowans will be making their decision on whom they will support in the caucus within the next 30 days, 29 days, perhaps.

There are a lot of Iowans who have not yet made up their mind. I am here to say I understand why. The January 3 contest will bring 100,000 Republicans out who will go to homes across the State. Some will be sitting in living rooms and gymnasiums where they pull the caucus together for an entire county. Some will go to schools or other public buildings, but many will go to the homes. They will go to the homes of Iowans and sit in the living room. Sometimes they will not all fit in one room and they will flow into other rooms, but they will go through the process, Republicans and Democrats, declaring themselves. Democrats openly declare themselves for Presidential candidate. Republicans put up a vote on a piece of paper, and they can maybe vote for a Presidential candidate in a caucus and not be identified as a supporter for a particular candidate. Generally, we listen to each other speak with such focus we know how people vote whether it is a secret vote or whether it is the way it is in a small neighborhood contest.

But before I get into that, I want to get into how important it is that we have a process of nomination that includes a contest like an Iowa caucus, an opportunity for individuals, to caucus-goers, registered voters, and they will all be registered voters who have a voice in our caucuses, regular people, heartland people, regular Americans from all walks of life, it is so important we have a process that allows the supporters of the candidates to get to know the Presidential candidates.

We are in this modern cyber era where information goes with the click of a mouse and you can transfer capital around the world in a nanosecond. In that period of time, we can also transmit visual images and radio commercials and print text in the blogosphere. Anyone who has an e-mail distribution list can listen to a Presidential candidate in a living room in Davenport, Iowa, write that little quote down and pump it into their BlackBerry and send it off to 10,000 people on their e-mail distribution list. We have those kinds of folks who do that.

These Presidential candidates are being evaluated day by day, hour by hour, minute by minute, by people who take their privilege to weigh in on this nomination process very seriously.

We have developed over the generations astute people who are engaged in politics. But I don't want to say that Iowans are the only ones that have that ability because we don't. Obviously that ability exists in every State in significant numbers. But I do want to say that if no State has a first in the Nation caucus process, if every State, for example, if we went to Super Tuesday on the 5th of February, if everybody held the primary contest at the same time, the polls opened at 7 in the morning and closed at 9 at night, we would all go in as a Nation, 300 million of us, those who voted in the primary, and we cast a ballot for our selection for nominee, if we did that, we would nominate the Democrat candidate and the Republican candidate who had the deepest pockets, most ability to raise money and the most ability to buy ads and put their chosen persona out before the American people to convince them that on Super Tuesday, February 5, they should go to the polls and vote for them. Not a personal contest, but a media image, money raising contest is what we would have. We will have that media image, money raising contest on Super Tuesday on February 5 and those dates beyond that other States have their primaries, and some have a caucus or convention.

But this first in the Nation caucus is different. You simply cannot earn votes by running media. You simply can't run television ads and radio ads and print and mailer and do robocalls and be able to get people to be inspired to get up on a cold January night and go on out into their neighborhood's living room or the school gymnasium and declare for a candidate for President. It takes more than that.

If people are going to invest hours of their time, because it isn't just write the name of a Presidential candidate on a piece of paper and turn it in. It also includes the initial offering of the planks for the State party platform and the election of precinct captains and the election of the delegates that go to the county conventions. These nights are full of political debate and exchange of ideas.

There are people who will go to the caucuses who have not made up their mind who they will support for President, but they will listen to the speeches, whether Republicans or Democrats.

So what is this caucus process and why is it unique? It is unique because it requires organization. It requires the candidate to build an organization within the State, to identify workers within the counties and people that will go forth and profess the validity of their candidate as the best President that we could ask for in this era as President of the United States.

This statewide conversation that goes on continually is a conversation one on one, person to person. It goes on in the coffee shop and it goes on in schools and churches and over talk radio constantly. It goes on over the telephone lines from neighbor to neighbor and business conversation to business conversation. People seeking to influence others to support their candidate and others that are ambivalent, and some that will lay out the principles that they require a candidate to stand for, but may not be behind the personality of the individuals.

And there are components of this statewide conversation that have to do with anecdotes about each of the Presidential candidates, how they conducted themselves in private. Maybe they went to a barbecue someplace in Iowa County and when nobody was looking, they got up and cleaned off the table and helped out. Or maybe they got mad at a staff aide and cut loose and yelled at them behind the curtain and the stage when they thought nobody was listening. And maybe they walked off with some young kids when intense conversations were going on about policy and sat down over by the lake and had a conversation about God and country with young impressionable children that won't be voting for that candidate. They might be leaders of this country at a future time. They might have invested in young people instead of likely caucus-goers.

All of these little anecdotes get added up and transferred along and retold, and they become part of the personality, part of the evaluation of each of the Presidential candidates.

This is a statewide conversation through e-mail, by telephone, in print media, word of mouth, things that are said and unsaid. Most good, some negative. But in the end, Iowans will come to a measure of a consensus and they will support different candidates, obviously. But they will make a recommendation. Some candidates will be weeded out and some candidates will be advanced. But there will be two tickets punched in New Hampshire, no more than three, maybe only one.

□ 1945

But to win the Iowa caucus says you have met the standards. You have held up under the bright light of public scrutiny and you have done that for more than a year, and you have not been found wanting in your character or your policy. Your faith will be measured. Your work ethic will be measured. The tempo of your work, the people who are gathered around as paid staff and volunteers, all of them become part of a team, and the personalities of each of those players makes a difference in the evaluations process. If we do not have such a process, then again it becomes just a media campaign, just a media contest.

I would take you back, Mr. Speaker, to reflect upon the 2004 caucus when, at this stage before the caucus, a month before the caucus, the national news media had Howard Dean as the nominee for President for the Democrat Party, because Howard Dean had built an organization, he had raised a ton of money, he had an Internet presence there that was unique and hadn't been matched at the time. The polls were showing that Howard Dean was way ahead and that his next closest competitor was not likely to be able to overcome him or overtake him. And yet 3 weeks before the caucus, at least 2 weeks, in that period of time, 2 to 3 weeks before the caucus, we knew that Howard Dean was not going to win the Iowa caucus. He might have won the nomination elsewhere, but we knew he wasn't going to win the Iowa caucus. We could tell on the streets of Iowa. People were starting to walk away from and back away from Howard Dean.

Mr. Speaker, I don't come here to speak ill of the individual. He set a new standard and certainly made a name for himself in the State and across America. And many, many Iowans had the opportunity to meet Howard Dean. But I think that the conclusion that they drew and the reason that they didn't show up in the Democrat caucus where you have to stand up and say, I'm for Howard Dean, all of us that are for him, come gather around here, we'll count our bodies and that will be the number of people that showed up to support him. If there is an insufficient number, then we won't be able to report support for Howard from this caucus. That's the system and the rules that they have. And, truthfully, they did not show up to support Howard Dean. That was not because of the scream. The scream was a result of folks not showing up to support him, Mr. Speaker. I believe that Iowans came to the conclusion that Howard Dean, of all the things he had to offer, did not have the temperament to be President of the United States. I think that was the bottom line conclusion. And as Iowans walked away from Howard Dean, John Kerry then won Iowa and went on to win the nomination. His prospects were pretty dim at this point and 4 years ago, but we know how history launched John Kerry forward and how Howard Dean went forward to let out the scream that was the scream of frustration that, of all the good things he had done as he was on the inside track and he was turning on towards victory and it collapsed, because in the end we're making a measurement on real people, evaluating their work ethic, their faith, their character, their personalities, how they interact with people. That's something that only happens there and only happens in Iowa. It happens, I think, in New Hampshire also to some degree, but it is a different process. It is a primary process, not a caucus process. So it changes the dynamic in New Hampshire. And then beyond it becomes more and more of a media and less and less of an organizational effort.

But to have this unique process, this first-in-the-Nation caucus process so that Presidential candidates are meeting people face-to-face, eye-to-eye. Some might call it a relic of the old days, but I will tell you that I believe, Mr. Speaker, that it is the foundation of one of the great things about America that those of us who have the privilege to represent the people, whether it is in the White House or in the Congress or in the statehouse or through our courthouses or city hall, we face the people, we answer their questions, we let them evaluate the things we believe in and we let them evaluate our work ethic and our value system, and then they make the decision. It is up to the people.

So I am a great fan of this caucus process. I will do all I can to protect and preserve it, because I do not want to see an America that is simply a paid media nomination and a paid media campaign that insulates Presidential candidates from the people and perhaps launches somebody off to be President who might not meet that test if they had to look you or me in the eye. That is what the caucus does.

On the Republican side of this in the Iowa caucus, Mr. Speaker, we are evaluating a lot of different components, and we have watched the polls sort some of this through. We have some very good people there that stand solid on the issues. Some people with whom I stand alongside on the floor of the House of Representatives, if I put down a wish list of the Presidential candidates, where they stand on each of the issues and a little box to check, we have some people from this House running for President to check all my boxes. They check every piece that I would want to have in a Presidential candidate. And partly due to the media and partly due to the selection process, some of them don't have a lot of traction right now, and it's too bad. They deserve more of our respect. And some of them have stepped forward with a solid agenda on the issues.

I want to at this point, Mr. Speaker, compliment my friend TOM TANCREDO for making immigration the issue of the day. When I first met him, I already knew him, I thought, because of the hours that he had spent on this floor speaking into this microphone, Mr. Speaker, about the importance of border control, about the importance of preserving our national sovereignty by controlling our borders and who comes in the United States and who does not, protecting the security of the American people from the terrorists from without. TOM TANCREDO has done that job to the extent where, in the debate the other night, they spent 30 minutes or more, all of the Presidential candidates, debating on who would be the toughest on immigration and who would be the most like TOM TANCREDO. I call that a victory for TOM TANCREDO.

I think he has implanted the issue that burns the most passionately within him, the immigration reform, border control, workplace enforcement, ending anchor babies, the automatic citizenship that comes with babies of illegal immigrants who are born here on American soil. All of those components that he has worked so hard for all of these years, many of which I stood on this very floor and debated with him and supported with him, and he has come forward to support me on the agenda that I brought forward. I want to compliment TOM TANCREDO, because they all were there, standing there seeking to out-TOM TANCREDO, TOM TANCREDO. And to some extent that is what happens in a Presidential campaign when the issue that is the most important to you is adopted by the rest of the candidates.

Now, it doesn't mean they didn't have some opinions on it. It doesn't mean that immigration wasn't important to them. But what I have seen happen is that they understood that TOM TANCREDO was right, and they wanted to make sure that they had a plank in their platform that reflected the view that he brings to the immigration issue, and generally it is a no amnesty pledge.

I believe all the Presidential candidates have taken the pledge to be opposed to amnesty. Mr. Speaker, amnesty is and it needs to be defined, and I have done so here many times, to grant amnesty is to pardon immigration lawbreakers and reward them with the objective of their crimes.

The reason that definition is that way is because those who come into the United States across the border illegally are criminals. They are guilty of the criminal misdemeanor of illegal entry into the United States. And those who overstay their visas are unlawfully present here in the United States, and they are generally guilty of a civil misdemeanor of overstaying their visa. But most of them, and I will say those who are unlawfully present and many of those who are lawfully present and it is not lawful for them to work here, still falsify documents, still present themselves to be somebody they are not in order to get a job, in order to do some type of business here to gain the benefits of this society. Most of those who cross the border are criminals because they violated a criminal misdemeanor, and most of those who overstayed their visas have also violated or committed some crime, generally document fraud, identity fraud in order to achieve access to our benefits or jobs here in the United States.

So this is a group of people who stood up and said they do not deserve amnesty. We do not want to reward immigration lawbreakers. So whether they jumped the border illegally or overstayed their visa, they are lawbreakers. And they should not be rewarded, because if we do, we will get more of them, not less. And to grant a pardon to immigration lawbreakers and reward them with the objective of their crime. What was their objective? Well, to be in the United States for one thing, obviously, because that is the definition of what they have done is found themselves unlawfully present in the United States. So if that is their objective to be in the United States, if we grant them an amnesty that lets them stay in the United States, that's amnesty. We have rewarded them with the objective of their crimes. Or, if they are here and they are working here unlawfully and we jigger the books so that we give them an opportunity to continue working here but we legalize it, we have granted them amnesty because we pardoned them for their crime and we give them their objective, which is a job. Or, if they just want to live here and utilize the social benefits of this great welfare state that we have, that also could be the objective of their crime. Or, if we let them stay here in the United States and they actually are part of that smaller percentage who do have ill will towards Americans or who are criminals or those who do smuggle drugs, those who are part of the criminal element, if they would be allowed to stay here as well, we don't know who the criminals are and who aren't. And the idea that if we would just legalize them, they would all come forward, good guys and bad, and they all sign up and we give them a United States identification document, and then we would know where they are and what they are doing is just a false premise, Mr. Speaker.

The standard is Presidential candidates on the Republican side need to oppose amnesty. Presidential candidates on the Democrat side, I think we know, they have been fairly consistently for amnesty if I read their statements correctly, and I believe I do. If I am incorrect on that, I would hope that one or all of the Democrats would step forward and sign off on the "no amnesty" pledge. I am happy to put the amnesty definition in print. And, if you are listening, to grant amnesty is to pardon immigration lawbreakers and reward them with the objective of their crimes.

Well, Presidential candidates on the Republican side have all sworn off on amnesty. We just don't agree quite on what amnesty is all the way down the line. And that brings me some concern.

But that is one of the foundational issues that has been debated here, and I wanted to in the RECORD thank TOM TANCREDO for making sure that it is part of this dialogue in the presidential race on the Republican and on the Democrat side of the aisle. And, TOM, you have won this debate. Now we have to figure out how to implement the policy, but you have won this debate.

So that is the definition of amnesty. That is what has taken place here and across Iowa and New Hampshire and down into South Carolina and beyond.

I want to point out also that this Presidential contest does start in Iowa January 3, the first-in-the-Nation caucus then. Immediately, within a couple of days, on the 5th of January, it goes to a convention in Wyoming. And I am glad for them being involved early in the process. It's not very much focused on what happens in Wyoming, but shortly after that the following Tuesday, January 8, just 5 days after the Iowa caucus, is the New Hampshire primary. And we all know that is the first-in-the-Nation primary, and it is significant not so much in the numbers of delegates that will be achieved there but in the message that it sends to the rest of the country. From the 8th of January until 7 days later on the 15th of January, that is when the primary is in Michigan, and then on the 19th we have the primary in South Carolina which will take us to the fifth process. And in Nevada on the same day there is a caucus.

And so the early five contests that we have, Iowa on the 3rd of January, Wyoming on the 5th, New Hampshire on the 8th, Michigan on the 15th, and Nevada and South Carolina on the 19th of January, those early races, six States actually, but the major contests will be Iowa, New Hampshire, Michigan, South Carolina. Those will set the stage for the Florida, Alabama, Alaska primary on the 29th.

As this moves forward, the momentum that comes from a victory in Iowa transcends, at least launches a candidate on the road to New Hampshire, asks the people in New Hampshire: Take another look. If you were looking at this a different way, take another look and see. There was a reason Iowans made the decision that they did. Do you agree with them or do you not agree with them? And I don't want to stir up any contrarian attitude on the part of the New Hampshirites. I have great relationships with the people and I would love to be up there with your primary. I really would. But this process; it is a process of momentum, it is a process of selection. And as Iowans measure the character of the Presidential candidates and as they go to the caucus on the night of the 3rd of January, that message will be heard around the country and around the world. And those who have not then made a decision on who they support will be taking another look. Some who have made a decision might be reassessing.

So I would ask this. Let's evaluate their character, their work ethic, their personalities, how they handle themselves in a time of stress or a time of relaxation. Let's do that. But I like to look at this as a matter of principle, and I would ask that these Presidential candidates be those who carry with them the convictions on a series of issues that I think are important to the future of America. And this, Mr. Speaker, is the point for which I come to this floor.

The issues that I believe this Nation's future pivots on, the most important issues, among them are life, marriage, the war on terror, illegal immigration, tax reform, second amendment, health care, and national sovereignty.

Of that list of issues that I have laid out here, Mr. Speaker, I will start with life, and that is innocent unborn human life. In particular, life from its natural beginnings, which is from fertilization/conception until natural death. The human life is sacred in all of its forms. It begins and ends as I have described. Do the Presidential candidates understand that and believe that? Or, I would ask them if they did not, then to them I would say, when did your life begin?

☐ 2000

Mine began at conception. When did your life begin?

Madam Speaker, I believe that every American that's going to have an opinion on policy needs to ask themselves that very question. When did your life begin? Mine, I believe, began at that moment of conception. I believe that's when I was blessed with a soul, and I have a destiny like all of us, and we're all created in God's image and we have a duty. And from whom much is given, much is required. And so the issue of life is an essential component, and I will say the most important issue in this race or any race because that tells us the quality and the character and the integrity and the faith, the core faith of the Presidential candidates, how they view this subject.

The second issue is marriage. And Madam Speaker, marriage is an institution that I believe is a sacrament. It's a blessing that's given to us from God. Adam and Eve were joined together before original sin. Marriage is as old as man and woman itself. It's a blessing too that came from God, and marriage has survived original sin and marriage has survived the great flood, and marriage has been with us for thousands of years, and it's been defined as the same thing throughout, a man and a woman joined together in holy matrimony. That's marriage, according to our faith. It's marriage according to our civil law in this country. It's marriage according to the Defense of Marriage Act at the Federal level. It's marriage according to the Defense of Marriage acts in all States except Massachusetts, if I have that chart correct, and it's between a man and a woman. And it's protected in the Constitutions of 27 States in America. We don't have a difficulty understanding what marriage is. It's between a man and a woman. And yet we have activists in the country that are using our courts to try to redefine marriage.

I would submit that if you believe differently than me, come to this Congress and make your case. If you believe differently than the law, different than the 27 Constitutions in America, different than the Defense Marriage Act here in the Federal statute, then take your case to the States and make your argument there and lobby for the representatives and the State senators to redefine marriage if that is your wish, if that is your will, if that is your conviction. That is how it's done in this country. But when we hand over decisions to the courts when we know that we don't have the support of the people, then the people who hire the attorneys to take these suits to the courts are asking for an activist judge that will overturn the will of the people, will overturn the Constitution and overturn the State law or the Federal law, as the case may be, that's when we get strife, that's when we get stress in this country. That's when we get domestic conflict in America is when the judges make the laws. But when the people's voice is heard, we accept that as the will of the people and we move on.

If you believe differently than me, I believe marriage is between a man and a woman. I believe Iowa must pass a constitutional amendment now to fix a wrong that was committed, I believe, by an activist judge. I think we have to do that to preserve this oldest institution between people, this institution of marriage that goes back to the Garden of Eden and Adam and Eve, before original sin and before the great flood, and has survived all of that time. And now, here in this era, I am to believe that we're enlightened and we can look at this differently, that all of human experience, all of human history, and the Constitution and the law and our faith can all be set aside because we have modern-day people who want something different. And they would upset all of that for what? For their wish, for their will, when there are provisions that can be made within current law to make sure that people have the things in life that are necessary to respect their rights.

So life is essential. And it's a human life. Marriage is essential for a Presidential candidate to understand and to defend it because the President sets the moral standard for America, and the words that are uttered by a President either raise the standards or lower the standards. They shift the focus. And that's why marriage is so important that we have Presidential candidates that understand this.

The next issue that I mentioned is the war on terror. And we know that here in this city we were attacked on September 11, 2001. We've been conducting this global war on terror since that time, and particularly with operations within Iraq and Afghanistan. And who would have dreamed that on that day, September 11, we didn't think we'd get through the afternoon without being attacked again, let alone all of these 6 years and 3 months since that period of time. No one would have believed that this Nation would have been without a terrorist attack on its soil, a significant terrorist attack on this soil, at least a successful one. But that has been the case because this President has carried this issue to the enemy. The global war against these terrorists must be pursued. We cannot cut and run. We cannot decide to pull our troops back to the horizon. We can't wake up tomorrow morning and decide the horizon is Okinawa. We have a responsibility to defend this country in this global war on terror. And I believe, Madam Speaker, that at least the Republican candidates and probably the Democrat candidates will defend this Nation in this global war on terror, some more aggressively, some with more insight, some with a vision towards a final victory, some reluctantly because they don't really believe that this is a war that we're fighting. Some kind of think on the other side that we just need to understand why they hate us and maybe we can take away the reasons for the hate. But we have to fight this war on terror, and our Republican candidates all will, to one degree or another, a little bit of difference in methodology, but they'll fight this war on terror.

I mentioned the illegal immigration and how important that is. It changes our destiny, Madam Speaker.

And then the next component of this is tax reform. Now, there are people here in this Congress that believe that through money management, through tax management, regulation management, access to tax revenue and handing that money out, that we can engineer this entire society, that we can socially engineer in America with a tax policy, that if we just set our tax structure right, we can grow the businesses that need to grow and shrink the businesses we'd like to shrink and reward the people that need to be rewarded and punish the people that need to be punished. Some people think that through tax policy you can do all of those things. I am not among them, Madam Speaker. I believe that tax policy should be for the purposes of raising revenue, for the legitimate functions of government, for the constitutionally legitimate function of government and nothing else; that we should not have a thought about if we reward this behavior and punish this behavior with our tax structure, that will maneuver this country into a direction that we like better.

We should have a tax structure that's fair, that makes everyone a taxpayer, that rewards earning, savings and investment and work and sweat equity. We need to have a kind of a tax policy that takes the tax off of all productivity in America and puts it on consumption. If we do that, and I would remind you, Madam Speaker, that the Federal Government has the first lien on all productivity in America. If you're going to produce in this country, if you punch the time clock at 8:00 on Monday morning, or if you go collect the interest on your passbook savings account, or if you sell the farm and you take the capital gains and you roll it over and you invest it into a factory with a production line and higher workers, wherever there's production, wherever there is a return on an investment, the Federal Government has the first lien. And Ronald Reagan said what we tax, we get less of. And so we hear with our tax policy, tax everything that produces and nothing that consumes. Well, little of what is consumed. And tax reform is a big issue. It's important. And I'll get back to that perhaps a little bit later, Madam Speaker.

One of the other issues that I mentioned that we want to make sure we can evaluate Presidential candidates in is the second amendment. Our gun rights, and if we look back in our Constitution under the second amendment, clearly, that we are guaranteed an individual right to keep and own firearms. A well-regulated militia being necessary to a free state, the right of the people to keep and bear arms shall not be infringed. That's the second amendment, Madam Speaker.

There's a case before the United States Supreme Court that will come up perhaps in March of next year, and we will get the first decision of the Supreme Court on that question, I believe, in 70 years. But we need a President that will defend that right to keep and bear arms.

And I would remind the body, Madam Speaker, that the right to keep and bear arms is not a right for self-defense specifically. It wasn't written for that reason. It isn't necessarily a right to go out and target shoot or to hunt. Those things that I've mentioned, self-defense, hunting, target shooting, collecting firearms, all of those things are fringe benefits to the real reason for the second amendment. The real reason we have a right to keep and bear arms is because our forefathers feared tyranny, and they understood that a well-armed populace would not capitulate to a military state, that a dictator could not emerge and herd the people like sheep at the point of a bayonet if the people themselves had guns. That's the philosophy that's behind the second amendment. And you'll notice in the last 200-and-some years, we haven't had a single tyrant emerge as a leader here in America. Some would disagree with me, but I'm sure that they're wrong in any analysis. And one of those reasons is because of the restraint that's in place because the people in America hold guns within their possessions, within their homes. And that is a silent deterrent against the emergence of tyranny. And while that's going on, we're deterring tyranny, and we're protecting our homes and we get to enjoy target shooting and hunting and collecting.

And by the way, if you go over to the Smithsonian, Madam Speaker, you can walk through the collection of firearms that are there and track the history of America, as the history of America is written within the firearms that have defended the balance of our freedoms, and without that defense, the ability to defend our freedoms, none of the rest of this holds together. So the second amendment becomes an essential evaluation and how it's defended by a Presidential candidate.

And health care is an issue that we are constantly churning and it will be an issue in the next Presidential race. It is today in the caucus and in the primary, both among Democrats and Republicans, how would these Presidential candidates deal with health care. And it is ⅐ of our economy that is consumed in health care, Madam Speaker. That's a significant percentage. And I'll come back to that perhaps in a moment.

But I wanted to mention the last issue, which is our national sovereignty. And this national sovereignty issue is one that we give away if we don't control our borders. If we simply have 2,000 miles on the southern border and 4,000 miles on the northern border and open seashores on the Atlantic and on the Pacific, and people that want to come to America come, and those that want to go certainly are always free to leave, Madam Speaker, that is no sign of sovereignty. No nation that doesn't protect its borders will long be a nation. And if we do not protect our borders, if people flow back and forth at will, if they carry goods and contraband back and forth across the border at will, we are no longer a sovereign nation. We're just a location where people do business and trade, whether it's legitimate or illegitimate. This national sovereignty has an essential component, and it must be part of our decision-making process as we evaluate the Presidential candidates.

And so, Madam Speaker, as we come to this, I began to ask these questions. How do I sort these issues? And what stands out as the essential components of this decision-making process? And I'll read through this list again. Life, marriage, the war on terror, illegal immigration, tax reform, the second amendment, health care, protecting our national sovereignty. How do these top Presidential candidates on the Republican side, how do they shake out when I evaluate where they stand on these issues and what are the most important?

Well, as I look across this list, and having served in this Congress now for 5 years, I come to the conclusion that the next President, whether he's a Democrat or Republican, will defend access to health care in America. I don't think that there are any Americans that are in danger of losing their access to health care under any policy that's advocated by a Republican or a Democrat. It might come in a different form from the Democrat side of the aisle. It would be universal socialized medicine. That's clearly in the debate platform and there's no one over there that disagrees. They're all talking about how they would provide socialized medicine, not whether.

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That's not a disagreement. On the Republican side, there is discussion about this, and I don't know Republican candidates that support socialized medicine. Some have varying degrees on how they would approach this, but all would ensure that all Americans have access to health care.

So I don't think health care becomes the deciding issue by which I should throw my support behind an individual Presidential candidate. It's important. We'll debate it, we'll protect it, we'll preserve it, and hopefully we'll make it better. And I bring some ideas to this Congress that I hope can get implemented, along with many of my colleagues. I had a meeting this morning, as a matter of fact. So I will set health care off on the side and I will say it's not in jeopardy. I think that all Presidential candidates will preserve and protect access to health care.

Then I look at the war on terror and also come to the same conclusion that, on the Republican side at least, all Presidential candidates will continue to conduct this war on terror. We understand who our enemy is far better today than we did 6 years and 3 months ago and we will understand our enemy better a year from now. And the next President of the United States will understand this enemy better than we did 4 years ago, and certainly 8 years ago.

But I believe that this Congress supports this global war on terror. It's a battle. You brought 40 resolutions against us, but the American people are going to continue to defeat this enemy that is seeking to kill us. I believe the next Republican will do the same. And I think it's a matter of debate and degrees; whether Rudy Giuliani would have the most insight and be the most aggressive or whether JOHN MCCAIN would have the most insight and be the most aggressive. There are strong convictions on the part of Mitt Romney or Fred Thompson or Mike Huckabee, would all stand up to this foe, would all work to defeat our enemies, would all narrow the laser beam down on Osama bin Laden and on al Qaeda. And I think all would work to promote our American values overseas so that the people over there understand that we want to help them rid themselves of the habitat that breeds that kind of terror. I think that happens.

So I think I can put health care over on the side and say it's not at risk in this nomination. Americans are going to be okay. We can debate this in Congress on how we want to move forward with it, but let's set it off on the side because we're going to be all right with it. Let's set the global war on terror off on the side because I believe that all Presidential candidates will fight that.

And as I take these issues on down then, the second amendment is another one. It's important. It's essential. We need to protect our right to keep and bear arms, and yet this Congress will protect our second amendment rights. The courts, I believe we will discover in March, or if the decision comes down the following June, that they will have protected our second amendment rights and written for a long time a definitive word on the meaning and the understanding of the second amendment to be consistent with our historical readings and understanding and the text of the Constitution. I think that happens. And I think, even with an unfriendly President on the second amendment, I think that this Congress in the end protects our second amendment rights. So as much as I believe in the second amendment, I think I can set that over on this side with the war on terror and with health care, those three in that category, that we can protect and defend this another way.

But what does it take a President to do? What will the next President do that will turn the destiny of the United States the most profoundly for the good, or miss that opportunity by taking a wrong turn and never being able to get back to the interstate again? And I believe the next President will make probably two appointments to the Supreme Court, maybe more, and these will be significant appointments to the Court.

I think it's imperative that we elect a President who understands that the nominees to the Supreme Court must be originalists, they must be textualists, they must be the kind of jurists who read the Constitution and understand that the Constitution means what it says, means the text that's in the Constitution. They must be the kind of judiciary that look at the Constitution and understand that we need to evaluate it within the original understanding of the Constitution because, without that, without originalism, without textualists, without the original intent of the Constitution as the foundational criterion for determining the constitutionality of current law, without that, the Constitution is no guarantee at all, except a guarantee to the justices to be able to manipulate their decisions to move this society in the direction they choose, as if they were legislators.

The last people that should be amending our Constitution, whether literally amending it or de facto amending the Constitution by their decisions, are the nine Justices of the Supreme Court. The next President has to understand that. And he cannot ask the question of the potential nominees for the Court, are you pro-life or are you pro-choice? Are you pro-marriage or are you pro gay marriage? They can't ask that question because that would interfere with the confirmation process. It would interfere with the decision-making process. And, in fact, I don't ask those questions of the judges myself because I know they have to make a decision on the case that's before them. We would be asking them to make a decision on a case that hasn't been written or presented to them, perhaps.

But they need to be the kind of justices that have profound and reverent respect for this Constitution, for its meaning, for its guarantee. Because in it is the guarantee of our rights and our freedom like none other on the face of this Earth. And we cannot have a justice, or five of the nine, that decide they want to social engineer by the decisions that they make.

This next President must understand this, must have advisers that will probe into the potential nominees, and must come down with nominations of the kind of quality that we see in Justice Roberts, Justice Alito, two stellar appointments to the Supreme Court made by President Bush. If we can continue down that line, we will eventually see the justices in the lower courts start to respect the text of the Constitution, too. And then, in my perfect world, they will start to teach the Constitution in con law in law school instead of teaching off the case law. I know some of you do. Many do not. And that is essential.

So the issues for the next President to understand and promote and embody are the appointments to the Supreme Court being essential, that they be originalists, within the vein of Roberts and Alito. I want those decisions to come down on the Constitution, not on their will or their whim of what the policy should be; not in some legal contortionist approach to try to arrive at a conclusion that fits their social liberalism. I want a justice that can maybe come to a conclusion that, even though they disagree with the policy that unfolds, the Constitution says so, they must follow it. That becomes the most important thing. And life and marriage do hang in the balance on that, but those decisions will be made off the Constitution in my future world, not off the whim of the policy because we wish it so.

So as I look down through this list, life and marriage, wrapped up in the original understanding of the Constitution, that being, I think, the most important, and then the issue of our national sovereignty wrapped up within the immigration issue, who will defend our borders? Who is strong and who is silent? And as I evaluate the Presidential candidates, there are some who have clearly supported our amnesty policy. And the Senator from Arizona has a policy such that has his name on it, or at least did have, the McCain-Kennedy. And some of that has changed, but the debate is the same and the policy is the same. It is amnesty. He served America honorably for every day of his adult life, and I have profound respect for Senator MCCAIN. He and I disagree on the amnesty issue and on the border. And I think that our national sovereignty and the destiny of America is turned if we don't uphold the rule of law.

I'm concerned about the mayor of a sanctuary city, Rudy Giuliani, who has essentially presided over a city that the "broken windows" policy is wonderful. It set a standard and cleaned up a city, but it did not preserve and protect the rule of law when it came to immigration. This Nation cannot be sustained if we don't uphold the central pillar of American exceptionalism, the rule of law. Those things weigh heavy in my head and on my heart and on my instincts when it comes to the evaluation process.

It weighs heavy on me that the State of Arkansas, to some degree, has become a sanctuary State because of the promotion there of the DREAM Act. Now, it has a nice name, but what it is is scholarships for illegals to go to college. And also opposition there for a ban on tax dollars going to welfare to illegals. People that are unlawfully present in the United States, the question needs to be asked and answered to each of these Presidential candidates, and I would implore you, you have this opportunity in places like Iowa, New Hampshire and South Carolina, ask these Presidential candidates, what would you do with the people here in the United States who are unlawfully here, whether they came across illegally on the border or overstayed their visa, how would you deal with them? Would you send them home, or wouldn't you, if they had broken no other laws? And if the answer is, well, we can make some other accommodation, or I would send them to college under a scholarship program, or I would grant them a path to citizenship, all of those things are amnesty.

If we don't have the will to send people home when we encounter them on the streets of America through our local law enforcement, for example, if we don't have the will to send them home, then we cannot have an immigration policy that is established here by the people in America. Our immigration policy will be driven by people in foreign countries that, some who drive here, some who take a boat here, some who fly here, but they come to America and do what they want to do, and then we have Presidential candidates out there that would adjust our national policy to accommodate their wish, their will, their whim against the wishes of the American people, against the rule of law. I think that weighs heavily when we make decisions on who we support for President, weighs heavily if they have supported amnesty, and weighs heavily if they've advocated policies like sanctuary cities, if they've presided over sanctuary cities. It weighs heavily if protecting that central pillar of American exceptionalism, rule of law, has been sacrificed to a whim because of a heart taking over where the head needs to rule. We need to have tough love or we will be sacrificing the rule of law. And I am quite concerned that we have a series of Presidential candidates that won't hold their ground on that issue because holding their ground on the immigration issue holds our ground on the sovereignty issue.

Now, if they would make the right appointments to the Supreme Court, that's going to be, to some degree, a redeeming characteristic, but in the end, the right appointments to the Supreme Court and the sacrifice of our national sovereignty and the importation of every willing traveler changes forever the face of America. We have a unique American character, a unique American spirit. We have a vitality here, much of which comes from having skimmed the cream of the crop off the donor civilizations through the process of a legal immigration policy, and we have such a massive illegal policy that we can no longer have a debate in this Congress on a legal immigration policy. We need a President to lead us out of that, not a President that leads us into that mess even further.

To think of the idea of another 4 or 8 years of hypercompassionate conservatism that would grant a DREAM Act scholarship to people who are here illegally, or grant paths to citizenship to reward people who are unlawfully present here in the United States, that would not uphold the rule of law, undermines our sovereignty, what America do we have left?

If we have a court that would preserve life and marriage, but we don't have a national sovereignty that's protected because the heart of a presidential candidate ruled over their head, then we sacrifice our sovereignty and our destiny.

So, Mr. Speaker, I submit this: Look through the list of the issues that matter, life, marriage, the war on terror, illegal immigration, tax reform, the second amendment, health care, and our national sovereignty. Look at those issues that we can put over to the side and say, we can protect them and promote them here from Congress and we think all the Presidential candidates will stand behind them, and those would be the war on terror, the tax reform issue, which probably doesn't change our destiny right now, but we can put that off on the side because I just think that it's not a destiny changer at this moment. The second amendment we will protect here in this Congress. It's important, but we'll protect it. Health care is important, but we'll protect it. It's not constitutional, by the way, for those of you who are wondering. But what it comes down to is life, marriage and our national sovereignty as viewed through whether we will protect our borders.

Ask yourselves: Do these Presidential candidates understand these issues? What is their focus on life and marriage? What confidence do you have in their judicial appointments all the way down the line? But ask yourselves, where are they in the end? Are they for or against amnesty? Do they stand up for amnesty, as I have defined it, or do they redefine it for their own purpose because their heart leads their head?

I hope you make some sound decisions and make a solid recommendation to America. I thank you for your attention tonight, Madam Speaker.

RECESS

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WELCH of Vermont) at 11 o'clock and 52 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 6, ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110-474) on the resolution (H. Res. 846) providing for consideration of the Senate amendments to the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HINOJOSA (at the request of Mr. HOYER) for today and December 4.

Ms. HOOLEY (at the request of Mr. HOYER) for December 4, 5, and 6 on account of medical reasons.

Ms. JACKSON-LEE of Texas (at the request of Mr. HOYER) for today until 7 p.m.

Mr. ORTIZ (at the request of Mr. HOYER) for today after 3 p.m. on account of an event in the district.

Mr. LUCAS (at the request of Mr. BOEHNER) for today after 2:30 p.m. and the balance of the week on account of a family commitment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

(The following Members (at the request of Mr. WALDEN of Oregon) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, December 12.

Mr. JONES of North Carolina, for 5 minutes, December 12.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 863. An act to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds; to the Committee on the Judiciary.

S. 1327. An act to create and extend certain temporary district court judgeships; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1429. An act to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

ADJOURNMENT

Mr. HASTINGS of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, December 6, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4230. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Unshu Oranges From the Republic of Korea into Alaska [Docket No. APHIS-2006-0133] (RIN: 0579-AC20) received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4231. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Imported Fire Ant; Additions to the List of Quarantined Areas [Docket No. APHIS-2007-0114] received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4232. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Increased Assessment Rate [Docket No. AMS-FV-07-0089; FV07-984-1 FR] received October 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4233. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Decreased Assessment Rate [Docket No. AMS-FV-07-0087; FV07-924-1 FIR] received October 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4234. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program, Sunset Review [Docket Number AMS-TM-06-0222; TM-04-07FR] (RIN: 0581-AC51) received October 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4235. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2006-07 Crop Natural (sun-dried) Seedless Raisins [Docket No. AMS-FV-07-0027; FV07-989-1 FIR] received October 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4236. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — 2007 Crop Cotton Classification Services and User Fees to Growers [Docket Number: AMS-CN-07-0060; CN-07-003B] (RIN: 0581-AC75) received October 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4237. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, CA; Decreased Assessment Rate [Docket No. AMS-FV-07-0104; FV07-987-1 IFR] received October 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4238. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Use of Estimated Trade Demand to Compute Volume Regulation Percentages [Docket No. AMS-FV-07-0071; FV07-989-2 FR] received October 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4239. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Captan, 2,4-D, Dodine, DCPA, Endothall, Fomesafen, Propyzamide, Ethofumesate, Permethrin, Dimethipin, and Fenarimol; Tolerance Actions [EPA-HQ-OPP-2007-0097; FRL-8142-2] received September 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4240. A letter from the Acting Secretary, Department of Agriculture, transmitting a report of a violation of the Anti-deficiency Act in an account of the Commodity Credit Corporation, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

4241. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 06-10, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

4242. A letter from the General Counsel, Government Accountability Office, transmitting report of a violation of the Antideficiency Act by the Department of Energy during fiscal years 2006 and 2007, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

4243. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Community Development Block Grant Program; Small Cities Program [Docket No. FR-5013-F-02] (RIN: 2506-AC19) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4244. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Model Manufactured Home Installation Standards [Docket No. FR-4928-F-02] (RIN: 2502-AI25) received October 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4245. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Fair Credit Reporting Affiliate Marketing Regulations [Docket ID. OCC-2007-0010] (RIN: 1557-AC88) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4246. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Requirements for Insurance — received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4247. A letter from the Director, Child Nutrition Division, Department of Agriculture, transmitting the Department's final rule — Afterschool Snacks in the Child and Adult Care Food Program — received August 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4248. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule — Technical Assistance on Data Collection—Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention — received August 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4249. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Amendment to Interpretive Bulletin 95-1 (RIN: 1210-AB22) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4250. A letter from the Assistant Secretary, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provisions of Six Federal Environmental Statutes and Section 211 of the Energy Reorganization Act of 1974, as Amended [Docket Number: OSHA-2007-0028] (RIN: 1218-AC25) received August 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4251. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedure for Residential Central Air Conditioners and Heat Pumps [Docket No. EE-RM/TP-02-002] (RIN: 1904-AB55) received October 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4252. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Loan Guarantees for Projects That Employ Innovative Technologies (RIN: 1901-AB21) received October 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4253. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions [EPA-HQ-OECA-2005-0062; FRL-8467-5] (RIN: 2020-AA42) received September 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4254. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Nonroad Diesel Technical Amendments and Tier 3 Technical Relief Provision [EPA-HQ-OAR-2007-0652; FRL-8467-2] (RIN: 2060-AO37) received September 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4255. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Comprehensive Procurement Guideline V for Procurement of Products Containing Recovered Materials [EPA-HQ-RCRA-2003-0005; FRL-8468-3] (RIN: 2050-AE23) received September 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4256. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District [EPA-R09-OAR-2007-0276; FRL-8456-4] received September 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4257. A letter from the Director Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — National Source Tracking of Sealed Sources; Revised Compliance Dates (RIN: 3150-AI22) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4258. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on October 27, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

4259. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003 a six-month periodic report on the national emergency with respect to Burma declared by Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

4260. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

4261. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

4262. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

4263. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-14, concerning the Department of the Navy's proposed Letter(s)of Offer and Acceptance to Kuwait for defense articles and services; to the Committee on Foreign Affairs.

4264. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-10, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office for defense articles and services; to the Committee on Foreign Affairs.

4265. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Burma: Revision of the Export Administration Regulations [Docket No. 071018609-7611-01] (RIN: 0694-AE17) received October 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4266. A letter from the Director, Office of Policy and Resource Planning, Department of State, transmitting the Department's Fiscal Year 2007 summary of the financial activity of the Bureau of Population, Refugees, and Migration; to the Committee on Foreign Affairs.

4267. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period August 1, 2007 through September 30, 2007; to the Committee on Foreign Affairs.

4268. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Governments of the United Kingdom and Canada (Transmittal No. DDTC 062-07); to the Committee on Foreign Affairs.

4269. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles to international waters (Transmittal No. DDTC 082-07); to the Committee on Foreign Affairs.

4270. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles to the Governments of Russia and Kazakhstan (Transmittal No. DDTC 022-07); to the Committee on Foreign Affairs.

4271. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles to international waters (Transmittal No. DDTC 076-07); to the Committee on Foreign Affairs.

4272. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of France (Transmittal No. DDTC 064-07); to the Committee on Foreign Affairs.

4273. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement for the export of technical data, defense services, and defense articles to the Government of Israel (Transmittal No. DDTC 010-06); to the Committee on Foreign Affairs.

4274. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles and defense services to the Government of Russia (Transmittal No. DDTC 065-07); to the Committee on Foreign Affairs.

4275. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Foreign Affairs.

4276. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule — Ownership and Control; Permit and Application Information; Transfer, Assignment, or Sale of Permit Rights (RIN: 1029-AC52) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4277. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD26) received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4278. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — United States-Bahrain Free Trade Agreement [USCBP-2007-0063 CBP Dec. 07-81] (RIN: 1505-AB81) received October 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4279. A letter from the Chief, Publications and Regulations Branch Legal Processing Division, Internal Revenue Service, transmitting the Service's final rule — Notice of Additional 2008 Transition Relief under Section 409A [Notice 2007-86] received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4280. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Roosevelt Wallace v. Commissioner Docket Number: 4637-03 128 T.C. No. 11 (April 16, 2007) — received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4281. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Reporting and Wage Withholding Under Internal Revenue Code 490A [Notice 2007-89] received October 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4282. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Partnership Audit Techniques Guide — Chapter 13 — received October 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4283. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue: IRC Section 118 Abuse Directive #3 [LMSB– Control No: 04-1007-069] received October 15, 2007, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

4284. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2007-82] received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4285. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Interest Rate Modification [Notice 2007-81] received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4286. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use FY 2008 IMET funds for the enclosed list of countries, pursuant to Public Law 109-102; jointly to the Committees on Foreign Affairs and Appropriations.

4287. A letter from the Comptroller, Department of Defense, transmitting the Department's notification of funding transfers made during FY 2007, pursuant to Public Law 109-289, section 8005; jointly to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3526. A bill to include all banking agencies within the existing regulatory authority under the Federal Trade Commission Act with respect to depository institutions, and for other purposes (Rept. 110–472, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3526. A bill to include all banking agencies within the existing regulatory authority under the Federal Trade Commission Act with respect to depository institutions, and for other purposes; with an amendment (Rept. 110–472, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 836. Resolution granting the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigation into the deaths of 9 individuals that occurred at the Crandall Canyon Mine near Huntington, Utah (Rept. 110–473). Referred to the House Calendar.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 846. Resolution providing for the consideration of the Senate amendments to the bill (H.R. 6) to reduce our Nation's dependence on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes (Rept. 110–474). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EHLERS:

H.R. 4278. A bill to extend the temporary suspension of duty on yttrium oxides having a purity of at least 99.9 percent; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. SMITH of Texas, Mr. SCHIFF, Mr. FEENEY, Mr. ISSA, Mr. CHABOT, Mr. COHEN, Mr. KELLER, Ms. JACKSON-LEE of Texas, and Mr. GOODLATTE):

H.R. 4279. A bill to enhance remedies for violations of intellectual property laws, and for other purposes; to the Committee on the Judiciary.

By Mrs. CUBIN (for herself, Mr. THOMPSON of California, and Mrs. McCARTHY of New York):

H.R. 4280. A bill to amend the Federal Land Policy and Management Act of 1976 to provide death and disability benefits for aerial firefighters who work on a contract basis for the Forest Service or an agency of the Department of the Interior and suffer death or disability in the line of duty, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCRERY:

H.R. 4281. A bill to extend the temporary suspension of duty on methyoxyacetic acid; to the Committee on Ways and Means.

By Mr. McCRERY:

H.R. 4282. A bill to extend the suspension of duty on 2-Acetylnicotinic acid; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia (for himself, Mr. DAVIS of Illinois, and Mr. CONYERS):

H.R. 4283. A bill to amend title 18, United States Code, to award credit toward the service of a sentence to prisoners who participate in designated educational, vocational, treatment, assigned work, or other developmental programs, and for other purposes; to the Committee on the Judiciary.

By Mr. ALEXANDER:

H.R. 4284. A bill to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John "Marty" Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007; to the Committee on Oversight and Government Reform.

By Mr. BUTTERFIELD (for himself and Mr. JONES of North Carolina):

H.R. 4285. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Northeastern North Carolina Heritage Area in North Carolina, and for other purposes; to the Committee on Natural Resources.

By Mr. CROWLEY (for himself, Mr. MANZULLO, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ALTMIRE, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Mr. BARROW, Ms. BEAN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Mr. BOOZMAN, Ms. BORDALLO, Mr. BOREN, Mr. BOSWELL, Mr. BOYD of Florida, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. BURTON of Indiana, Mr. BURGESS, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CARNAHAN, Mr. CARNEY, Mr. CARTER, Ms. CASTOR, Mr. CHANDLER, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. COLE of Oklahoma, Mr. CONYERS, Mr. COOPER, Mr. COSTA, Mr. COSTELLO, Mr. COURTNEY, Mr. CRAMER, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Virginia, Mrs. DAVIS of California, Mr. LINCOLN DAVIS of Tennessee, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DOGGETT, Mr. EDWARDS, Mr. ELLISON, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. FARR, Mr. FATTAH, Mr. FERGUSON, Mr. FILNER, Mr. FORBES, Mr. FRANK of Massachusetts, Mrs. GILLIBRAND, Mr. GONZALEZ, Mr. GORDON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Ms. HERSETH SANDLIN, Mr. HIGGINS, Mr. HILL, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HODES, Mr. HOLDEN, Mr. HOLT, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. KAGEN, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Mr. KIND, Mr. KING of New York, Mr. KIRK, Mr. KLEIN of Florida, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LATOURETTE, Ms. LEE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mr. LYNCH, Mrs. MALONEY of New York, Mr. MARCHANT, Mr. MARKEY, Mr. MARSHALL, Mr. MATHESON, Ms. MATSUI, Mrs. McCARTHY of New York, Ms. McCOLLUM of Minnesota, Mr. McDERMOTT, Mr. McGOVERN, Mr. McHENRY, Mr. McNERNEY, Mr. McNULTY, Mr. MEEKS of New York, Mr. MELANCON, Mr. MICHAUD, Mr. GARY G. MILLER of California, Mr. MILLER of North Carolina, Mr. MITCHELL, Mr. MOLLOHAN, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Mr. TIM MURPHY of Pennsylvania, Mr. MURTHA, Mrs. MUSGRAVE, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. NEUGEBAUER, Mr. OBEY, Mr. ORTIZ, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. PEARCE, Mr. PERLMUTTER, Mr. PETERSON of Minnesota, Mr. PETRI, Mr. PITTS, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RAMSTAD, Mr. REYES, Mr. RENZI, Ms. RICHARDSON, Mr. RODRIGUEZ, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. RUSH, Mr. RYAN of Ohio, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SHULER, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SERRANO, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. SNYDER, Ms. SOLIS, Mr. SPACE, Mr. SPRATT, Mr. STUPAK, Mr.

TANNER, Mrs. TAUSCHER, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. TSONGAS, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. UPTON, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. WALSH of New York, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WELCH of Vermont, Mr. WESTMORELAND, Mr. WEXLER, Mr. WILSON of Ohio, Mr. WILSON of South Carolina, Mr. WOLF, Ms. WOOLSEY, Mr. WU, Mr. WYNN, Mr. YARMUTH, Mr. YOUNG of Alaska, Mr. DOYLE, Mr. ELLSWORTH, Mr. LAMPSON, Mr. LEVIN, Mr. CLYBURN, Mr. JEFFERSON, Mr. WALZ of Minnesota, Mr. MAHONEY of Florida, Mr. SESTAK, Mr. STARK, Mr. SCOTT of Virginia, Mr. MEEK of Florida, Mr. BERRY, and Mrs. LOWEY):

H.R. 4286. A bill to award a Congressional Gold Medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma; to the Committee on Financial Services.

By Mr. EMANUEL:

H.R. 4287. A bill to include Medicare provider payments in the Federal Payment Levy Program, to require the Department of Health and Human Services to offset Medicare provider payments by the amount of the provider's delinquent Federal debt, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. TOWNS, Mrs. EMERSON, and Mr. PASTOR):

H.R. 4288. A bill to amend title XVIII to provide for coverage of annual preventive physical examinations under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTUÑO:

H.R. 4289. A bill to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the "Euripides Rubio Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. MCCAUL of Texas:

H.R. 4290. A bill to amend the Homeland Security Act of 2002 to provide for additional availability of testing facilities and equipment and to extend the authority of the Secretary of Homeland Security to carry out certain research and development projects; to the Committee on Homeland Security.

By Mr. OBERSTAR:

H.R. 4291. A bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes; to the Committee on Natural Resources.

By Mr. OBERSTAR:

H.R. 4292. A bill to authorize the sale of certain National Forest System lands in the Superior National Forest in Minnesota; to the Committee on Agriculture, and in addition to the Committees on Natural Resources, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 4293. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for State and local, and foreign, real property taxes; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. SHAYS, Mr. CASTLE, Mr. EMANUEL, Mr. PLATTS, and Mr. VAN HOLLEN):

H.R. 4294. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin (for himself, Mr. HENSARLING, and Mr. FLAKE):

H.R. 4295. A bill to amend title XVIII of the Social Security Act to require wealthy beneficiaries to pay a greater share of their premiums under the Medicare prescription drug program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHWARTZ (for herself, Mr. PORTER, and Mrs. CAPPS):

H.R. 4296. A bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER:

H.R. 4297. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring energy conservation provisions and to provide a tax credit for certain individuals using home heating oil; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 4298. A bill to direct the Federal Trade Commission to revise the regulations regarding the do-not-call registry to prohibit politically-oriented recorded message telephone calls to telephone numbers listed on that registry; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia:

H. Res. 844. A resolution recognizing the service and dedication of Dr. Daisaku Ikeda and celebrating his 80th birthday; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. MARIO DIAZ-BALART of Florida, Mr. KLEIN of Florida, Mr. MAHONEY of Florida, Mr. WEXLER, Mr. MACK, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, Ms. CASTOR, Mr. BOYD of Florida, Mr. KELLER, Ms. CORRINE BROWN of Florida, Mr. MICA, Mr. MEEK of Florida, Mr. BUCHANAN, and Mr. PUTNAM):

H. Res. 845. A resolution recognizing the 60th anniversary of Everglades National Park; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mrs. CHRISTENSEN, Ms. TSONGAS, and Mr. DUNCAN.
H.R. 549: Mr. WELCH of Vermont and Mr. ROSS.
H.R. 583: Mr. KAGEN.
H.R. 620: Mr. SMITH of New Jersey and Ms. KILPATRICK.
H.R. 621: Mr. BILIRAKIS.
H.R. 718: Mr. JOHNSON of Georgia.
H.R. 871: Mr. SIRES and Ms. BALDWIN.
H.R. 882: Mr. MCCARTHY of California, Mr. RODRIGUEZ, Mr. BOOZMAN, and Mr. LEWIS of Kentucky.
H.R. 989: Mr. JORDAN.
H.R. 1000: Mr. GEORGE MILLER of California, Ms. CASTOR, and Mr. UDALL of Colorado.
H.R. 1031: Mr. SCOTT of Georgia.
H.R. 1032: Mr. HINOJOSA, Mrs. CHRISTENSEN, Mr. GEORGE MILLER of California, Mr. COHEN, and Mr. KUCINICH.
H.R. 1043: Mr. WELCH of Vermont.
H.R. 1091: Mr. MCDERMOTT.
H.R. 1110: Mr. SCHIFF.
H.R. 1111: Mr. MEEKS of New York.
H.R. 1112: Mr. KLINE of Minnesota.
H.R. 1201: Mr. MCCOTTER.
H.R. 1216: Mr. ANDREWS.
H.R. 1237: Mr. COURTNEY, Ms. BERKLEY, Mr. PETRI, Mr. LARSON of Connecticut, and Mr. SCOTT of Georgia.
H.R. 1275: Mr. ROTHMAN.
H.R. 1282: Ms. SOLIS.
H.R. 1359: Mr. SALI and Mr. BARRETT of South Carolina.
H.R. 1422: Mr. WICKER.
H.R. 1497: Mr. SERRANO and Mr. GOODE.
H.R. 1512: Ms. RICHARDSON.
H.R. 1518: Ms. BALDWIN.
H.R. 1590: Mrs. GILLIBRAND.
H.R. 1609: Ms. FOXX, Mr. RAMSTAD, Mr. GRIJALVA, Mrs. MYRICK, Mr. JACKSON of Illinois, and Ms. WOOLSEY.
H.R. 1621: Mr. ENGLISH of Pennsylvania.
H.R. 1711: Mr. ROTHMAN, Mr. ROSS, and Mr. COHEN.
H.R. 1742: Mr. WEXLER, Mr. DAVIS of Alabama, and Mr. ISRAEL.
H.R. 1748: Mr. KLINE of Minnesota.
H.R. 1843: Mr. CRENSHAW, Mr. FRANKS of Arizona, Mr. CONAWAY, Mr. SHADEGG, Mr. RODRIGUEZ, Mr. ALEXANDER, Mr. RENZI, and Ms. SUTTON.
H.R. 1881: Mr. TOWNS.
H.R. 1884: Mr. DAVIS of Illinois, Mr. ALLEN, Mr. SIRES, Ms. SUTTON, Ms. BERKLEY, and Mr. TERRY.
H.R. 1964: Mr. CROWLEY.
H.R. 1983: Mr. LATHAM.
H.R. 2017: Mrs. CAPPS.
H.R. 2052: Mr. BUTTERFIELD.
H.R. 2075: Mr. LATOURETTE.
H.R. 2091: Mr. UDALL of Colorado and Mr. DAVIS of Kentucky.
H.R. 2112: Mr. MARKEY.
H.R. 2125: Mr. BONNER.
H.R. 2138: Mr. HINOJOSA and Mr. WELCH of Vermont.
H.R. 2166: Mr. COHEN, Mr. ROSS, Mr. ROTHMAN, and Mr. SHIMKUS.

H.R. 2205: Mr. THOMPSON of California.

H.R. 2421: Mr. LIPINSKI.

H.R. 2477: Ms. SCHWARTZ.

H.R. 2511: Ms. MCCOLLUM of Minnesota.

H.R. 2564: Mr. SOUDER and Mr. DAVIS of Kentucky.

H.R. 2567: Mr. LAMPSON.

H.R. 2593: Mr. KUCINICH.

H.R. 2610: Mr. ANDREWS.

H.R. 2634: Mr. MEEKS of New York, Mr. TOWNS, and Ms. KILPATRICK.

H.R. 2668: Mr. HONDA.

H.R. 2695: Mr. HAYES and Mr. SCOTT of Georgia.

H.R. 2744: Ms. ROYBAL-ALLARD, Mr. COSTELLO, Mr. DINGELL, and Mr. UDALL of New Mexico.

H.R. 2784: Mr. HINOJOSA and Mrs. WILSON of New Mexico.

H.R. 2802: Mr. THOMPSON of California.

H.R. 2864: Mr. KANJORSKI.

H.R. 2914: Ms. SOLIS.

H.R. 2990: Mr. RAMSTAD, Mr. LEWIS of Kentucky, and Mr. WESTMORELAND.

H.R. 3175: Mr. SIRES.

H.R. 3212: Mr. JACKSON of Illinois and Mr. LEWIS of Georgia.

H.R. 3282: Mr. HONDA, Mr. ROTHMAN, and Mr. GERLACH.

H.R. 3327: Mr. HOLT and Ms. WOOLSEY.

H.R. 3329: Mr. LYNCH and Mr. SHAYS.

H.R. 3337: Mr. WELCH of Vermont, Mr. GUTIERREZ, Mrs TAUSCHER, Mr. LEWIS of Georgia, Mr. FILNER, and Mr. FRANK of Massachusetts.

H.R. 3347: Ms. ZOE LOFGREN of California.

H.R. 3348: Mr. HAYES and Mr. WELDON of Florida.

H.R. 3360: Mr. TOWNS and Mr. LANTOS.

H.R. 3368: Mr. ALTMIRE, Mrs. LOWEY, Mr. CONYERS, Mr. REYES, Mr. BISHOP of Georgia, Ms. CARSON, and Mr. CUMMINGS.

H.R. 3385: Ms. SCHAKOWSKY.

H.R. 3418: Mr. HASTINGS of Washington and Mr. MOORE of Kansas.

H.R. 3430: Mr. TOWNS, Mr. MARKEY, Mr. SESTAK, Mr. PAYNE, Mr. COSTELLO, Mr. WYNN, Mr. BRADY of Pennsylvania, and Ms. SUTTON.

H.R. 3440: Mr. CARNEY and Ms. JACKSON-LEE of Texas.

H.R. 3442: Mr. MELANCON, Mr. HAYES, and Mr. CALVERT.

H.R. 3464: Mr. FATTAH, Mr. MURPHY of Connecticut, Mr. MCGOVERN, Mr. OLVER, and Ms. JACKSON-LEE of Texas.

H.R. 3533: Mr. LATOURETTE.

H.R. 3558: Mr. FORTUÑO.

H.R. 3645: Mr. WEXLER.

H.R. 3646: Mr. ALTMIRE.

H.R. 3660: Mr. MILLER of Florida, Mr. GERLACH, and Mr. THOMPSON of California.

H.R. 3663: Mr. CLEAVER, Mr. CLAY, Mr. OLVER, Mr. JOHNSON of Georgia, Mr. FARR, Mr. MARKEY, Mr. MCNULTY, Mr. PAYNE, Ms. LORETTA SANCHEZ of California, Mr. CUMMINGS, and Mr. NADLER.

H.R. 3689: Mr. DAVIS of Illinois, Ms. BERKLEY, and Ms. CARSON.

H.R. 3691: Mrs. NAPOLITANO, Mr. SIRES, and Mr. SALAZAR.

H.R. 3753: Mr. BOUCHER, Ms. ZOE LOFGREN of California, and Mr. DELAHUNT.

H.R. 3846: Ms. SCHAKOWSKY, Mr. WATT, and Mr. BOUCHER.

H.R. 3851: Ms. GRANGER and Mr. SHAYS.

H.R. 3882: Mr. BURTON of Indiana, Mr. CAPUANO, Ms. WOOLSEY, and Mr. Rohrabacher.

H.R. 3890: Mr. BLUMENAUER and Ms. WOOLSEY.

H.R. 3934: Mr. KNOLLENBERG and Ms. ZOE LOFGREN of California.

H.R. 3951: Mr. BERMAN.

H.R. 3976: Mr. LEWIS of Georgia.

H.R. 4008: Ms. FOXX and Mr. GARRETT of New Jersey.

H.R. 4011: Mrs. MUSGRAVE.

H.R. 4061: Mr. MCNERNEY and Mr. DAVIS of Illinois.

H.R. 4073: Mr. SHAYS.

H.R. 4107: Mrs. BOYDA of Kansas.

H.R. 4114: Mr. ALLEN and Mr. LEVIN.

H.R. 4116: Mr. GORDON, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. CULBERSON, Mr. FOSSELLA, Mr. BOYD of Florida, Mr. WOLF, Mr. SESSIONS, and Mr. JONES of North Carolina.

H.R. 4160: Mrs. BLACKBURN, Mr. MCCOTTER, and Mr. KLINE of Minnesota.

H.R. 4181: Mr. BROUN of Georgia, Mr. FEENEY, Mr. ISSA, Mr. FORTUÑO, and Ms. FOXX.

H.R. 4188: Mr. DAVIS of Illinois, Mr. BAKER, and Mr. BURTON of Indiana.

H.R. 4202: Mr. PETERSON of Minnesota.

H.R. 4247: Ms. HOOLEY and Mr. COHEN.

H.R. 4248: Mr. GORDON and Mr. ETHERIDGE.

H.R. 4264: Ms. ROS-LEHTINEN and Mr. MORAN of Kansas.

H. J. Res. 54: Mr. HODES, Mr. BISHOP of New York, Mr. MELANCON, Mr. LUCAS, and Mr. HINOJOSA.

H. Con. Res. 176: Mr. RUSH.

H. Con. Res. 198: Mr. JEFFERSON, Mr. WATT, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Ms. BALDWIN, Ms. MOORE of Wisconsin, Mr. STARK, Mr. AL GREEN of Texas, Mr. KENNEDY, Mr. GUTIERREZ and Ms. DELAURO.

H. Con. Res. 223: Mr. YOUNG of Alaska.

H. Con. Res. 244: Mr. MICA, Mr. CLAY, Mr. SAM JOHNSON of Texas, Mr. BURTON of Indiana, Mr. YOUNG of Alaska, Mr. MCINTYRE, Ms. MATSUI, Mr. LOBIONDO, Mrs. MYRICK, Mr. PAUL, Mr. BROUN of Georgia, Mr. PRICE of Georgia, Mr. JOHNSON of Illinois, Mr. CASTLE, Mrs. MILLER of Michigan, Mr. ADERHOLT and Mr. HULSHOF.

H. Con. Res. 255: Mr. MCNULTY, Mr. TOWNS, Mr. HASTINGS of Florida, Mr. ROTHMAN, Mr. ISRAEL, Mr. BISHOP of New York, Mr. WEINER, Mr. NADLER, Mr. PATRICK MURPHY of Pennsylvania, Mr. ARCURI, Mr. CARNAHAN, Mr. WEXLER, Mr. COHEN, Mr. BERMAN, Mr. HIGGINS, Mrs. TAUSCHER, Ms. MOORE of Wisconsin, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. KLEIN of Florida, Mr. MAHONEY of Florida, Ms. SCHAKOWSKY, Mr. SHULER, Mr. GALLEGLY and Mr. LANTOS.

H. Con. Res. 261: Mr. CALVERT, Mr. DAVIS of Kentucky, Mr. SNYDER, Ms. LORETTA SANCHEZ of California, Mr. SAM JOHNSON of Texas, Mr. CALVERT, Mr. REGULA, Mr. ROGERS of Michigan, Mr. LEWIS of California, Mr. CRENSHAW, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. SIMPSON, Mr. LATOURETTE, Mr. LATHAM, Mr. SMITH of New Jersey, Mr. LOBIONDO, Mr. FRELINGHUYSEN, Mr. WHITFIELD, Mr. STEARNS, Mr. WU, Mr. KNOLLENBERG, Mr. SMITH of Texas, Mr. MCCOTTER, Mr. BARTLETT of Maryland, Mr. DREIER, Mr. CAMPBELL of California, Mr. CANNON, Mr. KING of Iowa, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mrs. BLACKBURN, Mr. GARRETT of New Jersey, Mrs. CAPITO, Ms. ROS-LEHTINEN, Ms. FALLIN and Mr. JONES of North Carolina.

H. Con. Res. 263: Mr. HERGER, Mr. MCCARTHY of California, Mr. ENGLISH of Pennsylvania, Mr. FRANKS of Arizona, Ms. GINNY BROWN-WAITE of Florida, Mr. SENSENBRENNER, Mr. KUHL of New York, Mr. FORTUÑO, Mrs. MCMORRIS RODGERS and Mr. NEUGEBAUER.

H. Con. Res. 265: Ms. WOOLSEY and Mr. LEWIS of Georgia.

H. Res. 111: Mr. MCHENRY, Mr. FATTAH, Mr. KUCINICH, Mr. UDALL of New Mexico, Mr. DENT, Ms. WOOLSEY, Mr. GONZALEZ, Mr. DOOLITTLE, Mr. LINDER, Mr. SARBANES and Mrs. CAPPS.

H. Res. 213: Mr. RUSH, Mr. HASTINGS of Florida, Mr. MARKEY and Mr. STARK.

H. Res. 333: Mr. GRIJALVA.

H. Res. 690: Mr. BLUNT.

H. Res. 700: Ms. BERKLEY and Mr. TANNER.

H. Res. 748: Mr. KLINE of Minnesota.

H. Res. 768: Mr. BRALEY of Iowa, Mr. COURTNEY, Mr. WELCH of Vermont, Mr. PAYNE and Mr. LARSON of Connecticut.

H. Res. 783: Mr. BARRETT of South Carolina and Mr. LINDER.

H. Res. 800: Ms. GRANGER.

H. Res. 814: Ms. BORDALLO and Mr. GILCHREST.

H. Res. 819: Mr. HODES, Ms. CASTOR and Mr. JOHNSON of Georgia.

H. Res. 842: Ms. WOOLSEY, Mr. SIRES, Ms. SCHAKOWSKY and Mr. KING of New York.

H. Res. 843: Mr. BURTON of Indiana, Mr. KELLER, Mr. DREIER, Mr. HERGER, Mr. FORTENBERRY, Mrs. MCMORRIS RODGERS, Ms. MCCOLLUM of Minnesota, Mr. MCCAUL of Texas, Mr. BROWN of South Carolina, Mr. EHLERS, Mr. BOUSTANY, Mr. GINGREY, Mr. ROHRABACHER, Mr. GOHMERT, Mr. TIAHRT, Mr. NUNES, Mr. MARIO DIAZ-BALART of Florida, Mr. KNOLLENBERG, Mr. CANNON, Mr. BACHUS, Mr. PETRI, Mr. COBLE, Mr. WAMP, Mr. CALVERT, and Mr. DOOLITTLE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3120: Mr. PUTNAM.

EXTENSIONS OF REMARKS

A TRIBUTE TO CHRISTOPHER MICHALSKI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Mr. Christopher Michalski of New York City, New York. Mr. Michalski is an asset to our fair city and a testament to the American dream.

Mr. Michalski was born on July 12, 1949 in a small city in Poland where he grew up with huge dreams of coming to America. While in school he studied architecture extensively and eventually received a master's degree in structural engineering. He instantly put his knowledge to good use by following in his family's footsteps to become a third generation church builder.

While Mr. Michalski was in his midtwenties, he was afforded an opportunity to migrate to America of which he eagerly took advantage. With strength and perseverance Chris was able to build a new life for himself and his family in New York City. He married his longtime love Dorothy and had two beautiful children, Monica and Eric.

Today, Chris Michalski can be found running his company, Solution New York Contracting Inc., while interacting with people from all over the world. He is a dog lover, a church builder, and a one-of-a-kind individual.

Madam Speaker, I would like to recognize Chris Michalski: for his hard work and structural contributions to the city of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to this intrepid individual who is fine example of the entrepreneurial spirit upon which America was built.

HONORING THE LIFE OF CAPTAIN TIMOTHY McGOVERN, U.S. ARMY, OF IDAVILLE, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. DONNELLY. Madam Speaker, I rise today to honor U.S. Army Captain Timothy McGovern of Idaville, Indiana, who died on October 31, 2007 while serving in Mosul, Iraq. Assigned to the 2nd Battalion, 7th Cavalry Regiment, 4th Brigade Combat Team, 1st Cavalry Division, Tim was leading his troops in a mission clearing roads of IEDs when his group came under fire and his Bradley was hit by a roadside bomb. Today I would like to take a moment to mourn a well-lived life cut tragically short.

After moving to Idaville as a teen, Tim graduated from Twin Lakes High School in 1997 where he excelled in honors classes and was a star in football and track. Even at that point it was clear what Tim was going to do with his life, as his former football coach commented, "It didn't surprise me at all when he joined the armed forces and became an officer . . . that was just the kind of guy he was." And it probably didn't surprise anyone, for a career in the Army was in Tim's blood: just a year before he graduated from high school, his father Bill retired from the Army having achieved the rank of Lieutenant Colonel.

Tim started on that path immediately following high school, when he joined the Reserve Officers' Training Corps while attending Purdue University. Less than two years after his graduation from Purdue in 2001, Tim set off to serve the first of his two tours of duty in Iraq. "He was on his very first tour when the war in Iraq started, and when he came home, (he) didn't hesitate to do another," his uncle Mike recalls.

Although Tim was in the process of buying a house in El Paso, Texas, his heart remained with his family in Idaville and with the Chicago Bears. During his second tour of duty in Iraq, Tim was given a two-week pass to return home to the United States. He made sure to return home for the Superbowl, and Tim's parents will never forget their last moments spent at home with their beloved son. "He was a Bears fan," his mother Jonell said. "He was one of the few rooting for the Bears, him and his grandmother. That's going to stay in our minds for a really long time."

But if his heart was with his family, his passion and purpose was with the Army. As captain of a ninety-member company, Tim showed exemplary dedication to his duties as an officer and to the safety and well-being of his men. His mother noted, "He said the thing he was the most proud of was that he had not sent anybody home injured and that nobody had been killed from his group. To him, that meant he was doing his job." Safety did not mean staying away from where the action was, however. He assumed command of Company E from Captain Tim Hudson, who said "We both chose to go to El Paso and Fort Bliss, and we both came here for the same reason. And that was to come out here and command soldiers in combat." Having commanded Company E for twenty months, Captain Hudson could only praise Tim's work upon assuming command in June. "I put my heart and soul into this company," Hudson said. "And after he took over, Echo Company only got better."

What was Tim's secret to being an excellent commander? He may well have shared it with 1st Lieutenant Michael Holbrook. "He told me there was no greater honor than leading American soldiers in combat. I'm going to remember that until the day I hang up my uniform."

A private man, Tim would not have wanted all the attention placed on his life. "He wouldn't have liked this," said his mother. "He would have wanted people to be thinking about the other soldiers still over there fighting." For that reason, I wish to remember those soldiers Tim commanded in Echo Company still serving in Mosul, and all those serving in Iraq and Afghanistan. Indeed, may we keep all those in the Armed Forces in our hearts and prayers as a way of honoring and remembering Tim's outstanding service and loyal dedication to our great nation.

CONGRATULATING ERICA FRENCH OF LOWERY ROAD ELEMENTARY SCHOOL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Erica French, a teacher at Lowery Road Elementary School in Fort Worth, Texas. Ms. French was chosen as one of fourteen recipients of the 2007–2008 Chairs for Teaching Excellence award.

The Fort Worth School District recognizes the teachers, and to be chosen, you must be nominated by a principal, parent, or colleague. The selection process also entails an interview and an evaluated teaching demonstration. The teachers were presented with their awards at the Petroleum Club of Fort Worth.

It is my honor to represent a teacher such as Ms. French in the 26th District of Texas. Her dedication to education, her school, and her students and families of Fort Worth, Texas should be viewed as an example for all.

TRIBUTE TO MACK HARMON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Mack Harmon, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 412, and in earning the most prestigious award of Eagle Scout.

Mack has been very active with his troop, participating in many Scout activities. Over the many years Mack has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Mack Harmon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

INTRODUCTION OF PROPERTY TAX DEDUCTION FOR ALL ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Property Tax Deduction for All Act, legislation making the property tax deduction an "above-the-line" deduction. This simple change makes the property tax deduction available to homeowners who do not file an itemized tax return.

The Property Tax Deduction for All Act will help millions of Americans who struggle with high property taxes, but because they do not itemize, are unable to take advantage of the Federal deduction for property taxes. Extending the property tax deduction to all homeowners will especially benefit senior citizens, whose homes often are the major part of their wealth, and young families struggling to cope with the costs of owning a new home. I respectfully urge my colleagues to help ensure all homeowners can take advantage of the tax deduction for property taxes by cosponsoring this legislation.

IN RECOGNITION OF OPERATION COMMUNITY SHIELD

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. SESSIONS. Madam Speaker, I rise today to proudly recognize the Dallas Field Office of Immigration and Customs Enforcement, and the Detention and Removal Operations agents who participated in Operation Community Shield—an annual, national law enforcement initiative that brings together federal, state, and local law enforcement to fight gang violence, drug smuggling and organized crime linked to illegal immigration.

I applaud the remarkable accomplishments they produced in just seven days of Operation Community Shield: 120 gang members arrested, including members from 28 alien gangs, 63 criminal arrests, and 8 firearms and over 4,000 grams of marijuana and cocaine seized.

Thanks to Operation Community Shield, numerous murderers, rapists, and drug dealers have been taken off our streets. With the collaborative work of federal, state, and local law enforcement, Operation Community Shield enables officers to more effectively communicate between agencies, developing a "force multiplier" effect in fighting against violent gangs and criminal illegal immigrants. Consequently, I believe that this important initiative represents a critical step in addressing the illegal immigration problem facing our community and nation.

Madam Speaker, I would further like to give recognition to the leadership of John Chakwin, ICE Special Agent-in-Charge, and Mrs. Nuria T. Prendes, Director for Detention and Removal Operations. Both have remarkable staffs that support the mission in light of the challenging times in our nation, and their steadfast commitment is one we can all be proud of in Dallas, Texas.

A PROCLAMATION HONORING KRISTA SIEGFRIED FOR PLACING SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. SPACE. Madam Speaker:

Whereas, Krista Siegfried competed in England's largest youth soccer tournament; and

Whereas, Krista Siegfried showed hard work and dedication to the sport of soccer; and

Whereas, Krista Siegfried has broadened her abilities and skills in the sport of soccer; and

Whereas, Krista Siegfried was a supportive team player; and

Whereas, Krista Siegfried always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Krista Siegfried on placing second in the Manchester Umbro International Cup. We recognize the tremendous hard work and sportsmanship she has demonstrated.

TRIBUTE TO BILL HAMPTON

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mrs. EMERSON. Madam Speaker, I rise today to congratulate Bill Hampton for receiving the 2007 Missouri Community College Association News Media Award. Mr. Hampton's work has been essential to the successes of Three Rivers Community College, TRCC.

Academic institutions such as TRCC require consistent and aggressive advocacy to advance opportunities for students. By using innovative means to connect more than 20,000 households to TRCC, Mr. Hampton has effectively conveyed the importance of this institution to our regional communities. Mr. Hampton's optimistic, community-minded message continues to foster necessary support for the college's growth and continued improvement.

With career experience in education, business, and government, Mr. Hampton understands the importance of higher education; he remains a generous supporter of the college as a private citizen. Mr. Hampton's contributions, both professionally and personally, have helped foster TRCC as the source for educational and career opportunities for the entire southern Missouri region.

Madam Speaker, it is a great privilege to honor Bill Hampton on winning this prestigious award. I ask that you join me along with the people of southern Missouri to congratulate him on this wonderful achievement and to wish him a happy and productive future.

RECOGNIZING THE 50TH ANNIVERSARY OF THE VIAHEALTH OF WAYNE COUNTY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. WALSH of New York. Madam Speaker, I rise today to recognize the 50th anniversary of ViaHealth of Wayne located in Newark, New York.

Newark Wayne Community Hospital opened its doors on April 1, 1957, and for 50 years it has provided the people of Wayne County and surrounding areas with quality medical care. The highly trained, dedicated staff is committed to providing superior health care to everyone who comes through the hospital doors.

The health care professionals at Newark Wayne Community Hospital offer a wide range of expertise, from heart and cancer care to providing living assistance for seniors. The incredible staff is able to offer care to everyone, using leading edge medical technology that ensures patients receive the best health care services possible.

I thank all of the individuals, families, and foundations whose hard work and dedication have been instrumental in making Newark Wayne Community Hospital a success. I congratulate all of you on reaching this important milestone and know that you will continue to serve the community proudly for another 50 years.

HONORING JACKIE AND MOLLIE SINGER

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Ms. BERKLEY. Madam Speaker, I rise today to recognize Jackie and Mollie Singer, remarkable twin sisters from my district in Las Vegas, Nevada. At the age of four, Mollie was diagnosed with diabetes. Since that time, both sisters, now eighteen, have worked tirelessly to raise money and promote awareness of the disease which afflicts more than 20 million Americans.

The Singer sisters first came to my attention nearly ten years ago on their first visit to my office for the important advocacy work they began at such a young age. As part of their spirited efforts, Mollie and Jackie organize annual walks and numerous other events to benefit the Juvenile Diabetes Research Foundation. Altogether their efforts have raised more than $500,000 for the cause. The sisters have also formed the Diabetic Angels, an international support group for those suffering from juvenile diabetes.

The Singer sisters have put a memorable face to this alarming medical crisis through speaking engagements, meetings with policy makers, and numerous print and television interviews. They have compiled many of their experiences into a booklet entitled "The Road to a Cure," which gives pointers to parents and kids on fundraising, health fairs, and public speaking. Members of my staff and I have had the pleasure of meeting with Mollie and Jackie and their family on many occasions through the years.

Madam Speaker, I am proud to honor the work of Mollie and Jackie Singer and their family to raise awareness of diabetes and to work toward a cure, and I wish them continued success in their efforts.

CONGRATULATING KAZAKHSTAN ON ITS ELECTION AS CHAIR OF OSCE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. TOWNS. Madam Speaker, I welcome the unanimous decision of the Organization for Security and Cooperation in Europe (OSCE) to elect Kazakhstan its Chair-in-Office for 2010, reached on November 30, 2007 in Madrid.

This is undoubtedly a monumental event not only in the history of modem Kazakhstan, but also of the OSCE of which the United States is a member. For the first time, a country which in recent past was part of the Soviet Empire will lead this international institution. This vividly shows that Kazakhstan has managed to make a breakthrough from its communist past to a democratic future in a short time. This is also testimony to the evolutionary development of the OSCE itself. The Madrid decision, helps the OSCE strengthen its unity and become an organization of equal partners who sincerely believe in and are committed to ideals of democracy and freedom.

This is a stellar moment for the people of Kazakhstan, and a recognition of the longstanding efforts of their leader, President Nursultan Nazarbayev, on building a truly democratic and free society. President Nazarbayev has managed to achieve things leaders of many other countries can only dream of. To pull the country from the chaos of Soviet era and lead it towards the ranks of economically strong and democratically developed nations of the world in a little more than a decade takes incredible efforts, strategic vision and endless care for one's people. Today, Kazakhstan is a recognized leader in Central Asia, and I believe that, as Chair-in-Office, Kazakhstan will not only strengthen its leadership in that key region but will also help strengthen the OSCE's authority internationally, as well as improve mutual understanding and cooperation between East and West.

Madam Speaker, next week the people of Kazakhstan will celebrate the 16th anniversary of their independence and mark the establishment of Kazakhstan-U.S. diplomatic relations. We are proud that in these 16 years our relations have developed into a true strategic partnership. Kazakhstan has always been true to its commitments and has never wavered in its support for our nation.

I join my colleagues in congratulating our strategic ally and friend with its Chairmanship of OSCE in 2010 and with the 16th anniversary of independence. I strongly believe the opportunities Kazakhstan and our strategic partnership have to offer have not been fully explored. I wish the wise people of Kazakhstan and their leader Nursultan Nazarbayev happiness, well-being, and further prosperity.

CONGRATULATING THE L.D. BELL HIGH SCHOOL BLUE RAIDER MARCHING BAND

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate the L.D. Bell High School Blue Raider Marching Band of Hurst, Texas, on being named the 2007 Bands of America Grand National Champion on November 17, 2007 in Indianapolis, Indiana.

The L.D. Bell Blue Raider Marching Band has participated in the Bands of America Grand Nationals five times since 2001, placing 4th, 5th, 3rd, 2nd, and now 1st. They also received the highest achievement awards in the areas of Outstanding Music Performance and Outstanding General Effect. In the semi-finals round, the band received the highest score given in Bands of America history: an astounding 97.8.

The Band is capably led by Director of Bands Jeremy Earnhart, Assistant Director of Bands Jolette Wine, and Associate Band Directors Nick Thomas and Brandon Holt.

I sincerely commend the L.D. Bell High School Blue Raider Marching Band, their directors, and Drum Majors, for winning 1st place at the University Interscholastic League Bands of America Grand Nationals. Their hard work, dedication, desire to excel, and success in promoting and performing music deserves the highest recognition and congratulations. I'm very proud to represent these students and teachers in the U.S. House of Representatives.

A PROCLAMATION HONORING ALEX LEAS FOR PLACING SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. SPACE. Madam Speaker:

Whereas, Alex Leas competed in England's largest youth soccer tournament; and

Whereas, Alex Leas showed hard work and dedication to the sport of soccer; and

Whereas, Alex Leas has broadened her abilities and skills in the sport of soccer; and

Whereas, Alex Leas was a supportive team player; and

Whereas, Alex Leas always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Alex Leas on placing second in the Manchester Umbro International Cup. We recognize the tremendous hard work and sportsmanship she has demonstrated.

HONORING MRS. HELENA SNYDER ON THE CELEBATION OF HER 100TH BIRTHDAY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. LIPINSKI. Madam Speaker I rise today to honor Mrs. Helena Snyder, an outstanding American, on her 100th birthday. A resident of Riverside, Illinois, for over fifty years, Helena celebrated 100 years on November 7th of this year.

Born in Pekin, Illinois, to Sicilian parents, Helena grew up dreaming of a career in Chicago. After graduating high school, Helena left Pekin to pursue her dream and was hired by the offices of the U.S. District Attorney in Chicago. She remained employed there until 1939, when she married her husband Bernard Snyder.

Shortly after their first child was born, World War II began and Bernard enlisted in the Navy. Helena and their son Brad moved to California with him until he was sent overseas. Upon Bernard's return, Helena became a full-time homemaker and spent much of her valuable time volunteering for a number of different groups in her community. Notably, Helena has held many offices as a member of the Riverside Women's Club and served as president of the organization for two years.

Madam Speaker, it is my honor to recognize Mrs. Helena Snyder, an exceptional woman and pillar in the community, on the celebration of her 100th birthday. I am honored to have such an outstanding individual in my district and wish Helena and her family a joyous celebration.

TRIBUTE TO EFRAIN GUERRERO, AKA: "HAPPY"

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. ORTIZ. Madam Speaker, I rise today to pay tribute to a unique American patriot, a South Texan whose pleasure is derived from making other people happy: Efrain Guerrero, also known as "Happy the Clown."

If you ever have the pleasure of talking to Happy, you will laugh too loud, and walk away wiping tears of laughter. If laughing is indeed good for our health, Happy is an extraordinary doctor.

Like every great American comedian, Happy delves deeply into the human condition—our habits, our reactions, our relationships, and all the things that make us laugh about ourselves, our families, and our lives.

Happy has a tremendous connection to people, using humor—and his exceptional personal charm—to inspire them and motivate them. He is an international award-winning entertainer and public speaker throughout Texas and the United States. As a motivational consultant, Happy has made countless presentations to schools, health organizations, and parent groups.

His humor is disarming. Happy recently brought down the room as a headliner at Harrah's Hotel & Casino in Las Vegas Nevada. He has written and co-produced comedy CD's, and has been dubbed: a "Texas legend in entertainment."

Happy is one of the top twenty-five Latino comedians in the United States. Happy's performances have delighted thousands of diverse audiences who attend his comedy concerts, conventions, and private events throughout the United States, Mexico, and Puerto Rico.

Happy is a member of the Texas Magician's Association and uses a level of magic in his shows and presentations, for which he has also won numerous awards.

He has written and produced five comedy CD's: Happy Live Disconnected, El Pachuco Dude, Dalé Gas, Happy Live! Chisquitito . . . and his most recent CD, Barely Reality. Happy also released two comedy DVD's, Happy Live! I and Happy Live! II.

On screen, Happy was featured in Harvest of Redemption (April 2005), an independent film about the journey of an angry young man in the Rio Grande Valley, cira 1920. Happy was the original host and co-producer of the comedy show Que Locoi on Galavision's network.

Happy's recent comedy show, La Migra Gone Wild! is a Tejano comedian's hysterical perspective of the chaos immigration is causing on both sides of the border ... his latest installment of illustrating and illuminating through humor.

I ask my colleagues to join me in commending my friend, Efrain Guerrero "Happy," for his intense and hysterical comedy that gives us all a hard look at ourselves and the world around us.

RECOGNIZING LAWSON CARDINALS HIGH SCHOOL FOOTBALL TEAM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievement of the Lawson Cardinals high school football team on defeating Blair Oaks, by a score of 38–17, to win the Class 2 State Championship.

The Cardinals finished their incredible season by posting an unblemished record of 14–0 this season while scoring 501 points and only allowing 145 points. In the Championship game, the defense forced seven turnovers, resulting in 24 points from turnovers, third most in Show-Me Bowl history.

Also, I want to recognize the great leadership of the team, including Head Coach Todd Dunn and the work of his assistance coaches. I also want to acknowledge the work of school administrators, Superintendent Craig Barker, Principal Don Edwards and Assistant Principal Clint Ross, and Athletic Director Scott Harrold, as additional keys to success.

Madam Speaker, I ask you to join me in congratulating the achievement of Lawson Cardinals High School football team on their perfect season and state championship. It is an honor to represent this team in the United States Congress.

CONGRATULATING THE ACCOMPLISHMENTS OF SPECIAL OLYMPIAN JESSICA CROOK OF LOGANSPORT, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. DONNELLY. Madam Speaker, I am so proud to rise before you today to offer a word of congratulations to Special Olympian Jessica Crook of Logansport, Indiana for her accomplishments at this year's World Games in Shanghai, China and for being selected as a member of the 2007–2009 class of Sargent Shriver International Global Messengers.

Not only is Jessica the first Global Messenger to be selected from the State of Indiana, but she is an accomplished athlete as well. She became involved with the Special Olympics in 1999, with the Cass County Aquatics program. In June 2005, Jessica won a Gold Medal in the Summer Games, and followed up with two more in 2006. Also in 2006, Jessica won top honors in three events at the National Games.

This year, Jessica was one of seven Hoosiers representing Team USA at the World Games in Shanghai, China. She competed in three events at the World Games, held in November, placing 6th in the 50-meter Freestyle, winning a Silver Medal as part of the 4x50-meter Medley Relay team, and winning a Gold Medal in the 50-meter Butterfly.

As an International Global Messenger, Jessica will serve for two years as a voice of the Special Olympics. Sargent Shriver International Global Messengers (IGM) are a group of twelve Special Olympians from around the world that speak on behalf of the Special Olympics, appearing in various national and international media outlets. The new class, consisting of athletes from across the globe, is committed to the vision and benefits gained from participation in athletics. Jessica is the first Special Olympian athlete from Indiana to receive this distinguished appointment, and she is eager to relay the powerful declarations of hope, acceptance, dignity and courage of Special Olympics Athletes around the world.

Again, it is my honor to join with the constituents of Indiana's Second Congressional District and around the country in congratulating Jessica Crook of Logansport, Indiana, for her accomplishments at the 2007 Special Olympics World Games and for being selected as a Sargent Shriver International Global Messenger.

CONGRATULATING RILEY BELL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Riley Bell, of Trinity Christian Academy, on qualifying for induction into the Spring 2007 National Honor Roll. Riley resides in The Colony, TX and is in her third year of high school at Trinity Christian.

The National Honor Roll offers several benefits that can contribute to the success of its student members. The National Honor Roll chooses students based upon their academic performance. Each student that qualifies for induction must have a B average or better, and show ambition in areas such as grade point average, interests, activities, and future goals.

I extend my sincere congratulations to Ms. Riley Bell for her remarkable dedication to education and exemplary learning. Her commitment to her studies, her school, and her future should serve as an inspiration to all. I am honored to represent her in the 26th District of Texas.

TRIBUTE TO ELIZABETH SIMONE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. GRAVES. Madam Speaker, I proudly ask you to join me in recognizing Elizabeth Simone of Gladstone, Missouri. Elizabeth will be celebrating her 78th birthday on November 22nd and it is my privilege to offer her my warmest regards.

Elizabeth raised three children and has eight grandchildren, including my legislative attorney Dominic Lackey. Elizabeth is a talented pianist and now spends her days retired after serving as an accomplished secretary for the International Association of Machinists and Aerospace Workers.

Madam Speaker, it is an honor to represent Elizabeth in the United States Congress, and I wish her all the best on this birthday and many more in the future.

VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM PREVENTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. PAUL. Madam Speaker, I regret that I was unavoidably out of town on October 23, 2007, when a vote was taken on H.R. 1955, the Violent Radicalization and Homegrown Terrorism Prevention Act. Had I been able to vote, I would have voted against this misguided and dangerous piece of legislation. This legislation focuses the weight of the U.S. government inward toward its own citizens under the guise of protecting us against "violent radicalization."

I would like to note that this legislation was brought to the floor for a vote under suspension of regular order. These so-called "suspension" bills are meant to be non-controversial, thereby negating the need for the more complete and open debate allowed under regular order. It is difficult for me to believe that none of my colleagues in Congress view H.R. 1955, with its troubling civil liberties implications, as "non-controversial."

There are many causes for concern in H.R. 1955. The legislation specifically singles out the Internet for "facilitating violent radicalization, ideologically based violence, and the homegrown terrorism process" in the United States. Such language may well be the first step toward U.S. government regulation of what we are allowed to access on the Internet. Are we, for our own good, to be subjected to the kind of governmental control of the Internet that we see in unfree societies? This bill certainly sets us on that course.

This seems to be an unwise and dangerous solution in search of a real problem. Previous acts of ideologically-motivated violence, though rare, have been resolved successfully using law enforcement techniques, existing laws against violence and our court system. Even if there were a surge of "violent radicalization"—a claim for which there is no evidence—there is no reason to believe that our criminal justice system is so flawed and weak as to be incapable of trying and punishing those who perpetrate violent acts.

This legislation will set up a new government bureaucracy to monitor and further study the as-yet undemonstrated pressing problem of homegrown terrorism and radicalization. It will no doubt prove to be another bureaucracy that artificially inflates problems so as to guarantee its future existence and funding. But it may do so at great further expense to our civil liberties. What disturbs me most about this legislation is that it leaves the door wide open for the broadest definition of what constitutes "radicalization." Could otherwise non-violent anti-tax, antiwar, or anti-abortion groups fall under the watchful eye of this new government commission? Assurances otherwise in this legislation are unconvincing.

In addition, this legislation will create a Department of Homeland Security-established university-based body to further study radicalization and to "contribute to the establishment of training, written materials, information, analytical assistance and professional resources to aid in combating violent radicalization and homegrown terrorism." I wonder whether this is really a legitimate role for institutes of higher learning in a free society.

Legislation such as this demands heavy-handed governmental action against American citizens where no crime has been committed. It is yet another attack on our Constitutionally-protected civil liberties. It is my sincere hope that we will reject such approaches to security, which will fail at their stated goal at a great cost to our way of life.

IN HONOR OF THE VARSITY VOLLEYBALL TEAM AT CANYON CREEK CHRISTIAN ACADEMY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. SESSIONS. Madam Speaker, I rise today to proudly recognize the Varsity Volleyball team at Canyon Creek Christian Academy (CCCA) for winning the 2007 Texas Association of Private and Parochial Schools (TAPPS) Volleyball State Championship.

Last weekend, CCCA defeated Austin Regents 3–1 in the semi-finals and then proceeded to face the Tyler All Saints in their final match. On November 10, 2007, CCCA emerged triumphant with the score of 3–0 and won the coveted title of 4A State Champions. This title speaks loudly of their hard work and discipline, which led to their victory. I commend them for dedicating the time and effort to enhance their ability to perform as a team and skills and techniques of this great sport.

I congratulate the members of the volleyball team for their well-deserved victory and wish them all the best in future endeavors.

A PROCLAMATION HONORING STELLA GIRKINS FOR PLACING SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. SPACE. Madam Speaker:

Whereas, Stella Girkins competed in England's largest youth soccer tournament; and

Whereas, Stella Girkins showed hard work and dedication to the sport of soccer; and

Whereas, Stella Girkins has broadened her abilities and skills in the sport of soccer; and

Whereas, Stella Girkins was a supportive team player; and

Whereas, Stella Girkins always displayed sportsmanship on and off of the field: Now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Stella Girkins on placing second in the Manchester Umbro International Cup. We recognize the tremendous hard work and sportsmanship she has demonstrated.

TRIBUTE TO BEN AND MARTHA BIDEWELL

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mrs. EMERSON. Madam Speaker, I rise today to congratulate Ben and Martha Bidewell for receiving the 2007 Missouri Community College Association Award of Distinction. Their vision and commitment to education has had an enduring impact on their community, State and Nation.

Three Rivers Community College (TRCC) has played a critical role in helping people of all ages develop the skills necessary to begin and sustain a productive career. For four decades, the Bidewells have generously contributed their time, efforts and financial resources to the betterment of TRCC, ensuring a brighter future for our State and Nation.

Mr. and Mrs. Bidewell both possess a deep sense of community and true desire to improve the lives of their neighbors. Their friendliness and optimism have positively impacted countless people both in and out of the college. Their leadership, dedication and generosity serve as an example to all, particularly young students enrolled at TRCC. Poplar Bluff and the entire southern Missouri region owe a debt of gratitude to Mr. and Mrs. Bidewell for their significant contributions to higher education and their community.

Madam Speaker, it is a great privilege to honor Ben and Martha Bidewell on winning this prestigious award. I ask that you join me along with the people of southern Missouri to congratulate Mr. and Mrs. Bidewell on this wonderful achievement and to wish them a happy and productive future.

RECOGNIZING THE 200TH ANNIVERSARY OF THE SHERWOOD INN

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. WALSH of New York. Madam Speaker, I rise today to recognize the 200th anniversary of the Sherwood Inn in Skaneateles, New York.

Founded by Isaac Sherwood in 1807 the Sherwood Inn has served as a fixture in the Central New York community for two centuries. Throughout its long history, the Sherwood Inn has seen many renovations and expansions and been known by many different names and owned by numerous people, but it has constantly been dedicated to serving travelers and diners in the area. During the influenza epidemic of 1918 the Sherwood Inn went above and beyond its call of public service by serving as a temporary hospital.

Owned by William Eberhardt since 1974, the Sherwood Inn is one of the oldest, continuously operating inns in New York State. It has served as a place for community activities, business meetings, family gatherings, and special events. Throughout its operation, the Sherwood Inn has employed hundreds of area citizens and has served as a crucial leader in the revival of the village of Skaneateles and the Finger Lakes region.

The Sherwood Inn has always strived to maintain the highest standards of public service, and I am proud to recognize them today. I congratulate the past and present employees of the Sherwood Inn on reaching this milestone, and I thank them for their two centuries of dedicated public service that has been such a positive influence on the community.

HONORING GERALDINE GENNET

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Ms. BERKLEY. Madam Speaker, I rise today to thank Ms. Geraldine Gennet for her diligent service to the Office of General Counsel for the House of Representatives. Ms. Gennet joined the General Counsel's office 12 years ago, and served in the capacity of General Counsel for more than a decade.

Ms. Gennet worked tirelessly to carry out her office's mandate to provide legal assistance and representation without regard to political affiliation. The advice and guidance she has provided to Speaker PELOSI, as well as to former Speakers Gingrich and Hastert, was unfailingly rooted in sound legal judgment and an impartial reading of the law. In carrying on an important tradition of nonpartisanship, Ms. Gennet significantly advanced the long-term, institutional interests of the House. Specifically, her vigorous defense of the Constitutional Speech or Debate clause has preserved the rights of Members, committees, and staff in their official capacities.

Ms. Gennet's capable leadership of the General Counsel's office through an era marked by partisan conflict is a testament to her integrity and professionalism. I consider it an honor to have formed both a personal and working relationship with Geraldine during my tenure in Congress. I wish her continued success, and once again thank her for her service to the House of Representatives.

A TRIBUTE TO REVEREND DR. WILLIAM A. WATSON, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and honor to the work and achievements of Rev. Dr. William A. Watson, Jr. A native of Portsmouth, Virginia, Reverend William Jr. is the fifth of seven children and the first male child born to Deacon William A. Watson, Sr., and Cornelia Watson.

Reverend William Jr. was educated in the Virginia public school system. He relocated to Hempstead, New York, and earned a vocational degree from Manpower Development Training School in New Hyde Park. Reverend William Jr. became a licensed minister in June 1978. He was ordained in July 1979 as an assistant to the late Rev. Joseph J. Howell. He became the interim Pastor of St. John's Baptist Church in Westbury in April 1983. Following that, he became the first secretary of the Eastern Baptist Association's Board of Evangelism.

Reverend William Jr. served as chairman of the board of evangelism; vice-moderator of Nassau County; vice-moderator at large of the Eastern Baptist Association of New York, Inc. He was appointed Vice President of area 7 for the Empire Baptist Missionary Convention, Inc., of New York State. In addition, he is the chaplain for the incorporated village of Hempstead's police department and president of its board of directors.

Reverend William Jr. is a retired businessman and a 41-year resident of the incorporated village of Hempstead. He continues to be on the front line of the struggle for unity and empowerment for the church and his community.

Madam Speaker, I would like to recognize Rev. Dr. William A. Watson, Jr., for his contributions to our community and for his years of service to New Yorkers.

Madam Speaker, I urge my colleagues to join me in paying tribute to Rev. Dr. William A. Watson, Jr.

HONORING COACH GARY KORHONEN OF RICHARDS HIGH SCHOOL FOR HIS RECORD-BREAKING 301ST WIN IN ILLINOIS

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor Coach Gary Korhonen of the Richards High School football team in Oak Lawn, Illinois, for his achievement as the all time winningest prep school coach in the state of Illinois. Breaking the record on September 28th, 2007, with his 301st win, Coach Korhonen has demonstrated a great commitment to his student-athletes. I am pleased to rise today to recognize Coach Korhonen's unyielding dedication and honor this great milestone in his career.

Considered to be one of the best coaches in Illinois football history, Coach Korhonen's legacy reached a new level this fall when his Richards squad faced Evergreen Park High School. Their 44–0 victory gave Korhonen his record-breaking 301st win as an Illinois head football coach and propelled the Richards Bulldogs into their 23rd consecutive playoff berth. With this win, Coach Korhonen broke the record of 300 wins previously set by Providence Catholic Coach Matt Senffner.

Demonstrating a high commitment to the success of the individual members of his team, Coach Korhonen's understanding of what truly defines success doesn't include the number of games he's won as a coach. Korhonen considers his greatest accomplishment in life to be the fact that he has sent 274 kids to college on scholarships. Always believing in the potential of his team, Korhonen humbly puts the kids first, saying, "It's not about me, but about everyone else I'm working with."

Madam Speaker, I rise to honor Coach Gary Korhonen for the positive role model that he is to the young men of Richards High School and for his continuing commitment to excellence for his players, both on and off the field. As the Representative of the 3rd District of Illinois, I am proud to say that we are home to the state's winningest coach, and I wish him and his team great success in the coming seasons.

CONGRATULATING REYNA TREVINO

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Reyna Trevino of Little Elm High School in Little Elm, TX, on qualifying for induction into the Spring 2007 National Honor Roll.

The National Honor Roll offers several benefits that can contribute to the success of its student members. The National Honor Roll chooses students based upon their academic performance. Each student that qualifies for induction must have a B average or better, and show ambition in areas such as grade point average, interests, activities, and future goals.

I extend my sincere congratulations to Ms. Reyna Trevino for her remarkable dedication to education and exemplary learning. Her commitment to her studies, her school, and her future should serve as an inspiration to all. I am honored to represent her in the 26th District of Texas.

A PROCLAMATION HONORING BAILEY VAN ORDER FOR PLACING SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. SPACE. Madam Speaker:

Whereas, Bailey Van Order competed in England's largest youth soccer tournament; and

Whereas, Bailey Van Order showed hard work and dedication to the sport of soccer; and

Whereas, Bailey Van Order has broadened her abilities and skills in the sport of soccer; and

Whereas, Bailey Van Order was a supportive team player; and

Whereas, Bailey Van Order always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Bailey Van Order on placing second in the Manchester Umbro International Cup. We recognize the tremendous hard work and sportsmanship she has demonstrated.

TRIBUTE TO JAIME Y LOS CHAMACOS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. ORTIZ. Madam Speaker, I rise today to boast about one of the great bands to come out of South Texas, Jaime y Los Chamacos. Led by renowned maestro of the accordion, Jaime de la Anda, the band's success can be directly attributed to 15 years of combined talent, and continues to live up to their stage name with youthful energy that appeals to audiences of all ages.

The distinct music of the Texas border—whether known as norteño, tejano, or conjunto—has grown together in the modern Mexican-American community. The genres emerged during the late 19th century in northern Mexico, when local bands blended traditional Mexican folk music with the accordion sounds and polka music brought by German immigrants. What emerged were the lively sounds that continue to be heard at any family gathering, beer hall, or fiesta.

Los Chamacos combine all these genres with a pop sensibility and a dynamic stage presence. Though proud of their Texas roots, Los Chamacos now boasts of their international appeal, having performed in venues all across the United States and Mexico. They have made numerous appearances on popular television shows and even had the honor of performing for President Bill Clinton and First Lady Hillary Rodham Clinton in Corpus Christi, Texas.

Their accolades and awards also speak for themselves: numerous hits on the Billboard Records' Hot Latin Charts, 5 Grammy nominations, the Texas Talent Management Association Show Band of the Year, and the Tejano Music Awards Traditional Album of the Year.

Despite their success, the band has remained humble and appreciative of their loyal fans, having appeared in several public service announcements and numerous community events. More importantly, Los Chamacos and their music represent all the aspects that make the culture of South Texas so unique.

RECOGNIZING PHILLIP EARLEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Phillip Earley, of Chillicothe, MO. Phillip is an active student at Chillicothe High School by participating in many extracurricular activities. During his time at school, he has received many outstanding athletic and academic achievements.

Phillip has been actively serving his student body and teammates by participating in C–Club and football. For his excellence in football, he was selected for the All District First Team Offense and the All Conference Second Team Offense and Defense. He also received the honor of being selected by the Missouri Sportswriters to the Class 3 All State Football Team.

Not only has Phillip been honored with many awards for his dedication and service to his football team, but also has been honored for his academic excellence. This includes receiving the academic letter twice at his school.

Also, I would like to recognize the coaches that have inspired Phillip to achieve his best in athletics and academics. These notable coaches are Phil Willard, Jeff Staton, and Dave Mapel.

Madam Speaker, I proudly ask you to join me in recognizing Phillip Earley. His dedication and service to his school has been extremely important to the success of his team record and to his academic achievement. I commend his exemplary record for of all of his athletic and academic honors, and I am honored to represent him in the United States Congress.

RECOGNIZING THE 5TH GRADE STUDENTS OF PECAN CREEK ELEMENTARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. BURGESS. Madam Speaker, I rise today to recognize the superior community service and dedication of the 5th grade students from Pecan Creek Elementary School in Denton, Texas. These students volunteered many hours to illustrate a children's book, More Than Just a Mvule Tree, which raised money to plant trees in Uganda.

The students' teacher, Ms. Natalie Mead, helped with the project, which sold 600 copies of the 24-page first edition book. The sales of those books, along with sponsorships, filled the village of Wonkonge in Uganda with 170 Mvule trees.

Madam Speaker, it is with great honor that I stand here today to recognize these students and their teacher. The students of Pecan Creek Elementary School's 5th Grade class have shown commitment to their local and international community. I am honored to represent them in the 26th District of Texas.

A PROCLAMATION HONORING CASEY CLIFF FOR PLACING SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. SPACE. Madam Speaker:

Whereas, Casey Cliff competed in England's largest youth soccer tournament; and

Whereas, Casey Cliff showed hard work and dedication to the sport of soccer; and

Whereas, Casey Cliff has broadened her abilities and skills in the sport of soccer; and

Whereas, Casey Cliff was a supportive team player; and

Whereas, Casey Cliff always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Casey Cliff on placing second in the Manchester Umbro International Cup. We recognize the tremendous hard work and sportsmanship she has demonstrated.

IN RECOGNITION OF COMMANDER PAMELA MELROY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. WALSH of New York. Madam Speaker, I rise today on behalf of myself and Mr. KUHL of New York to recognize Pamela Melroy; Commander of the Space Shuttle *Discovery* Mission STS–120.

Ms. Melroy has become just the second female shuttle commander in NASA's history. Despite NASA being comprised of approximately 19 percent women, there are currently no other female pilot-astronauts within the agency, which makes it probable that Commander Melroy may also be the last woman to command a space shuttle before the program ends in 2010.

As a member of a military family, Melroy spent her childhood living in many towns, but considers Rochester, NY, her hometown. She graduated from Bishop Kearney High School in Rochester and earned her bachelor's degree in physics and astronomy from Wellesley College. Melroy continued her education and received her masters of science degree from Massachusetts Institute of Technology.

Commander Melroy served in the United States Air Force from 1983 until 2007. During her career in the Air Force, she flew combat missions in Iraq, and eventually graduated from the Air Force's exclusive test-pilot school. Over the span of her 24-year career, she logged 5,000 hours of flight time in 45 different aircrafts.

Pamela Melroy began her astronaut career in 1994 when she was selected as a candidate by NASA. Prior to her becoming Commander of Discovery, Melroy worked on a number of projects and took on a number of roles within NASA. She served on the Columbia Reconstruction Team, as deputy project manager for a crew survival investigation team, and as a pilot on two space shuttle missions.

Pamela Melroy became the second female space shuttle commander on October 23, 2007 when mission STS–120 launched. This delivered the Harmony module to the International Space Station in order to prepare the station for future missions. Melroy follows in the footsteps of fellow Upstate New York native Eileen Collins, who was the first female space shuttle commander.

Throughout her career Commander Melroy has served as a valuable co-worker and leader and is highly respected by those who work with her. Her contributions to her country as a member of the Air Force and as an astronaut are invaluable. Inspired by Apollo missions when she was younger, Melroy herself serves as an inspiration by showing how far women have come in the space program.

Representative KUHL and I thank Pamela Melroy for her dedication and service to her country as a member of the Air Force and as an astronaut and congratulate her on a successful career thus far. She has and will continue to be a true leader and an excellent role model for young people today.

A TRIBUTE TO MRS. MAGGIE BAKER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay to Mrs. Maggie Baker.

Mrs. Baker was born in Alabama and migrated to Brooklyn, NY, where she married

Jessie Baker, Sr. She and her husband of 45 years are the proud parents of 5 sons, 1 daughter, and 20 grandchildren.

Mrs. Baker is most recognized for her years of service with the board of education until 2004. A dedicated member of New Canaan Baptist Church, Mrs. Baker has served as president of the usher board and as a Sunday school teacher for more than 31 years. Although she is actively involved in other community organizations, Mrs. Baker enjoys spending quality time with her family and traveling.

Madam Speaker, I would like to recognize the impressive achievements of Mrs. Maggie Baker for her commitment to the Brooklyn community.

Madam Speaker, I urge my colleagues to join me in paying tribute to a great individual of high morals, ethics, and integrity.

CELEBRATING THE 50TH ANNIVERSARY OF ST. CATHERINE OF ALEXANDRIA PARISH IN OAK LAWN, ILLINOIS

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor St. Catherine of Alexandria Catholic Parish as they celebrate 50 years of community, faith, and service. Throughout their history, the parishioners of St. Catherine's have served commendably as a pillar of the Oak Lawn community, and I am pleased to honor their 50th anniversary.

The story of St. Catherine of Alexandria Catholic Parish began in 1957, when the Roman Catholic population of the Ranch Manor District of Oak Lawn began looking for a new place to worship. They petitioned the Archdiocese of Chicago to establish a new church in their area, and on August 21, 1957, St. Catherine of Alexandria Parish was canonically erected.

While men in the parish built a chapel and an office, services were temporarily held at Brother Rice High School. Through hard work and dedication throughout the years, the parish has expanded to accommodate the large increase of worshippers. When the parish was dedicated on November 23, 1958, the parish facilities consisted of the church and an eight-room school for 367 families. Today, there are 12 additional classrooms, a convent, and a rectory to serve the 2200 families who worship there.

From their first pastor, Reverend John M. Kane, to their current pastor, Father Patrick Henry, the parishioners of St. Catherine's have enriched the lives of their fellow citizens by providing community outreach, a strong grade school, and an unwavering commitment to their faith. The members of St. Catherine's continue to develop their community, building gyms, kitchens, and meeting rooms to provide a safe environment for area children and a focal point for their community.

I rise today, Madam Speaker, to commend the hard work, dedication, and faith that have characterized the first 50 years of St. Catherine of Alexandria Catholic Parish. I am proud to have in the Third District such a strong example of the great contributions that Catholic parishes and schools make to this country. My prayers and best wishes are with the parishioners of St. Catherine's as they celebrate their 50th anniversary.

RECOGNIZING CLINT MACOUBRIE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievement of Clint Macoubrie, and all of his numerous athletic and academic honors at Chillicothe High School in Chillicothe, MO.

Clint is actively involved in his school by participating in many extracurricular activities. He has played golf, basketball and football all throughout his sophomore, junior, and senior year, and has received many awards and honors for his exemplary skills and character. He has been given the KKWK Outstanding Athletic Achievement Award and has also been named to the KMZU Dream Team with the title of Class 3/4 Football Defensive Player of the Year. Clint also holds the school record for the most rushing touchdowns at Chillicothe High School.

Clint is as dedicated to his athletics as he is to his academics. He has excelled in his studies by receiving the Top 10% of Class Academic Excellence Award, the George Washington Carver Award for Excellent Academic Achievement, and the President's Education Award for Outstanding Academic Excellence. Not only is he an example and leader on the field, but also in the classroom.

Also, I want to recognize the great leadership of Clint's exemplary coaches Phil Willard, Jeff Staton, and Dave Mapel who took great lengths in assuring his outstanding athletic and academic performances.

Madam Speaker, I ask you to join me in congratulating the achievement of Clint Macoubrie for all his accomplishments in athletic and academic excellence. It is an honor to represent him in the United States Congress.

RECOGNIZING CARNEGIE HALL'S CULTURAL EXCHANGE PROGRAM

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise today to bring attention to a very special occasion that will take place in New York's 14th Congressional District this week. Eight New York City high schools, including the Life Sciences Secondary School and Company High School for Theatre Art, will participate in a musical and cultural exchange event at New York City's world-renowned Carnegie Hall on December 5, 2007.

Carnegie Hall's cultural exchange program will bring together a select group of eight classrooms in New York City and an equal number in Istanbul, Turkey. Students in both countries have worked in their respective classrooms for the past ten weeks to learn about each other's nation and culture. On Wednesday, students and teachers will meet face to face via teleconferencing technology to share a real-time cultural exchange using music as the common language. American and Turkish teachers and students in the program will continue to communicate with one another on a dedicated internet space for the duration of the school year. Carnegie Hall has developed this unique exchange program in partnership with the U.S. Department of State, and I am pleased that this public-private partnership will produce a meaningful, enriching and lasting experience for students in New York City and Istanbul.

Music is a universal language through which improved understanding among our Nation's respective citizenry can be found. I commend Carnegie Hall, the U.S. Department of State, and the private sector sponsors of this program. Most importantly, I congratulate the young men and women participating in this program and add my encouragement for their continued pursuit of improved cultural understanding through music and the arts.

AN EXTRAORDINARY CAREER, AN EXTRAORDINARY CITIZEN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. HOYER. Madam Speaker, I stand today to recognize the career and contributions of a longtime friend and newspaperman in Maryland's Fifth Congressional District, John Rouse, the editor of the Bowie Blade News.

For 36 years, the citizens of the City of Bowie, Prince George's County, and the State of Maryland have benefited from John's skill as an editor, insight as a writer, and dedication to the community that he has served for so long.

Many in Bowie recognize John by his long association with the Editor's View column he writes for the paper. Through this column and other writings, John has earned distinction for his thoughtful, objective style of journalism that has helped drive the Bowie Blade-News to significant acclaim.

After serving in the Air Force during the Vietnam era, John joined the Bowie News as editor in 1971 and became the editor and general manager of the new Bowie-Blade News in 1978 when the Bowie News merged with the Bowie Blade.

Madam Speaker, under John's leadership, the Bowie-Blade News has earned numerous recognitions, among them the Newspaper of the Year award in 1999 from the SEQ Chapter of the Maryland-Delaware-District of Columbia Press Association. The paper has also won the Best in Show award for several investigative pieces over the years as well as awards for newspaper design.

John has earned several accolades of his own for his individual achievements in the news industry, including first place awards for his Editor's View column. He has been a longtime member of the Society of Professional Journalists (Sigma Delta Chi). John is also a lifetime member of both the Disabled American Veterans and the American Legion.

During John's 36 years in Bowie, he has remained resolute in his commitment to truth and fairness as guiding journalistic principles. John has served as an effective watchdog of the public interest in his community, and for that alone, he should be lauded.

Among John's most admirable qualities is his keen sense of humor. Although sometimes the target of that humor, I recognize that John is an equal opportunity satirist who adeptly uses the power of the writer's pen to make sound and insightful observations. And while John and I have sometimes fallen on different sides of a debate, we have grown to be friends over the years, and hold each other in high mutual respect and esteem.

After all, Madam Speaker, we have both witnessed the City of Bowie's evolution into the vibrant and diverse community that John is proud to call home, and I am proud to represent in Congress. All the while, John has maintained an innate ability to keep his finger firmly pressed on the pulse of the community, knowing better than most what makes Bowie such a great place to work and live.

As a resident of Bowie, John has served with countless community organizations and played a pivotal role in the formation of the Bowie YMCA. For his work in the community, John has been honored by a number of civic groups, including the Dr. Martin Luther King, Jr. Commemorative Committee of Bowie, the Bowie Civic Affairs Committee, and the Maryland-National Capital Park and Planning Commission.

Madam Speaker, John's career is significant not only in years and accomplishments, but also for the impact he has had in the City of Bowie. For three and a half decades, he has dedicated himself to working for the interests of his fellow Bowie residents and the good of the community. In recognition of his retirement as editor of the Bowie Blade-News and a public life filled with distinction, I ask my colleagues to join with me in offering him our congratulations and wishing him the very best in his retirement.

CONGRATULATING THE DENTON COUNTY CORRECTIONAL HEALTH TEAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate four members of the Denton County Correctional Health Team for being accredited "Certified Correctional Health Providers" by the National Commission on Correctional Health Care. The four health care providers are Medical Lt. John Kissinger, Medical Sgt. Shannon Sprabary, Standards and Quality Assurance Provider Dr. Randall Kesseler, and Juvenile Health Supervisor Caren Curtis.

The National Commission on Correctional Health Care certification is the highest level of certification for correctional health providers. This is a great honor as there are only 2,000 certified health care providers in all of the correctional facilities in the United States. The Health Department runs a full medical facility in the Denton County facility, and provides emergency, routine and chronic care for over 1,000 inmates.

The individual and team accomplishments of these members contribute greatly to the safety and security of all inmates of the facility. I am very proud of their dedication to their community and country. It is my honor to represent these men and women, and I wish them continued successes in the future. Their persistence and commitment should serve as an inspiration to us all.

A PROCLAMATION HONORING ALISHA HASTILOW FOR PLACING SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. SPACE. Madam Speaker:

Whereas, Alisha Hastilow competed in England's largest youth soccer tournament; and

Whereas, Alisha Hastilow showed hard work and dedication to the sport of soccer; and

Whereas, Alisha Hastilow has broadened her abilities and skills in the sport of soccer; and

Whereas, Alisha Hastilow was a supportive team player; and

Whereas, Alisha Hastilow always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Alisha Hastilow on placing second in the Manchester Umbro International Cup. We recognize the tremendous hard work and sportsmanship she has demonstrated.

A TRIBUTE TO WILLIAM TURNER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and honor the work and achievements of William Turner. William is the second child born to the union of William and Mary Turner of Tampa, Florida. William spent his childhood years in Tampa and later migrated to Philadelphia, Pennsylvania with his uncle Samuel Turner. He left Pennsylvania for New York where he studied at Pace University, Long Island University, Columbia University, New York University, Hofstra University and Brooklyn College.

William has been an entrepreneur in the Bedford-Stuyvesant Community for more than 45 years, primarily as President of Cross Boro Realty. He is also a licensed insurance broker, certified general appraiser and tax consultant. He has served on the Bedford-Stuyvesant Real Estate Board as president, chairman, vice-president, and secretary. He has also served as president of the Real Estate Non-Profit Housing Company, chairman of the Legal Defense Fund, chairman of the Journal Committee and elected to the honorary position of ambassador at large.

William has initiated and coordinated several programs, among them: The development of a strong educational program for members of the Bedford-Stuyvesant Real Estate Board which allows them to survive one of the worst housing crises in our Nation's history; assisted board members in winning 7 of 9 Housing and Urban Development area managers' contracts, and; presented testimony on redlining in the Bedford-Stuyvesant area to a legislative panel chaired by the Honorable Shirley Chisholm.

William is married to his lovely wife, Melanie Turner. He is the proud father of 3 daughters, Sheila, Joyce, and Karen; three granddaughters, Fallon, Melanie, Jazmine; and 1 grandson, Ronald Cartlidge III.

Madam Speaker, I would like to recognize the contributions of William Turner. He has been a pillar of the Bedford-Stuyvesant business community for years.

Madam Speaker, I urge my colleagues to join me in paying tribute to William Turner.

COMMENDING Q'S CREW FOR ITS COMMITMENT TO THE PEOPLE AND FAMILIES AFECTED BY MULTIPLE SCLEROSIS

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend the team members of Q's Crew, which was recently honored by the Greater North Jersey Chapter of the National MS Society for raising the most money as a rookie team during the annual MS walk this past April. They also received the Mission Possible Award for raising more than $20,000 in that endeavor.

Q's Crew gets its name from Gloria Marquis, who succumbed to MS just prior to the walk. Her son, Joe, and his then-fiancée, now-wife, Tatiana, jointly captained this team. Gloria lived with MS for many years. And, her family lived through it with her with courage and grace and dignity. In the end, Gloria regrettably was unable to make it to Joe and Tatiana's wedding in August; but her spirit was ever-present and she will surely be watching over this young couple's life together.

Tatiana also serves as my district director and I know firsthand of her extraordinary sense of public service. The energy and determination that Tatiana and Joe have demonstrated in raising funds for and awareness of multiple sclerosis and the example they have provided for other families living with MS are a tremendous contribution to the community in which they have grown up and now live as husband and wife.

I was proud to join Tatiana, Joe, and the rest of Q's Crew at the MS walk in April. And, I continue to be proud of all that they do to fight MS.

HONORING THE 50TH ANNIVERSARY OF THE GREATER SPRINGFIELD CHAMBER OF COMMERCE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. DAVIS of Virginia. Madam Speaker, I rise today to honor the Greater Springfield Chamber of Commerce as it celebrates its 50th anniversary.

Since its inception in 1957, the chamber has continued to play a key role in promoting economic prosperity in the greater Springfield region. Currently, the organization is composed of 280 businesses that are involved in a variety of local ventures, ranging from restaurants to government contracting. Drawing from a wealth of business knowledge and experience, member companies work in concert with local government officials and residents on behalf of the Springfield community.

The greater Springfield region is home to a vibrant economy where small and large businesses are forced to contend with a number of challenging economic issues. Recognizing these challenges, the chamber remains committed to aiding business as they navigate this dynamic economic landscape. President Stubbs has led a recent initiative to analyze the Base Realignment and Closure, BRAC, program and to assess its potential impact on local businesses. Another recent chamber study has focused on helping small businesses cope with the threat of pandemic flu.

Strong leadership and solid organization have contributed to the chamber's record of success. Under the guidance of current chamber president Vincent Stubbs and executive director Nancy-jo Manney, chamber membership and activities have continued to expand. Chamber executives and officers work alongside the organization's executive advisory council and the chamber board to identify areas of interest and chart the course of economic progress.

Madam Speaker, in closing, I would like to congratulate the Greater Springfield Chamber of Commerce on 50 years of success. They have become a strong organization committed to serving the interests of their members and their community. I call upon my colleagues to join me in applauding the chamber members' past accomplishments and in wishing them the best of luck in the many years to come.

CONGRATULATING MR. RICE M. TILLEY, JR.

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Mr. Rice M. Tilley, Jr., practicing attorney with Haynes and Boone, LLP, as the recipient of the 2007 "Distinguished Citizens Award" from the Longhorn Council, Boy Scouts of America.

Mr. Tilley practices law in the Northern District Court of Texas, as well as the U.S. Court of Appeals, Fifth Circuit. He has over 40 years of experience in the fields of taxation, estate planning, and business formation, among others.

Mr. Tilley is very active in his community and holds positions on the Fort Worth Chamber of Commerce, Leadership Fort Worth, and The University of North Texas' Board of Regents, as well as other organizations.

The leadership skills Mr. Tilley possesses are evident through not only his profession, but his charitable and community work as well.

I extend my sincere congratulations to Mr. Rice M. Tilley, Jr., on receiving this award, and I praise his dedication, commitment, and desire to help his community and country. I am honored to represent him in the 26th District of Texas.

A PROCLAMATION HONORING KARISSA HASTILOW FOR PLACING SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. SPACE. Madam Speaker:

Whereas, Karissa Hastilow competed in England's largest youth soccer tournament; and

Whereas, Karissa Hastilow showed hard work and dedication to the sport of soccer; and

Whereas, Karissa Hastilow has broadened her abilities and skills in the sport of soccer; and

Whereas, Karissa Hastilow was a supportive team player; and

Whereas, Karissa Hastilow always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Karissa Hastilow on placing second in the Manchester Umbro International Cup. We recognize the tremendous hard work and sportsmanship she has demonstrated.

A TRIBUTE TO REVEREND RUSH GENEVA RICHBURG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Brooklyn resident, Rev. Rush Geneva Richburg. Reverend Richburg was born and raised in Summerton, SC, and is the 15th of 21 children. Her parents are the late Reverend Gussie Pearson and Mrs. Geneva Pearson.

Reverend Richburg, a member of the New Canaan Baptist for 18 years, was called to be an evangelist in 1990 and ordained as a reverend in 2004. She has served as president of the New Canaan's Christian Women's Fellowship; vice president of the Pastor's Aide Club Ministry; chaplain of the Sunday school department; and as a member of the block association.

Reverend Richburg was married to Frank Richburg, Sr., for 32 years prior to his death. Of that union, four children were born: Frank, Jr., Jeremiah, Theresa, and Harry. She also has 14 grandchildren.

Madam Speaker, I commend Rev. Rush Geneva Richburg for her contributions to her church and her community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful woman.

IN REMEMBRANCE OF LATE CONGRESSMAN AUGUSTUS FREEMAN "GUS" HAWKINS

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Ms. ROYBAL-ALLARD. Madam Speaker, it is with a heavy heart that I rise to recognize the passing of our former colleague and my fellow Angeleno, Augustus Freeman Hawkins.

I had the privilege of meeting Congressman Hawkins on several occasions during the years he served with my father, Congressman Edward R. Roybal, and I was struck by his warmth, intelligence, courage, and his dedication to serving the people of his Los Angeles congressional district.

Known affectionately as "Gus" to his colleagues and friends, Congressman Hawkins served his Los Angeles-area community, the State of California and the Nation with distinction. Dedicating his life to public service, Congressman Hawkins served for 27 years in the California Assembly and 28 years in the U.S. House of Representatives.

His entry into Congress in 1962 could not have come at a more auspicious time. With the Civil Rights Movement already coming to the forefront of our Nation's consciousness, Congressman Hawkins became a powerful advocate for civil rights for all Americans. As the first African-American from the western United States to serve in the House of Representatives, he keenly understood the importance of the minority voice in American politics, and he worked to magnify this voice by becoming a founding member of the Congressional Black Caucus. The CBC's current success can be traced back to Congressman Hawkins' vision and commitment to the organization in its formative years.

His achievements during his nearly three-decade tenure as a legislator are too numerous to recount. He was chairman of the powerful House Education and Labor Committee and the House Administration Committee, and he used his role as chairman to champion critical civil rights measures that expanded opportunities for millions of Americans.

Most notably, he sponsored a section of the landmark Civil Rights Act of 1964 that established the Equal Employment Opportunity Commission. The EEOC has been a critical tool in efforts to enforce laws that prohibit discrimination based on race, religion, gender, national origin, age, or disability.

Reacting to rising inflation and unemployment in the 1970s, Congressman Hawkins introduced, along with Senator Hubert Humphrey, the Full Employment and Balanced Growth Act, better known as the Humphrey-Hawkins Act of 1978. This measure was signed into law by President Carter and proved to be a blueprint for debates on how Government should interact with private enterprise to bring about national growth and fiscal responsibility. And, true to his nature as a defender of civil rights, the Humphrey-Hawkins Act specifically prohibited discrimination based on race, religion, age, gender, or national origin.

On the home front, Congressman Hawkins served his district during a tumultuous time in Los Angeles' history. Gus had been in Congress only 3 years when the 1965 Watts riots occurred, ultimately claiming the lives of dozens of his constituents. He decried the abusive actions of the police, and he redoubled his efforts to secure funds to fight poverty in his district and underserved minority communities across the Nation.

Congressman Hawkins' forceful defense of Americans held back by discrimination and poverty made him both an effective advocate and a devoted mentor to young minority lawmakers. Indeed, many of my colleagues in the House have been touched and inspired by Gus Hawkins' advice and mentorship. I know that my father, who was his counterpart in the Congressional Hispanic Caucus, valued him as an ally and deeply respected and admired his leadership role as a civil rights advocate and promoter of equal opportunity for all.

Congressman Gus Hawkins will be remembered as an outstanding legislator, a trailblazer, as a trusted mentor, and as a friend. As a colleague, he will be remembered for the hard work, dedication, and dignity he always brought to his life, his work in public service, and to this people's House of Representatives.

I extend my condolences to his family and to the many people whose lives he touched.

CELEBRATING JAMAICA THROUGH THE LIFE AND TIMES OF NATIVE SON HERB McKENLEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. RANGEL. Madam Speaker, I rise today to salute one of Jamaica's favorite sons, Herb McKenley—a world-class track star whose awe-inspiring athletic feats filled the streets of Jamaica with pride. Noted as one of the island's greatest athletes ever, McKenley brought home an Olympic gold medal in 1952 as part of the country's relay team. A man of limitless determination and impressive humility—once claiming that his running philosophy was to simply "run as fast as I can, as long as I can"—McKenley set a slew of world records and earned myriad accolades to his name. His recent passing marks the culmination of a life spent sprinting towards goal after goal, and reaching every one of them.

New York fans were treated to the sight of the 6-foot-1 dynamo whizzing down the indoor tracks at the old Madison Square Garden for the Millrose Games. He set the then-world record for a 440-yard sprint in 1947, finishing it in 46.3 seconds at a time when tracks were clay or dirt—not the artificial surfaces of today. His second world record was set a year later, when he ran 440 yards in 45.9 seconds. He nabbed a Silver Medal in the 1948 London Olympics and two more in the 1952 Olympics in Helsinki, missing the gold in all three to heartbreaking, photo finishes. The powerfully built man with an 8-foot stride is forever memorialized in Jamaica by the Herb McKenley Crescent, and not long before his passing, he was awarded its third highest honor, the Order of Merit.

His life's achievements read as one amorous letter to his native Jamaica. Born in the city of Clarendon on July 10, 1922, he sometimes skipped the bus after discovering that running got him places faster. One of those places was to college, when he became the first Jamaican sprinter to receive a college scholarship in the United States for the University of Illinois. After racking up his world-renowned honors, he coached Jamaica's national team for 20 years, between 1954 and 1973, and served as president of Jamaica's Amateur Athletic Association for 12. A celebration of his life is, ultimately, a celebration of Jamaica, and the permanent stamp it has left on the cultural, athletic, and historic narrative of the world.

It is in the spirit of great mourning but also of great pride that we commemorate his legacy. He has forever etched his story into the Jamaican consciousness, impressing upon us New York track fans the strength in being unapologetically persistent and passionate.

HONORING TIM MADDEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. RADANOVICH. Madam Speaker, I rise to honor the achievements of Tim Madden and to commend him for his service to the Eastern Madera community. On Friday, November 30, 2007 the Oakhurst Area Chamber of Commerce recognized Mr. Madden for his continued dedication to not only its chamber, but to the North Fork Chamber of Commerce and Eastern Madera County.

Tim Madden is a 17-year resident of Eastern Madera County, his continued commitment to his community is evident by his service in a multitude of leadership positions throughout the area. Within the Oakhurst Area Chamber of Commerce, Mr. Madden's positions include past president, 2007; president 2006; president elect 2005; and member of the board of directors 2004. During his service with the chamber, the efforts of Mr. Madden enabled the chamber to authorize the inaugural trade mission to China, regain fiscal solvency, create a county-wide promotion system, promote local commerce and further downtown development and maintenance for the Oakhurst Business District.

Tim Madden also served as president of the North Fork Chamber of Commerce from 1998 to 2000, and as a member of the board of directors for 6 years. The list of community positions and appointments held by Mr. Madden continues, as does the esteem and gratitude of Eastern Madera County. Concerning the relationship Mr. Madden shares with his community, he remarked, "Our connection to each other extends far beyond our business relationships. We are much more like a very large extended family."

Madam Speaker, I stand today to honor Tim Madden and the respect his community has shown for his dedicated service. I invite my colleagues to join me in wishing Mr. Madden many years of continued success.

A PROCLAMATION HONORING MICHELLE BROWN FOR PLACING SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. SPACE. Madam Speaker:

Whereas, Michelle Brown competed in England's largest youth soccer tournament; and

Whereas, Michelle Brown showed hard work and dedication to the sport of soccer; and

Whereas, Michelle Brown has broadened her abilities and skills in the sport of soccer; and

Whereas, Michelle Brown was a supportive team player; and

Whereas, Michelle Brown always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Michelle Brown on placing second in the Manchester Umbro International Cup. We recognize the tremendous hard work and sportsmanship she has demonstrated.

A TRIBUTE TO PERRY PETTUS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. TOWNS. Madame Speaker, I rise today to pay tribute to Perry Pettus. He was elected in March of 2002 to the Village of Hempstead Board of Trustees. Mr. Pettus represents residents of the incorporated village.

Mr. Pettus immediately began exercising his leadership as he took on Hempstead landlords over poor conditions in apartment buildings. He utilized his negotiating skills to bring the two sides together to help resolve tenant issues. He has effectively used the media to bring issues to light, not only for exposure but also for problem solving.

As a successful local businessman, Mr. Pettus has brought effective business skills to his position. He has already built business/government partnerships which have benefited the community.

Mr. Pettus resurrected legislation requiring the village to contract a portion of its business with minority contractors and continues to fight for its passage. He has gotten legislation passed that would lower speed limits in school zones, and proposed legislation to beautify the business district by removing unsightly security gates. Campaigning on quality of life issues, Mr. Pettus has worked to ensure that all of the residents of Hempstead can enjoy the quality of life they deserve.

Perry Pettus strongly believes in community policing and that an effective police force is there to serve and protect all of the village's residents. He recently provided scholarships to individuals from the community who were interested in taking the NCPD test. His efforts will help give the Hempstead Village Police Department a list of community-based candidates.

Perry Pettus and his wife Kennetha have five children.

Madam Speaker, I would also like to recognize the impressive achievement of Perry Pettus. He has received numerous awards and citations from organizations like the Hempstead NAACP, Hofstra University, 100 Black Men, the Central Nassau Club, the Black and Puerto Rican Caucus, and the Chamber of Commerce, Operation Get Ahead, and the Lutheran Church of the Good Shepherd.

Madam Speaker, I urge my colleagues to join me in paying tribute to this outstanding citizen and all the great things he stands for.

RECOGNIZING FORMER CHIEF OF STAFF JULIA E. HUDSON

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Ms. NORTON. Madam Speaker, I ask the House to recognize Julia Hudson, who served as my chief of staff for 8 years and has been a member of my staff throughout most of my own service in the Congress. On September 5, 2007, Julia left the House of Representatives to pursue a career in public relations, the field for which she prepared herself in graduate school. The loss to my office, to me personally, and to the people of the District of Columbia is immense. However, Julia has spent nearly her entire professional life in my office serving the people of this city with excellence and special dedication to her job and to me in pursuit of my work in the House. It is understandable that she would want to pursue her chosen profession.

Julia's career here in the House of Representatives demonstrates the opportunities for upward mobility that are available based on hard work and proven capability. Starting as a staff assistant, an entry level job, she was promoted to legislative correspondent and to a sub-committee staff position before leaving for a short time to work in the Clinton administration in 1999. Because of her great skill, initiative and hard work, I later asked her to return, and she continued to work her way up to become my chief of staff when political guru Donna Brazile resigned after 10 years with me to spearhead the Gore-Lieberman 2000 presidential bid.

In addition to her non-stop work leading "Team Norton," as Julia christened our staff, Julia, a native Washingtonian, has always performed outside public service here in her hometown. She is a member of the Links, Incorporated and serves as the chair of the Links' High Expectations Mentoring Program. The Links is an organization of accomplished, dedicated women who are active in their community here and nationwide. The Links members are activists, volunteers, mentors, role models and newsmakers who make the name "Links" mean not only a chain of friendship, but also of purposeful service. Over the years, I have watched Julia serve as a mentor and role model for the aspiring professionals who interned in our office. She set the perfect example for them to strive for the best and to take every opportunity from their internship to learn all that they could.

Julia's cordial relations with others in the Congress was an added asset to us in our work. She was always as agreeable and collegial as she was efficient and able. She is remembered for her friendships and for her professionalism, dedication, generosity, patience and her willingness to always "go that extra mile" in performing her chief of staff duties. She set a gold standard for staff. I ask my colleagues to join me in recognizing Julia Hudson for outstanding service to the House of Representatives and to the residents of the District of Columbia. Julia will remain a dear friend to us all and, of course, a life member of Team Norton.

RECOGNIZING THE RETIREMENT OF SUE LARRIMORE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. MILLER of Florida. Madam Speaker, it is an honor for me to rise today and recognize the retirement of Sue Larrimore, a great educator.

For three decades, Sue has dedicated her work toward helping students realize their full potential. Teaching elementary, middle, and junior high school students, she has touched the lives of countless individuals through different parts of the country. These students are our Nation's future, and I am confident that her influence upon their lives will steer them toward working toward the betterment of society.

Sue has worked tirelessly as an educator for over 25 years in my district in northwest Florida, and has served as the principal of Destin Elementary School for the last 5 years. During those 5 years, Destin Elementary received an "A" grade every year for providing an exceptional educational experience. With an undergraduate degree in early childhood education and a master's degree in educational leadership, there is no question that Sue knew what she wanted to do early on in her life, and her successes both at Destin Elementary as well as all the other schools at which she served are a testament to her achieving that goal.

Madam Speaker, Sue's leadership and effectiveness will be missed by past and current students as well as all others that work with her in the educational community. She is a model citizen who set out and achieved the goal of making our Nation and the world a better place, and I know many will look to her as a great educator for a long time to come.

REMEMBERING COACH ED KRIWIEL

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. TIAHRT. Madam Speaker, on Monday, Kansas lost a coaching legend. Ed Kriwiel, who passed away in his sleep at the age of 81, coached for more than 50 years in the Wichita area football city league. Mr. Kriwiel was a phenomenal coach. During his head football coaching years he hailed 297 wins, 9 State titles and 8 city league championships. In addition, Mr. Kriwiel spent 2 years coaching at Wichita State University in the late 60s, including 1 year as head coach. He continued coaching high school golf until his passing.

Not only was he a superb athlete and coach, he was a father of nine children and a husband to his wife Mary of 53 years.

Mr. Kriwiel has influenced countless lives through the years—from players to coaches to his ever-growing fan base. I am thankful for all the joy and memories he brought into our lives. He will be greatly missed.

To the Kriwiel family: Thank you for sharing your husband and father with Kansans for so many years. May God bless you. My thoughts and prayers go out to you during this time.

INTRODUCTION OF THE PRO IP ACT OF 2007

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. CONYERS. Madam Speaker, today I am introducing the Prioritizing Resources and Organization for Intellectual Property ("PRO IP") Act of 2007, legislation that highlights the importance of intellectual property enforcement by making several changes to substantive civil and criminal laws; providing for more efficient and directed coordination efforts among the various agencies; and allocating more resources towards enforcement efforts. I am joined by Representatives BERMAN, SMITH, SCHIFF, FEENEY, ISSA, CHABOT, COHEN, KELLER, JACKSON-LEE and GOODLATTE.

The objectives and content of this legislation are supported by a broad range of interests. Many unions and guilds, such as the Teamsters, Directors Guild of America, SEIU, AFTRA, Unite Here, AFM, Laborers, OPEN, IATSE, and others, have sent letters in support of comprehensive IP enforcement legislation, in general, and more specifically, of many of the provisions contained in this bill. On the industry side, the Coalition Against Counterfeiting and Piracy, which represents 500 companies and trade associations, from the Motor

Equipment Manufacturing Association and PHARMA to NBC Universal and Cleveland Golf, issued a June 2007 set of legislative objectives that are largely captured in this bill.

This legislation is an important and necessary step in the fight to maintain our competitive edge in a global marketplace. By providing additional resources for enforcement of intellectual property, we ensure that innovation and creativity will continue to prosper in our society.

The need for this legislation is clear. Counterfeiting and piracy costs the global economy between $500 and $600 billion a year in lost sales. That's around 5 to 7 percent of global trade. It costs the United States between $200 and $250 billion a year in lost sales, including 750,000 jobs.

And it's not just about money. Counterfeiting and piracy can place human lives at risk. As counterfeiting proliferates in sectors such as pharmaceuticals, aircraft, and auto parts, the harm can be a matter of life and death. For example, the World Health Organization estimates that the prevalence of counterfeit pharmaceuticals ranges from less than 1 percent in developed countries to over 30 percent in developing countries, and over 50 percent of counterfeit pharmaceuticals are obtained from illicit websites. The Center for Medicine in the Public Interest estimates that counterfeit drug commerce will grow 13 percent annually through 2010, nearly twice the rate of legitimate pharmaceuticals. As we read stories about people being harmed by counterfeit toothpaste, toys, or drugs, we see the real effects of these practices on American lives.

This legislation attempts to address these intellectual property offenses in a broad and encompassing manner. It does not take only one approach toward bolstering our intellectual property laws but rather tackles the challenges in several ways. First, Titles I and II strengthen the substantive civil and criminal laws relating to copyright and trademark infringement. For example, the legislation address several issues related to registration of a copyright and the manner in which damages are calculated for certain claims of infringement, as well as tackling some of the problems that occur at our Nation's borders and harmonizing the various forfeiture laws for the different intellectual property offenses.

Second, Title III of the legislation establishes the Office of the United States Intellectual Property Enforcement Representative, USIPER, in the Executive Office of the President, to handle nationwide and international coordination of intellectual property enforcement efforts. This legislation provides that the USIPER, together with an interagency Intellectual Property Advisory Committee, composed of every federal agency with expertise in either Intellectual Property protection or enforcement, will generate a joint strategic plan to marshal the disparate resources and expertise of United States enforcement efforts and coordinate and consolidate these efforts.

Third, Title IV provides for the appointment of intellectual property attachés to work with foreign countries in their efforts to combat counterfeiting and piracy. The attachés will be responsible for coordinating training and technical assistance programs within the host country.

Finally, Title V of the legislation raises the level of intellectual property enforcement coordination within the Department of Justice by placing the functions of the existing Computer Crime and Intellectual Property Section related to enforcement of intellectual property laws and trade secrets under the auspices of a new Intellectual Property Division, and also transfers the International Intellectual Property Enforcement Coordinators to this new Division. This section of the bill also provides for additional law enforcement resources, including local law enforcement grants and additional CHIPS and dedicated FBI personnel, and requires DOJ to provide an annual report of its efforts in intellectual property enforcement. Finally, the bill promotes transparency in the prosecutorial process by directing the DOJ to review and consider modifying their standards for accepting or declining prosecution of the intellectual property laws, including procedures for advising complainants and victims of intellectual property crimes.

If the United States is to maintain its position in the increasingly competitive global economy, we must fulfill our obligation to American intellectual property rights holders and ensure that their inventions, creations, writings, and discoveries are not stolen without effective recourse. This comprehensive piece of legislation goes a long way toward protecting that creativity and ingenuity that is vital to the U.S. economy.

A TRIBUTE TO MARTY MARKOWITZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Brooklyn Borough Hall President Marty Markowitz. No one works harder for the 2.5 million plus residents of Brooklyn than Marty. He has been the chief advocate for the Borough's economic, social, and cultural interests while initiating and promoting efforts to improve the quality of life for Brooklynites.

Marty was born and raised in Crown Heights, graduating from Wingate High School in 1962. He received his B.A. in political science after attending night school at Brooklyn College from 1962 to 1970.

Marty began his career in public service in 1971, at the age of 26, by organizing the Flatbush Tenants Council, which grew into Brooklyn Housing and Family Services, the largest tenants' advocacy organization in New York State. He is also widely known for creating 2 of New York City's largest and longest-running free concert series: the Seaside Summer Concert Series in Coney Island, and the Martin Luther King Jr. Concert Series also in Flatbush.

Marty was elected to the New York State Senate in 1979, where he served 11 consecutive terms representing Central Brooklyn. However, he always dreamed of serving all of Brooklyn, a goal he achieved as the first Borough President elected in the new millennium. He was elected to a second term in 2005.

Marty set an ambitious agenda as Borough President. Marty's agenda focused on the core issues of housing, neighborhood preservation, and community his more than three decades in public service.

Marty saw a chance to fulfill his campaign promise of returning a national sports team to Brooklyn for the first time since the Dodgers left for Los Angeles in 1957 when the New Jersey Nets were put up for sale in 2002. He has actively supported moving the team from New Jersey to a new downtown arena at Atlantic Yards. The team hopes to play its first game in Brooklyn in the fall of 2009.

Marty has also assisted in creating jobs for Brooklynites. He oversaw a historic community benefits agreement for Atlantic Yards, guaranteeing that the majority of the new jobs generated by the project would go to those Brooklynites who needed them most, including residents of nearby public housing. He has been a tireless advocate for bringing the cruise-ship industry to Brooklyn, and in April 2006 the Queen Mary II will begin docking in Red Hook, followed by the Crown Princess in June, creating new jobs and introducing thousands of visitors to this great borough.

Madam Speaker, I would like to recognize the impressive achievements of our Borough President Marty Markowitz for his commitment to the residents of Brooklyn, New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to this business savvy man who loves Brooklyn so very much.

UNETHICAL IMPRISONMENT OF PABLO PACHECO AVILA

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. SIRES. Madam Speaker, I rise today to bring attention to the continued injustice facing a Cuban prisoner of conscience, Pablo Pacheco Avila. In March of 2003, Cuban authorities led a crackdown on dissident movements. One of their victims was independent political journalist, Pablo Pacheco. Under Law 88, persons found guilty of destabilizing the Cuban regime by supporting the policy of the United States can be sentenced to many years in prison. Pablo Pacheco was sentenced to 20 years in prison under Cuban Law 88. By simply expressing political opinions and exercising the right to free speech, Pablo Pacheco and over 70 other people were arrested.

Pablo Pacheco began his prison sentence in Prison de Aguice in Colon, but has since been transferred several times. During this time, the prisoner's health has been declining, as Pablo suffers from renal ectopia of his right kidney. In a country renowned for its medical care, it appears difficult for Pablo to receive the attention he needs. He continues to suffer from severe pain. His medical conditions have been exacerbated by the harassment he has experienced in the Cuban prison system. While in prison, Pablo Pacheco has continued his fight to expose the failings of the Cuban regime, resulting in further punishments.

I urge the Cuban regime to end this unethical imprisonment of Pablo Pacheco Avila. His status as a prisoner of conscience and his declining health urgently call for his immediate release.

HONORING HOLLY AND HENRY WENDT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Ms. WOOLSEY. Madam Speaker, I rise today with my colleague Representative THOMPSON to congratulate Holly and Henry Wendt, who are being honored by Healthcare Foundation Northern Sonoma County with the first annual Wetzel Community Leadership Award. They are being recognized for their contributions to life in Sonoma County and their philanthropic leadership on behalf of numerous local causes and organizations.

Henry and Holly have been fixtures in Sonoma County for many years, where until recently they owned the highly regarded Quivira Vineyards. Mr. Wendt, formerly the CEO of SmithKline Beecham, spent four decades working in the pharmaceutical and health care industry, and he remains active on the boards of several major corporations.

Together, the Wendts have given greatly to the community in Sonoma County, particularly in the fields of education and health care. They offered their substantial resources to Healdsburg High School to renovate and expand the Holly and Henry Wendt Library. Mr. Wendt serves on the advisory board of the Pediatric Dental Initiative, and the Wendts' involvement has helped speed the development of the Redwood Empire Surgery Center. This facility will bring the highest quality dental care to youngsters in coastal northern California.

Mr. Wendt has given generously with his time and deep knowledge of healthcare to facilitate the work of Healthcare Foundation Northern Sonoma County. His substantial leadership gift helped ensure that the Healdsburg District Hospital campaign was successful and the hospital remains an outstanding health care provider. Further, he has been instrumental in the success of the Community Foundation Sonoma County. Having served multiple terms as chairman of the board, he provided superb guidance and experience to help the foundation expand its resources and reach, and he remains a member of the leadership board.

Madam Speaker and colleagues, at this time it is appropriate that we congratulate Holly and Henry Wendt, who are receiving the Wetzel Community Leadership Award. The Wendts have been dynamic and generous figures in Sonoma County, and the wisdom and guidance they bring to philanthropic endeavors has been a boon to the community.

HONORING HOLLY AND HENRY WENDT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today with my colleague Representative WOOLSEY to congratulate Holly and Henry Wendt, who are being honored by Healthcare Foundation Northern Sonoma County with the first annual Wetzel Community Leadership Award. They are being recognized for their contributions to life in Sonoma County and their philanthropic leadership on behalf of numerous local causes and organizations.

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A TRIBUTE TO JAMES P. FREELAND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and honor James P. Freeland. James was born January 7, 1940, in Durham, NC, to Willie and Annie Freeland. The youngest of six children, at age 11 he was selected as one of the Red Feather Poster Kids for the United Way Campaign representing the John Avery Boys Club for the city of Durham. He graduated high school in 1958 and was later employed by a local supermarket for 7 years as the assistant butcher.

James joined the U.S. Air Force in January 1962. He received an honorable discharge in 1966 and 3 years later moved to Brooklyn, New York, in May 1969. In February 1970, James obtained employment with the New York Telephone Company where he worked as a service technician and assistant manager. In September 1999, he retired from Verizon Communications after 29 years of dedicated service.

James joined New Canaan Baptist Church, the same year he married Gennie Chennault. In 1980, their daughter Jamelia was born. He is a member of the mass choir and the North Carolina Club. James also serves as the Men's Day chairman and president of the Building Fund Committee. In addition, he sings with the male choir and is a member of the trustee board, the Missionary Disciples Outreach Ministry and donates his time as a Sunday school teacher.

Madam Speaker, I would like to recognize James P. Freeland for his huge heart and generous spirit. He is a man who has a great sense of humor and who is always willing to lend a helping hand.

Madam Speaker, I urge my colleagues to join me in paying tribute to James P. Freeland.

A TRIBUTE TO KIM WILLIAMS CLARK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Kim Williams Clark, an accomplished attorney, educator, and community leader.

Kim Williams Clark earned her B.S. in criminal justice from John Jay College, and earned her law degree from Rutgers University at Camden with the distinguished honor of receiving a Dean's list award. Daughter to community advocate Bessie L. Williams and former worker with Board of Education Jesse E. Williams, Kim currently serves as dean of the Office of Institutional Advancement at the Brooklyn campus of Long Island University. In this capacity, she builds corporate and foundation support, and creates new partnerships geared toward increasing funding for university projects, student centered initiatives, and external outreach.

Prior to her work with Long Island University, Kim Williams Clark served as associate dean of the Center for Continuing Education and Professional Development at Georgetown University. In addition, she also served as special advisor to the provost, director of institutional advancement and paralegal studies at the Brooklyn campus of Long Island University. During her career, she has organized resources and built alliances with government agencies and generated millions of dollars to support youth programming and urban community development. Coupled with this, she has maintained a law office in the New York City's financial district with a concentration in family and non-profit law, where she dedicates much of her time to representing indigent persons.

In addition to her professional endeavors, Kim is a member of numerous boards and councils including, the Carver Bank Scholarship Board, Greater New York and District of Columbia Chapters of the Links, Inc., and Coney Island and Crown Heights Neighborhood Advisory Board(s). Her many accomplishments have not gone unnoticed for Kim Williams Clark received the Trailblazer Award from New York State Senator Velmanette Montgomery of the 18th District. In December 2007, New Canaan Baptist Church and Congressman EDOLPHUS TOWNS will present her with the Community Service Award.

Madam Speaker, I would like to recognize the impressive achievements of Kim Williams Clark for her commitment to the Brooklyn community.

Madam Speaker, I urge my colleagues to join me in paying tribute to a great individual of high morals, ethics, and integrity.

TRIBUTE TO MR. WILLIAM DONALD SCHAEFER

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. VAN HOLLEN. Madam Speaker, it is my pleasure to recognize a true Maryland legend, Mr. William Donald Schaefer, on the occasion of his 86th birthday.

Mr. Schaefer was born in Baltimore, a city upon which he would come to have a lasting impact, on November 21, 1921. Following service in the U.S. Army during WWII, Mr. Schaefer returned to Maryland to work in law and eventually enter politics.

Over the course of 50 years, Mr. Schaefer would serve several years on the Baltimore City Council, four terms as Baltimore mayor, two terms as Maryland governor, and two terms as State Comptroller. He has left an indelible mark on Maryland and its people from his 50 years of public service.

He has become famous for his colorful personality, but his tireless efforts and dedication to public service have never wavered. He has acquired friends and admirers from both sides of the aisle because of this commitment.

His famous mantra as Baltimore mayor, "Do It Now," reflects his ability to get things done. The redeveloped and rejuvenated Baltimore, which so many of us today enjoy, is largely a result of his efforts during that time. Today, there are few Marylanders who can say that they haven't been positively affected by his leadership.

On a personal note, I had the great privilege of working for Governor Schaefer. His "do it now" philosophy provided a very valuable lesson for all of us in public office. He wanted to make sure that Maryland government addressed the needs of every Maryland resident regardless of their circumstances. He has always been one with little patience for pomp and circumstance.

On behalf of the residents of Maryland's Eighth Congressional District, I am proud to offer my best wishes to Mr. Schaefer.

HONORING LOIS CORBA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. KILDEE. Madam Speaker, I rise today to honor Lois Corba as she celebrates her birthday. A party will be held in her honor on December 29th in Frankenmuth, MI.

Lois was born in Tecumseh, MI, one of nine children. The family moved to Flint and after her father purchased a farm, the family moved to West Branch. She attended St. Joseph Catholic School in West Branch and graduated the salutatorian from the high school in 1951. After graduation she returned to Flint and worked for an insurance agency for 7 years. She married Paul Corba in 1957. The couple had 7 children, Michelle, Paul Michael, Jon, Marsha, Bernadette, Angela and David. Paul passed away in 1987.

Continuing to work, Lois spent 17 years working as a secretary with the AC Spark Plug Division of General Motors. She retired from this position in 1992. After two years Lois decided to return to the workforce and became the assistant to the director of the Frankenmuth Historical Association. From there she took her current position as the receptionist with Independence Village in Frankenmuth. She is active with the Widow's Group in Frankenmuth and Blessed Trinity Catholic Church.

Madam Speaker, I ask the House of Representatives to join me in congratulating Lois Corba as she celebrates her birthday and I wish her many, many more.

PERSONAL EXPLANATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. CONYERS. Madam Speaker, yesterday, I mistakenly voted against H. Res. 37, providing for the concurrence by the House in the Senate amendment to H.R. 710, with amendments. In fact, I support this critical legislation, which would make paired kidney donation legal and allow organizations like the United Network for Organ Sharing to track eligibility for paired donation.

I voted for passage of the original bill, H.R. 710, The Charlie Norwood Living Organ Donation Act, on March 7, 2007.

INTRODUCING A RESOLUTION TO COMMEMORATE THE 60TH ANNIVERSARY OF THE EVERGLADES NATIONAL PARK

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. HASTINGS of Florida. Madam Speaker, I am pleased to rise today to introduce significant bipartisan legislation with my colleague and fellow co-chair of the Everglades Caucus, Representative MARIO DIAZ-BALART to commemorate the 60th anniversary of Everglades National Park.

For years, Representative DIAZ-BALART and I have been working together to preserve and restore the Everglades, and I am pleased to be introducing this resolution with him.

Sixty years ago tomorrow, President Harry S. Truman dedicated Everglades National Park. Today, this vast subtropical wilderness in the United States is habitat to many endangered species as well as an international center for business, agriculture, and tourism.

Everglades National Park has been designated an International Biosphere Reserve, a World Heritage Site, and a Wetland of International Importance in recognition of its significance to all the people of the world.

Over time, however, management and development activities have destroyed our nations' majestic wetlands. Today the River of Grass is only half of its original size.

Sadly, the ecosystem's tree islands and mangroves have been largely destroyed and its estuaries have become barren.

In response to threats to this pristine ecosystem, in 2000, Congress passed an ambitious restoration plan called the Comprehensive Everglades Restoration Plan (CERP). In doing so, we commit the Federal government to become an equal partner with the State of Florida to restore the Everglades and protect the River of Grass.

Regrettably, since the passage of this legislation, restoration efforts in Congress have been mired. For 7 years under Republican rule, Congress failed to afford Everglades revitalization efforts the priority they deserved and failed to properly fund restoration programs.

As a result of Congress' delays in authorizing financing and developmental pressures in South Florida, the costs of repairing the Everglades have drastically soared.

Today we have a new Congress with new priorities. This Democratic Congress has worked relentlessly—in a bipartisan fashion—to keep the Federal government's end of the bargain and restore its commitment to the River of Grass.

Just last month, Congress overrode a President Bush veto and passed the Water Resources Development Act of 2007, authorizing $1.8 billion in Everglades restoration funding, including funding the two long awaited and critical projects: the Indian River Lagoon and the Picayune Strand.

As we pause to celebrate the anniversary of the Everglades National Park tomorrow, we enhance our vigilant efforts to restore and conserve the Park to the pristine ecosystem it once was.

As Marjory Stoneman Douglas wrote in The Everglades: River of Grass, "There is a balance in man also, one which has set against his greed and his inertia and his foolishness. . . . Perhaps even in this last hour, in a new relation of usefulness and beauty, the vast magnificent, subtle and unique region of the Everglades may not be utterly lost."

Today, I rise to ensure that these majestic wetlands will forever be remembered, preserved and protected for all future generations of Americans to enjoy.

HONORING THE LIFE OF RICHARD "DICK" BOWERS, FORMER ASSOCIATE DEAN, PROFESSOR AND DIRECTOR OF DEVELOPMENT IN THE COLLEGE OF BUSINESS AND FORMER ATHLETIC DIRECTOR AT THE UNIVERSITY OF SOUTH FLORIDA

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Ms. CASTOR. Madam Speaker, I rise today to herald the life and philanthropic contributions of Richard "Dick" Bowers, and to express our gratitude for his achievements at the University of South Florida as well as in all of Florida.

Bowers, a native of Tennessee, served in the United States Army and retired with the rank of captain. He received his bachelor's and master's degrees from the University of Tennessee and his doctorate in education from Vanderbilt-Peabody College. Bowers taught at various institutions ranging from King College in Bristol, TN, to the University of Rangoon, in Burma, on a Fulbright scholarship.

In 1963, Bowers moved to the Tampa area, where he assumed the University of South Florida's first ever athletics director position. During his tenure, Bowers oversaw the creation of the university's baseball field, golf course, and SunDome basketball arena. He was honored in 1982 for his Outstanding Contribution to the Sunbelt Conference, which he helped form. After 17 years, Bowers moved from the athletic director position and became involved in the University of South Florida's college of business, where he was associate dean, professor, and director of development.

Bowers was also very influential in the Tampa Bay area through his philanthropic work. He served as president of the Gold Shield Foundation for 18 years, which raises money for families of fallen police officers and firefighters. In addition, Bowers took leadership roles in numerous other community organizations including the United Way, the National Youth Sports Program, the Tampa Chapter National Football Foundation, the Hall of Fame Bowl Selection Committee, the Northside Bank Board, the Florida State Department of Education Task Force in Physical Education, the American Heart Association, the American Cancer Society, the Tampa Sports Club, and the Hispanic Business Institute.

We honor the life of Richard "Dick" Bowers for his outstanding contribution to our wonderful Tampa Bay community, the University of South Florida and the entire State of Florida. Dick Bowers' life serves as an inspiration to all who knew him and his contributions and achievements will impact the lives of all Floridians in the future.

TRIBUTE TO THE NATIONAL ANTHEM PROJECT

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to recognize The National Anthem Project a 3-year national education campaign, led by our Nation's music educators, to raise awareness of the importance of music programs in our Nation's schools.

The National Anthem Project was launched by the National Association for Music Education in 2005, in response to a survey conducted by Harris Interactive. The Harris Poll showed that two out of three Americans did not know the words to "The Star-Spangled Banner." The National Association for Music Education believes that this lack of knowledge, concerning the words and history of our national anthem, is a direct reflection of the quality of music education in our Nation's schools.

Music programs are considered an important part of a well-rounded education. Research shows that music programs help students perform better in math and science. Music education also provides students with a greater appreciation of America's musical heritage and history, as most Americans learn the national anthem and other patriotic songs at school.

The goal of the National Anthem Project was to "restore America's voice," by re-teaching Americans to sing "The Star-Spangled Banner" and by spotlighting the important role of music programs in our Nation's schools. The 3-year project began on March 10, 2005, with a kick-off celebration on Capital Hill. The kick-off was followed by a nationwide Road Show tour in 2006 and hundreds of additional project-inspired events. The National Anthem Project came to a close in June of 2007, with a 3-day Grand Finale on the grounds of the Washington Monument. The Finale featured over 5,000 participants, including celebrities, Drum Corps International, music teachers, and students from all across the United States, who gathered together to celebrate the achievements of the National Anthem Project and, of course, to sing the national anthem.

The National Anthem Project has been a great success. Not only has the project succeeded in re-teaching the words and history of our national anthem, but it has also inspired people all over the country to have a greater appreciation of America's musical heritage and the importance of music education in our Nation's schools. The National Anthem Project has garnered significant news coverage from thousands of news outlets across the country, including Fox News, CNN, and Good Morning America. The success of The National Anthem Project has even received the attention of the Senate, which passed a Resolution in July of 2007 in support of the project's goals and ideals. It is my pleasure to share with you today the achievements of the National Anthem Project.

TRIBUTE TO FRANK B. SOLLARS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. BERRY. Madam Speaker, I rise today to pay tribute to an honorable lifelong farmer, fine American and dear friend who made significant contributions to the agricultural community for our nation.

Frank Sollars was born in 1921 in Concord Township, Ohio to Walter Eugene and Mabel Blanche Bowers Sollars and graduated from Washington High School in 1939.

Although he was a farmer by profession, Frank was also a leader in agricultural cooperatives, the insurance business and agricultural financing. As an International Cooperative Alliance Central Committee member, Frank hosted delegations from Russia, Poland, Hungary, Czechoslovakia, China, Japan, and Taiwan on the farm. Frank served as president of the Ohio Farm Bureau Federation, the Ohio Federation of Soil and Water Conservation Districts and the Ohio Agricultural Marketing Association. He served as a board member of the American Farm Bureau Federation, the American Agricultural Marketing Association and served on the Board of Governors of the National Agricultural Hall of Fame. He was a board member on the first Soil Conservation Service Board in Fayette County for ten years and was chairman for five years.

Frank held numerous leadership roles in the finance industry including Chairman of the Board of Nationwide Insurance, Chairman of the Board of the National Cooperative Business Association, a director of the Ohio Chamber of Commerce, a member of the Ohio Consumers council and a director of the Fifth Third Bank of Columbus. He served on the Federal Reserve Bank Advisory Committee and was instrumental in establishing the National Cooperative Bank in Washington, D.C. where he served as Board Chairman from 1980–1998 after being appointed by Presidents Carter, Reagan and Bush.

Commonly referred to as the "Founding Father of the National Cooperative Banks," Frank was awarded the Stanley W. Dreyer Spirit of Cooperation Award in 2006 for his commitment and dedication to banking. In recognition of Frank as an international cooperative mentor, The Frank B. Sollars Fund for International Cooperation was established in 1998.

Locally, Frank was a member of the Fayette County Farm Bureau, Fayette County Agronomy Committee and Agronomy Club, and the Concord Township Farm Bureau Advisory Council. He served as board member of the American Red Cross of Greater Columbus representing Fayette County and was a trustee of the Southern State Community College Foundation. Frank served on the board as chairman of the Fayette County Bank and Sollars Brothers Corporation.

Frank received numerous honors throughout his life including being inducted into the Ohio Agricultural Hall of Fame, Fayette Agricultural Hall of Fame, National Cooperative Business Association Hall of Fame and the Ohio Soil and Water Conservation Hall of Fame. He received the Distinguished Service Award from the Ohio Farm Bureau and was named the Outstanding Young Farmer by the Ohio Jaycees in 1956.

Although Frank has been recognized for numerous honors, he always believed his family was his greatest accomplishment. Frank gave many years of his life to improve and promote the agricultural industry he loved, because he truly believed it was his duty to serve his family and his country. He was a member of the Grace United Methodist Church.

A devout public servant, Frank was a man of honor and compassion. On behalf of the Congress, I extend sympathies to his family and gratitude for all he did to improve agriculture for our nation. His service and friendship will be missed by all.

TRIBUTE TO THE UNITED REPUBLIC OF TANZANIA

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. RYAN of Wisconsin. Madam Speaker, I rise to mark the 46th anniversary of independence for the United Republic of Tanzania, and to congratulate the leaders and citizens of that great Nation for all that they have achieved.

It's impossible to talk about Tanzania's history and development without remembering the Nation's founder and first president, Julius Nyerere. Mwalimu, or "Teacher," as he was affectionately known, was a great man among African leaders of his time. He dedicated his life to building a sense of national identity and unity. He wanted his countrymen to think of themselves as Tanzanians first and foremost, and not to set themselves apart because of their religion or ethnicity. Nearly a half century later, it is clear that his dream is alive and well.

We should also commend Tanzania's president, Jakaya Kikwete, for all of his efforts to carry on the good work of Mwalimu and other Tanzanian leaders. From his leadership of Tanzania's National Testing Campaign for HIV/AIDS to his calls for greater transparency in government and an end to corruption, President Kikwete has tirelessly dedicated himself to a brighter future for his country and his people.

As Tanzania enters its 47th year of independence on December 9, 2007, let us celebrate Tanzania's legacy of peace and stability, thank Tanzania for its close friendship with the United States, and pledge ourselves to work closely with President Kikwete and his people as they move boldly into the future.

COMMENDING TRIANGLE STUDENTS FOR PARTICIPATING IN DARFURFAST

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. PRICE of North Carolina. Madam Speaker, I rise to commend the students, friends and family members from the Carolina Friends School community in Durham, North Carolina who are making a simple, but powerful, statement today to raise awareness of a topic that compels the attention of this body—the plight of Sudanese citizens driven to camps for refugees and internally displaced persons, or IDPs, by the horrible genocide occurring in Darfur.

The Carolina Friends School community members, along with others from across the country and around the world, have given up one luxury item today—something like a restaurant dinner, a movie, or a cup of coffee—and will donate the money they would have spent to the Genocide Intervention Network's Civilian Protection program.

Individually, these are small sacrifices, but collectively, these donations will make a tremendous difference. IDP camp residents are under tremendous threats, despite the relative protection the camps offer. Residents must venture from the camps to obtain simple items, such as the firewood needed to cook food. But camp residents have routinely been attacked, raped, or killed by Janjaweed militia members and others when they leave the confines of the camps.

Just three dollars—the price of a cup of coffee in many places—can fund protection by UN-African Union peacekeepers for firewood gathering patrols for one camp resident over the course of an entire year. Just one cup of coffee can make a life-saving difference.

Beyond simply generating donations, the activism of these concerned citizens sends a powerful message, a cry for help in confronting a horrible tragedy. As their simple actions demonstrate, hundreds of thousands of Darfuris are dying for items we often take for granted. While the DarfurFast volunteers are asked to give up a luxury item for one day, many Darfuris go without food for days at a time. Thousands of camp residents have died from malnutrition, from preventable disease, and from lack of access to clean water. These victims are just as much casualties of the genocide as are the Darfuris killed by marauding militias.

I applaud these students and community members for their message, and I urge my colleagues to listen to it closely. Let us ask ourselves, what could we, here in Congress, give up for Darfur? Would we be willing to give up one day of spending in Iraq—worth about $200 million—to save lives in Darfur? Would we forego even a few tax cuts for the wealthy? What are we willing to sacrifice to stop the genocide and save the lives of millions of innocent civilians threatened every day by savage militias and a heartless regime in Khartoum that refuses to stop them?

Madam Speaker, once again, let me commend these students and community members—and the individuals around the world participating in DarfurFast—for their activism. I hope we will all heed their call.

PERSONAL EXPLANATION

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. NUNES. Madam Speaker, on the legislative day of Tuesday, December 4, 2007, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: rollcall 1123—"nay"; rollcall 1124—"yes"; rollcall 1125—"yes"; rollcall 1126—"yes."

RECOGNIZING THE 35TH ANNIVERSARY OF FLINT ODYSSEY HOUSE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. KILDEE. Madam Speaker, I rise today to recognize the achievements of Flint Odyssey House. On December 6th Flint Odyssey House will be holding an open house to celebrate the 35th anniversary of the Odyssey Institute.

Dr. Judianne Densen-Gerber began her career in substance abuse treatment in 1966 working with 17 heroin addicts. She quickly realized that for successful rehabilitation, the root causes of addiction had to be addressed. She developed a model of treatment that tackled the traumatic experiences in an addict's life and its impact on a person's well-being and self-image. The treatment methodology consists of five stages: Orientation, Cocoon Phase, Incubator Phase, Self-Awareness and Reformation Phase, and Butterfly Post-Treatment. From her treatment model, the Odyssey Institute was born and now operates in communities around the world.

Started in 1979 by Ronald Sahara Brown, Flint Odyssey House was a satellite program of the Detroit Rubicon Odyssey House. When the Detroit program was forced to close its doors, Ronald Brown kept the Flint Odyssey House open. He had $300 in food stamps and the determination to make the program a success. As a former addict and a graduate of the program, Ronald knew firsthand how beneficial the Odyssey House concept of treatment could be to a recovering substance abuser. He invited clients of the closed Detroit Rubicon Odyssey House to join him in the Flint program. With a skeleton crew, he operated the program on a shoestring. His perseverance paid off, and the Michigan Department of Social Services and the Genesee County Commission on Substance Abuse started to provide financial assistance. From that first adult treatment center, the program has grown to provide a wide range of services.

Ronald Brown has expanded Flint Odyssey House to meet the needs of the community. The treatment facility was located in a drug- and crime-infested neighborhood, and Ronald took to the streets, reclaiming and renovating the crack houses in the area. Starting the Treat the Streets Program, Flint Odyssey House reclaimed the area and earned Ronald Sahara Brown the title of Chief of Odyssey Village. Flint Odyssey House has moved from being a substance abuse treatment agency to a human development agency and is a model for programs throughout the United States. It operates many programs, and treats hundreds of persons, including pregnant addicts and mothers with children. Accredited through the Commission on Accreditation of Rehabilitation Facilities, Flint Odyssey House has expanded and now operates a program in Saginaw Michigan.

In 1993, Flint Odyssey House received the Martin Luther King, Jr. Award from the Michigan Department of Public Health and the Clayton R. Stroup Award. In 1996 Ronald Sahara Brown was the recipient of the Robert Wood Johnson Community Health Leadership Award. Ronald used the $100,000 stipend that came with this award to purchase and operate an old-age home in the neighborhood that was about to close. This kept the residents from being evicted and provided one more service to the community.

Madam Speaker, I ask the House of Representatives to rise with and applaud the work of Ronald Sahara Brown, the staff, volunteers and the clients of Flint Odyssey House. Their courage and determination to bring out the potential in every human being is a brilliant example of the power in each and every one of us to effect change in our world. May they continue to provide service and compassion for many, many more years.

TRIBUTE TO MR. SANFORD HELLER

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. VAN HOLLEN. Madam Speaker, it is with great pleasure that I congratulate my constituent, Mr. Sanford Heller of Rockville, Maryland, as he prepares to celebrate his 100th birthday. Mr. Heller was born on December 27, 1907 in The Bronx, New York and lived in New York City until he has 95. He owned his own home, mortgage free, for more than 50 years.

Mr. Heller has dedicated his life to public service and took part in events that shaped our nation. During the 1930s, he processed the arrival of new immigrants at Ellis Island. He served in the U.S. Navy during World War II. After his military service, he held positions in Federal, State, and city government.

To this day, Mr. Heller keeps himself busy. He reads the New York Times cover to cover, has traveled to over 35 countries, and can still fit into the same tuxedo he bought during the Great Depression. He is in excellent health, takes no medication, and walks every day.

Mr. Heller, a mandolin player, also enjoys entertaining for friends, family, and fellow residents of the Ring House, where he now resides. He was married to Ethel Heller for over 64 years until her death at age 92 in 2005. He has two children, five grandchildren, and ten great grandchildren. I join with Mr. Heller's family and friends in wishing him a most joyous birthday. He has my warmest congratulations and best wishes.

RECOGNIZING NANCY CHANDLER AS AN OUTSTANDING ADVOCATE FOR CHILDREN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2007

Mr. POE. Madam Speaker, it has been said that "child abuse casts a shadow the length of a lifetime." Nancy Chandler has dedicated her life to changing this. For over 25 years, Nancy has advocated for children and improved their futures.

After receiving her Masters in Social Work from the University of Georgia, Nancy was the founding Executive Director of the Memphis Child Advocacy Center. This Center helps "victims become children again."

Since April 1994, Nancy Chandler has served as the Executive Director of the National Children's Alliance (NCA), a not-for-profit membership organization that represents more than 700 Children's Advocacy Centers. For 13 years, Nancy has led and managed NCA's finances, and developed resources, training, programs, communications, and membership services. Nancy also led and inspired a staff of dedicated advocates. As Executive Director of NCA, Nancy educated and motivated advocates at over 400 conferences and workshops across the United States.

Throughout her remarkable career in children's advocacy, Nancy was a member of Leadership Memphis and a founding board member of the National Network of Children's Advocacy Centers. She also served on the National Advisory Committee for Darkness to Light, a primary prevention program aimed at reducing the incidence and consequence of child sexual abuse, and as Senior Warden of The Church of the Epiphany in Washington, DC. Nancy has proven herself as an experienced leader and a compassionate advocate for children.

And that's just the way it is.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 6, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 11

10 a.m.

Appropriations

To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the supplemental request for the wars in Iraq and Afghanistan.

SD-106

Finance

To hold hearings to examine S. 1673, to facilitate the export of United States agricultural products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens, to establish an agricultural export promotion program with respect to Cuba.

SD-215

Health, Education, Labor, and Pensions

To hold hearings to examine the global challenge of HIV/AIDS, tuberculosis, and malaria.

SD-430

Homeland Security and Governmental Affairs

To hold hearings to examine e-government 2.0, focusing on improving innovation, collaboration, and access.

SD-342

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold joint hearings with the Committee on Energy and Natural Resources Subcommittee on Energy to examine the role of speculation in recent crude oil prices.

SH-216

Judiciary

Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine the legal rights of Guantanamo detainees, focusing on what they are, should they be changed, and is there an end in sight.

SD-226

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Sunshine in Litigation Act, focusing on whether court secrecy undermines public health and safety.

SD-226

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine S. 2156, to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water resources for irrigation, hydroelectric power, municipal, and environmental uses.

SD-366

DECEMBER 12

9:30 a.m.

Judiciary

To hold hearings to examine S. 1782, to amend chapter 1 of title 9 of United States Code with respect to arbitration.

SD–226

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, an original bill entitled "Substance Abuse and Mental Health Services Administration", and any pending nominations.

SD–430

Homeland Security and Governmental Affairs

Business meeting to consider the nominations of Jeffrey William Runge, of North Carolina, to be Assistant Secretary for Health Affairs and Chief Medical Officer, and Harvey E. Johnson, Jr., of Virginia, to be Deputy Administrator and Chief Operating Officer, Federal Emergency Management Agency, both of the Department of Homeland Security.

SD–342

Rules and Administration

To hold hearings to examine a recently released Government Accountability Office report, focusing on funding challenges and facilities maintenance at the Smithsonian Institution.

SR–301

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold an oversight hearing to examine the Federal Motor Carrier Safety Administration, focusing on truck driver hours-of-service (HOS) rules and truck safety.

SR–253

10:30 a.m.

Aging

To hold hearings to examine reverse mortgages, focusing on polishing not tarnishing the golden years.

SD–628

DECEMBER 13

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine ways to reform the Mining Law of 1872.

SD–366

10 a.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the Federal Communications Commission (FCC).

SR–253

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine forest restoration and hazardous fuels reduction efforts in the forests of Oregon and Washington.

SD–366

DECEMBER 19

10 a.m.

Judiciary

Business meeting to consider the nomination of Mark R. Filip, of Illinois, to be Deputy Attorney General, Department of Justice.

SD–226